

City Council Minutes – August 23, 2005

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 23, 2005. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcalá, Ortiz, Nave, Haynes, Blackburn, Duffy, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Councilmember Kennedy gave the invocation.

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

Councilmember Blackburn moved to suspend the council rules to add a resolution to the agenda concerning transient guest tax funding for the Great Overland Station and park projects. The motion seconded by Councilmember Preisner carried unanimously. Councilmember Alcalá voted "no". (8-1-0)

Mayor Bunten noted that the resolution would be placed on the agenda under New Business, Item 6F.

MINUTES of the Regular Meeting of August 16, 2005 were presented.

A COMMUNICATION recommending the appointment of L.J. Polly to the Community Advisory Council for a two-year term that would expire on December 31, 2007, was presented.

A COMMUNICATION recommending the appointment of Brooks Brady to the Juvenile Corrections Advisory Board for a two-year term that would expire on June 30, 2007, was presented.

A COMMUNICATION recommending the appointment of Anthony Fadale to the Human Relations Commission for a two-year term that would expire on August 31, 2007, was presented.

Councilmember Preisner moved to approve the minutes and the consent agenda. The motion seconded by Councilmember Blackburn carried unanimously. (9-0-0)

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, August 23, 2005, at 7:00 P.M. in conjunction with vacation request V05E/8 by Catholic Archdiocese of Kansas City in Kansas to vacate a portion of a drainage detention facility easement located at 5973 SW 25th Street.

ORDINANCE NO. 18490 introduced by City Manager Neil Dobler, relating to the vacation of a portion of a drainage detention facility easement located at 5973 SW 25th Street, City of Topeka, Shawnee County, Kansas placed on first reading August 16, 2005 was again presented. (V05E/8)

Neil Dobler, City Manager gave the staff report.

Councilmember Alcalá moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

AN ORDINANCE introduced by Councilmember John Alcalá concerning the Department of Housing and Neighborhood Development, Citizen Advisory Council and Neighborhood Improvement Associations, amending City of Topeka Code Sections 42-1, 42-2, 42-3, 42-4, 42-5, 42-7, 42-9, 42-10, 42-11, 42-12 and 42-13 and specifically repealing said original sections and City of Topeka Code Section 42-6 placed on first reading August 16, 2005 was again presented.

Councilmember Alcalá stated that the ordinance would expand the powers of the Community Advisory Council by converting them into an advisory group to the Mayor, City

Council and City Manager. He stated that the ordinance also addresses legality and technical issues.

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

Councilmember Haynes asked for clarification on the section relating to associate members voting rights.

Brenden Long, City Attorney explained that associate members have all rights of the Neighborhood Improvement Association members, except that do not have the right to vote.

Councilmember Haynes made a substitute motion to refer the ordinance to the Committee of the Whole for a period not to exceed thirty days. The motion was seconded by Councilmember Blackburn.

Councilmember Preisner called the question.

Councilmember Alcalá challenged the call to the question.

The motion on shall the question be called failed. Councilmembers Kennedy, Alcalá, Ortiz, Duffy and Blackburn voted "no". (4-5-0)

Councilmember Alcalá moved to allow the sixteen conferees signed up to speak on the item an opportunity to speak. The motion was seconded by Councilmember Ortiz.

Mayor Bunten ruled that Councilmember Alcalá's motion was out of order because there was a substitute motion already pending.

Councilmember Blackburn stated that they are not eliminating public comment because conferees would be allowed to speak at the committee meeting.

Councilmember Alcalá challenged the ruling of the Chair.

The ruling of the Chair was upheld. Councilmembers Kennedy, Alcala, Ortiz and Nave voted "no". (5-4-0)

The substitute motion to refer the ordinance to the Committee of the Whole for a period not to exceed thirty days carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$1,552,500 and ORDINANCE NO. 18491 introduced by City Manager Neil Dobler authorizing Improvement Project No. 28593 which provides for the extension of City water service to the Rockfire at the Lake development and areas south of Lake Shawnee which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof pursuant to K.S.A. 10-101 AND 10-1201, *et seq.*, and all amendments thereto placed on first reading August 16, 2005 was again presented.

NOTICE OF INTENTION to make improvements under Improvement Project No. 28593 which provides for the extension of City water service to the Rockfire at the Lake development and areas south of Lake Shawnee which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof pursuant to K.S.A. 10-101 AND 10-1201, *et seq.*, and all amendments thereto was presented.

