

Council Minutes – March 11, 2008

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 11, 2008. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcalá, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Councilmember Haynes gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

A WORKERS' COMPENSATION SETTLEMENT CLAIM for Gary Anguiano in the amount of \$40,000 was presented.

Minutes of the regular meeting of March 4, 2008 were presented.

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Alcalá carried. Councilmember Alcalá voted “no.” (8-1-0)

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, March 11, 2008, at 6:00 P.M. for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 60604-01, authorized by Resolution No. 7495, adopted and approved July 20, 2004.

ORDINANCE NO. 19051 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 Street Improvement Project No. 60604-01 with pavement, curb and gutter and all other contingencies needed to complete the

project as defined and described in Resolution No. 7495, adopted and approved July 20, 2004 placed on first reading March 4, 2008 was again presented.

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

Councilmember Harmon moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

RESOLUTION NO. 8039 introduced by Councilmember Jeff Preisner, authorizing and adopting the 2008-2009 Capital Improvement Budget for the City of Topeka, Kansas and rescinding Resolution No. 8018 was presented. The resolution was deferred from the meeting of March 4, 2008.

Councilmember Preisner stated that the amendment would reduce the \$2.5 million of approved funding for the construction of Fire Station No. 13 by \$2.0 million; eliminate \$620,000 of approved funding for Signalization Replacement; and shift \$2,620,000 to the new Street Repair Project to be utilized in 2008. He noted that \$500,000 would remain in the 2008 adopted Capital Improvement Budget (CIB) for site investigation and acquisition of Fire Station No. 13.

Councilmember Preisner moved to approve the resolution. The motion was seconded by Councilmember Blackburn.

Glenda Bennett, Citizens Advisory Council commended Councilmember Preisner for recognizing the need of city-wide street improvements. She stated that the Citizens Advisory Council supports postponing the funding for the Elevation Parkway Project to allow for the construction of Fire Station No. 13.

Councilmember Harmon made a substitute motion to amend the resolution by moving the \$279,500 set aside in the adopted 2008 CIB for the Elevation Parkway Project to the adopted 2009 CIB; reduce the \$2.75 million set aside for the Elevation Parkway Project in the adopted 2009 CIB by \$2.0 million; and allocate that amount for the construction of Fire Station No. 13 in the adopted 2009 CIB. The motion seconded by Councilmember Haynes failed.

Councilmembers Kennedy, Woelfel, Swank, Blackburn and Preisner voted “no.” (4-5-0)

Councilmember Blackburn stated that he would not support removing the funding for the Elevation Parkway Project because he believes it is a much needed improvement.

The motion to approve the resolution carried. Councilmembers Alcala, Ortiz, Haynes and Harmon voted “no.” (5-4-0)

RESOLUTION NO. 8040 introduced by Councilmember Jeff Preisner, authorizing and adopting the 2008-2012 Capital Improvement Program for the City of Topeka, Kansas and rescinding Resolution No. 8019 was presented. The resolution was deferred from the meeting of March 4, 2008.

Glenda Bennett, Central Park Neighborhood Improvement Association President stated that she supports the amendments outlined in the 2008-2012 Capital Improvement Program.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Alcala carried. Councilmembers Alcala, Ortiz, Haynes and Harmon voted “no.” (5-4-0)

A PROJECT BUDGET in the amount of \$100,000 and ORDINANCE NO. 19052 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301002.00 (302810), which provides for exterior upgrades located at Central Park Community Center to comply with ADA regulations, as more specifically described herein, all pursuant to

Section A12-1 of the Code of the City of Topeka placed on first reading March 4, 2008 was again presented.

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

Councilmember Kennedy moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Preisner carried. Councilmember Woelfel voted “no.” (8-1-0)

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

APPROVING A REAL ESTATE REPORT and authorizing a Real Estate Purchase Agreement (*Contract No. 38190*) between the City of Topeka and Ernest L. and Wilma J. Kratina, Trustees of the Kratina Trust for the sale of City surplus property located at the northwest corner of SW 6th Street and Oakley Avenue in the amount of \$8,965 was presented.

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

Councilmember Preisner moved to approve the real estate report and authorize the real estate purchase agreement. The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

ORDINANCE NO. 19053 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of February 18, 2008, through February 24, 2008, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Kennedy carried. Councilmember Alcala voted “no.” (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -8. Noes: 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 a property generally located south of SE 15th Street between SE Maryland Avenue and SE Adams Street from "M-2" Multiple-Family Dwelling District and C-4" Commercial District ALL TO "C-2" Commercial District was presented for first reading. (Z08/5)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-861001.00 (862600), which provides for Americans with Disabilities Act improvements to various facilities, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

Norton N. Bonaparte, Jr., City Manager requested that item 8C, an ordinance changing the name of SW Cambridge Court in Ardmore Walk Subdivision No. 5, and in Ardmore Walk Subdivision No. 3 to SW Magnolia Court be removed from the agenda per the applicant's request. (SNC08/2)

Upon hearing no objections, Mayor Bunten announced that the ordinance would be removed from the agenda.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the designation of street names, more specifically changing the name of SE Quincy Street in Hilltop Subdivision No. 2 to SE Horseshoe Bend Drive was presented for first reading. (SNC08/2)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinance by Section 48-1.04 of the

Code of the City of Topeka, by providing for certain changes in zoning on property located at 2625 NW Rochester Road from "I-1" Light Industrial District and "R-1" Single Family Dwelling District ALL TO "PUD" Planned Unit Development District ("C-4" Commercial District use group and "RR-1" Residential Reserve District use group limited to kennel and/or animal hospital with unenclosed structures containing animals and a pet cemetery) was presented for first reading. (*PUD08/1*)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., designating real property more specifically described herein as an historic landmark and presently zoned "M-3" Multiple-Family Dwelling District and located at 900 SW Tyler Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 was presented for first reading. (*HL08/01*)

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 a property located southeast of the intersection of SE 29th Street and 360 feet east of SE Croco Road from "R-1" Single-Family Dwelling District TO "C-2" Commercial District was presented for first reading. (*Z08/8*)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301004.00 (302830), which provides for heating, ventilation and air-conditioning for the Tropical Rain Forest at the Topeka Zoo, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager announced upcoming community events.

Dean Akers and Richard Sigle appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:50 p.m.

Brenda Younger
City Clerk