

## City Council Minutes – April 10, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 10, 2007. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M.

INVOCATION was given by Pastor Sandy Ray Fields, New Mount Zion Baptist Church

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

FAREWELL CEREMONY for Councilmembers Clark Duffy and John Nave, was held.

SWEARING IN CEREMONY for newly elected Councilmembers Jack Woelfel and Deborah Swank, was held.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 7934 introduced by City Manager Norton Bonaparte, Jr., granting Washburn University an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

MINUTES of the regular meeting of March 27, 2007 were presented.

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

### 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, April 10, 2007, at 6:00 P.M. relating to the vacation of a portion of a platted alley right-of-way in Klein's Addition, located between SE Branner and SE Chandler Streets, and SE 2nd and SE 3rd Streets, City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 18843 introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a portion of platted alley right-of-way in Klein's Addition, located between SE Branner and SE Chandler Streets, and SE 2nd and SE 3rd Streets, City of Topeka, Shawnee County, Kansas placed on first reading March 27, 2007 was again presented. (V07A/2)

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

Councilmember Ortiz moved to close the public hearing and 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, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

#### 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, April 10, 2007, at 6:00 P.M. relating to the vacation of an east/west platted utility easement in Alice Lots, located at 1938 NW Taylor Street, City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 18844 introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of an east/west platted utility easement in Alice Lots located at 1938 NW Taylor Street, City of Topeka, Shawnee County, Kansas placed on first reading March 27, 2007 was again presented. (V07E/4)

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

Councilmember Ortiz moved to close the public hearing and 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, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18845 introduced by Deputy Mayor Jeff Preisner establishing a schedule of city council meeting times and places for the next two years as provided for by City of Topeka Code Section 2-27 placed on first reading March 27, 2007 was again presented.

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, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

SELECTION OF THE DEPUTY MAYOR, was presented.

Councilmember Preisner moved to nominate Councilmember Preisner.

Councilmember Ortiz moved to nominate Councilmember Haynes.

Councilmember Kennedy moved to nominate Councilmember Blackburn.

Hearing no further nominations, the Mayor asked for a vote on selection of the Deputy Mayor.

After a tally of the Ballot No. 1 votes, the City Clerk announced that Councilmember Blackburn received four votes, Councilmember Haynes received four votes, and Councilmember Preisner received one vote.

After a tally of the Ballot No. 2 votes, the City Clerk announced that Councilmember Blackburn received four votes, Councilmember Haynes received four votes, and Councilmember Preisner received one vote.

After a tally of the Ballot No. 3 votes, the City Clerk announced that Councilmember Blackburn received four votes, Councilmember Haynes received four votes, and Councilmember Preisner received one vote.

After a tally of the Ballot No. 4 votes, the City Clerk announced that Councilmember

Blackburn received four votes, Councilmember Haynes received four votes, and Councilmember Preisner received one vote.

Councilmember Alcala moved to nominate Councilmember Harmon.

After a tally of the Ballot No. 5 votes, the City Clerk announced that Councilmember Blackburn received four votes, Councilmember Harmon received four votes, and Councilmember Preisner received one vote.

After a tally of the Ballot No. 6 votes, the City Clerk announced that Councilmember Blackburn received four votes, Councilmember Harmon received four votes, and Councilmember Preisner received one vote.

Councilmember Harmon withdrew his nomination.

After a tally of the Ballot No. 7 votes, the City Clerk announced that Councilmember Haynes received four votes, Councilmember Blackburn received four votes, and Councilmember Preisner received one vote.

After a tally of the Ballot No. 8 votes, the City Clerk announced that Councilmember Haynes received four votes, Councilmember Blackburn received four votes, and Councilmember Preisner received one vote.

After a tally of the Ballot No. 9 votes, the City Clerk announced that Councilmember Blackburn received five votes, and Councilmember Haynes received four votes.

Mayor Bunten announced that Councilmember Blackburn was selected as the new Deputy Mayor.

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

Councilmember Blackburn nominated Councilmember Swank.

Councilmember Preisner nominated Councilmember Harmon.

Councilmember Alcalá nominated Councilmember Haynes.

Councilmember Ortiz nominated Councilmember Alcalá.

Councilmember Swank nominated Councilmember Kennedy.

Councilmember Haynes nominated Councilmember Ortiz.

