COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 5, 2007. 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, Blackburn, Preisner and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Swank -1.

AFTER THE MEETING was called to order, Reverend Lee Martin, Topeka Police Department Chaplain, gave the invocation.

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

A PRESENTATION on the Transportation Operations Street Division Pavement Management Project was presented by Mike Pfender, Transportation Operations Superintendent.

Councilmember Kennedy moved to suspend the Council Rules to add a resolution granting a noise exception to Trinity Lutheran Church to the consent agenda. The motion seconded by Councilmember Blackburn carried unanimously. (8-0-0)

Mayor Bunten noted that the resolution would be placed on the consent agenda as item 4I.

Councilmember Blackburn made a motion to reinstate the Council Rules. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION authorizing the Worker's Compensation Settlement in the amount of $77,500 was presented.

A FINAL PLAT for Burdiek Subdivision located at 4751 NW Rochester Road, outside the Municipal Service Area and within the City of Topeka three-mile extraterritorial jurisdiction, all being within unincorporated Shawnee County, Kansas was presented. (P07/2)
A FINAL PLAT for Cedar Crest Plaza Subdivision located on the south side of SW 6th Avenue between SW Governors Lake Road and SW Security Benefit Place the centerline of which is approximately 1,200 feet west of I-70 Highway within the City of Topeka, Kansas was presented. (P07/17)

RESOLUTION NO. 7954 introduced by Deputy Mayor Brett Blackburn granting Capital Title Insurance Company an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

RESOLUTION NO. 7955 introduced by Councilmember Jack Woelfel granting St. Matthew's Catholic Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

RESOLUTION NO. 7956 introduced by Councilmembers Sylvia Ortiz and Jeff Preisner, expressing support for the Paradise Providence Place Development Project was presented.

Minutes of the regular meeting of May 22, 2007 were presented.

2007 Cereal Malt Beverage License Renewal applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSC #48</td>
<td>1531 SW Wanamaker Rd</td>
</tr>
<tr>
<td>The Dock</td>
<td>2838 SE 29th St</td>
</tr>
<tr>
<td>Kelly Express</td>
<td>1001 SW Wanamaker Rd</td>
</tr>
<tr>
<td>Lakeview Amoco</td>
<td>300 SE Croco</td>
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</tbody>
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RESOLUTION NO. 7960 introduced by Councilmember Lana Kennedy granting Trinity Lutheran Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)
A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, June 5, 2007, at 6:00 P.M. for the purpose of hearing and answering objections of taxpayers to the proposed 2007 Operating Budget amendments.

APPROPRIATION ORDINANCE NO. 18888 introduced by City Manager Norton N. Bonaparte, Jr., amending the adopted operating budget for the City of Topeka, for the year 2007, and appropriating the amounts for the purpose as set forth therein was presented for first and final reading.

Norton N. Bonaparte, Jr., City Manager gave the staff report. He stated that the proposed budget amendment would authorize the expenditure of the unbudgeted fund balance and a transfer from the Transient Guest Tax fund; expenditures from the Historic Preservation fund; and a transfer of budgeted monies from the General Improvement fund.

Don Lambert spoke in opposition to the ordinance. He stated that he believes Transient Guest Tax funds are being allocated to private property owners, not a specific historic preservation project.

Chris Meinhardt gave a brief overview of the historic preservation project criteria that is required to receive historic preservation grant funding.

Brenden Long, City Attorney stated that the proposed budget amendment does not impact actual historic preservation expenditures.

Jim Langford, Budget and Finance Director stated that if the Historic Preservation fund amendment is not approved, the expenditure limitation will remain at $12,000. He explained that the amendment proposes increasing the fund by $168,000 for grants for historic property preservation as awarded by the Landmarks Commission, increasing the total fund amount to $182,662.
Councilmember Preisner moved to close the public hearing and adopt the ordinance. The motion was seconded by Councilmember Ortiz.

