

Council Minutes – February 23, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 23, 2010. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Reverend Chuck and Reverend Sue Lacey, Let There Be Light Ministries gave the invocation.

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

A PRESENTATION on the Downtown Topeka, Incorporated 2010 Priorities and community services provided was given by Susan Mahoney, Downtown Topeka, Inc., Executive Director.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Margo Rangel to the Human Relations Commission for a term that would end March 2, 2012 was presented.

MINUTES of the regular meeting of February 16, 2010 were presented.

Cereal Malt Beverage License applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Sunshine Energy SE #50	600 SW Fairlawn Road
Sunshine Energy SE #49	2836 SW Fairlawn Road

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

ORDINANCE NO. 19385 introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 42-38 establishing a service fee levy for 2010 relating to

the Capital City Downtown Business Improvement District and specifically repealing said original section placed on first reading February 16, 2010 was again presented.

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

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner, Harmon and Mayor Bunten -10.

A PROJECT BUDGET in the amount of \$250,000 and ORDINANCE NO. 19386 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301008.00 (HTE 302870), which provides for an aquatic playground at Samuel Jackson Park, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading February 16, 2010 was again presented.

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

Mayor Bunten asked if capital improvement projects have been placed on hold at this time due to the City’s financial state.

Norton N. Bonaparte, Jr., stated that only the projects that are approved and included in the Capital Improvement Budget will be brought before the Council. He reported at the Policy and Finance Committee meeting it was determined that major purchases for the City would be put on hold at this time.

Councilmember Ortiz gave a brief overview of the 2002 East Topeka Revitalization Plan. She stated that the projects listed in the plan were considered carefully and supported by the neighborhood. She spoke in support of the self-sustaining spray park because it would reduce operating costs and would be located in close proximity to neighborhood families. She encouraged the Council to support the project.

Councilmember Ortiz moved to approve the project budget and adopt the ordinance. The motion was seconded by Councilmember Alcala.

Johan Freeland, Community First, Inc., spoke in support of the spray park and stated that it is a very unique opportunity for the area. He also stated that Abbott Community Center summer staff would provide services for spray park patrons.

Councilmember Alcala spoke in support of the project. He stated that the area has improved dramatically with the construction of ten Habitat for Humanity Homes, as well as, the assistance provided by residents in cleaning up at-risk areas. He reported that the neighborhood has seen an influx of young families and believes the project is a vital addition.

Councilmember Archer spoke in opposition of the project. He expressed concern with the financial state of the City and the recent forced layoffs of City employees.

The motion to approve the project budget and adopt the ordinance carried.

Councilmember Woelfel and Archer voted “no.” (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Wolgast, Swank, Preisner and Harmon -7. Noes: Woelfel and Archer -2.

RESOLUTION NO. 8240 introduced by City Manager Norton N. Bonaparte, Jr., relating to Topeka Ice, Inc., and authorizing an option contract to acquire a certain parcel of real property for an ice skating facility was presented. The resolution was deferred from the meeting of January 26, 2010. (*Contract No. 40217*)

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

Mayor Buntten questioned the language on lines 32 through 34 of the resolution; and if the contract was necessary.

Jackie Williams, City Attorney reported that the contract includes a provision to ensure the real property would revert to the City of Topeka, if among other things, Topeka Ice, Inc.,

conveys the real property to any other person, corporation or entity during the ten-year period following completion of the construction of the ice skating facility. He stated that the language of the contract is a policy decision of the Council.

Councilmember Alcalá spoke in support of the contract and stated that he believes the project would enhance the area, and provide additional time for Topeka Ice, Inc., to generate funding for the project.

Councilmember Alcalá moved to approve the resolution. The motion seconded by Councilmember Ortiz carried. Councilmember Woelfel voted “no.” (8-1-0)

APPROVAL of two lease agreements between the City of Topeka and Hallmark Cards, Inc., for two employee parking lots and a semi-trailer drop site was presented. (*Contract No. 40215 and Contract No. 40216*)

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

Councilmember Wolgast moved to approve the two lease agreements. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

ORDINANCE NO. 19387 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of February 8, 2010, through February 14, 2010, 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. 19388 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 2016 SW 37th Street from “C-2” Commercial District TO “PUD” Planned Unit Development District (“O&I-1” Office and Institutional District use group with contractors office and limited enclosed equipment and material storage) placed on first reading February 16, 2010 was again presented. (*PUD10/1*)

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

The City Clerk asked each member of the Governing Body to disclose all ex parte communications regarding Zoning Case PUD10/1.

