

City Council Minutes – August 15, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 15, 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 Bunten presided. -1.

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

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

Councilmember Blackburn requested that item 4C, a communication relating to the Topeka/Shawnee County Riverfront Authority Board appointments be pulled from the consent agenda for separate discussion.

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION recommending the appointment of Robert Beaver, 2416 SW James Street, to the Board of Mechanical Examiners for a two-year term that would expire on August 31, 2008 was presented.

A COMMUNICATION recommending the appointment of Mark Burenheide, 1101 SW Western Avenue, to the Downtown Business Improvement District Advisory Board for a two-year term that would expire on August 31, 2008 was presented.

RESOLUTION NO. 7846 introduced by City Manager Norton N. Bonaparte, Jr. designating an Acting City Manager and rescinding City of Topeka Resolution No. 7796 was presented.

Minutes of the regular meeting of August 8, 2006 were presented.

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

ORDINANCE NO.18696 introduced by Councilmember Lana Kennedy authorizing the purchase, possession and consumption of cereal malt beverages during the Burnin Downtown event at specified locations and times, placed on first reading August 8, 2006 was again presented.

Councilmember Kennedy encouraged everyone to attend.

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

A COMMUNICATION recommending the appointments of Neil Dobler for a one-year term that would expire on August 31, 2007; Doug Kinsinger for a two-year term that would expire on August 31, 2008; and Mike Hayden for a three-year term that would expire on August 31, 2009 to the Topeka/Shawnee County Riverfront Authority Board, was presented.

Mayor Bunten explained the qualifications of each appointee. He stated that the purpose of the committee is to create a plan that would develop the River Front area.

Councilmember Blackburn asked that the question be divided. He stated that he was questioned about the lack of diversity on the committee, as well as, one of the individuals does not live in Shawnee County. He also asked about the criteria used to determine who serves on the committee.

Mayor Bunten explained the history of the committees that have been appointed to the River Front Project. He stated that the criteria was based on getting the best possible people with the most knowledge about the river and the community.

Councilmember Alcala moved to approve the communication. The motion was seconded by Councilmember Ortiz.

Councilmember Duffy stated that the sole purpose of the board is to prepare a plan to develop the Riverfront area. He explained that even though the appointees are highly qualified, they are not professional planners, they hold full time jobs, and they will not be provided with staff or money. He questioned how they would successfully prepare a plan without staff or resources.

Mayor Bunten stated that it is his understanding that there are funds available from the Federal Government and the Corps of Engineers that they can apply for, and hopefully obtain.

Councilmember Duffy asked if there is an expectation that City staff would support the effort.

Mayor Bunten stated that there is no formal agreement, but he would hope that staff would be helpful where they can.

Councilmember Alcala withdrew his motion. The second concurred.

Councilmember Preisner moved to approve the appointment of Neil Dobler. The motion was seconded by Councilmember Nave.

Councilmember Nave stated that he has served on both Riverfront Task Force committees and is an advocate for the project. He also stated that in the future they need to make sure that there is diversity on the board, including women and people of color.

The motion to approve the appointment of Neil Dobler to the Topeka/Shawnee County Riverfront Authority Board carried unanimously. (9-0-0)

Councilmember Alcala moved to approve the appointment of Doug Kinsinger. The motion was seconded by Councilmember Ortiz.

Councilmember Duffy stated that he would not support the appointment of Doug Kinsinger because he is paid by the City to recruit federal funding assistance for city projects through lobbying efforts. He explained that if Mr. Kinsinger is appointed, he would be required to lobby for the Riverfront project as well, and he believes it is inappropriate to ask him to decide which project should be considered a funding priority.

Councilmember Blackburn stated that he concurs with Councilmember Duffy and stated that he would not support the appointment of Mr. Kinsinger.

Councilmember Alcalá stated that he recommended Mr. Kinsinger because of his influence with the private organizations in the city.

The motion to appoint Doug Kinsinger to the Topeka/Shawnee County Riverfront Authority Board carried. Councilmembers Nave, Duffy and Blackburn voted “no”. (5-3-0)

Councilmember Ortiz moved to approve the appointment of Mike Hayden to the Topeka/Shawnee County Riverfront Authority Board. The motion was seconded by Councilmember Nave.

Councilmember Blackburn stated that he would abstain because Mr. Hayden does not live within Shawnee County.

The motion to appoint Mike Hayden to the Topeka/Shawnee County Riverfront Authority Board carried. Councilmember Blackburn abstained. (8-0-1)

RESOLUTION NO. 7847 introduced by Councilmember Sylvia Ortiz asking that the City’s Congressional delegation intercede on the City's behalf by requesting Amtrak to provide full passenger service at its Topeka facility, was presented.

