

## **Council Minutes – April 22, 2008**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 22, 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, Preisner and Harmon -8. Absent: Councilmember Blackburn -1. Mayor Bunten -1.

AFTER THE MEETING was called to order, Chaplain Charles Benton, Aldersgate Village gave the invocation.

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

A PRESENTATION was given by William Beteta on the Heartland Visioning Project.

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for the Delfelder Acres Subdivision on property generally located northeast of the intersection of NE Croco Road and NE 39th Street, outside the City's Municipal Service Area and within the City's extraterritorial three-mile jurisdiction, all being within unincorporated Shawnee County, Kansas was presented. (P07/18)

RESOLUTION NO. 8058 introduced by Councilmember John Alcala granting Sacred Heart-St. Joseph Parrish an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

ORDINANCE NO. 19076 introduced by Councilmember John Alcala authorizing the sale, consumption and possession of alcoholic beverages at Germanfest 2008 to be held at the Sacred Heart-St. Joseph Parrish on June 7-8, 2008 placed on first reading April 15, 2008 was again presented.

Minutes of the regular meeting of April 15, 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>
The Back Door	610 Wayne
Boss Hawg's	2833 SW 29 <sup>th</sup> Street
Gage Center Bowl	4200 Huntoon
Gage Bowl North	200 E Hwy 24
Kaw River Tavern	917 N Kansas Avenue
Kicks 66	3300 SW Gage Boulevard
McDonald's #17628	2933 SW Wanamaker
McDonald's #11387	1640 SW Wanamaker
McDonald's #2018	1201 Gage Boulevard
McDonald's #5468	5525 SW 21 <sup>st</sup> Street
McDonald's #5596	2001 NW Topeka Boulevard
McDonald's #995	1100 S Kansas Avenue
McDonald's #7244	2880 SE California Avenue
McDonald's #317	3117 SW Topeka Boulevard
Moose Lodge #555	1901 N Kansas Avenue
Westridge Lanes & Family Fun Center	1935 SW Westport Drive

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

ORDINANCE NO. 19077 introduced by City Manager Norton N. Bonaparte, Jr., regarding a Contract Franchise Ordinance granted to Talk America, Inc., a telecommunications local exchange service provider providing local exchange service within the City of Topeka, Kansas placed on first reading April 15, 2008 was again presented. (*Contract No. 38305*)

Jim Langford, Budget and Finance Director gave the staff report.

Councilmember Haynes asked how much revenue would be generated.

Braxton Copley, Interim City Attorney stated that only a minimal amount of revenue would be generated because there are less than fifty customers located within the corporate city limits.

Councilmember Woelfel moved to adopt the ordinance. The motion seconded by Councilmember Harmon carried. Councilmember Alcala voted “no.” (7-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Preisner and Harmon -7. Noes: Alcala -1. Absent: Blackburn -1.

A PROJECT BUDGET in the amount of \$300,000 and ORDINANCE NO. 19078 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-841003.00 (HTE 843530) which provides for street repair on California Avenue from 29<sup>th</sup> Street to 33<sup>rd</sup> Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading April 15, 2008 was again presented.

Jim Langford, Budget and Finance Director gave the staff report.

Councilmember Ortiz moved to approve the project budget and 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, Alcala, Ortiz, Woelfel, Haynes, Swank, Preisner and Harmon -8. Absent: Blackburn -1.

RESOLUTION NO. 8059 introduced by City Manager Norton N. Bonaparte, Jr., naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatures of those specifically listed in the resolution was presented.

Jim Langford, Budget and Finance Director gave the staff report.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Alcala carried unanimously. (8-0-0)

ORDINANCE NO. 19079 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of March 31, 2008, through April 6, 2008, and enumerating said expenditures therein was presented for first and final reading.

Jim Langford, Budget and Finance Director gave the staff report.

Councilmember Kennedy moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried. Councilmember Alcala voted “no.” (7-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Preisner and Harmon -7. Noes: Alcala -1. Absent: Blackburn -1.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-601005.00 (HTE 606420), which provides for neighborhood infrastructure improvements in Central Park and Historic Holliday Park, 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 2-142 concerning the City’s legal department and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 60-foot wide strip of platted street right-of-way in Dyer Subdivision No. 2 located between SE Republican and SE Long Streets and south of SE 10th Avenue, City of Topeka, Shawnee County, Kansas was presented for first reading. (V08S/1)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 50-foot wide strip of platted street right-of-way in Stringham's Addition located on NW Grant Street between NW Polk and NW Tyler Streets, City of Topeka, Shawnee County, Kansas was presented for first reading. (V08S/2)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of portion of platted street right-of-way in Curtis Addition located on NW Railroad

Street between NW Topeka Boulevard and NW Tyler Street, City of Topeka, Shawnee County, Kansas was presented for first reading. (V08S/3)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of a platted street right-of-way in White Oak Grove Subdivision and located on NW Howard Street between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas was presented for first reading. (V08S/4)

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

Jim Langford, Budget and Finance Director announced upcoming community events. He also announced that the City is offering free disposal of trees and mulch from April 21-26, 2008 at the Forestry Disposal Site; citizens could obtain an application for the Topeka Fire Department Citizens Academy scheduled to begin on April 25, 2008 online at [www.topeka.org](http://www.topeka.org); and City burn permits are available from April 15, 2008 through May 31, 2008.

Councilmember Ortiz thanked volunteers and staff members for participating in the 2008 Take Over/Make Over Project, and for helping make neighborhoods a cleaner place to live.

Judi Kalina and Ron Shirrell appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:36 p.m.

---

Brenda Younger  
City Clerk