Councilmember Preisner stated that he had correspondence with the applicant via electronic mail.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner, Harmon and Mayor Bunten -10.

ORDINANCE NO. 19389 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 by amending the Master PUD Plan of Brookwood Shopping Center to include an Automotive Service Station Type 1 and relocation of an access drive on property located at 2900 SW Oakley Avenue in the City of Topeka, Kansas placed on first reading February 16, 2010 was again presented. (*PUD10/3*)

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

Mayor Bunten stated that if the proposed zoning change is approved there would be three automotive stations located within 300 to 400 yards of each other. He stated that he would

abstain from voting on the issue because he does not see a need for another service station in the area; however, he does understand the City's responsibility to respond to the applicant's request.

Councilmember Wolgast moved to adopt the ordinance. The motion was seconded by Councilmember Swank.

The City Clerk asked each member of the Governing Body to disclose all ex parte communications regarding Zoning Case PUD 10/3.

Councilmember Wolgast stated that he spoke with proponents of the zoning case.

Councilmember Harmon stated that he received a telephone call from a representative of the applicant of the zoning case, duplicative of points raised at the Planning Commission public hearing at which time opponents had the opportunity to respond to those points.

Mayor Bunten stated that he spoke with the applicant, Mr. Robb.

The motion to adopt the ordinance carried. Mayor Bunten abstained. (9-0-1)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9. Abstain: Mayor Bunten -1.

Councilmember Preisner moved to cancel the March 2, 2010 City Council meeting. The motion was seconded by Councilmember Archer.

Councilmember Alcalá stated that he would not support the cancellation of the March 2, 2010 Council meeting because he sees the short agenda as an opportunity for the Council to schedule a useful work session discussion.

The motion to cancel the March 2, 2010 City Council meeting carried. Councilmember Alcalá voted "no." (8-1-0)

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

Norton N. Bonaparte, Jr., City Manager announced that a Heartland Visioning Community meeting would be held on February 25, 2010 at the Downtown Ramada Inn from 5:00 p.m. to 7:00 p.m.; and a Human Relations Commission Town Hall meeting would be held on February 25, 2010 at the Cyrus K. Holliday building from 6:00 p.m. to 8:00 p.m. He encouraged citizens to watch the Mayor's Minute and the City of Topeka Presents Program highlighting Council District No. 4 broadcasted daily on City4.

Councilmember Hiller commended the Kansas Expo Centre for hosting the 2010 Lawn and Garden Show. She stated that the event was very successful and offered great ideas for the consumer.

Councilmember Archer acknowledged the citizens attending the Council meeting who appeared in support of keeping the elephants at the Topeka Zoo.

Councilmember Preisner asked if staff has the answers to the questions he asked at the February 16, 2010 Work Session relating to the operating cost; the amount of revenue generated; and the number of gallons used for each City of Topeka swimming pool.

Councilmember Harmon asked if it would be constructive for the Council to revisit the adopted 2008-2009 Capital Improvement Budget and the 2008-2012 Capital Improvement Plan due to the financial situation of the City.

Norton N. Bonaparte, Jr., stated that a staff meeting has been scheduled to discuss capital improvement projects and the best way the City can balance the needed cash flow to take advantage of low construction costs. He reported that he would provide the Council with an update within a week.

Councilmember Alcalá commended the Think Big Topeka Organization for taking the initiative to enter the City of Topeka in Google's experiment to test an ultra-fast Internet

connection at a number of locations across the country. He requested that a resolution be drafted in support of the initiative and placed on an upcoming Council agenda.

Pursuant to Council Rules and Procedures No. 5.2(xiii) Councilmember Alcalá presented the following agenda to open discussion relating to the Topeka Zoo elephants.

Agenda

Short Video – The Elephant Sanctuary
Introduction of Judy Carman and any members of the Friends Of the Topeka Zoo (FOTZ)
Dr. Mel Richardson, Elephant Expert – Q&A Session
Carol Buckley, The Elephant Sanctuary – Q&A Session
Jesse Borjon, FOTZ President – Q&A Session
Catherine Doyle, In Defense of Animals – Q&A Session
Closing Comments

Following a ten-minute video on The Elephant Sanctuary located in Hohenwald, Tennessee, Councilmember Alcalá introduced Judy Carman and Ann Wilson, members of the Animal Outreach of Kansas.

Judy Carman, Animal Outreach of Kansas (AOK) distributed a Retirement Proposal for Topeka Zoo Elephants, Tembo and Sunda. She stated that the proposal provides detailed information on the elephant species, as well as, an overview of The Elephant Sanctuary in Hohenwald, Tennessee.