Councilmember Ortiz explained that the resolution would provide for full passenger service, improve the lobby's hours of operation, establish a more secure facility, and provide the red cap service.

Councilmember Nave commended Councilmember Ortiz's efforts to revitalize the Amtrak Station.

Councilmember Alcalá moved to approve the resolution. The motion was seconded by Councilmember Ortiz.

Councilmember Preisner asked why Amtrak no longer provides full service to Topeka.

Councilmember Ortiz stated that service was discontinued because they do not have many passengers that utilize their service.

Councilmember Nave stated that he believes if gas prices continue to rise, people will use this type of transportation more.

Councilmember Duffy moved to amend the resolution by adding Senator Roberts. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

The motion to approve the resolution as amended carried unanimously. (9-0-0)

ORDINANCE NO. 18697 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of July 24, 2006, through July 30, 2006, 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 Nave 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.

ORDINANCE NO. 18698 introduced by City Manager, Norton N. Bonaparte, Jr., designating real property more specifically described herein as a historic landmark and presently zoned "M-2" Multiple Family Dwelling District and located at 1116 SE Madison Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading June 6, 2006 was again presented. (HL05/2)

Councilmember Ortiz gave the committee report and stated that the Public, Health and Safety Committee recommended "Do Pass" by a vote of 2-0-0 on August 9, 2006.

Brenden Long, City Attorney stated that the criteria has been met to receive historic overlay. He also stated that it is not a State historic landmark and it does not impose any environs on adjoining properties.

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

ORDINANCE NO. 18699 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 1222 SW 10th Avenue from "O&I-1" Office and Institutional District TO "R-2" Single-Family Dwelling District placed on first reading August 1, 2006 was again presented. The ordinance was deferred from the meeting of August 8, 2006. (Z06/19)

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

Mayor Buntin asked if there were any additional exparte communications besides Councilmembers Kennedy, Alcalá and Duffy. There were not declared.

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

Councilmember Blackburn stated that the resolution providing for the replacement of a police helicopter was deferred for 30 days from the meeting of July 25, 2006. He stated that it was his intention to address the issue before the budget is finalized.

Councilmember Blackburn moved to place the resolution on the August 22, 2006 Council Agenda. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, generally located at 2025 SW Urish Road within unincorporated Shawnee County, Kansas and contiguous to the City of Topeka corporate limits, and said land being annexed for all City purposes was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., attesting to the increase in taxes levied for budget year 2007 necessary to finance public services for the City of Topeka was presented for first reading.

AN ORDINANCE introduced by John Alcalá repealing the enforcement of City building codes outside of the City and within the City's municipal services area, amending Topeka City Code §§ 26-58, 26-116, 26-139.1.5. and 26-298, and repealing said original sections 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 stated that they received 110 Heat Relief Program applications.

Councilmember Kennedy questioned the application process and asked how much longer it would take for people to receive air conditioners and fans.

Norton Bonaparte, Jr. stated that some of the applications have been processed and the air conditioning units and fans have already been delivered.

Councilmember Ortiz announced that TARC is offering free shredding services to the public beginning August 15, 2006 through August 18, 2006 during the hours of 9:00 a.m. and 3:00 p.m. She also reminded people to slow down and watch for children because school begins this week.

Councilmember Blackburn asked that all Councilmembers who were unable to attend the committee meeting regarding the police helicopter to review the meeting on the City's website. He stated that this would allow them to gather all the necessary facts to make an informed decision at next week's Council meeting.

Councilmember Preisner expressed concern with the Mayor's statement in the newspaper that the Council is being vindictive regarding potential job cuts in the Mayor's Office. He explained that the suggested job cuts were a portion of an overall plan to run the City as efficiently and effectively as possible. He noted that at this time the Mayor has only offered budget enhancements, and asked that the Mayor provide the Council with his proposed budget cuts by next week.

Mayor Bunten stated that he apologizes if he has offended anyone. He also thanked the Council for authorizing the second position in the Mayor's Office. He stated that the position has

been very helpful and plays a vital role in the on-going efforts to clean up the city and reduce crime.

Councilmember Duffy stated that he did not support the second position in the Mayor's Office because it would have been an excellent candidate for budget cuts. He stated that in his opinion the problems related to city clean up and crime reduction should have been researched, and a plan implemented, prior to creating a committee. He explained that he believes the research process should include what the City has done in the past; what the City is doing now, and what other communities are doing.

Councilmember Harmon announced that there would be a Policy and Finance Committee meeting held on August 21, 2006 at 4:00 p.m. in the Cyrus K. Holliday Building.

Laura Burton, Jason Chaika and Michelle McCormick appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:10 p.m.

Iris Walker
City Clerk