

Council Minutes – January 6, 2009

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 6, 2009. 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 Woelfel gave the invocation.

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

A PRESENTATION was given on the digital television conversion process by Sue Gilgenbach, Federal Communications Commission DMA Coordinator.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Ezell Monts, Jr., to the Human Relations Commission for a term that would end January 31, 2011 was presented.

MINUTES of the regular meeting of December 16, 2008 was presented.

A Dance Hall License application bearing the approval of the Chief of Police and City Inspectors for American Legion Post 400 located at 3029 NW US Highway 24, was presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for Tim's Pit Stop located at 4601 SW Topeka Boulevard, was presented.

An Open After Midnight License application bearing the approval of the Chief of Police and City Inspectors for Las Fuentes Mexican Restaurant located at 4111 SW Gage Center Drive, was presented.

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

A PROJECT BUDGET in the amount of \$1,188,000 and ORDINANCE NO. 19204 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70114-03, which provides for widening Gage Boulevard from 10th to 12th Streets, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 18956 placed on first reading December 16, 2008 was again presented.

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

Councilmember Harmon moved to approve the project budget and adopt the ordinance. The motion was seconded by Councilmember Preisner.

Councilmember Ortiz expressed concern with the close proximity of the residential housing to the street.

Mike Teply, Public Works Director stated that the easements would offer adequate spacing to add approximately one half of one lane on each side of Gage Boulevard, establishing a five-lane street.

Councilmember Alcalá asked if the City has received any complaints about the project from area residents.

Mike Teply stated that they have not received any complaints.

Councilmember Ortiz asked if the area sidewalks would be accessible during construction.

Mike Teply stated that the existing sidewalks would be removed and new sidewalks would be constructed on both sides of the street.

Councilmember Woelfel stated that he is reluctant to support the project at this time due to City budget constraints and the state of the country's economy.

Councilmember Swank stated that she is also concerned with the current state of the economy; however, it is important for the City to continue to move forward with improvement projects and utilize federal funding.

Councilmember Preisner commended staff for utilizing federal funding to help improve an area that has become a safety hazard.

The motion to approve the project budget and adopt the ordinance 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.

A PETITION, A PROJECT BUDGET in the amount of \$22,728 and RESOLUTION NO. 8134 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Lateral Sanitary Sewer Improvement Project No. T-401011.00 (HTE 409670) which provides for providing sewer service to part of Kaw Half-Breed Reserve No. 2 as more specifically described herein was presented.

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

Councilmember Kennedy asked how the project would be funded.

Jim Langford, Budget and Finance Director stated that the property owner has the opportunity to pay the amount in full or allow the amount to be assessed to their personal property taxes.

Councilmember Alcala moved to approve the petition, project budget and resolution. The motion was seconded by Councilmember Ortiz.

Councilmember Woelfel expressed concern with bonding such a small amount and the affect it would have on the City’s overall bonded indebtedness.

The motion to approve the petition, project budget and resolution carried.

Councilmember Woelfel voted “no.” (8-1-0)

A PROJECT BUDGET in the amount of \$70,000 and RESOLUTION NO. 8135 introduced by City Manager, Norton N. Bonaparte, Jr., relating to and authorizing Sidewalk Project No. T-241004.00 (HTE 241230) which provides for the removal and replacement of damaged or hazardous concrete/brick sidewalks throughout the City as more specifically described herein was presented.

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

Councilmember Woelfel stated that he would not support the project due to City budget constraints.

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

RESOLUTION NO. 8136 introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2008-2009 Capital Improvement Budget for the City of Topeka, Kansas and rescinding Resolution No. 8122 was presented.

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

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

Councilmember Ortiz reported that District No. 3 continues to experience problems with red water and low water pressure. She asked why the funding needed to resolve the problems was not included in the 2008-2009 Capital Improvement Program. She noted that the area

Neighborhood Improvement Association was informed that the problem would be addressed two years ago.

Mike Teply, Public Works Director stated that the funding is not included in the 2008-2009 Capital Improvement Program because the funds will be allocated from the Water Division operating funds.

Norton N. Bonaparte, Jr., stated that he would meet with staff to discuss the waterline improvements needed to eliminate the red water and low water pressure issues. He also stated that after a project timeline and completion date has been established he would report back to the Council.

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

RESOLUTION NO. 8137 introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2008-2012 Capital Improvement Program for the City of Topeka, Kansas and rescinding Resolution No. 8123 was presented.

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

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

RESOLUTION NO. 8138 introduced by Councilmembers Deborah Swank and Jack Woelfel, relating to City of Topeka elected officials’ support of the Kansas Kids State Wrestling tournament 2010-2012 formal bid proposal presentation was presented.

Councilmember Swank gave the staff report. She stated that approval would express the Council’s support of a three-year contract with the Kansas Kids State Wrestling Association; bring a large number of visitors to the city; and make the Association feel welcome.

Mayor Bunten noted that the City of Topeka is competing with the City of Wichita to host an event that could potentially generate a large amount of revenue for the City and community.

Councilmember Blackburn moved to approve the resolution. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

RESOLUTION NO. 8139 introduced by City Manager Norton N. Bonaparte, Jr., describing the areas to be considered priorities for 2009 Planning Target Areas for future federal and city funding as may be allocated within the 2010, 2011 City budgets was presented.

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

Shawn Leisinger, Ward-Meade Neighborhood Improvement Association President spoke in support of the resolution and stated that it would be beneficial to the neighborhood, as well as, the city.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Blackburn carried unanimously. (9-0-0)

ORDINANCE NO. 19205 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of December 1, 2008, through December 7, 2008, and enumerating said expenditures therein was presented for first and final reading.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

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

ORDINANCE NO. 19206 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of December 8, 2008, through December 14, 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 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.

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 property located at 3500 SW 6th Avenue and SW Saline Street from “C-2” Commercial District and “R-1” Single Family Dwelling District ALL TO “O&I-2” Office and Institutional District was presented for first reading.

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 property located at 913 NW Lower Silver Lake Road from “R-1” Single Family Dwelling District TO “PUD” Planning Unit Development District (“I-1 and R-1” use groups) was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the Capital City Downtown Business Improvement District, establishing a service fee levy for 2009,

amending City of Topeka Code Section 42-38 and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 146-18 concerning a water and wastewater utility rate refund program for 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 50-64 concerning persons under arrest and specifically repealing said original section was presented for first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL;

Councilmember Blackburn encouraged citizens to donate unwanted or excess holiday gifts and gift cards to the Topeka Rescue Mission for distribution.

Sandra Lassiter and Myron Holter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:05 p.m.

Brenda Younger
City Clerk