

## **Council Minutes – January 29, 2008**

At 6:00 p.m. Norton N. Bonaparte, Jr., City Manager announced that the executive session would be extended for a time period not to exceed 20 minutes to discuss legal matters relating to the opinion of Robert D. Hecht, District Attorney regarding the lease purchase agreement for acquisition of a second Robinson-44 helicopter.

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 29, 2008. The Councilmembers of the City of Topeka met in regular session at 6:15 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcala, Woelfel, Haynes, Swank and Blackburn -6. Mayor Bunten presided -1. Absent: Councilmembers Ortiz, Preisner and Harmon -3.

AFTER THE MEETING was called to order, Mayor Bunten announced that no action was taken during the executive session.

THE INVOCATION was given by Mayor Bunten.

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

A PRESENTATION was given on the newly implemented “Browse Aloud” program enhancement to the City of Topeka website by Rio Cervantes-Reed, Human Relations Commission Director.

Norton N. Bonaparte, Jr., City Manager requested that item 7A, an ordinance requesting a zoning change on property located at 3420 SW Fairlawn Road (*PUD07/7*); and item 7B, an ordinance requesting a zoning change on property located at 6642 SW 29<sup>th</sup> Street (*Z07/10*) be pulled from the agenda and deferred one week. He noted that approval of item 7A requires seven affirmative votes of the Council.

Upon hearing no objections, Mayor Bunten announced that the ordinances would be pulled from the agenda and placed on the February 5, 2008 Council agenda.

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 19027 introduced by City Manager Norton N. Bonaparte, Jr., adopting a six-month extension of the franchise agreement for Southwestern Bell Telephone Company d/b/a AT & T Kansas placed on first reading January 22, 2008 was again presented. (*Contract No. 38061*)

Minutes of the regular meeting of January 22, 2008 were presented.

A Dance Hall License application bearing the approval of the Chief of Police and City Inspectors for Las Fuentes Mexican Restaurant located at 4111 SW Gage Center Drive, was presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for Arturo's Mexican Restaurant located at 105 SE 10<sup>th</sup> Street, was presented.

Councilmember Kennedy moved to approve the consent agenda. The motion seconded by Councilmember Woelfel carried unanimously. (6-0-0)

ORDINANCE NO. 19028 introduced by City Manager Norton N. Bonaparte, Jr., repealing City of Topeka Code Sections 106-53, 106-57 and 106-58 concerning police promotion procedure placed on first reading January 22, 2008 was again presented.

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

Councilmember Kennedy moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. (6-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Woelfel, Haynes, Swank and Blackburn -6. Absent: Ortiz, Preisner and Harmon -3.

CONTRACT NO. 38062 between the City of Topeka and the Fraternal Order of Police (FOP) Lodge No. 3 was presented.

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

Councilmember Woelfel moved to approve the contract. The motion seconded by Councilmember Kennedy carried unanimously. (6-0-0)

RESOLUTION NO. 8032 introduced by City Manager Norton N. Bonaparte, Jr., pursuant to City of Topeka Code Section 130-377 concerning sidewalk repairs at locations more specifically described hereinafter was presented.

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

Mayor Bunten asked if all of the property owners were aware of the 50/50 program.

Mike Teply, Interim Public Works Director stated that all owners have been notified that they are eligible to participate in the 50/50 program.

Councilmember Kennedy moved to approve the resolution. The motion seconded by Councilmember Blackburn carried. Councilmember Swank voted “no.” (5-1-0)

A RESOLUTION introduced by Councilmember John Alcalá relating to the hiring process for the City Attorney position was presented.

Councilmember Alcalá stated that the resolution would help insure that an outside hiring firm would not be used in the selection of the City Attorney position.

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

Councilmember Blackburn stated that it was his understanding that an outside hiring firm would not be used.

Norton N. Bonaparte, Jr., stated that they plan to utilize the personnel and resources available through the City's Human Resources Department to proceed with the normal hiring process.

Several Councilmembers expressed opposition to the verbiage of the resolution.

Councilmember Haynes moved to amend the resolution by deleting lines 6 through 8. The motion was seconded by Councilmember Alcalá.

Councilmember Blackburn made a friendly amendment to amend line 15 of the resolution by deleting the word "request," and inserting the words "preference of the City Council."

The motion to amend the resolution by deleting lines 6 through 8, and deleting the word "request" and inserting the words "preference of the City Council" on line 15 failed.

Councilmembers Woelfel and Swank voted "no." (4-2-0)

The motion to approve the resolution failed. Councilmembers Kennedy, Woelfel, Haynes, Swank and Blackburn voted "no." (1-5-0)

ORDINANCE NO. 19029 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of January 7, 2008, through January 13, 2008, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Kennedy moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. (6-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Woelfel, Haynes, Swank and Blackburn -6. Absent: Ortiz, Preisner and Harmon -3.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the designation of a street name, more specifically naming the unnamed street located between NW US 24 Frontage Road and NW 25<sup>th</sup> Street to NW Stover Road was presented for first reading.

*(SNC08/1)*

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301001.00, which provides for replacing an existing pump station at Cypress Ridge Golf Course, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager announced upcoming Code Compliance Division Open House events. He also announced the upcoming event commemorating International Human Rights Day at Washburn University on January 31, 2008 from 6:00 p.m. to 9:00 p.m.

Councilmember Alcalá stated that he received a letter of complaint relating to a recent traffic stop by a Topeka Police Officer implying possible harassment and personal property damage. He expressed the importance of following proper procedure during routine traffic stops and avoiding the same problem in the future. He requested that the City Manager investigate the complaint and report back to the Council.

Larry Bruning, Kent Dederick and Clifford Cormier appeared to speak under public comment.

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

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Brenda Younger  
City Clerk