

Council Minutes – April 14, 2009

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 14, 2009. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M.

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

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

A FAREWELL CEREMONY FOR COUNCILMEMBERS Lana Kennedy, William Haynes and Brett Blackburn, was held.

A SWEARING IN CEREMONY for elected Mayor William W. Bunten and Councilmembers Karen A. Hiller, Sylvia Ortiz, Larry Wolgast, Robert E. Archer and Richard Harmon, was held.

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

Councilmember Woelfel requested to pull item 5B, a board appointment for Fred Martinez to the Topeka Planning Commission from the consent agenda for further discussion.

Upon hearing no objections, Mayor Bunten announced that item 5B would be pulled from the consent agenda and placed on the Council agenda under New Business as item 6A.

THE CONSENT AGENDA was presented as follows:

APPOINTMENT of Brad Stauffer to the Board of Zoning Appeals to fill an unexpired term that would end May 31, 2009 was presented.

MINUTES of the regular meeting of March 31, 2009 was presented.

2009 Open After Midnight License applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

BUSINESS

American Legion Post 400
Boobie Trap Bar
Cousins Club
Dupree's
Fragrance World
Frances O'Dooley's
Holiday Inn - Michelle's
Ichabod Laundra Bar
IHOP
Kicks 66
McB's
Ramada Inn - Uncle Bo's
Sixth Avenue Ballroom
Spanky's
Tewz Enuff
Topeka Performing Arts Center
The 20's
West Ridge Lanes & Family Fun Center

ADDRESS

3029 NW Highway 24
1417 SW 6th Street
1211 S Kansas Avenue
108 SE 8th Street
820 N Kansas Avenue
1930 SW Westport Drive
605 SW Fairlawn
1501 SW 21st Street
1731 SW Wanamaker Road
3300 SW Gage Boulevard
2920 SE Croco Road
700 SW Jackson, Suite 200
117 SW 6th Street
3100 SW Gage
1465 SW Washington
214 SE 8th Avenue
2910 SW Oakley
1935 SW Westport Drive

Councilmember Swank moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

APPOINTMENT of Fred Martinez to the Topeka Planning Commission to fill an unexpired term that would end September 30, 2009 was presented.

Councilmember Woelfel expressed concern with the board appointment and stated that in the past Mr. Martinez opposed a major development project on SE California Avenue.

Councilmember Alcalá stated that Mr. Martinez is a community advocate and a team player that exceeds the qualifications needed to serve on the Planning Commission.

Councilmember Alcalá moved to approve the board appointment. The motion seconded by Councilmember Ortiz carried. Councilmembers Woelfel and Preisner voted "no." (7-2-0)

ELECTION of Deputy Mayor to serve a one-year term pursuant to City of Topeka Code Section A2-26 was presented.

Councilmember Alcalá moved to nominate Councilmember Harmon.

Councilmember Preisner moved to nominate Councilmember Woelfel.

Councilmember Woelfel stated that he would be honored to serve as deputy mayor. He also stated that he believes he would be a good candidate for the position because he is willing to dedicate the time needed to research and make thorough decisions on council matters.

Hearing no further nominations, the Mayor asked the Council to cast their votes on selection of a Deputy Mayor.

After the tally of votes, the City Clerk announced that Councilmember Harmon received seven votes and Councilmember Woelfel received two votes.

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

ELECTION of City Council representatives to serve a one-year term on the Joint Economic Development Organization (JEDO) Board was presented.

Councilmember Preisner moved to nominate Councilmember Wolgast and Councilmember Archer. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

Mayor Bunten announced that Councilmember Wolgast and Councilmember Archer were selected as the new Joint Economic Development Organization Board members.

ELECTION of the Joint Economic Development Organization (JEDO) Board Chair for the 2009 calendar year was presented.

Councilmember Alcala moved to nominate Mayor Bunten.

Councilmember Preisner moved to nominate Councilmember Harmon.

Hearing no further nominations, the Mayor asked the Council to cast their votes on selection of a Joint Economic Development Organization (JEDO) Board Chair.

After the tally of votes, the City Clerk announced that Mayor Bunten received four votes and Councilmember Harmon received five votes.

Mayor Bunten announced that Councilmember Harmon was selected as the new Joint Economic Development Organization (JEDO) Board Chair.

ELECTION of three Councilmembers to serve a one-year term on the Transient Guest Tax Committee was presented.

Councilmember Woelfel moved to defer the election of Transient Guest Tax Committee members until May 26, 2009. The motion was seconded by Councilmember Preisner.

Councilmember Woelfel stated that the Legal Department is in the process of drafting language amendments to the ordinance to clarify the procedure of allocating Transient Guest Tax funds.

Councilmember Alcala made a substitute motion to defer the Transient Guest Tax Committee Election for two weeks. The motion was seconded by Councilmember Ortiz.

Councilmember Alcala stated that deferral would allow the new Councilmembers sufficient amount of time to adjust to the processes. He suggested that the ordinance be rescinded, causing the process to revert back to the original form, allowing Visit Topeka, Inc., to make the recommendations and the Council to vote on the recommendations.

Councilmember Woelfel stated that he believes two weeks is not sufficient amount of time for staff to thoroughly review the language, as well as, preventing other organizations from being involved in the process.

Councilmember Preisner stated that he would prefer that they allow the businesses that are directly involved with the process make the recommendations for disbursement of Transient Guest Tax funds. He also stated that he would support the originally proposed ordinance that would

allow Visit Topeka, Inc., to make the recommendations. He expressed concern that two weeks would not be sufficient amount of time to review the changes that need to be made.

