

## Council Minutes – April 8, 2008

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 8, 2008. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Ortiz, Woelfel, Haynes, Swank and Harmon -5. Mayor Bunten presided -1. Absent: Kennedy, Alcala, Blackburn and Preisner -4.

AFTER THE MEETING was called to order, Dr. Sherry Triggs, Central Congregational Church gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

Minutes of the regular meeting of April 1, 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>
After Dark Video	2315 N Topeka
Blind Tiger Brewery	417 SW 37 <sup>th</sup> Street
Boobie Trap Bar	1417 SW 6 <sup>th</sup> Street
Deep Pockets	4310 SW 21 <sup>st</sup> Street
Fergie's Clubhouse Bar	1418 SW Lane
Philip Billard VFW Post #1650	3110 SW Huntoon
Poor Bill's	840 N Kansas
Sinsations	4720 SW Topeka Boulevard
Skinny's Sports Bar & Grill	4016 SW Huntoon
Some Like It Hot	4732 SW Topeka
Terry's Bar & Grill	522 W 6 <sup>th</sup> Street
Tewz Enuff	1465 SE Washington
Tool Shed Tap	921 S Kansas Avenue
Twilighter Country Club	816 N Kansas

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember Harmon carried unanimously. (5-0-0)

## 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, April 8, 2008, at 6:00 P.M. for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of 2008 Operating Budget funds.

APPROPRIATION ORDINANCE NO. 19066 introduced by City Manager Norton N. Bonaparte, Jr., amending the adopted operating budget for the City of Topeka, for the year 2008, and appropriating the amounts for the purpose as set forth therein was presented for first and final reading.

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

Councilmember Harmon asked how much Visit Topeka, Inc., charges to administer grants.

Jim Langford, Budget and Financial Services Director stated that Visit Topeka, Inc., receives 5% of the total grant amount to oversee the distribution of grant funds.

Councilmember Woelfel moved to amend the ordinance to allocate \$21,159 to the Historic Preservation fund and keep the remaining \$365,003 in the Transient Guest Tax fund to be allocated at a later date. The motion died due to a lack of a second.

Councilmember Swank expressed concern with the funding not being used for what it was intended. She suggested that the issue be considered when all Councilmembers are present to insure that the funds are utilized properly.

Councilmember Swank moved to close the public hearing and table the ordinance until April 15, 2008. The motion seconded by Councilmember Ortiz failed. Councilmember Haynes voted "no." (4-1-0)

Councilmember Ortiz moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Haynes carried unanimously. (5-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Ortiz, Woelfel, Haynes, Swank and Harmon -5. Absent: Kennedy, Alcala, Blackburn and Preisner-4.

ORDINANCE NO. 19067 introduced by City Manager Norton N. Bonaparte, Jr., granting to Kaw Valley Electric Cooperative, Inc., its successors and assigns, an electric energy franchise in the City of Topeka, Kansas, prescribing the terms thereof and relating thereto placed on first reading April 1, 2008 was again presented. (*Contract No. 38276*)

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

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Haynes carried unanimously. (5-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Ortiz, Woelfel, Haynes, Swank and Harmon -5. Absent: Kennedy, Alcala, Blackburn and Preisner -4.

A PROJECT BUDGET in the amount of \$30,000 and RESOLUTION NO. 8053 introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No. T-301003.00 (HTE 302820) which provides for the design and construction of a new roofing system at the Zoo Concessions and Public Restroom Facility as more specifically described herein was presented.

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

Councilmember Harmon moved to approve the project budget and resolution. The motion seconded by Councilmember Ortiz carried unanimously. (5-0-0)

ORDINANCE NO. 19068 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of March 17, 2008, through March 23, 2008, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Swank moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (5-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Ortiz, Woelfel, Haynes, Swank and Harmon -5. Absent: Kennedy, Alcala, Blackburn and Preisner -4.

ORDINANCE NO. 19069 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 at 328 SW Taylor Street, 720 SW 4<sup>th</sup> Street and 724 SW 4<sup>th</sup> Street from “C-1” Commercial District TO “R-2” Single Family Dwelling District placed on first reading April 1, 2008 was again presented. (Z08/7)

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

Mayor Bunten asked if there were any exparte communications. There were none declared.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. (5-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Ortiz, Woelfel, Haynes, Swank and Harmon -5. Absent: Kennedy, Alcala, Blackburn and Preisner -4.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 146-11 through 146-15, 146-142, and 146-341 concerning the rates of the water, water pollution control, and stormwater utility of the City of Topeka, Kansas, and specifically repealing said original sections, and section 146-16 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 2-181 concerning Boards and Commissions and Section 2-199

concerning the convention and tourism committee and specifically repealing said original sections was presented for first reading.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the designation of street names, more specifically changing the name of SW Cambridge Court to SW Welton Grove Circle was presented for first reading. (SNC08/2)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 26-341 to 26-345, 26-366 to 26-371, and 26-381 concerning the 2008 National Electrical Code and specifically repealing said original sections was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning the Uniform Plumbing Code, repealing City of Topeka Code Chapter 26, Division 1 and Division 2, Sections 406 to 445.16 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning the Uniform Plumbing Code, amending City of Topeka Code Chapter 26, Article VIII, Division 1 and Division 2, Sections 406 to 444 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 his recommendations relating to the Management Partners, Inc., Optimization Study to the Council and would welcome their comments. He thanked volunteers and staff members for participating in the first phase of 2008 Take Over/Make Over Project on April 5, 2008. He announced that the second phase of the project would be held on April 19, 2008 and 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 Expo centre has been designated as the project command center. He also announced upcoming community events; the winner of City4 Topeka's Mysteries and Legends Contest, and upcoming Meet the Manager Sessions.

Councilmember Haynes requested that the financial ramifications of vetoing the lease purchase agreements of the ERP software system and the police helicopter be distributed to all Councilmembers.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:46 p.m.

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Brenda Younger  
City Clerk