

Council Minutes – March 31, 2009

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 31, 2009. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcalá, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9. Mayor Bunten presided -1.

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

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

A PRESENTATION on the Topeka Police Department's Accreditation by the Commission on Accreditation for Law Enforcement Agencies, Inc., was presented by Ron Miller, Police Chief.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8150 introduced by Councilmember Deborah Swank granting Mulvane Art Museum 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 24, 2009 was presented.

2009 Open After Midnight License renewal applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

BUSINESS

Applebee's Neighborhood Grill
Buffalo Wild Wings
The Den
Denny's #7268
Denny's #7269
Dimple Donuts
The Dugout
Gage Bowl North
Gage Center Bowl
Kelly Express
Kick Start Saloon
McDonald's #317
McDonald's #7244

ADDRESS

5828 SW 17th Street
1227 SW Wanamaker Road #400
1117 NW Lower Silver Lake Road
1500 SW Wanamaker Road
3210 SW Topeka Blvd
1949 NW Topeka Blvd
1545 SW Fairlawn
200 East Hwy 24
4200 SW Huntoon
1001 SW Wanamaker Road
2521 N Kansas Ave
3117 SW Topeka Blvd
2880 SE California Ave

BUSINESS

McDonald's #5596
Terry's Bar & Grill
Theatre Club
Wild Horse Saloon

ADDRESS

2001 NW Topeka Blvd
522 SW 6th Street
3028 SW 8th Ave
3249 SW Topeka Blvd

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

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the City of Topeka Code Section 48-20.02 concerning use regulations in light industrial districts and specifically repealing said original section placed on first reading March 24, 2009 was again presented. (ACZR09/1)

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

Councilmember Preisner requested additional time to allow staff the opportunity to answer questions that he has relating to the regulation change.

Councilmember Preisner moved to refer the ordinance to the Policy and Finance Committee. The motion seconded by Councilmember Blackburn carried unanimously. (9-0-0)

RESOLUTION NO. 8151 introduced by Councilmember Jack Woelfel in support of the Business Innovation and Entrepreneurship Program proposed by the Washburn University School of Business was presented.

Councilmember Woelfel gave the staff report.

Rick Lejuerne, Washburn University Small Business Development Center Director stated that Washburn University is introducing a new entrepreneurship program to meet the demands of the students, give them an opportunity to work within the community, and gain useful experience.

Councilmember Woelfel stated that the Greater Topeka Chamber of Commerce and the Growth Organization of Topeka have also expressed their support of the new program.

Joseph Ledbetter spoke in support of the new program.

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

RESOLUTION NO. 8152 introduced by City Manager Norton N. Bonaparte, Jr., pursuant to City of Topeka Code Section 130-377 concerning sidewalk repairs at locations more specifically described hereafter was presented.

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

Joseph Ledbetter expressed the importance of maintaining sidewalks throughout the city.

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

Councilmember Ortiz asked if the resolution could be postponed until after the April 7, 2009 vote regarding the sales tax proposal. She questioned if sales tax funds could be used for sidewalk repairs.

Norton N. Bonaparte, Jr., stated that if it is the will of the Council, and the sales tax proposal is approved, sales tax funds could be allocated to the 50/50 sidewalk repair program.

Councilmember Ortiz made a substitute motion to defer the resolution until after April 7, 2009. The motion was seconded by Councilmember Alcalá.

Councilmember Preisner spoke in opposition of deferring the resolution. He stated that neighborhoods work hard to make sure sidewalks are compliant with City code, and approval of the resolution would make certain the repairs are made.

Jackie Williams, City Attorney stated that the proposed sales tax question is fairly broad and could encompass a number of infrastructure improvements. He noted that if sales tax funds

are used the current ordinances that outline the sidewalk repair procedure would have to be reviewed by the City Council for possible changes if necessary.

Pam Simecka, City Controller reported that the property owners listed in the resolution declined participation in the 50/50 sidewalk repair program.

Councilmember Ortiz questioned why the property owners elected not to participate in the program.

Pam Simecka stated that she did not know why the offer was declined by the property owners.

The substitute motion to defer the resolution until after April 7, 2009 failed.

Councilmembers Kennedy, Woelfel, Swank, Blackburn, Preisner and Harmon voted “no.” (3-6-0)

The motion to approve the resolution carried. Councilmembers Alcala, Ortiz, Haynes and Swank voted “no.” (5-4-0)

ORDINANCE NO. 19240 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of March 9, 2009, through March 15, 2009, 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 Swank 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.

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

Norton N. Bonaparte, Jr., City Manager commented on the increased number of arson fires and noted that the Topeka Fire Department arson hotline is 368-2488. He also announced that the City would host public forums to discuss the City's 2010 budget on April 8, 2009 at the Crestview Community Center; April 15, 2009 at the Garfield Community Center; April 22, 2009 at the Hillcrest Community Center; and May 6, 2009 at Robinson Middle School. He also announced that there would not be a City Council meeting on April 7, 2009.

Councilmember Kennedy thanked Councilmembers and citizens for their support while serving on the Council.

Councilmember Alcalá commended the Topeka Fire Department for their dedication to service. He also expressed concern with low department morale.

Councilmember Ortiz expressed concern with the multiple fires that have been set to the building located near SW 7th and Taylor Streets. She stated that it seems to be an opportune time to consider demolishing the building to avoid a safety hazard for citizens and firefighters.

Walter Hill, Larry Cobler and Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:10 p.m.

Brenda Younger
City Clerk