The substitute motion to defer the election of the Transient Guest Tax Committee members for two weeks carried. Councilmembers Hiller, Woelfel, Preisner and Harmon voted “no.”

(5-4-0)

ELECTION of City Council representatives to the Metropolitan Topeka Planning Organization (MTPO) Policy Board pursuant to City of Topeka Resolution No. 7453 was presented.

Councilmember Preisner moved to nominate Councilmember Hiller and Councilmember Archer.

Councilmember Alcalá moved to nominate Councilmember Hiller and Councilmember Ortiz.

Hearing no further nominations, the Mayor asked the Council to cast their votes on selection of the Metropolitan Topeka Planning Organization Policy Board members.

After a tally of the Ballot No. 1 votes, the City Clerk announced that Councilmember Hiller received eight votes; Councilmember Ortiz received five votes; and Councilmember Archer received five votes.

After a tally of the Ballot No. 2 votes, the City Clerk announced that Councilmember Ortiz received six votes and Councilmember Archer received three votes.

Mayor Bunten announced that Councilmember Hiller and Councilmember Ortiz were selected as the new Metropolitan Topeka Planning Organization Policy Board members.

ORDINANCE NO. 19241 introduced by City Manager Norton N. Bonaparte, Jr., allowing

and approving City expenditures for the period of March 16, 2009, through March 22, 2009, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Swank 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: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

ORDINANCE NO. 19242 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of March 23, 2009, through March 29, 2009, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Swank 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: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

Councilmember Preisner requested to pull item 7A, an ordinance establishing city council meeting times and places from the Council agenda, and placing it on the April 21, 2009 Council agenda under First Readings.

Councilmember Alcalá expressed concern with deferring the ordinance. He stated that the requirement as stipulated in Charter Ordinance No. 94 states that the Council shall establish a regular schedule of meeting times and places for the next two years at its first regular meeting after a city election.

Councilmember Woelfel requested to amend the ordinance to insert the statement “for the period of April 14, 2009 through April 12, 2011” after the word “meet” on line 19.

Councilmember Alcalá raised a point of order in regards to Council Rules and Procedures 6.5. He stated that copies of the amended ordinance must be distributed to the Council at least twenty-four hours prior to a council meeting unless it is an emergency ordinance which should be distributed to the Council twelve hours prior to a council meeting. He noted that the ordinance is a routine document that is adopted every two years and would not be considered an emergency.

Jackie Williams, City Attorney stated that Councilmember Alcalá is correct; however, if it is the will of the Council they may suspend the Council Rules and allow for the amendment to the ordinance.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., pursuant to the provisions of City of Topeka Charter Ordinance A2-26 establishing city council meeting times and places amending City of Topeka Code Section 2-27 was presented for first reading.

Councilmember Woelfel moved to suspend the Council Rules. The motion was seconded by Councilmember Preisner.

Councilmember Alcalá stated that he would oppose the motion to suspend the Council Rules because it would restrict the public from speaking to the matter. He noted that the ordinance could be amended prior to adoption next week.

The motion to suspend the Council Rules failed. Councilmembers Hiller, Alcalá, Ortiz, Swank, Archer and Harmon voted “no.” (3-6-0)

AN ORDINANCE 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 619,

621, 625, 631 and 633 SW Lane Street from “M-1” Two Family Dwelling District TO “MS-1” Medical Service District was presented for first reading. (Z09/3)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., designating real property more specifically described herein as an historic landmark and presently zoned “R-2” Single-Family Dwelling District and located at 726 SW Clay Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 was presented for first reading. (HL09/01)

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

Norton N. Bonaparte, Jr., City Manager announced that the 2010 City budget hearing forums would be held on April 15, 2009 at the Garfield Community Center; April 22, 2009 at the Hillcrest Community Center; and May 6, 2009 at Robinson Middle School. He also announced that an ADA Advisory Council meeting would be held on April 15, 2009; and a Human Relations Commission Townhall meeting would be held on April 16, 2009, at the Cyrus K. Holliday Building.

Councilmember Alcala distributed a memorandum requesting a special meeting to discuss establishing the 2009-2010 goals and objectives for the City Manager; and a work session to review the Performance Manager’s progress to date.

Councilmember Ortiz welcomed the new councilmembers. She thanked constituents for allowing her to continue to serve on the Council and stated that she looks forward to working with the community and City staff. She also thanked family and friends for their support during her election campaign. She congratulated newly-elected Deputy Mayor Harmon.

Councilmember Wolgast stated that he looks forward to serving the citizens of Topeka and serving on the Council.

Councilmember Swank welcomed the new councilmembers and stated that she looks forward to working as a team. She congratulated the Housing and Neighborhood Development Department for receiving the National Energy Star Award on March 31, 2009 for Excellence in Affordable Housing.

Councilmember Archer stated that he looks forward to serving on the Council.

Councilmember Preisner welcomed the new councilmembers. He encouraged the Council to contact the City Council office to compile a consensus on the best time to schedule special meetings.

Councilmember Harmon welcomed the new councilmembers. He thanked citizens for allowing him to continue to serve on the Council. He also thanked the Council for allowing him to serve as Deputy Mayor.

Councilmember Alcalá questioned how many Councilmembers must be present to constitute a special meeting.

Jackie Williams, City Attorney stated that he believes five Councilmembers must be present to constitute a special meeting; however, he will research the requirement and report back to the Council.

Mayor Bunten thanked the citizens of Topeka for re-electing him and allowing him to serve as the Mayor.

Sandy Sweet, Ken Sweet, Jackie Simpson, Kim Richmond, Peter Hancock and Brett Blackburn appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:55 p.m.

Brenda Younger
City Clerk