

Council Minutes – October 12, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 12, 2010. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Archer, Preisner and Harmon -9. Absent: Mayor Bunten -1. Deputy Mayor Swank presided -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.

A PRESENTATION on the status of the Complete Streets and Complete Corridors concept was provided by David Thurbon, Planning Department Director.

Councilmember Preisner requested to remove item 4A, a tort claim appeal by Tyler Hockenbury from the consent agenda for separate discussion.

Upon hearing no objections, Deputy Mayor Swank announced item 4A would be removed from the consent agenda and placed on the Council agenda under New Business as item 6A.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of October 5, 2010 were presented.

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

DENIAL OF A TORT CLAIM APPEAL by Tyler Hockenbury in the amount of \$769.82 was presented.

Councilmember Preisner moved to deny the tort claim appeal. The motion was seconded by Councilmember Wolgast.

Councilmember Alcalá made a substitute motion to pay the tort claim in the amount \$699.82, the total amount listed on the claimant's receipts. The motion seconded by Councilmember Ortiz failed. Councilmembers Hiller, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon voted "no." (2-7-0)

Councilmember Woelfel questioned why the requested amount on the tort claim differs from the amount listed on the receipts.

Ken Benjamin, Assistant City Attorney reported he is not sure why there is a discrepancy in the amounts; however, the \$769.82 was the amount requested by the claimant on the claim form.

The motion to deny the tort claim appeal carried. Councilmembers Alcalá, Ortiz and Woelfel voted "no." (6-3-0)

No Retail Cereal Malt Beverage License applications were presented.

ORDINANCE NO. 19477 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 20, 2010 through September 26, 2010, 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 Alcalá carried unanimously. (9-0-0)

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

RESOLUTION NO. 8296 introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 18.75.030(c)(2) of the Topeka Municipal Code (TMC), approving a

Conditional Use Permit to allow for a vehicle surface parking lot in association with a principal use on property currently zoned “R-2” Single Family Dwelling District and located on the east side of NE Rowley Street approximately 250 feet north of NE Fantine Street in the City of Topeka, Kansas was presented. *(CU10/5)*

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

The City Clerk asked if there were any ex parte communications.

Councilmember Alcala stated he spoke with the applicant and the community has no objections to the zoning change.

Councilmember Alcala moved to approve the resolution. The motion seconded by Councilmember Hiller carried unanimously. Mayor Bunten was absent. *(9-0-0)*

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 18.50.050 of the Topeka Municipal Code (TMC) by providing for certain changes in zoning on property located at 2056 SW Central Park Avenue from “O&I-1” Office and Institutional District TO “PUD” Planned Unit Development District (“O&I-1” use group, plus a contractor’s office and home improvement/building supply store with only interior display, inventory, processing and servicing for non-O&I-1 uses) was presented for first reading. *(PUD10/9)*

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 18.30.010 of the Topeka Municipal Code concerning the definition of “minor plat approval” and specifically repealing said original section was presented for first reading. *(ASR10/2)*

AN ORDINANCE introduced by Councilmember Bob Archer, creating City of Topeka Code Section 9.40.005 concerning the unlawful carrying of a firearm was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager announced the Downtown Kansas Avenue workshop scheduled on October 13, 2010 from 12:00 p.m. to 5:00 p.m. at the 800 S. Jackson Street Building, 1st Floor. He noted a summary of the October 12th Downtown Kansas Avenue workshop is being broadcast on City 4 this week.

Councilmember Hiller announced the 2010 Arty Party was a great success downtown. She expressed the importance of creating destinations for more events to be conducted at downtown locations.

Councilmember Alcalá distributed a hard copy of email correspondence from a number of Councilmembers relating to the City Manager's evaluation. He asked the City Attorney to review the emails and questioned if they were a violation of the Kansas Open Meetings Act. He requested a work session be scheduled to discuss Council communications in relation to the Kansas Open Meetings Act.

Councilmember Ortiz asked how long the SE 15th and Adams Streets intersection would be closed.

Norton N. Bonaparte, Jr., stated he would report back to the Council on the intersection closure.

Councilmember Preisner stated it was his understanding the \$800,000 demanded by the Joint Economic Development Organization to be paid by the City of Topeka for the SE 45th

Street Waterline Relocation Project, are the same funds that were to be allocated for the red water issue in Council District No. 3. He asked if the City had begun work on the red water project.

Norton N. Bonaparte, Jr., stated the majority of the funding that would have been allocated to the red water project will be used for the SE 45th Street Waterline Relocation Project, a project that is time-sensitive. He reported the City has not begun work on the red water project.

Councilmember Alcala moved to adjourn the City Council meeting. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:29 p.m.

Brenda Younger
City Clerk