

City Council Minutes – April 12, 2005

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 12, 2005. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M.

AFTER THE MEETING was called to order, prayer was offered by Councilmember Clark Duffy.

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

FAREWELL TO MAYOR MCCLINTON AND COUNCILMEMBERS Duane Pomeroy, Lover Chancler, Lisa Stubbs and Tiffany Muller, was held.

SWEARING IN CEREMONY for newly elected Mayor William W. Bunten and Councilmembers Lana Kennedy, Sylvia Ortiz, Brett Blackburn and Richard Harmon, was held.

Mayor Bunten called the meeting to order and the following Councilmembers were present: Councilmembers Kennedy, Alcalá, Ortiz, Nave, Duffy, Haynes, Blackburn, Preisner, and Harmon -9. Mayor Bunten presided -1.

ELECTION of Deputy Mayor, was held.

Councilmember Haynes moved to nominate Councilmember Alcalá. The motion was seconded by Councilmember Kennedy.

Councilmember Nave moved to nominate Councilmember Preisner. The motion was seconded by Councilmember Duffy.

Councilmember Preisner moved to close the nominations. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

After a tally of the votes, the City Clerk announced that Councilmember Alcalá received five votes and Councilmember Preisner received four votes.

Mayor Bunten congratulated Councilmember Alcalá on being selected as the Deputy Mayor.

ELECTION OF VOTING BOARD MEMBERS of the Joint Economic Development Organization (JEDO), was held.

Councilmember Alcalá moved to nominate Councilmember Haynes. The motion was seconded by Councilmember Nave.

Councilmember Haynes moved to nominate Councilmember Nave. The motion was seconded by Councilmember Blackburn.

Councilmember Preisner moved to nominate Councilmember Blackburn. The motion was seconded by Councilmember Duffy.

Councilmember Preisner moved to close the nominations. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

Councilmember Preisner moved to vote until a unanimous decision is reached. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

After one ballot Councilmember Nave and Councilmember Haynes were elected to serve as voting members of the JEDO Board.

A COMMUNICATION regarding the appointment of an acting City Manager, was presented.

Councilmember Haynes moved to adjourn into executive session for a period not to exceed twenty minutes to discuss personnel matters. The motion seconded by Councilmember Blackburn carried. Councilmembers Duffy and Preisner voted "no". (7-2-0)

Following a twenty minute time period, Mayor Bunten called the meeting back to order and stated that no action had been taken.

Councilmember Alcala moved to appoint Jim Langford as acting City Manager. The motion was seconded by Councilmember Ortiz.

Councilmember Preisner made a substitute motion to appoint Neil Dobler as acting City Manager. The motion was seconded by Councilmember Nave.

Discussion continued by Councilmembers regarding each candidate's qualifications and work experience. The principal concern expressed was the importance of appointing a person to the position from within the organization, compared to someone outside the organization who is unfamiliar with the day-to-day process.

Councilmember Alcala inquired on the position's starting salary.

Mayor Bunten noted that the starting salary would be set by the City Council.

David Price spoke in opposition of appointing a current city employee to the position.

Joseph Ledbetter stated that he believes if a current city employee is appointed to the position it would discourage other qualified candidates from outside the organization to apply for the position.

Bob Sherburne spoke in opposition of hiring a city employee to fill the position.

Fred Sanders encouraged the City Council to open the application process to the public.

The motion to appoint Neil Dobler as acting City Manager carried. Councilmembers Kennedy, Alcala, Ortiz and Haynes voted "no". (5-4-0)

Councilmember Preisner moved to direct the Legal Department to draft a contract setting the annual salary at \$125,000, and include a statement that would allow Neil Dobler to return to his former position as Public Works Director. The motion was seconded by Councilmember Nave.

Councilmember Alcala made a substitute motion to negotiate a salary not to exceed \$125,000, and include a statement that would allow Neil Dobler to return to his former position as Public Works Director. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

A COMMUNICATION regarding selection of an executive search firm to retain professional assistance in the search for a city manager, was presented.

Jay Oyler, Director of Contracts and Procurement gave the staff report and stated that seven bids were received.

Councilmember Preisner stated that he worked with staff to establish a ranking of the executive search firms.

Councilmember Ortiz and Councilmember Kennedy stated that they have not had an opportunity to review the information. They requested that more time be allowed to review the documents.

Councilmember Alcala moved to defer one week to allow the bids to be reviewed at the April 19, 2005 work session. The motion was seconded by Councilmember Nave.

Joesph Ledbetter stated that public involvement is important when selecting a city manager.

The motion to defer one week to allow the documents to be reviewed at the April 19, 2005 work session carried. Councilmember Preisner voted "no". (8-1-0)

ORDINANCE NO. 18416 introduced pursuant to the provisions of City of Topeka Charter Ordinance No. 94, Section 12, establishing city council meeting times and places, amending City of Topeka Code Section 2-27, as amended by City of Topeka Ordinance No. 18381 placed on first reading March 22, 2005 was again presented.

Councilmember Preisner moved to amend the ordinance after the word “building” on line 19, inserting “or other designated locations, the first four Mondays of each month at 6:00 p.m.”. The motion was seconded by Councilmember Duffy.