Councilmember Alcalá introduced Dr. Mel Richardson, Elephant Expert and asked him to provide an overview of his observations and findings following the examination of the elephants and their medical records on Monday, February 22, 2010.

Dr. Mel Richardson thanked the City for allowing him the opportunity to observe the elephants and examine the medical records. He stated that in his professional opinion the elephants should be removed from the Topeka Zoo and retired to the sanctuary for the remainder of their lives because he saw nothing at the Zoo that would change his mind. He also stated that

the elephants would never be without foot pain and the Council should base their decision on what is best for the elephants. He reported the following findings:

- Zoo keepers are attempting to get a handle on the chronic foot problems of Sunda associated with inadequate enclosure and long hours standing on concrete. The horny layer of Sunda's foot sole had to be removed to allow the foot to heal properly and once this layer of the foot sole is removed it will not regenerate.
- Tembo still battles severe cracking nails, a condition brought on by standing on concrete; however, the soles appear to be free of abscesses. Tembo has some behavior issues as reported by the medical management team that have improved since 2005.

Councilmember Preisner questioned the findings made by Dr. Richardson. He stated that the report does not address the social behavior of the elephants; or if it is safe for the aging elephants to be transported to Tennessee. He also stated that the report does not indicate the elephants are in danger at the Topeka Zoo, or if it would be healthy to separate the elephants.

Councilmember Archer asked if there were any zoos located in the United States that are doing a good job with the housing and care of elephants.

Councilmember Alcalá asked if the elephants were suffering from arthritis; if the elephants were participating in a regular exercise program; what would happen to the elephants if the foot problems continue or get worse; if x-rays have been taken of the elephants feet; if the new veterinarian accompanied the tour with Dr. Richardson; if the elephants feet were considered normal; and if the area the zoo keepers use to provide medical care for the elephants is safe.

Mayor Bunten asked if Dr. Richardson has toured The Elephant Sanctuary in Tennessee; where would be the best place for the elephants to be housed; and if the weather in Tennessee differs from the weather in Kansas.

Councilmember Hiller asked Dr. Richardson what kind of changes or suggestions would be recommended.

Dr. Richardson noted that the way elephants are being housed and cared for in captivity has changed drastically over the past 15 years. He responded to the questions with the following answers:

- There was no evidence of the elephants bonding; however, he is confident the elephants have developed a mutual coexistence with each other over the years because they have had no choice.
- Yes, it is healthy for the elephants to travel because there have been elephants that are much older than Sunda and Tembo that have successfully made the trip.
- The Oakland Zoo and the North Carolina Zoo provide and maintain great facilities for their elephants.
- He is not sure if the elephants participate in a regular exercise program. The records reflect that the elephants are released outside for short periods of time during the winter season; however, if the elephants are forced to walk on ice it could cause serious issues or harm to the animal.
- He requested to review any and all x-rays of the elephants; however, x-rays could not be located.
- The elephants feet appear to be fairly normal of elephants in captivity with no signs of arthritis at this time.
- He did tour The Elephant Sanctuary and it is exactly what it appears to be. The weather is more hospitable in Tennessee than it is in Kansas and is considered almost subtropical.
- He would not support separating the elephants if they were being forced into solitude; however, this is not the case, the elephants would be bonding with their own type of species in The Elephant Sanctuary and monitored very closely.
- He stated that the area where the zoo keepers provide medical treatment to the elephants is not safe and should be altered to better protect staff.
- He would suggest providing more space for the elephants to exercise including an area that provides hills to climb and dirt to dig in. The elephants need to spend far less time on the concrete.

Dr. Joe Kaner; Topeka Zoo Interim Veterinarian stated that he has provided medical care for the elephants since October 2009. He reported that he was contacted by the Topeka Zoo Veterinarian, Dr. Carpenter approximately ten years ago requesting to borrow large animal x-ray equipment. He stated that the x-ray machines that were used at that time were inadequate; therefore, the x-rays that he has reviewed are not easy to read.

Councilmember Alcalá asked who paid for the expenses of the Sedgwick County Zoo representatives to travel to Topeka to attend the Council meeting.

Mark Reed, Sedgwick County Zoo Executive Director stated that the Sedgwick County Zoo paid for the expenses.

