

Council Minutes – April 21, 2009

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 21, 2009. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Preisner -1.

AFTER THE MEETING was called to order, Councilmember Harmon asked for a moment of silent meditation.

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

Councilmember Ortiz moved to suspend the Council Rules to add a resolution granting Patricia Cervantes a noise exception to the consent agenda. The motion seconded by Councilmember Swank carried unanimously. (8-0-0)

Councilmember Alcala moved to suspend the Council Rules to add an ordinance concerning the expenditure of monies from the historic asset tourism fund to the Council agenda under first readings; and a resolution concerning the appropriation and expenditure of the transient guest tax funds, and expressing the intention of the City of Topeka to enter into an agreement with Visit Topeka, Inc., to administer these funds to the April 28, 2009 Council agenda. The motion seconded by Councilmember Ortiz carried. Councilmembers Woelfel and Swank voted “no.” (6-2-0)

Mayor Bunten announced that the resolution granting the noise exception would be placed on the consent agenda as item 4C; the ordinance concerning the historic asset tourism fund would be placed on the Council agenda under First Readings as item 8D; and the resolution concerning the transient guest tax funds would be placed on April 28, 2009 Council agenda.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of April 14, 2009 was presented.

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

BUSINESS

Down Under Lounge
That Place
Walgreen's #2846
Walgreen's #3069

ADDRESS

3810 S Topeka Boulevard, Suite B
3701 SW Plaza Drive
2915 SW Gage
1001 SW Topeka Boulevard

RESOLUTION NO. 8153 introduced by Councilmember Sylvia Ortiz, granting Patricia Cervantes an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

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

ORDINANCE NO. 19243 introduced by City Manager Norton N. Bonaparte, Jr., pursuant to provisions of City of Topeka Charter Ordinance A2-26 establishing city council meeting times and places amending City of Topeka Code Section 2-27 placed on first reading April 14, 2009 was again presented.

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

Jackie Williams, City Attorney stated that Councilmember Woelfel requested that the ordinance be amended to include the statement, "for the period of April 21, 2009 to April 19, 2011 to allow for a two-year period" after the word "shall" on Line 19.

Councilmember Woelfel moved to amend the ordinance as stated by the City Attorney. The motion was seconded by Councilmember Alcalá.

Councilmember Harmon stated that Councilmember Preisner has requested that the Council consider conducting meetings twice a month, instead of four, and scheduling additional

work sessions. He asked if the ordinance is adopted could the Council re-examine the language of the ordinance at a later date to incorporate proposed changes.

Jackie Williams stated that the language could be reviewed at a later date.

The motion to amend the ordinance by inserting the statement, “for the period of April 21, 2009 to April 19, 2011 to allow for a two-year period” after the word “shall” on Line 19 carried unanimously. (8-0-0)

Councilmember Woelfel moved to adopt the ordinance as amended. The motion seconded by Councilmember Archer carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer and Harmon -8. Absent: Preisner -1.

ORDINANCE NO. 19244 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of March 30, 2009, through April 5, 2009, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Wolgast carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer and Harmon -8. Absent: Preisner -1.

ORDINANCE NO. 19245 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 619, 621, 625, 631 and 633 SW Lane Street from “M-1” Two Family Dwelling District TO “MS-1” Medical Service District placed on first reading April 14, 2009 was again presented. (Z09/3)

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

Councilmember Ortiz moved to adopt the ordinance. The motion was seconded by Councilmember Hiller.

Jackie Williams, City Attorney stated that the governing body as a whole is required to vote on zoning issues pursuant to K.S.A. 12-757; therefore, the Mayor is required to vote on the zoning change proposal.

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

The motion to adopt the ordinance carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Harmon and Mayor Bunten -9. Absent: Preisner -1.

ORDINANCE NO. 19246 introduced by City Manager Norton N. Bonaparte, Jr., designating real property more specifically described herein as an historic landmark and presently zoned "R-2" Single-Family Dwelling District and located at 726 SW Clay Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading April 14, 2009 was again presented. (HL09/01)

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

Exparte communications were declared by Councilmembers Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer and Harmon.