The City Clerk asked Councilmember Alcala to clarify his vote because the voting board reflected both a “yes” and a “no” vote.

Councilmember Alcala raised a point of order to recast the vote for the purpose of identifying the vote.

Brenden Long, City Attorney ruled that a motion to recast the vote was in order.

The motion to close the public hearing and adopt the ordinance failed. Councilmembers Kennedy, Alcala, Haynes and Blackburn voted no. Councilmember Ortiz abstained. (3-4-1)

Norton N. Bonaparte, Jr., City Manager stated that the previous action taken by the Council would prevent the transfer of all funds, not just the Historic Preservation fund.

Councilmember Blackburn moved to reconsider the motion to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Harmon carried.

Councilmembers Alcala and Haynes voted “no.” Councilmember Ortiz abstained. (5-2-1)

Councilmember Kennedy asked if each fund could be dealt with separately.

Norton N. Bonaparte, Jr., stated that each fund could be voted on separately.

Jim Langford stated that the proposed amendment impacts the funds as follows:

(1) Spend the additional Transient Guest Tax fund balance by increasing the amount for Tourism Development Fund Grants by $69,758;
(2) Transfer $87,000 to the Zoo fund to offset the negative fund balance; and increase the amount for transfer to the Historic Preservation fund by $14,662 to meet the actual transfer amount of $82,662; and
(3) Transfer $600,000 from the General Improvement fund for the Enterprise Resource Planning System Project fund.

Brenden Long suggested that the ordinance be amended to exclude the expenditure increase to the Historic Preservation fund.
Councilmember Blackburn stated that he supports adoption of the ordinance as presented. He suggested that the Council meet with the City Manager to discuss their concerns prior to the allocation of Historic Preservation Fund Grants.

Councilmember Alcala questioned the use of Transient Guest Tax funds, and if the money is being allocated properly.

Brenden Long stated that he believes the funds are being used properly, and in accordance to the City Charter Ordinance.

Councilmember Haynes made a motion to refer the ordinance to the Committee of the Whole. The motion was seconded by Councilmember Ortiz.

Councilmember Blackburn stated that he would oppose the motion to refer the ordinance to the Committee of the Whole because he believes it is important to allocate the Transient Guest Tax funds as soon as possible.

Councilmember Alcala stated that he would oppose the motion to refer the item to the Committee of the Whole because he believes they should vote on each fund separately.

The motion to refer the ordinance to the Committee of the Whole failed. Councilmembers Kennedy, Alcala, Blackburn, Preisner and Harmon voted “no.” (3-5-0)

Councilmember Harmon made a substitute motion to divide the question to consider each fund separately. The motion seconded by Councilmember Alcala carried. Councilmember Woelfel voted “no.” (7-1-0)

Councilmember Preisner moved to increase the Tourism Development Fund Grants by $69,758. The motion seconded by Councilmember Blackburn carried. Councilmember Alcala voted “no.” Councilmember Ortiz abstained. (6-1-1)
Councilmember Preisner moved to transfer $87,000 from the Transient Guest Tax Fund to the Zoo Fund. The motion seconded by Councilmember Blackburn carried unanimously. (8-0-0)

Jim Langford stated that because $87,000 was transferred from the Transient Guest Tax fund to the Zoo fund, $14,662 needs to be transferred from the Historic Preservation fund to offset the negative fund balance, and meet the actual transfer amount of $82,662.

Councilmember Preisner moved to transfer $14,662 from the Transient Guest Tax fund to the Historic Preservation fund. The motion seconded by Councilmember Ortiz failed. Councilmembers Kennedy, Haynes and Harmon voted “no”. Councilmember Blackburn abstained. (4-3-1)

Councilmember Harmon moved to transfer $600,000 from the General Improvement fund to the Enterprise Resource System Project fund. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

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

The ordinance was adopted as amended on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Blackburn, Preisner and Harmon -8. Absent: Swank -1.