Councilmember Haynes made a substitute motion to conduct a work session on the first and third Tuesday of each month at 5:30 p.m. to address the Consent Agenda items and First readings, and conduct regular meetings on the second and fourth Tuesday of each month at 7:00 p.m. to address action items. The motion was seconded by Councilmember Alcalá.

Mayor Bunten suggested that they approve the original ordinance and then defer the matter to a committee for consideration of the suggested amendments.

Councilmember Alcalá suggested that they vote the amendments down and consider them in the Policy and Finance Committee.

Councilmember Haynes withdrew the substitute motion. The second concurred.

Councilmember Haynes moved to adopt the ordinance and refer the matter to the Policy and Finance Committee. The motion seconded by Councilmember Alcalá carried.

Councilmember Preisner voted "no". (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn and Harmon -8. Noes: Preisner -1.

David Price expressed concern with the amendment process of Charter Ordinance No. 94.

Fred Sanders expressed concern with the amendment process of Charter Ordinance No. 94 and the suggested change in Council Meeting days.

Frank Kirtdoll cautioned the City Council to read the Kansas Constitution.

RESOLUTION NO. 7606 of the City of Topeka naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatures and rescinding City of Topeka No. 7528 was presented.

Councilmember Alcalá moved to amend line 30 of the resolution to include “Neil Dobler”. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

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

RESOLUTION NO. 7607 of the City of Topeka, Kansas authorizing the issuance of certain checks prior to approval of the expenditure ordinance and providing the procedure for the same was presented.

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

RESOLUTION NO. 7608 of the City of Topeka, Kansas authorizing the execution of certain contracts by the city manager and the reporting of same to the city council was presented.

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

THE CONSENT AGENDA was presented as follows:

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for Fast Lane, 512 SW Topeka Boulevard was presented.

A Dance Hall License application bearing the approval of the Chief of Police and City Inspectors for Green Parrot Downtown, 702 S. Kansas Avenue was presented.

Open After Mid-Night License renewal applications for 2005-2006 bearing the approval of the Chief of Police and City Inspectors were presented as follows:

<u>Business</u>	<u>Address</u>
After Dark Video	2315 N. Topeka Boulevard
After Dark Video	903 N. Kansas Avenue
Applebee's Neighborhood Grill & Bar	5928 SW 17 th Street
Azteca Night Club	1201 SE 6 th Avenue
The Boobie Trap Bar	1417 SW 6 th Street
The Back Door	610 Wayne
The Celtic Fox	118 SW 8 th Street
Coming Attractions Theatres, Inc.	1801 SW Wanamaker Road
Cousins Club	1211 S. Kansas Avenue
The Den	1116 NW Lower Silver Lake Road
Denny's Restaurant	3210 SW Topeka Boulevard
Denny's Restaurant	1500 Wanamaker Road
Doc Holliday's	425 SW 30 th Street
The Dugout	1545 SW Fairlawn
Electric Cowboy of Topeka	3249 SW Topeka Boulevard
Excel Kansas Management, Inc.	4720 SW Topeka Boulevard
Hollywood Video #016-824	400 SW 29 th Street
Hummers Market	600 SW Fairlawn
Hummers Market	2836 Fairlawn
Hummers Market	3300 SW Gage
IHOP	1713 Wanamaker Road
Ichabod Laundra Bar	1501 W. 21 st Street
Jeremiah Bullfrog's Bar & Grille II	4115 SW Huntoon
Kickstart Saloon	2521 N. Kansas Avenue
River Hill Stadium #160	6200 SW 6 th Avenue
Sixth Avenue Ballroom	117 SW 6 th Street
Some Like It Hot	4732 SW Topeka Boulevard
Spanky's Bar and Grille	3100 SW Gage Boulevard
Starlite Skate Center, Inc.	301 SE 45 th Street
The 20's	2910 S. Oakley
Westridge 8 Cinemas #74	1727 SW Wanamaker
Wood Valley Racquet Club, Inc.	2909 SW 37 th Street

Councilmember Alcalá moved to approve the applications. The motion seconded by

Councilmember Preisner carried unanimously. (9-0-0)

Minutes of the Regular Meeting of March 22, 2005 were presented.

Councilmember Alcalá moved to approve the Minutes of the Regular Meeting of March 22, 2005. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

AN ORDINANCE introduced by Councilmember John Alcala, authorizing the sale and consumption of cereal malt beverages during the celebration of Cinco de Mayo on May 5, 2005, in downtown Topeka was presented for first reading.

A RESOLUTION of the City of Topeka, amending and adopting the Topeka City Council Rules and Procedures was presented.

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

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Mayor Bunten suggested that a meeting be held on April 16, 2005 at 8:30 a.m. in the City Council Office to discuss the rules and policy of the City Council.

Councilmember Haynes moved to schedule a meeting on April 16, 2005 at 8:30 a.m. in the City Council Office to discuss the rules and policy of the City Council. The motion seconded by Councilmember Alcala carried. Councilmembers Duffy and Blackburn voted "no". Councilmember Preisner was out of the room. (6-3-0)

Councilmember Alcala submitted five documents to be placed on a future agenda. He also asked each Councilmember to submit a written request of the committees they would like to serve on by April 15, 2005.

Councilmember Blackburn submitted an ordinance to be placed on a future agenda.

Mark Schreiner appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:45 p.m.

Iris Walker
City Clerk