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

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Harmon and Mayor Bunten -9. Absent: Preisner -1.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning liquid waste, amending City of Topeka Code Sections 146-331.5 and 146-344 and specifically repealing said original sections and creating 146-343.5 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning fire codes, repealing City of Topeka Code Sections 70-101 to 70-106 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning the adoption of the International Fire Code, creating Chapter 70, Article III, Division 3, Subdivision II, amending City of Topeka Code Sections 50-48, 70-56, 70-71, 70-86, 70-87, and 98-171 and specifically repealing said original sections was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Sections 70-121, 70-123 and 70-193, concerning Fire Prevention and Protection and adopting the 2006 Life Safety Code, and specifically repealing said original sections as well as Sections 70-122, 70-191, 70-192, and 70-195 through 70-199 was presented for first reading.

Councilmember Wolgast left the meeting.

Mayor Bunten announced that the Public Comment portion of the Council agenda would be heard next due to the scheduled work session at the end of the Council meeting.

Norton N. Bonaparte, Jr., City Manager stated that Presentations of the City Manager, Mayor and Members of the Council would be subsequent to Public Comment.

Val Arazia, Cindy Cooper, Julia Fonseca, Ami Hyten, Kim Richmond, Tam Vincent and Janlyn Nesbett-Tucker appeared to speak under public comment.

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

Norton N. Bonaparte, Jr., City Manager announced that a work session is scheduled on April 27, 2009 at 5:30 p.m. at the Law Enforcement Center with the Topeka Transit Board of Directors; the 2009 Citizens Fire Academy would begin on April 29, 2009; the 2010 City budget public forums would be held on April 22, 2009 at the Hillcrest Community Center at 6:00 p.m., and May 6, 2009 at Robinson Middle School at 6:00 p.m.; a meeting is scheduled on May 11, 2009 at 5:30 p.m. at the Law Enforcement Center to discuss the County's Parks and Recreation Department Consolidation Proposal; and a meeting is scheduled on May 19, 2009 at 5:15 p.m. in the Council Chambers to discuss a retailers' sales tax revenue plan.

Councilmember Hiller thanked citizens, City staff and the Council for their warm welcome.

Councilmember Alcala suggested creating a separate account for the retailers' sales tax revenue. He requested that the account balance, as well as, the list of projects and the project start dates that the sales tax revenue would be used for be posted on the City's website. He also stated that he has received a number of complaints from constituents regarding the graffiti on the Sardue Bridge. He asked when the graffiti would be eliminated.

Councilmember Ortiz requested a copy of the 2007 Roadway Maintenance Plan. She invited citizens and councilmembers to attend the National Train Day event on May 9, 2009. She encouraged citizens to utilize the Amtrak Train service.

Councilmember Swank thanked the Kansas Kids Wrestling Board for choosing Topeka as the event location for the next three years.

Councilmember Archer thanked the City Manager and City staff for helping him adjust to his newly elected Council position.

Councilmember Harmon thanked the Kansas Kids Wrestling Committee for choosing Topeka as the event location for the next three years. He also commended the committee that represented Topeka during event negotiations.

At 7:35 p.m., Councilmember Harmon moved to recess the Council meeting and adjourn into a work session. The motion seconded by Councilmember Swank carried unanimously. Councilmembers Wolgast and Preisner were absent. Councilmember Woelfel did not cast a vote. (6-0-0)

Mayor Bunten stated that the work session discussion would take place for an undetermined amount of time.

Following a 55-minute time period, Councilmember Harmon adjourned the work session and stated that the Council had conducted discussions on the goals and objectives of the City Manager, as well as, various issues of the Topeka Transit System.

The Council meeting reconvened into open session, and Mayor Bunten announced that no action had been taken during the work session.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:35p.m.

Brenda Younger
City Clerk