A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, June 5, 2007, at 6:00 P.M. relating to the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 60598-02, authorized by Resolution No. 7918, adopted and approved February 20, 2007 and rescinding City of Topeka Resolution of Advisability and Authorization No. 7593.
ORDINANCE NO. 18889 introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Street Improvement Project No. 60598-02 with pavement, curb and gutter and all other contingencies needed to complete the project as defined and described in Resolution No. 7918, adopted and approved February 28, 2007, placed on first reading May 22, 2007 was again presented.

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

Councilmember Woelfel moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Haynes carried unanimously. (8-0-0)

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

ORDINANCE NO. 18890 introduced by City Manager, Norton N. Bonaparte, Jr., annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, generally located at 6642 SW 29th Street within unincorporated Shawnee County, Kansas, and contiguous with the City of Topeka corporate limits, and said land being annexed for all City purposes placed on first reading May 22, 2007 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 Kennedy carried unanimously. (8-0-0)

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

A PROJECT BUDGET in the amount of $215,000 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70142-04, Part A,
which provides for the design of the reconstruction and widening of SE California Avenue, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, placed on first reading May 22, 2007 was again presented.

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

Larry Rinker, area resident spoke in opposition to installing a roundabout at SE 37th Street and SE California Avenue.

Mike Teply, Interim Director of Public Works stated that approval only allows for the design, not the actual construction of the project.

Councilmember Woelfel noted that there are a number of area residents who oppose the project. He requested that the project be deferred until September 11, 2007 to allow additional time to speak with area residents and address their concerns about the project.

Councilmember Woelfel moved to defer the project budget and the ordinance until September 11, 2007. The motion seconded by Councilmember Haynes carried unanimously. (8-0-0)

RESOLUTION NO. 7957 introduced by Councilmember Jeff Preisner approving an increase in the City Manager's salary and benefits, was presented.

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

Councilmember Preisner explained that the resolution would provide for a 3.5% salary increase, and a contribution to a deferred compensation program in the amount equal to 2% of the City Manager’s salary.

Councilmember Preisner moved to approve the resolution. The motion was seconded by Councilmember Ortiz.
Larry Cobler spoke in opposition to the salary increase. He stated that he believes, due to possible cutbacks in Fire and Police personnel, and a potential raise in the 2008 property taxes, the increase cannot be justified at this time.

Councilmember Kennedy stated that she has received many calls and emails regarding the recent news release stating that there would be an increase in 2008 property taxes.

Norton N. Bonaparte, Jr., City Manager stated that the 2008 property tax information that was released by the media was incorrect. He explained that they have met with the media, and corrected information will be released soon.

Councilmember Haynes expressed concern with establishing an overall precedence for future pay increases.

Councilmember Blackburn stated that he believes an increase in salary, or a bonus is justified by the Council’s recent evaluation of the City Manager.

Councilmember Blackburn made a substitute motion to provide a 2.1% bonus based on the City Manager’s regular salary of $137,500. The motion was seconded by Councilmember Preisner.

Councilmember Alcala stated that he would not support the substitute motion because the City does not have a policy regulating the issuance of employee bonuses.

Councilmember Harmon asked if Mr. Bonaparte’s employment contract authorized a contribution to a deferred comprehension program.

Norton N. Bonaparte, Jr. stated that it was not included, but was discussed during hiring negotiations to be considered at a later date.

The substitute motion to provide a 2.1% bonus based on the City Manager’s regular salary of $137,500 carried. Councilmembers Kennedy, Alcala and Ortiz voted “no”. (5-3-0)
RESOLUTION NO. 7958 introduced by City Manager Norton N. Bonaparte, Jr., naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatures and rescinding City of Topeka Resolution No. 7606 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 unanimously. (8-0-0)

RESOLUTION NO. 7959 introduced by City Manager Norton N. Bonaparte, Jr., setting the public hearing for Establishment of a Redevelopment District for the East Gate Project area 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 unanimously. (8-0-0)

Angela Sharp, Bartlett & West Engineers appeared to answer questions.