Neil Dobler, City Manager gave the staff report.

Councilmember Preisner moved to approve the project budget, ordinance and notice of intention. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

RESOLUTION NO. 7673 by City Manager Neil Dobler, adopting the 2005-2006 Capital Budget for the City of Topeka, Kansas, and rescinding City of Topeka Resolution No. 7656 was presented.

Neil Dobler, City Manager gave the staff report.

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

RESOLUTION NO. 7674 introduced by City Manager Neil Dobler, authorizing an expenditure from the Softball/Sports Facilities Reserve Fund for the purpose of completing the remaining enhancements and for future on-going maintenance at the Rueger Park Softball Complex, pursuant to City of Topeka Ordinance No. 16269 was presented. The resolution was deferred from the meeting of August 16, 2005.

Neil Dobler, City Manager gave the staff report.

Terry Bertels, Parks and Recreation Department explained the request and gave a brief history of the fund.

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

A COMMUNICATION recommending the appointments of Joe Gutierrez and Curtis Pitts to the Topeka Human Relations Commission for a two-year term that would expire on

August 31, 2007, was presented. The resolution was deferred from the meeting of August 16, 2005.

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

A RESOLUTION introduced by Councilmember Brett Blackburn concerning transient guest tax funding for the Great Overland Station and park projects, repealing City of Topeka Resolution No. 7253 was presented.

Councilmember Blackburn stated that he is requesting to transfer \$200,000 to Ward Meade Park and \$225,000 to the Topeka Zoo from the Parks fund because of budgetary constraints.

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

Councilmember Alcalá asked his colleagues to disapprove the resolution because approval would cease funding to enhance the property north of the Great Overland Station and the Veteran's Memorial.

Councilmember Duffy clarified that the enhancements were proposed by the Railroad Heritage, not the City. He asked if the City could still expect Railroad Heritage to fulfill their commitment to improve the area. He also asked what kind of impact it would have if the funds were removed.

Councilmember Blackburn stated the he believes that the funds could be better utilized in other parts of the city.

Bob St. John, Great Overland Station spoke in opposition of the resolution and stated that approval of the resolution would be detrimental in obtaining TEA-21 grants. He explained that City funding helped secure ownership of surrounding land and assists with the mortgage.

Brenden Long, City Attorney stated that the \$94,000 for the TEA-21 grants would not be affected.

Beth Fager, Great Overland Station stated that the plan is still in place although they may be a year or more behind schedule due to the developments with the Kansas Avenue Bridge ramp, and the upcoming Topeka Boulevard Bridge reconstruction project. She also stated that it is important for the city to carry through with their commitment to ensure that long-term plans are carried out.

Larry Cobler stated that he believes the funds should be placed in the general fund for the purchase of a new fire truck.

Jack Alexander, Vice President of the Great Overland Station Board spoke in opposition of the resolution and stated that the funds play a vital role in completing the Great Overland Station Project.

Councilmember Duffy stated that he opposes the resolution because the City should follow through with their financial commitment regarding the project.

The motion to approve the resolution failed. Councilmembers Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy and Harmon voted "no". (2-7-0)

Councilmember Kennedy moved to consider Planning Items 8A, 8B and 8C next on the agenda. The motion seconded by Councilmember Blackburn carried unanimously. (9-0-0)

Neil Dobler, City Manager stated that the developer requested that the zoning petition and the ordinance for property at SE 29th Street and Wittenberg Road be withdrawn at this time.

(PUD05/4)

Councilmember Nave moved to withdraw the zoning petition and the ordinance from the agenda. The motion seconded by Councilmember Harmon carried unanimously. (9-0-0)

A ZONING PETITION and ORDINANCE NO. 18495 introduced by City Manager Neil Dobler 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 615 SW Polk in the City of Topeka, Kansas from "M-3" Multiple Family Dwelling District TO "O&I-2" Office and Institutional District placed on first reading August 16, 2005 was again presented. *(Z05/29)*

Neil Dobler, City Manager gave the staff report.

Mayor Bunten asked if there were any additional exparte communications besides Councilmember Kennedy. There were none declared.

Councilmember Kennedy moved to approve the zoning petition and 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: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

A ZONING PETITION and ORDINANCE NO. 18494 introduced by City Manager Neil Dobler 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 301, 303 and 305 South Kansas Avenue in the City of Topeka, Kansas from

“I-1” Light Industrial District TO “D-1” Downtown District placed on first reading August 16, 2005 was again presented. (Z05/25)

Neil Dobler, City Manager gave the staff report.

