

Council Minutes – October 14, 2008

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 14, 2008. 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, Woelfel, Haynes, Swank, and Harmon -7. Absent: Councilmembers Blackburn and Preisner -2. Absent: Mayor Bunten -1.

AFTER THE MEETING was called to order, the City Clerk accepted nominations to chair the Council meeting.

Councilmember Woelfel moved to nominate Councilmember Kennedy to chair the Council meeting. The motion was seconded by Councilmember Harmon.

Councilmember Ortiz moved to nominate Councilmember Haynes to chair the Council meeting. The motion was seconded by Councilmember Alcala.

Councilmember Woelfel withdrew his nomination to chair the Council meeting. The second concurred.

The motion to nominate Councilmember Haynes to chair the Council meeting carried unanimously. (7-0-0)

THE INVOCATION was given by Councilmember Ortiz.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8119 introduced by Councilmember Lana Kennedy, granting St. John's Lutheran Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

BOARD APPOINTMENT recommending the appointment of Marie Pyko to the Jayhawk Area Agency on Aging Board of Directors for a term that would expire on October 31, 2011 was presented.

MINUTES of the regular meeting of October 7, 2008 was presented.

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember Alcala carried unanimously. (7-0-0)

Councilmember Harmon moved to add a notification of cancellation/suspension of license for Deep Pockets located at 4310 SW 21st Street to the Council agenda. The motion seconded by Councilmember Swank carried unanimously. (7-0-0)

Upon hearing no objections, Councilmember Haynes announced that the notification would be added to the Council agenda under New Business as item 5B.

ORDINANCE NO. 19174 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 22, 2008, through September 28, 2008, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Kennedy carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank and Harmon -7. Absent: Blackburn and Preisner -2.

NOTIFICATION of cancellation/suspension of license for Deep Pockets located at 4310 SW 21st Street was presented.

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

Ronald Miller, Chief of Police reported that the Open After Midnight license for Deep Pockets located at 4310 SW 21st Street has been suspended. He gave a brief history of the crime statistics relating to the business operation and stated that he has met with the business owner in an attempt to develop a plan to correct the problems. He also reported that the owner did not appeal the license suspension and the business has been defined as a nuisance by engaging in an unlawful enterprise. He referenced City of Topeka Code Section 30-121 and requested direction from the Council regarding reinstatement, revocation or further investigation of the license issue.

Councilmember Harmon asked if the Council or a future Council could reinstate the license, and would the City be liable if the owner of the business is found not guilty.

Braxton Copley, Deputy City Attorney stated that the license could be reinstated at any time by Council. He also stated that the Chief of Police has followed the procedure regarding suspension of a license as outlined in City of Topeka Code Section 30-121; therefore, the City would not be liable.

Councilmember Woelfel moved to revoke the Open After Midnight license for Deep Pockets located at 4310 SW 21st Street. The motion seconded by Councilmember Kennedy carried unanimously. (7-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Sections 50-26 and 50-82 concerning court costs and fees and witness expenses and specifically repealing said original sections was presented for first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL;

Norton N. Bonaparte, Jr., City Manager announced upcoming community events. He also announced that a work session is scheduled on October 20, 2008 at 5:30 p.m. at the Law Enforcement Center to discuss the 2009-2013 Capital Improvement Program.

Councilmember Alcala commented on the disciplinary actions taken against three police officers currently on paid administrative leave. He questioned the City of Topeka Personnel Policy in regards to the amount of time an employee is allowed to remain on administrative leave. He also stated that he believes the City is in violation of the personnel policy by allowing exceptions to the policy. He requested that the City of Topeka Personnel Policy be revised.

Norton N. Bonaparte, Jr., City Manager stated that it was determined by the Topeka Police Department, as well as, the Legal Department that the police officers would be placed on paid administrative leave until the matter is resolved.

Braxton Copley, Deputy City Attorney stated that the City of Topeka Personnel Policy does not limit Department Directors from extending administrative leave under the authority of the City Manager.

Councilmember Ortiz announced that the East Topeka Neighborhood Improvement Association Clean-Up event would be held on October 18, 2008 at 8:00 a.m. at the Abbott Community Center. She noted that all trash should be placed near the curb by 7:00 a.m. on October 18, 2008.

Councilmember Haynes asked if the City of Topeka Personnel Policy applies to the Fraternal Order of Police Labor Agreement. He also asked if a work session has been scheduled to discuss the responsibilities of the Civil Service Commission.

Braxton Copley stated that the terms and conditions of the Fraternal Order of Police Labor Agreement would supersede the City of Topeka Personnel Policy. He also reported that a work session has been scheduled on December 3, 2008 to discuss the responsibilities of the Civil Service Commission.

Norton N. Bonaparte, Jr., City Manager reported that the Shawnee County Commission has accepted the City's offer to televise Commission meetings; however, details of the arrangement are still being discussed by staff.

Sandra Lassiter, Bishop Ronald Lassiter and Myron Holter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:03 p.m.

Brenda Younger
City Clerk