

Council Minutes – February 12, 2008

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 12, 2008. The Councilmembers of the City of Topeka met in regular session at 6:15 P.M., with the following Councilmembers present: Councilmembers Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Alcala -1.

AFTER THE MEETING was called to order, Pastor Robert Marshall, Church of God gave the invocation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT of Vicki Whitaker to the Visit Topeka, Inc., Board of Directors for a term that would expire on February 28, 2010 was presented.

BOARD APPOINTMENT of Representative Annie Tietze to the Visit Topeka, Inc., Board of Directors for a term that would expire on February 28, 2010 was presented.

BOARD APPOINTMENT of Claudia Larkin to the Visit Topeka, Inc., Board of Directors for a term that would expire on February 28, 2011 was presented.

BOARD APPOINTMENT of Mike Bell to the Visit Topeka, Inc., Board of Directors for a term that would expire on February 28, 2011 was presented.

BOARD APPOINTMENT of Bob Carmichael to the Visit Topeka, Inc., Board of Directors for a term that would expire on February 28, 2010 was presented.

BOARD APPOINTMENT of Garry Cushinberry to the Visit Topeka, Inc., Board of Directors for a term that would expire on February 28, 2010 was presented.

BOARD APPOINTMENT of Dean Patel to the Visit Topeka, Inc., Board of Directors for a term that would expire on February 28, 2010 was presented.

BOARD APPOINTMENT of Rick Benke to the Visit Topeka, Inc., Board of Directors for a term that would expire on February 28, 2011 was presented.

BOARD APPOINTMENT of Dennis Vasquez to the Visit Topeka, Inc., Board of Directors for a term that would expire on February 28, 2010 was presented.

Minutes of the regular meeting of February 5, 2008 were presented.

Open After Midnight License applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<u>Name</u>	<u>Address</u>
Dillon Store #88	4015 SW 10 th Street
Dillon Store #87	5311 SW 22 nd Street

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember Kennedy carried. Councilmember Blackburn abstained. (7-0-1)

A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, February 12, 2008, at 6:00 P.M. to hear and consider public comment on the neighborhood revitalization plan.

ORDINANCE NO. 19034 introduced by City Manager Norton N. Bonaparte, Jr., adopting a neighborhood revitalization plan and designating a revitalization area, all as provided for in K.S.A. 12-17, 114 et. seq., Neighborhood Revitalization Act placed on first reading February 5, 2008 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Kenneth Daniel spoke in support of the ordinance.

Councilmember Blackburn stated that although he looks forward to a change in the administrative procedure that includes an appeal process, he questions if approval would set future precedence for others seeking an appeal.

Braxton Copley, Interim City Attorney stated that procedural safeguards have been put into place by limiting the grounds on which an appeal could be sought.

Councilmember Preisner stated that he would abstain from voting on the ordinance. He noted that a business associate, Midwest Wholesale, is located within the designated revitalization area.

Councilmember Ortiz moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Woelfel carried. Councilmembers Blackburn and Preisner abstained. (6-0-2)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank and Harmon -6. Abstained: Blackburn and Preisner -2. Absent: Alcalá -1.

A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, February 12, 2008, at 6:00 P.M. in conjunction with vacation request V07RA/1 by Rockfire Capital, L.C., relating to the vacation of a 60-foot wide portion of a platted access control easement located along the east line of Lot 1, Block "D," Rockfire at the Lake Subdivision.

ORDINANCE NO. 19035 introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a 60-foot wide portion of a platted access control easement located along the east line of Lot 1, Block "D", Rockfire at the Lake Subdivision on SE Croco Road, City of Topeka, Shawnee County, Kansas placed on first reading February 5, 2008 was again presented. (V07RA/1)

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Steve LaCasse, Bartlett & West Engineers appeared to answer questions and stated that they believe the project would improve the traffic flow of SE Croco Road.

Anthony Santaularia, Rockfire Capital, L.C., appeared to answer questions.

Councilmember Ortiz moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Kennedy carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -8. Absent: Alcalá -1.