Mayor Bunten asked if there were any additional exparte communications besides Councilmember Harmon. There were none declared.

Councilmember Kennedy moved to approve the zoning petition and 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: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

APPROPRIATION ORDINANCE NO. 18492 introduced by City Manager Neil Dobler approving and adopting the operating budget for the City of Topeka, for the year 2006, and appropriating the amounts for the purpose as set forth therein was presented for first and final reading.

Councilmember Preisner moved to adopt the amendments of the August 16, 2005 Work Session. The motion seconded by Councilmember Blackburn carried. Councilmember Haynes voted "no". (8-1-0) (*See Attached Document*)

Councilmember Duffy gave the budget subcommittee report on the review of the Parks and Recreation budget. (*See Attached Document*)

Councilmember Duffy moved to adopt the subcommittee report. The motion was seconded by Councilmember Blackburn.

Councilmember Haynes stated that he disagrees with the proposed amendments. He stated that the City Manager's original proposed budget included funding of a fire truck, but now it would have to be purchased using general obligation bonds.

The motion to adopt the committee report carried. Councilmember Haynes voted "no".
(8-1-0)

Councilmember Alcalá moved to amend the budget by appropriating \$850,000 of general fund monies to reinstate Fire Department Engine Company No. 3, and 12 positions to man the station. The motion was seconded by Councilmember Oritz.

Councilmember Blackburn made a substitute motion to restore 8 positions instead of 12. The motion was seconded by Councilmember Alcalá.

Larry Cobler spoke in support of the reinstatement of Engine Company No. 3 and stated that it is vital to the public safety of the entire city.

Chris Herrera, President of Local Union No. 83 appeared in support of restoring Engine Company No. 3, and stated that he believes it plays a vital part in the community's safety as a whole.

The substitute motion failed. Councilmembers Nave, Duffy, Preisner and Harmon voted "no". Councilmember Haynes abstained. (4-4-1)

The motion to reinstate Engine Company No. 3 and 12 FTE positions failed. Councilmembers Nave, Duffy, Preisner and Harmon voted "no". Councilmember Haynes abstained. (4-4-1)

Neil Dobler, City Manager distributed a handout and explained the proposed changes to funding for the social service agencies.

Councilmember Blackburn stated that he had further amendments concerning funding to the Topeka Performing Arts Center (TPAC) and the Topeka Cemetery.

Councilmember Alcalá stated that he also plans to make amendments regarding TPAC funding allocations.

Councilmember Alcala moved to amend the budget by appropriating an additional \$183,000 from the general fund and \$140,000 from the Transient Guest Tax fund to TPAC. The motion was seconded by Councilmember Nave.

Councilmember Blackburn stated that he believes funding of the arts is not a governmental function, and it is unfair to the taxpayers. He also noted that TPAC has not shown a profit in the fifteen years they have been in business.

Councilmember Alcala called the question.

Councilmember Blackburn challenged the call to the question.

The motion on if the question shall be called carried. Councilmember Kennedy, Duffy and Blackburn vote “no”. (6-3-0)

The motion to transfer \$183,000 from the general fund and \$140,000 from the Transient Guest Tax fund to TPAC carried. Councilmember Kennedy, Haynes and Blackburn voted "no". (6-3-0)

Councilmember Blackburn moved to amend the budget by shifting \$22,000 from the Public Works budget to the Planning Department’s budget to fund work done by the Topeka Metropolitan Transit Authority for the Planning Department. The motion seconded by Councilmember Preisner carried. Councilmember Haynes abstained. (8-0-1)

Councilmember Haynes moved to reduce the operating budget by \$1,937,401 reducing the mill levy by .2 mills. (*See Attached Document*) The motion seconded by Councilmember Duffy failed. Councilmembers Kennedy, Alcala, Ortiz, Nave, Blackburn, Preisner and Harmon voted "no". (2-7-0)

Councilmember Ortiz moved to amend the budget by reducing \$10,000 from the Kansas Expo Centre Marketing line item of the Transient Guest Tax fund, and add \$10,000 to the Juneteenth Celebration. The motion was seconded by Councilmember Alcalá.

Councilmember Duffy stated that he supports the program, however, an ordinance outlining the policy was established regarding similar requests and should be followed.

