

Council Minutes – January 19, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 19, 2010. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Ortiz, Woelfel, Swank, Archer, Preisner and Harmon -7. Mayor Bunten presided -1. Absent: Councilmembers Alcalá and Wolgast -2.

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 Preisner requested to pull item 4B, a workers' compensation claim settlement for Delbert Wayne Philbin in the amount of \$66,320 from the consent agenda for separate discussion.

Upon hearing no objections, Mayor Bunten announced that item 4B would be removed from the consent agenda and placed on the Council agenda under Unfinished Business as item 5A.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Maria Revilla to the Human Relations Commission for a term that would end January 19, 2012 was presented.

MINUTES of the regular meeting of January 12, 2010 were presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for Hooters of Topeka, L.L.C., located at 6100 SW 10th Avenue was presented.

Councilmember Preisner moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Swank carried unanimously. (7-0-0)

APPROVAL OF A WORKERS' COMPENSATION CLAIM SETTLEMENT for Delbert Wayne Philbin in the amount of \$66,320 was presented.

Councilmember Preisner moved to approve the workers' compensation claim settlement for Delbert Wayne Philbin in the amount of \$66,320. The motion seconded by Councilmember Ortiz carried. Councilmember Preisner abstained. (6-0-1)

ORDINANCE NO. 19370 introduced by City Manager Norton N. Bonaparte, Jr., correcting certain sections of the codebook in preparation for its revision and codification, amending City of Topeka Code Sections 2-118, 2-363 through 2-365, 2-401, 2-479, 18-154, 26-4, 26-76, 26-138, 26-420, 26-422, 26-607, 30-286, 30-288, 30-398, 30-441, 30-457, 38-2, 42-2, 42-3, 42-10, 66-101, 66-153, 70-36, 70-57, 74-32, 82-295, 82-298, 86-54, 98-131, 98-133, 98-211, 102-158, 106-74, 106-170, 112-5, 114-156, 130-161, 130-163, 142-63, 142-266, 142-401 through 142-404, 142-748, 146-30, 146-303, 146-352 and 146-458 and specifically repealing said original sections and repealing in their entirety Sections 2-330, 30-60, 30-74, 34-1 through 34-7, 34-36 through 34-62, 34-91 to 34-98, 78-1, 78-261, 78-363 and 130-2 placed on first reading January 12, 2010 was again presented.

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. Mayor Buntin voted "yes." (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Woelfel, Swank, Archer, Preisner, Harmon and Mayor Buntin -8. Absent: Alcalá and Wolgast -2.

ORDINANCE NO. 19371 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire permanent sanitary sewer and temporary construction easements for construction of the Southwest Interceptor, Project No. T-

401009.00, to extend sanitary sewer coverage into an area southwest of Topeka placed on first reading January 12, 2010 was again presented.

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

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted “yes.” (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Woelfel, Swank, Archer, Preisner, Harmon and Mayor Bunten -8. Absent: Alcala and Wolgast -2.

A PROJECT BUDGET in the amount of \$250,000 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-241006.00 (HTE 241250), which provides for construction of a new sidewalk on the north side of SW 10th Avenue, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented. The project budget and ordinance were deferred from the meeting of December 15, 2009.

Norton N. Bonaparte, Jr., City Manager reported that staff has recommended not to proceed with the project at this time. He requested to withdraw the project budget and ordinance from the agenda.

Councilmember Preisner moved to table the project budget and ordinance. The motion was seconded by Councilmember Woelfel.

Councilmember Hiller made a substitute motion to disapprove the ordinance. The motion seconded by Councilmember Ortiz carried. Councilmember Swank voted “no.” Councilmember Harmon abstained. (5-1-1)

RESOLUTION NO. 8233 introduced by Deputy Mayor Richard Harmon relating to the City of Topeka's legislative agenda for the 2010 Legislative session and rescinding Resolution No. 8220 was presented.

Councilmember Harmon reported that the following language was added to the resolution beginning on line 30, "Seek a change to state law relating to income tax credits for qualified historic structure restoration and preservation expenditures to remove the caps on credits for fiscal years 2010 and 2011."

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

Councilmember Woelfel stated that the income tax credit cap was initiated due to budget constraints at the State level and by initiating the cap the State saves between \$7 and \$11 million annually. He noted that if the cap is removed it would add to the State's increasing deficit. He stated that proposed Senate Bill 378 would accomplish the same thing as the resolution, with the exception to replace the dollar cap limitation with a 10% reduction in the amount of income tax credit for expenditures for restoration and preservation of certain historic structures for fiscal year 2011; and would pay the same credits in one-third payments over a three-year period instead of one lump sum. He stated that he would oppose the resolution because he believes it would be redundant and unnecessary.

Councilmember Harmon stated that Mark Kossler, Downtown Topeka, Inc., President has expressed their support of the resolution.

Councilmember Hiller spoke in support of the resolution and stated that the proposal supports local businesses and the redevelopment of the Topeka area. She also stated that the

broad language of the resolution provides City lobbyists with the authority to lobby for approval of Senate Bill 378.

The motion to approve the resolution carried. Councilmember Woelfel voted “no.”
(6-1-0)

ORDINANCE NO. 19372 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of December 28, 2009, through January 3, 2010, 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 Preisner carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Woelfel, Swank, Archer, Preisner and Harmon -7. Absent: Alcala and Wolgast -2.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., assessing the costs of sidewalk repair to real properties, more specifically described hereinafter, all pursuant to the authority found in City of Topeka Code Section 130-373 through 130-378 and Section 126-96 through 126-102 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70204-01, Part C which provides for the widening of SW 29th Street from SW Wanamaker Road to SW Urish Road, as more specifically described herein was presented for first reading.

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. (CPA09/3)

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

Norton N. Bonaparte, Jr., City Manager announced that the City of Topeka Presents Program would highlight City Council District No. 4; and a new program titled “A Mayor’s Minute” would air daily at 7:00 a.m., 12:00 p.m., 7:00 p.m. and 10:00 p.m. on City4. He encouraged citizens to provide feedback to City4 on current programming.

Bill Gomez and TJ Brown appeared to speak under public comment.

Councilmember Ortiz moved to adjourn the City Council meeting. The motion seconded by Councilmember Hiller carried unanimously. (7-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:38 p.m.

Brenda Younger
City Clerk