

Council Minutes – June 17, 2008

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 17, 2008. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Ortiz, Woelfel, Haynes and Swank -5. Mayor Bunten -1. Absent: Councilmembers Alcala, Blackburn, Preisner and Harmon -4.

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

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

Councilmember Kennedy stated that she intended to add the Community First, Inc., contract to the agenda; however, it would require six affirmative votes by the Council to add an item to the agenda and there are only five Councilmembers present.

Braxton Copley, Interim City Attorney stated that once Community First, Inc., executes the contract it will be presented to the Council for consideration.

Mayor Bunten stated that he supports the sixty day extension; however, the delay would allow Community First, Inc., more time than originally agreed upon.

Braxton Copley stated that the sixty day extension would not commence until after the contract is executed by both parties.

Councilmember Haynes asked if Community First, Inc., needed additional time.

Norton N. Bonaparte, Jr., City Manager stated that Community First, Inc., is in the process of reviewing the contract and additional time has not been requested.

Councilmember Woelfel expressed concern with the delay in the process. He requested that the contract stipulate that the sixty day extension begin on June 17, 2008.

Braxton Copley stated that the contract could be amended to reflect sixty days in total; however, with only five Councilmembers present any action taken could be conveyed as improper or unfair.

Councilmember Haynes stated that he believes it would be unreasonable if the sixty day extension commenced prior to the contract being executed.

Councilmember Ortiz concurred with Councilmember Haynes. She encouraged staff to expedite the process and allow Community First, Inc., to move forward with the Sumner School renovation project.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Blanche Parks to the Washburn University Board of Regents for a term that would expire on June 30, 2012 was presented.

A FINAL PLAT for Lauren's Office Park Subdivision located at 6642 SW 29th Street within the City of Topeka, Shawnee County, Kansas was presented. (P08/4)

A FINAL PLAT for Misty Harbor Estates Subdivision No. 4 located on the north side of SW 45th Street approximately 450-feet east of the intersection of SW 45th Street and SW Misty Harbor Drive, being contiguous to the City of Topeka within incorporated Shawnee County, Kansas was presented.

Minutes of the regular meeting of June 10, 2008 were presented.

2008 Cereal Malt Beverage 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>
Food-4-Less	1945 SW Gage Boulevard
U Market Inc.	935 SE 21 st Street

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember Kennedy 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, June 17, 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 Lateral Sanitary Sewer District No. 40917-02, authorized by Resolution No. 7660, adopted and approved July 12, 2005.

ORDINANCE NO. 19103 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 Acres Subdivision No. 9 with piping, manholes, and engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project NO. 40917-02, as defined and described in Resolution No. 7660, adopted and approved July 12, 2005 placed on first reading June 10, 2008 was again presented.

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

Councilmember Kennedy moved to close the public hearing and 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: Kennedy, Ortiz, Woelfel, Haynes and Swank -5. Absent: Alcalá, Blackburn, Preisner and Harmon -4.

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ORDINANCE NO. 19104 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 the area near Highway 24 and Furman Road with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40933-01, as defined and described in Resolution No. 7662, adopted and approved July 12, 2005 placed on first reading June 10, 2008 was again presented.

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

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

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

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ORDINANCE NO. 19105 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 Acres Subdivision No. 9 with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60599-02 as defined and described in Resolution No. 7750, adopted and approved January 31, 2006 placed on first reading June 10, 2008 was again presented.

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

Councilmember Woelfel moved to close the public hearing and 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: Kennedy, Ortiz, Woelfel, Haynes and Swank -5. Absent: Alcala, Blackburn, Preisner and Harmon -4.

ORDINANCE NO. 19106 introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Sections 112-3, 112-5, 112-21, 112-22, 112-23, 112-42, 112-44, 112-61, 112-71, 112-72, 112-91, 112-93, 112-154, 112-264, 112-291, and 112-294 through 112-299 concerning property maintenance enforcement authority and specifically repealing said original sections placed on first reading June 10, 2008 was again presented.

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

Braxton Copley, Interim City Attorney stated that approval of the ordinance would clarify and allow for the City Code to remain consistent. He also stated that it would place the Code Compliance Division under the direction of the Topeka Police Department.

Bill Gomez stated that he approves of the change and hopes to see a consistent and improved process.

Councilmember Kennedy 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: Kennedy, Ortiz, Woelfel, Haynes and Swank -5. Absent: Alcala, Blackburn, Preisner and Harmon -4.

Councilmember Ortiz moved to defer item 6B, an ordinance establishing a water and wastewater utility rate refund program for the City of Topeka for one week. The motion seconded by Councilmember Kennedy carried unanimously. (5-0-0)

RESOLUTION NO. 8073 introduced by City Manager Norton N. Bonaparte, Jr., concerning commercial air service in Topeka was presented.

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

Eric Johnson, Topeka Metropolitan Airport Association President appeared to answer questions.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Kennedy carried unanimously. (5-0-0)

ORDINANCE NO. 19107 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 26, 2008, through June 1, 2008, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Woelfel 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: Kennedy, Ortiz, Woelfel, Haynes and Swank -5. Absent: Alcala, Blackburn, Preisner and Harmon -4.

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 was presented for first reading.

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 a portion of platted street right-of-way in Curtis Subdivision and 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 platted street right-of-way in White Oak 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)

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner, repealing City of Topeka Code Chapter 2, Article 9, concerning the Code of Ethics, in its entirety was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala authorizing the sale, consumption and possession of alcoholic liquor as part of the Fiesta Mexicana at specified locations and times was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala authorizing the sale, consumption and possession of alcoholic liquor as part of the Fiesta Mexicana parade and street party at specified locations and times was presented for first reading.

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner, amending City of Topeka Code Section 154-121 concerning rates of fare offered by taxicabs in the City of Topeka 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. He also announced program details for the 2nd Annual Citizen's Academy beginning on June 18, 2008.

Councilmember Haynes reminded the Council that when voting to repeal the current City of Topeka Code of Ethics Policy next week, Resolution No. 7473 approved on May 18, 2004 would still be in effect. He stated that the resolution relates to the implementation of a Code of Ethics Policy for the City of Topeka.

Sandra Lassiter, Deborah Edwards, Bill Gomez and Therese Hartnett appeared to speak under public comment.

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

Brenda Younger
City Clerk