The motion to transfer \$10,000 to the Juneteenth Celebration carried. Councilmember Preisner and Harmon voted "no". (7-2-0)

Councilmember Nave moved to amend the budget by appropriating \$77,000 from the general fund to the Human Relations Commission (HRC) Department, which would include \$57,000 for the position and \$20,000 for education. The motion was seconded by Councilmember Duffy.

Councilmember Haynes stated that in view of the fact that the Director did not make this request, he would not support it.

Councilmember Blackburn stated that he feels the City should implement a hiring freeze due to the pending consolidation proposal.

Councilmember Alcalá noted that the HRC Director lobbied for a new ADA position at the committee meeting.

Councilmember Duffy stated that he would support the amendment because of the need to promote diversity, and this is a beginning step necessary for that.

The motion appropriating \$77,000 to the HRC Department carried. Councilmembers Haynes, Blackburn and Harmon voted "no". (6-3-0)

Councilmember Kennedy moved to reduce the capital project line by \$500,000 for the ERP software. The motion was seconded by Councilmember Blackburn.

Neil Dobler, City Manager stated that they would not move forward with the project until after a decision regarding consolidation has been made.

The motion to reduce the capital project line by \$500,000 carried. Nave, Duffy, Preisner and Harmon voted "no". (5-4-0)

Councilmember Alcalá moved to amend the budget by allocating an additional \$13,000 to fund LULAC, Pappan's Landing and the East Topeka Senior Center so they are funded at the same level they were last year. The motion was seconded by Councilmember Kennedy.

Following further discussion, Councilmember Alcalá withdrew the motion.

Councilmember Preisner moved to amend the budget by appropriating \$83,000 from the general fund to the Arts Council. The motion was seconded by Councilmember Nave.

Linda Lee, President of the Arts Council requested funding for one year to allow them time to find private funding or come back with another proposal.

Councilmember Duffy asked if the City's funding was for children's programming or for office staff.

Linda Lee stated that it is used for office staff, and in turn the staff finds grants for the children's programs.

Dave Wilson, Topeka Arts Council explained the benefits of the arts program. He stated that for every dollar that is invested in the arts, twenty dollars come back in economic development.

Michael Bradley, Topeka Arts Council stated that the Arts Council plays an important role in helping them work with disadvantaged kids.

Councilmember Kennedy asked Councilmember Preisner if he would defer the motion relating to the funding of the Arts Council until later in the evening to see if they could make other budget cuts.

Councilmember Preisner stated that he would prefer that the vote not be postponed.

The motion failed. Councilmembers Kennedy, Alcalá, Ortiz and Blackburn voted "no". Councilmember Haynes abstained. (4-4-1)

Mayor Bunten asked the Council to vote on the issue again to clarify the vote.

Councilmember Blackburn announced that his vote should reflect a "no" vote.

Councilmember Alcalá challenged the ruling of the chair. He stated that it is unfair to the Councilmembers who voted on the prevailing side because the City Clerk has already announced the vote. He also stated that he believes it is unnecessary to vote again because Councilmember Blackburn clarified that he intended to vote "no" although the voting board reflected a yes and no vote.

The motion on if the ruling of the Chair shall be upheld failed. Councilmembers Kennedy, Alcalá, Ortiz, Blackburn and Harmon voted "no". (4-5-0)

The motion to appropriate \$83,000 to the Arts Council failed. Councilmembers Kennedy, Alcalá, Ortiz and Blackburn voted "no". Councilmember Haynes abstained. (4-4-1)

Councilmember Alcalá moved to extend the meeting until the budget is complete. The motion was seconded by Councilmember Nave.

Councilmember Duffy made a substitute motion to extend the meeting through the end of new business. The motion seconded by Councilmember Harmon carried. Councilmember Ortiz was out of the room. (8-1-0)

Councilmember Blackburn moved to reduce the funding for Downtown Topeka, Inc., by \$250,000. The motion was seconded by Councilmember Kennedy.

Councilmember Alcalá moved to recess for eight minutes. The motion seconded by Councilmember Nave carried. Councilmembers Ortiz, Kennedy and Duffy were out of the room. (6-3-0)

The motion to reduce the funding for Downtown Topeka, Inc., by \$250,000 failed. Councilmembers Nave, Haynes, Duffy, Preisner and Harmon voted "no". (4-5-0)

Councilmember Nave moved to reconsider Councilmember Blackburn's motion to reinstate the Fire Department's Engine Company No. 3 and 8 FTE positions in the amount of \$600,000. The motion was seconded by Councilmember Alcalá.