ORDINANCE NO. 19036 introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 2-446 concerning the definitions used in Chapter 2, Division 4, Commodities, Fixed Assets, and Real Property and specifically repealing said original section placed on first reading February 5, 2008 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -8. Absent: Alcalá -1.

NOMINATION AND SELECTON of three Councilmembers, by the City Council to serve a one-year term on the Transient Guest Tax Committee was presented.

Councilmember Preisner nominated Councilmember Woelfel and Councilmember Swank.

Councilmember Blackburn nominated Councilmember Preisner.

After tallying the written ballots, the City Clerk announced that Councilmembers Woelfel, Swank and Preisner were elected to serve on the Transient Guest Tax Committee.

ORDINANCE NO. 19037 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of January 21, 2008, through January 27, 2008, and enumerating said expenditures therein was presented for first and final reading.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Harmon moved to adopt the ordinance. The motion seconded by Councilmember Woelfel carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn and Harmon -8. Absent: Alcala -1.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located west of SW Arvonía Place between SW Huntoon Street and SW 17th Street from "RR-1" Residential Reserve District TO "C-4" Commercial District was presented for first reading. (Z08/1)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located directly west of 1622 SW Arvonía Place from "RR-1" Residential Reserve District TO "O&I-3" Office and Institutional District was presented for first reading. (Z08/2)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1218 SW 10th Avenue from "O&I-1" Office and Institutional District TO "R-2" Single Family Dwelling District was presented for first reading. (Z08/3)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Aquarian Center Subdivision with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60605-00 as defined and described in Resolution No. 7648 adopted and approved June 21, 2005 was presented for first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL, were presented.

Norton N. Bonaparte, Jr., City Manager stated that he distributed a report on the review of the City's 2008 Programs and Initiatives to the Council and Mayor. He reported that the complaint raised by Councilmember Alcalá from the meeting of January 29, 2008 is still being investigated by the Topeka Police Department and the Legal Department. He announced that he would meet with staff to consider revising the 2008-2012 Capital Improvement Program and 2008-2009 Capital Improvement Budget to provide for \$2.6 million in city-wide street repair projects. He also announced upcoming Code Compliance Open House events; the release of a community survey; and upcoming community events. He asked the Council if they want a letter sent to Representative Nancy Boyda asking her to support Boeing's KC-X Tanker Proposal, instead of the proposal from the European-based company Airbus. He also requested that they adjourn into Executive Session following Public Comment to discuss legal matters relating to the lease purchase agreement of the Robinson R-44 helicopter.

Councilmember Blackburn referenced an article written by Kevin McGinty in the Topeka Metro News on February 8, 2008 relating to the purchase of a second police helicopter. He

stated that in his opinion, the article is an excellent representation of Topeka Police Department families, as well as, the public's perception of the need of a new police helicopter.

Mayor Bunten requested a meeting with the City Manager and staff to discuss the 2008 Programs and Initiatives report. He questioned the explanations in the report relating to landlord issues, the legal definition of a nuisance in relation to overgrown vegetation, and the establishment of neighborhood improvement association benefit districts.

Councilmember Harmon stated that the landlord association expressed opposition to the landlord proposal at the public hearings conducted by the Committee. He also stated that the Committee would be willing to conduct additional public hearings on a revised landlord proposal.

Norton N. Bonaparte, Jr., stated that the City does not have the authority to legislate aesthetics of the city and referred the matter to the Legal Department to research if overgrown vegetation of curbs could be a possible health and safety code violation. He also stated that City staff is working with companies to develop possible neighborhood improvement association benefit district models.

Mayor Bunten announced that the Council Strategic Planning Session scheduled on February 16, 2008 at the Kansas University Public Management Center from 8:00 a.m. to 12:00 noon would be open to the public.

Randy Phillips, Michael Bell and Patrick DeLapp appeared to speak under public comment.

Councilmember Preisner moved to adjourn into Executive Session for a time period not to exceed 30 minutes to discuss legal matters subject to attorney-client privilege. The motion seconded by Councilmember Swank carried unanimously. (8-0-0)

Following a 30-minute time period, the meeting reconvened into open session and Deputy Mayor Blackburn announced that no action had been taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:10 p.m.

Brenda Younger
City Clerk