

Council Minutes – March 25, 2008

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 25, 2008. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcala, 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 FINAL PLAT for the Briggs 1st Addition Subdivision on property located at 518 and 522 SW 39th Street, 3827 and 3847 SW Topeka Boulevard, and on former KTA right-of-way located at the southwest corner of SW Topeka Boulevard and SW 39th Street, all being within the City of Topeka, Shawnee County, Kansas was presented. (P07/35)

RESOLUTION NO. 8043 introduced by Councilmember Sylvia Ortiz granting Leonard Gonzales an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

Minutes of the regular meeting of March 18, 2008 were presented.

2008 Open After Midnight license renewal applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
American Legion Post 1	3800 SE Michigan Ave.
Applebee's Neighborhood Grill	5928 SW 17 th St.
Cousin's Tavern	1211 S Kansas Ave.
Denny's #7268	1500 SW Wanamaker Rd.
Denny's #7269	3210 SW Topeka Blvd.
Dillons Store #87	5311 SW 22 nd Place
Dillons Store #88	4015 SW 10 th St.

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Down Under Lounge	3810 S Topeka Blvd. #B
Electric Cowboy	3249 SW Topeka Blvd.
Fairlawn Plaza BP	2101 SW Fairlawn Rd.
Fraternal Order of Eagles	2941 SE Fremont
Frances O'Dooley's	1930 SW Westport Dr.
Garry's Bar & Grill	712 SW 2 nd St.
Hooters of Topeka, L.L.C.	6100 SW 10 th Ave.
Hy-Vee #1658	2951 SW Wanamaker Rd.
Jeremiah Bullfrog's Bar & Grill	2940 SW Wanamaker Rd.
Jeremiah Bullfrog's Bar & Grill	4115 SW Huntoon
Kelly Express	1001 SW Wanamaker Rd.
Kick Start Saloon	2521 N Kansas Ave.
Kwik Shop #705	1114 NW Topeka Blvd.
Kwik Shop #720	102 W 37 th St.
Kwik Shop #729	1700 Topeka Blvd.
Kwik Shop #740	2277 W 10 th St.
Kwik Shop #743	5633 SW 21 st St.
Kwik Shop #757	2619 SW 21 st St.
Kwik Shop #781	4500 SW Topeka Blvd.
Kwik Shop #788	1414 W 17 th St.
Kwik Shop #789	746 Wabash
McB's Sports Grill	2920 SE Croco Rd.
Old Chicago	1231 SW Wanamaker Rd.
Ruby Tuesday	1625 SW Wanamaker Rd.
Seabrook Bar & Grill	2105 SW Mission Ave.
Shawnee Country Club	913 SE 29 th St.
Southeast Bowl	5265 SW 28 th St.
Starlite Skate Center Inc.	301 SE 45 th St.
Steak-n-Shake	1415 SW Wanamaker Rd.
Taco Bell	101 SE 29 th St.
Taco Bell	2013 N Topeka Blvd.
Taco Bell	1560 SW Wanamaker Rd.
Tailgator's Sports Pub & Grub	2025 SW Urish Rd. Suite 108
Tammy's On the Go	3335 Gage Blvd.
Terry's Billard Club	3919 SW 21 st St.
Theatre Club of Topeka	3028 SW 8 th Ave.
Topeka Country Club	2700 SW Buchanan
The 20's	2910 SW Oakley Suite 0
Varsity Blues Bar	1616 SW 17 th St.
Wal-Mart Supercenter #2131	1301 SW 37 th St.
Wal-Mart Supercenter #1802	1501 SW Wanamaker Rd.
Wal-Mart Supercenter #5441	2600 NW Rochester Rd.
Whiplash Bar & Grill	2107 SE California

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

Mayor Bunten requested that a resolution expressing support for a partnership with the State of Kansas to develop and implement a plan to improve the State Capitol and downtown areas of Topeka be added to the agenda.