Councilmember Kennedy called the question.

The motion to reconsider the vote carried. Councilmembers Duffy and Preisner voted "no". Councilmember Haynes abstained. (6-2-1)

Councilmember Alcalá moved to reinstate Engine Company No. 3 and 8 FTE positions in the amount of \$600,000. The motion was seconded by Councilmember Blackburn.

Councilmember Harmon stated that he would oppose the motion because District No. 9 does not have a fire station and they need a plan on where fire stations should be located throughout the city.

The motion to allocate \$600,000 to the Fire Department carried. Councilmembers Duffy, Preisner and Harmon voted "no". Councilmember Haynes abstained. (5-3-1)

Several Councilmembers expressed concern with the fire protection of the entire city.

Neil Dobler, City Manager requested additional funding for a consultant to study the Fire Department operation.

Councilmember Kennedy moved to appropriate \$75,000 for a study of the fire department. The motion seconded by Councilmember Alcala carried. Councilmember Duffy voted "no". Councilmember Haynes abstained. (6-1-1)

Councilmember Ortiz left the meeting due to a family emergency.

Councilmember Duffy stated that he would like information regarding response times for Council District No. 6.

Councilmember Alcala noted that information regarding response times for the entire city is located in the Council Office.

Councilmember Blackburn moved to reduce Topeka Cemetery funding from \$100,000 to \$40,000. The motion seconded by Councilmember Harmon failed. Councilmembers Kennedy, Alcala, Nave, Haynes, Duffy, Preisner and Harmon voted "no". (1-7-0)

Councilmember Blackburn moved to reduce line item 26, funding for the Community Resource Council by \$26,100. The motion seconded by Councilmember Haynes carried unanimously. (8-0-0)

Councilmember Blackburn moved to transfer \$117,000 from the Convention and Visitors Bureau (CVB) funding to TPAC. The motion was seconded by Councilmember Haynes.

Councilmember Preisner stated that he would not support the motion because agencies need more time to respond to requests made by the Council.

The motion to transfer \$117,000 from CVB to TPAC failed. Councilmembers Alcala, Nave, Haynes, Duffy, Preisner and Harmon voted "no". (2-6-0)

Councilmember Blackburn moved to reduce the Council Office telephone expense account by \$2,118. The motion seconded by Councilmember Haynes carried. Councilmembers Nave and Preisner voted "no". (6-2-0)

Councilmember Blackburn moved to transfer \$44,528 from the Convention and Visitors Bureau Transient Guest Tax fund to the Topeka Zoo. The motion was seconded by Councilmember Kennedy.

Councilmember Preisner stated that he would not support the motion because the money was originally allocated to support the CVB.

The motion to transfer \$44,528 to the Topeka Zoo failed. Alcalá, Nave, Duffy, Preisner and Harmon voted "no". (3-5-0)

Councilmember Blackburn moved to reduce the general fund contingency line item by \$1 million. The motion was seconded by Councilmember Alcalá.

Councilmember Preisner expressed concern with how the cuts would affect staff.

Neil Dobler, City Manager stated that it could affect the City's bond ratings.

The motion to cut the general fund contingency line item by \$1 million failed. Councilmembers Nave, Haynes, Duffy and Harmon voted "no". (4-4-0)

Councilmember Duffy moved to add \$316,000 to the Police Department budget to implement the "Protect with Honor" incentive program, which is equivalent to 2% of the salaries for uniformed officers. The motion seconded by Councilmember Preisner carried. Councilmembers Alcalá and Harmon voted "no". Councilmember Haynes abstained. (5-2-1)

Councilmember Alcalá moved to add \$13,000 to the general fund for LULAC, Papan's Landing and the East Topeka Senior Center as previously stated allowing them to remain at the previous year's funding level. The motion seconded by Councilmember Kennedy carried. Councilmember Harmon voted "no". Councilmember Blackburn abstained. (6-1-1)

Councilmember Alcalá suggested that \$30,000 be subtracted from the Lobbyist or the Kansas Municipalities League fund because he believes it would eliminate duplicate services.

Councilmember Alcala moved to reduce the Lobbyist fund by \$30,000. The motion was seconded by Councilmember Nave.

