

City Council Minutes – June 20, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 20, 2006. 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, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9. Mayor Buntten presided. -1.

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

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

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION recommending the appointment of William Allen, 5820 SW 28th Street to the Golf Advisory Board for a term that would expire on June 30, 2008 was presented.

MINUTES of the Regular Meeting of June 13, 2006 were presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for CVS Pharmacy No. 8605, 2835 SW Wanamaker, was presented.

An Open After Mid-Night License application bearing the approval of the Chief of Police for El Paseo Dance Club, 108 SE 8th Street, was presented.

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

Councilmember Preisner moved to suspend the Council Rules to add a resolution to the agenda regarding the administering of transient guest tax funds. The motion seconded by Councilmember Nave carried. Councilmember Alcala voted "no". Councilmember Haynes abstained. (7-1-1)

Mayor Bunten noted that the resolution would be considered under New Business as item 6E.

ORDINANCE NO. 18664 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 15, 2006, through May 21, 2006, and enumerating said expenditures herein was presented for first and final reading. The ordinance was deferred from the meeting of June 13, 2006.

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

Councilmember Alcalá raised a number of questions regarding the explanations given by the City Manager relating to the expenditures in question. He stated that he was not satisfied with the response and is concerned with the inaccuracy of the information.

Norton N. Bonaparte, Jr., stated that he received the information directly from staff, and if the Council is not satisfied with the explanations he would look into the matter further.

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

Councilmember Duffy stated that he also is disappointed in the explanation of the expenditures circulated in the press release. He questioned why the Water Department Director was not consulted on the matter.

The motion to adopt the ordinance carried. Councilmember Alcalá voted "no". Councilmember Preisner was out of the room. (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Nave, Haynes, Duffy, Blackburn and Harmon -7. Noes: Alcalá and Preisner -2.

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$101,639 and RESOLUTION NO. 7816 introduced by City Manager Norton N. Bonaparte, Jr.,

authorizing Improvement Project No. 40832-01 as more specifically described herein was presented.

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

Councilmember Harmon moved to approve the petition, project budget and resolution.

The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

Norton N. Bonaparte, Jr., City Manager withdrew item 6B, a Petition, Project Budget and Resolution authorizing Sewer Project No. 40947-00 from the agenda.

RESOLUTION NO. 7817 introduced by City Manager Norton N. Bonaparte, Jr. indicating the intent of the City Council to authorize issuance of Full Faith Tax Increment Bonds in the maximum principal amount of five million eight hundred forty thousand dollars (\$5,840,000) to finance certain portions of the College Hill Development Project Plan was presented.

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

Grant Glenn, attorney for the developer appeared for questions.

Councilmember Haynes asked if a feasibility study is necessary and if the cost of the study would cause the amount of bonds to increase.

Brenden Long, City Attorney stated that the feasibility study is required by State law, and confirms how much of the project can be supported by bonds. He explained that the study would not increase the project cost, nor the length of time to pay the bonds off, however, it would increase the bond amount.

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

ORDINANCE NO. 18865 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 22, 2006, through May 28, 2006, and enumerating said expenditures herein 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 Duffy carried. Councilmember Alcalá voted "no". (8-1-0)

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

A RESOLUTION introduced by Councilmember Jeff Preisner concerning the appropriation and expenditure of transient guest tax funds, and expressing the intention of the City of Topeka to enter into an agreement with the Topeka Convention and Visitors Bureau to administer these funds was presented.

Councilmember Preisner stated that the resolution would generate an agreement that would develop criteria to follow when administering and applying for transient guest tax funds. He also stated that by hiring a consultant to allocate the funding, it would insure that funds are being allocated based on the amount of revenue generated from transient guest tax by each agency.

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

Councilmember Alcalá made a substitute motion to refer the resolution to the Public, Health and Safety Committee. The motion was seconded by Councilmember Ortiz.

Councilmember Preisner stated that he would not support the substitute motion because he believes it is important to implement the resolution before budget deliberations take place.

Councilmember Ortiz stated that she would not support the resolution because she has questions that she would like answered.

The substitute motion failed. Councilmembers Nave, Duffy, Blackburn, Preisner and Harmon voted "no". (4-5-0)

Councilmember Blackburn stated that he would support the resolution because it would allow the Council the opportunity of knowing how funds are distributed.

Councilmember Alcala expressed concern with allowing an outside consultant to allocate the funds, the Council not being properly represented, and the diversity of the committee. He stated that he believes the Council understands the process and criteria better than an outside consultant would.

Councilmembers Haynes concurred with Councilmember Alcala's concerns.

Councilmember Ortiz noted that she agrees with Councilmember Alcala and believes the Council would make the best decision regarding the administering of funds.

Councilmember Nave encouraged all organizations that would like to receive funding to offer input at the committee meeting.

Councilmember Harmon made a substitute motion to refer the resolution to the Economic and Community Development Committee. The motion was seconded by Councilmember Alcala.

Councilmember Alcala stated that he would not support the resolution at this time because he needs more time to review the document.

Councilmember Haynes stated that he believes the safeguards included in the resolution should be included in the contract with each organization. He also questioned if the resolution is necessary because he believes it would not have an affect on the current policy.

The substitute motion to refer the resolution to the Economic and Community Development Committee carried. Councilmember Preisner voted "no". (8-1-0)

ORDINANCE NO. 18666 introduced by City Manager Norton N. Bonaparte, Jr. amending Article XXXV and Article XVI. C-2, Sec. 48-16.02 of the Topeka City Code, specifically repealing said original section 48-16.02 placed on first reading June 13, 2006 was gain presented.

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

Councilmember Harmon moved to adopt the ordinance. The motion seconded by Councilmember Nave 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.

Norton N. Bonaparte, Jr., City Manager withdrew item 8A, a charter ordinance relating to fire department promotions.

AN ORDINANCE introduced by Councilmember John Alcalá authorizing the purchase, possession and consumption of cereal malt beverages during the Fiesta Mexicana, at specified locations and times was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcalá authorizing the purchase, possession and consumption of cereal malt beverages during the Fiesta Mexicana parade and street dance, at specified locations and times was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager reported that the forestry disposal site fire has been extinguished. He also stated that the City is meeting with State officials to construct a plan to help avoid similar problems in the future.

Councilmember Kennedy asked for an overview on the procurement card (P-card) process.

Jim Langford, Budget and Finance Director gave step-by-step instructions on the use of a P-card. He also gave a brief overview of the new policy being considered on the use of P-cards.

Councilmember Blackburn requested a copy of the standard review process of a P-card purchase.

Councilmember Ortiz also requested a copy of the P-card process. She stated that she believes Division Directors and managers are not being trained properly on the review process.

Councilmember Preisner requested a legal opinion on the City allocating funds to the Fiesta Mexicana Celebration.

Councilmember Nave stated that he believes supervisors and Division Directors need to be more diligent in the review process of P-cards.

Councilmember Haynes stated that he believes the problem would be eliminated if each employee is required to sign an acknowledgement of the P-card policy.

Councilmember Nave announced that there would be an Economic and Community Development Committee meeting held on June 28, 2006 at 1:00 p.m. in the City Council Office.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:21 p.m.

Iris Walker
City Clerk