Matthew Gough, attorney representing the applicant appeared to answer questions.

ORDINANCE NO. 18891 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 7, 2007, through May 13, 2007, 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 Kennedy carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Blackburn, Preisner and Harmon -8. Absent: Swank -1.
ORDINANCE NO. 18892 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 14, 2007, through May 20, 2007, 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 Woelfel carried unanimously. (8-0-0)

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

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., regarding a Contract Franchise Ordinance granted to Birch Telecom of Kansas, Inc., a telecommunications local exchange service provider providing local exchange service within the City of Topeka, Kansas was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., regarding a Contract Franchise Ordinance granted to Ionex Communications, Inc., a telecommunications local exchange service provider providing local exchange service within the City of Topeka, Kansas was presented for first reading.

AN ORDINANCE introduced by Councilmembers Brett Blackburn, Lana Kennedy and Deborah Swank sitting as the Economic and Community Development Committee relating to contractors, masters, journeymen and apprentices licensing, amending Topeka City Code Section 30-62 and repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Main Sanitary Sewer District No. 40932-00
with piping, manholes, engineering and all other contingencies needed to complete Main
Sanitary Sewer District No. 40932-00, as defined and described in Resolution No. 7610, adopted
and approved April 19, 2005 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning
and levying a special assessment on certain lots and pieces of ground in the City of Topeka,
Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60611-03
with pavement, curb and gutter and all other contingencies needed to complete the project as
defined and described in Resolution No. 7764, adopted and approved March 7, 2006 was
presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., designating
real property more specifically described herein as an historic landmark and presently zoned “M-
1” Two-Family Dwelling District and located at 1600 SW Harrison Street in the City of Topeka,
Kansas, pursuant to City of Topeka Code Section 80-4 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., designating
real property more specifically described herein as an historic landmark and presently zoned "M-
3" Multiple-Family Dwelling District and located at 701 SW Topeka Boulevard in the City of
Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the
Master PUD Plan of Arbor Valley Subdivision, by changing the maximum allowable dwelling
units from 260 dwelling units (M-1a use group) to a maximum 300 dwelling units (204 dwelling
units at M-1a use group and 96 dwelling units at M-2 use group) on property located at 6423 SW
Hunton Street in the City of Topeka, Kansas 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 3420 SW Fairlawn Road in the City of Topeka, Kansas from "R-1" Single-Family Dwelling District to "PUD" Planned Unit Development District ("C-1", "O and I-1" and "M-1a" use groups) was presented for first reading.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 20-foot wide utility easement and a 20-foot wide ingress/egress easement in Westlawn Addition located at the northeast corner of SW 10th Avenue and SW Lane Street 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 the northwest corner of SE 18th Street and SE Jefferson Street in the City of Topeka, Kansas from “M-1” Two Family Dwelling District to “I-1” Light Industrial 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 the northeast corner of SE 18th Street and SE Jefferson Street in the City of Topeka, Kansas from “M-1” Two Family Dwelling District to “I-1” Light Industrial 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 south of SE 18th Street approximately 118 feet east of SE Madison Street in the City of Topeka, Kansas from “M-1” Two Family Dwelling District to “I-1” Light Industrial 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 2200 NW Brickyard Road in the City of Topeka, Kansas from “PUD” Planned Unit Development District ("I-1" use group) to “I-1” Light Industrial District was presented for first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL, were presented.

Norton N. Bonaparte, Jr., City Manager announced upcoming community events. He also announced that the Topeka Police Department would be administering written and physical exams on Saturday, June 9th beginning at 8:00 a.m. He noted that the application deadline is June 7th.

Larry Cobler, Thomas Simpson, Loretta Carman, Pam Foreman, Joe Foreman, and John Cory appeared to speak under public comment.
NO FURTHER BUSINESS appearing the meeting was adjourned at 8:31 p.m.

Brenda Younger  
City Clerk