Councilmember Blackburn made a substitute motion to reduce the Kansas League of Municipalities fund by \$38,000 and withdraw from the League. The motion seconded by Councilmember Alcala failed. Councilmembers Nave, Haynes, Duffy, Preisner and Harmon voted "no". Councilmember Blackburn abstained. (2-5-1)

The original motion to reduce the Lobbyist fund by \$30,000 failed. Nave, Haynes, Duffy, Preisner, Blackburn and Harmon voted "no". (2-6-0)

Councilmember Blackburn moved to reduce the contingency line item by \$330,000 with cuts to be made elsewhere by the City Manager. The motion seconded by Councilmember Haynes failed. Councilmembers Kennedy, Alcala, Nave, Duffy, Preisner and Harmon voted "no". (2-6-0)

Councilmember Preisner moved to approve the budget as amended. The motion was seconded by Councilmember Nave.

David Owen spoke in support of programs for the homeless.

Councilmember Haynes stated that he would vote "no" on the motion because he believed there was a consensus by the Council to reduce the budget by more than what was accomplished.

The motion to approve the budget as amended carried. Councilmembers Haynes, Duffy and Blackburn voted "no". (5-3-0)

The ordinance as amended was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Nave, Preisner and Harmon -5. Noes: Haynes, Duffy and Blackburn -3. Absent: Ortiz -1.

ORDINANCE NO. 18493 introduced by City Manager Neil Dobler, attesting to the increase in taxes levied for budget year 2006 necessary to finance public services for the City of Topeka placed on first reading August 16, 2005 was again presented.

Neil Dobler, City Manager stated that this ordinance is necessary because the 2006 Operating Budget increased by \$5,000 from 2005.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Nave carried. Councilmember Blackburn voted "no". (7-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Nave, Haynes, Duffy, Preisner and Harmon -7. Noes: Blackburn -1. Absent: Ortiz -1.

FY 2006 CONSOLIDATED ACTION PLAN was presented for approval.

Randy Speaker, Housing and Neighborhood Director gave a brief overview of the FY 2006 Consolidation Plan. (*See Attached Document*)

Councilmember Preisner moved to approve the plan. The motion was seconded by Councilmember Alcalá.

Ellen Ross requested that they increase the allocated funds to \$20,000 for the Tool Lending Library. She stated that she does not understand why they have to match the funding with voluntary labor when it is not required of any other organization that receives funding.

Councilmember Duffy suggested partnering with rental facilities that rent the necessary tools and give them the funds.

Ellen Ross stated that it has been suggested before but they thought it might require too much staff time. She suggested using volunteers and giving them a credit they could cash in for improvements on their property. She also stated that Empowerment Grants should not be used

for City owned property. She expressed concern with the cost of the demolition of a home and questioned why the homeowner is required to pay part of the cost back.

The motion to approve the plan carried. Councilmember Blackburn abstained. (7-0-1)

A COMMUNICATION from Tim Mulroy requesting a waiver to the provisions of the Shawnee County Wastewater Management Plan for property located at 2402 NE Grantville Road in the City of Topeka was presented. (WWW05/2)

Councilmember Alcalá moved to approve the communication. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

RESOLUTION NO. 7675 introduced by Councilmember Brett Blackburn relating to the sale of City property located at 10434 SW 61st Street, commonly known as the Zoo Conservation Propagation Farm was presented.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Nave carried. Councilmember Duffy voted "no". (7-1-0)

RESOLUTION NO. 7676 introduced by Neil Dobler relating to notice of a public hearing concerning the establishment of a redevelopment district within the City pursuant to K.S.A. 12-1770 *et. seq.*, as amended was presented.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Nave carried unanimously. (8-0-0)

RESOLUTION NO. 7677 introduced by Neil Dobler relating to notice of a public hearing concerning a redevelopment project plan for the Heartland Park Redevelopment District pursuant to K.S.A. 12-1772 was presented.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Nave carried unanimously. (8-0-0)

CONTRACT NO. 35577 an amendment to KAPE Union Contract Nos. 31969 and 31970 between the City of Topeka and Clerical, Service and Maintenance bargaining unit, and City of Topeka Employees Technical and Fiscal Staff Unit, Local 4565 was presented.

Janet Robinson, Human Resources Director distributed a document highlighting the contract changes.

Councilmember Haynes moved to approve the contract. The motion seconded by Councilmember Harmon carried unanimously. (8-0-0)

Councilmembers Duffy and Preisner left the meeting.

Councilmember Blackburn moved to reconsider extending the meeting time to allow for public comment. The motion seconded by Councilmember Alcala carried. (6-0-0)

Cliff Cormier appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 12:49 a.m.

Iris Walker
City Clerk