Councilmember Ortiz moved to suspend the Council Rules to add the resolution to the agenda. The motion seconded by Councilmember Swank carried unanimously. (9-0-0)

Braxton Copley, Interim City Attorney stated that the resolution would be added to the agenda under New Business, as item 6D.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., pertaining to an amendment to the text and map of the Topeka Comprehensive Metropolitan Plan placed on first reading March 18, 2008 was again presented. *(CPA 08/1)*

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

Vanessa Lamoreaux, Holliday Park Neighborhood Improvement Association (NIA) spoke in support of the ordinance. She stated that the plan displays the improvements made to the neighborhood, and is a great contribution towards the future of the neighborhood and the city.

Kim Brown, Holliday Park NIA President stated that the Holliday Park residents volunteered their time and efforts for the preparation and implementation of the plan.

Councilmember Alcala asked if the NIA would prefer that the Plan be remanded back to the Planning Commission.

Ms. Brown stated that all of their questions have been answered and they would prefer that the Council approve the ordinance.

Councilmember Swank commended the area residents for turning the Holliday Park neighborhood around. She stated that she supports the Plan; however, she wants to make sure all questions have been answered. She also asked if remanding the ordinance back to the Planning Commission would put the federal funding for the neighborhood target areas at risk.

Randy Speaker, Housing and Neighborhood Director stated that the funds would still be available if the ordinance is remanded back to the Planning Commission.

Councilmember Blackburn moved to remand the ordinance back to the Planning Commission. The motion seconded by Councilmember Woelfel carried. Councilmembers Alcala, Ortiz, Haynes and Harmon voted “no.” (5-4-0)

SETTING A PUBLIC HEARING on April 8, 2008, at 6:00 p.m. in the City Council Chambers located at 214 E. Eighth Street, for the purpose of hearing and answering objections of taxpayers to the proposed amendments to the 2008 Operating Budget was presented.

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

Councilmember Preisner moved to authorize the public hearing. The motion seconded by Councilmember Ortiz carried. Councilmember Alcala voted “no.” (8-1-0)

RESOLUTION NO. 8044 introduced by Councilmember Jack Woelfel establishing a schedule for the annual adoption of a legislative agenda was presented.

Councilmember Woelfel stated that approval would set a date certain to initiate the process annually.

Councilmember Woelfel moved to approve the resolution. The motion seconded by Councilmember Preisner carried. Councilmember Alcala voted “no.” (8-1-0)

ORDINANCE NO. 19062 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of March 3, 2008, through March 9, 2008, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Swank carried. Councilmember Alcalá 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: Alcalá -1.

RESOLUTION NO. 8045 introduced by Mayor Bunten expressing support for a partnership with the Kansas Legislature to develop and implement a plan to improve the area around the State Capitol and downtown Topeka, was presented.

Mayor Bunten stated that the resolution expresses the City’s support of Senate Bill 1620 by making a financial commitment to assist with the development of a plan to improve the appearance and enhance the safety of the State Capitol and downtown area. He noted that the City’s financial responsibility would be \$50,000.

Councilmember Haynes moved to amend the resolution by striking Line 16 in its entirety, and inserting the statement, “intends to budget such sum within the 2009 annual budget.” The motion was seconded by Councilmember Ortiz.

Several Councilmembers expressed concern with not having a financial commitment from the State of Kansas; generating the necessary funding for the project in conjunction with other anticipated 2009 budget constraints; and not yet having a project start date specified.

Mayor Bunten stated that the resolution would become effective July 1, 2008; and subsequently, the Secretary of Administration would request a meeting with the Capitol Area Plaza Authority to formulate a plan.

Councilmember Haynes requested that Line 16 of the resolution be amended by inserting the statement, “and to share such funding with the State of Kansas.” after the word “budget.”

Councilmember Swank requested that the resolution be amended to include the verbiage, “contribute up to \$50,000.”