Hearing no further nominations, the Mayor asked for a vote on selection of the voting JEDO Board Members.

Brenden Long, City Attorney announced that each Councilmember should vote for two voting representatives.

After a tally of the Ballot No. 1 votes, the City Clerk announced that Councilmember Swank received four votes, Councilmember Harmon received four votes, Councilmember Haynes received four votes, Councilmember Kennedy received three votes, Councilmember Ortiz received two votes, and Councilmember Alcalá received one vote.

Councilmember Alcalá withdrew his nomination.

After a tally of the Ballot No. 2 votes, the City Clerk announced that Councilmember Harmon received six votes, Councilmember Haynes received four votes, Councilmember Swank received four votes, Councilmember Kennedy received three votes, and Councilmember Ortiz received one vote.

Councilmember Ortiz withdrew her nomination.

Councilmember Kennedy withdrew her nomination.

After a tally of the Ballot No. 3 votes, the City Clerk announced that Councilmember Haynes received five votes, and Councilmember Swank received four votes.

Mayor Bunten announced that Councilmember Harmon after receiving six votes, and Councilmember Haynes after receiving five votes, were selected as the new voting representatives for the JEDO Board.

Councilmember Preisner moved to nominate Councilmember Harmon to serve as the Chair of the Joint Economic Development Organization Board. The motion was seconded by Councilmember Blackburn.

Councilmember Alcala made a substitute motion to nominate Mayor Bunten to serve as the Chair of the Joint Economic Development Organization Board. The motion was seconded by Councilmember Ortiz.

Councilmember Harmon questioned if the vote for the nominations should be recorded in the form of a motion, or a written ballot.

Brenden Long, City Attorney stated that in his opinion the vote should be taken in the form of a written ballot.

The Chair ruled that the vote shall be taken in the form of a written ballot.

Councilmember Alcala challenged the ruling of the chair.

The Mayor asked for a vote on if the ruling of the chair shall be upheld.

The motion to uphold the ruling of the chair failed. Councilmembers Alcala, Ortiz, Haynes, Preisner and Harmon voted “no.” (4-5-0)

The substitute motion to nominate Mayor Bunten to serve as the Chair of the Joint Economic Development Organization Board failed. Councilmembers Kennedy, Woefel, Swank, Blackburn and Preisner voted “no.” (4-5-0)

The motion to nominate Councilmember Harmon to serve as the Chair of the Joint Economic Development Organization Board carried unanimously. (9-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., adopting a neighborhood revitalization plan and designating a revitalization area, all as provided for in K.S.A. 12-17, 114 et. seq., Neighborhood Revitalization Act 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 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 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. relating to the vacation of a platted alley located within Shawnee Place, an Addition to the City of Topeka, Shawnee County, Kansas was presented for first reading. *(V07A/1)*

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of 20-feet of public street right-of-way located on NE Grantville Road from Soldier Creek to the northern most point of 1831 NE Grantville Road, City of Topeka, Shawnee County, Kansas 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 welcomed the new Councilmembers. He also announced that the first phase of the 2007 Takeover/Makeover Project will begin on April 14th at 9:00 a.m. at the Kansas Expocentre parking lot; and the “Help Clean Shunga Park” event will begin on April 14th at 9:00 a.m. at the Crestview Shelter House.

Councilmember Kennedy welcomed the new Councilmembers.

Councilmember Ortiz welcomed the new Councilmembers.

Councilmember Woelfel thanked his constituents for their support, and stated that he looks forward to serving on the City Council.

Councilmember Swank thanked her constituents for their support, and stated that she looks forward to serving on the City Council.

Councilmember Blackburn welcomed the new Councilmembers, and thanked the Council for electing him as the new Deputy Mayor. He also asked each Councilmember to submit a written request of the committees they would like to serve on to the Council Office by April 13, 2007.

Councilmember Preisner welcomed the new Councilmembers.

Councilmember Harmon welcomed the new Councilmembers, and thanked the Council for electing him to serve on the JEDO Board.

Mayor Buntin welcomed the new Councilmembers, and congratulated Councilmembers Haynes, Blackburn and Harmon on their newly elected positions.

Sandra Lassiter, Deborah Edwards and Aaron Edwards appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:15 p.m.

---

Brenda Younger  
City Clerk