Councilmember Kennedy made a substitute motion to amend the resolution by inserting the statement, “in the funding of the development of such a plan to accomplish the purpose of Senate Bill 1620.” after the word “Kansas” on Line 12; and delete Lines 13 and 16 in their entirety. The motion seconded by Councilmember Woelfel failed. Councilmembers Alcalá, Ortiz, Haynes, Swank and Preisner voted “no.” (4-5-0)

Councilmember Preisner made a substitute motion to amend the resolution to reflect that the resolution would be introduced by Mayor Bunten and all nine Councilmembers. The motion was seconded by Councilmember Alcalá.

Braxton Copley, Interim City Attorney ruled that the substitute motion was out of order.

Councilmember Preisner withdrew the substitute motion. The second concurred.

Councilmember Haynes made a friendly amendment to insert the statement, “a sum not to exceed \$50,000” after the word “appropriate” and before the word “within” on Line 16 of the resolution.

The motion to amend the resolution by striking Line 16 in its entirety; and inserting “intends to budget and appropriate a sum not to exceed fifty thousand dollars \$50,000 within the 2009 annual budget” carried unanimously. (9-0-0)

Councilmember Alcala asked if the public would be allowed to speak to the issue.

Braxton Copley stated that the public would be allowed to speak to the issue.

Larry Cobler spoke in opposition to the resolution. He stated that in his opinion, the City has more important financial issues to address.

Councilmember Preisner moved to approve the resolution as amended. The motion seconded by Councilmember Ortiz carried. Councilmembers Kennedy and Woelfel voted “no.” Councilmember Blackburn abstained. (6-2-1)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-841002.00 (HTE 843520) which provides for the rehabilitation of various street sections throughout the City of Topeka, primarily on major arterials, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 130-11 concerning the procedure for changing street names and specifically repealing said original section 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.

Councilmember Alcala expressed concern with the trailer parked near the area of SE 12th and Adams Streets. He requested that a Code Compliance Officer investigate the matter.

Councilmember Ortiz requested that the information relating to the 2008 Take Over/Make Over Project be aired on City4. She stated that constituents have expressed concern

with the closing of fire stations located on the east side of the city. She asked how the closing of a fire station is determined; and what can be done to prevent it from happening.

Randy Speaker, Housing and Neighborhood Director stated that the area residents that are planning to participate in the 2008 Take Over/Make Over Project should drag trash and debris to the curb for free pick-up, or call 785-368-3663 to pre-register for the collection of brush and tree limbs. He announced that on April 5, 2008 the project area would include the neighborhoods located east of Topeka Boulevard: Central Highland Park, East End, East Topeka North, East Topeka South, Hi-Crest, Jefferson Square, Monroe, North Topeka East and Oakland; and on April 19, 2008 the project area would include the neighborhoods located west of Topeka Boulevard: Central Park, Chesney Park, Historic Holliday Park, Historic Old Town, Likins-Foster, North Topeka West, Quinton Heights Steele, Tennessee Town, Valley Park and Ward Meade. He noted that the Kansas Expocentre has been designated as the project command center on both days.

Norton N. Bonaparte, Jr., reported that no fire stations would be closed; however, due to funding limitations some fire companies may not be fully staffed.

Councilmember Swank welcomed the United States Team Roping Competition participants and visitors to the City of Topeka. She announced that the team roping event would take place on March 28th, 29th and 30th at the Kansas Expocentre.

Councilmember Preisner commended the City Manager and City staff for making the necessary adjustments to enable departments to operate within the 2008 adopted budget.

Councilmember Harmon requested that staff provide him with more detailed information on the Capital Improvement Plan Street Projects listed on next week's Council agenda.

Norton N. Bonaparte, Jr., stated that additional information would be included in the Council's weekly report.

Mayor Bunten encouraged the Council and citizens to become involved in the community Visioning Process. He also expressed concern with the 2008 departmental budget cuts.

Larry Cobler, Linda Cook, Lena Russell and Kent Dederick appeared to speak under public comment.

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

Brenda Younger
City Clerk