Carol Buckley, owner and operator of The Elephant Sanctuary located in Hohenwald, Tennessee reported the following:

- The Sanctuary does not seek out new elephants, only elephants that have been retired or removed from an abusive situation.
- The Sanctuary provides an opportunity for people to learn and experience more about the health and behaviors of captive elephants.
- She was asked by Topeka Zoo keepers to examine the elephants in 2000. The concerns expressed by staff were directly related to their feet. She noted that Topeka Zoo staff members have contacted her four more times since 2000 requesting her assistance.
- Her biggest concern is separating the elephants. The Sanctuary would not participate in the separation of the elephants if they are truly bonded.
- She was surprised to read documentation that countered the position of bonded elephants. She explained that when elephants are bonded there is no aggression or dominance between the animals. She noted that aggression has been documented between Sunda and Tembo.
- She stated that there are examples of elephants that only coexist together and form no bond.
- She stated that she could not determine if Sunda and Tembo are bonded because she has not seen them together.

Councilmember Archer requested a copy of the facility's financial audit statements. He also asked if the audit was conducted by an outside financial consultant.

Councilmember Preisner asked how many elephants could be housed in the Phase 2 Barn.

Councilmember Hiller thanked Ms. Buckley for appearing and providing the Council with the knowledge to make an informed decision.

Councilmember Ortiz left the room.

Councilmember Alcalá asked if the Sanctuary is open for random inspections; and if the Sanctuary would be willing to care for the elephants at no cost to the City.

Ms. Buckley responded to the questions with the following answers:

- Facility financial audit statements can be viewed on their website or a hard copy may be requested. The facility is audited annually by an independent company in Tennessee because of the amount of revenue that is generated each year.

- Facility operations are audited by the State of Tennessee Wildlife Resources Agency, the United States Department of Agriculture, and the Board of Directors.
- Up to eight elephants can be housed in the Phase 2 Barn.
- The facility is open for inspections by officials at anytime.

Jesse Borjon, Friends of the Topeka Zoo President stated that approximately 180,000 people visit the Topeka Zoo annually. He spoke in support of keeping the elephants at the Zoo and commented on the following:

- He questioned if the City Council should make the determination if the elephants should remain at the Topeka Zoo.
- He reported that significant progress has been made in a short period of time in regards to senior management and procedural changes at the Topeka Zoo. He also noted that staff members have remained proactive in the care of the elephants over the past several years, as well as, expanding the elephant exhibit by 5,500 square feet to meet AZA regulations.
- He encouraged the Council to allow the experts to draft a comprehensive report to determine if the elephants should remain at the Zoo. He noted recently an extensive review of the Zoo determined that there were several things that need to be addressed; however, the elephant facility was found to be satisfactory.

Councilmember Alcalá reported that he is in the process of contacting the United States Department of Agriculture to request a thorough review of the elephant exhibit.

Catherine Doyle, In Defense of Animals stated that in her opinion the problem is not an issue of the Topeka Zoo as a whole. She also stated that if the elephants are retired it will not keep people from visiting the Topeka Zoo if they are educated as to why the elephants would have a better life somewhere else. She commented on the following:

- She stated that she has reviewed the records of the elephants for the past ten years, and the In Defense of Animals Organization has been monitoring the elephants since 2005.
- She stated that the problem is not the care or treatment of the elephants it is the facility and climate conditions. She noted that the health condition of the elephants would continue to get worse if facility conditions do not change.
- She stated that she was concerned with the overall welfare of the animals because of the two different types of elephants coexisting in the same area.
- She reported that in a natural habitat an elephant may travel up to ten miles a day and remain active as much as 20 hours a day. The current Topeka Zoo elephant facility only provides $\frac{3}{4}$ of an acre for the elephants to roam forcing them to stay inside on concrete with no mental stimulation.

- She stated that in her opinion AZA standards are not hard to meet and it is not right to keep elephants in small urban zoos because it causes premature death.
- She stated that she understands this is an emotional matter; however, it is about what is best for the animals. She encouraged the City to be creative; more progressive; and provide better environments for all Topeka Zoo animals.

Councilmember Archer asked what the mission of the organization is; and if the organization would recommend the City hire a new Zoo Director to make an evaluation of the situation before Council makes a decision.

Councilmember Preisner stated that he believes the issue will have a direct effect on the Topeka Zoo as a whole because the media attention will cripple the Zoo's reputation. He stressed the importance of having complete support of the entire Governing Body when hiring a new Zoo Director.

Ms. Doyle responded to the questions with the following answers:

- The mission statement of In Defense of Animals is, "To protect the health, rights and habitats of animals."
- She stated that in her opinion, it is not necessary to hire a new Zoo Director before making a decision because it would not change the conditions of the facility, and in the end, it is still the decision of the Council.
- She encouraged administration to hire someone of higher caliber who will think outside the box and take advantage of the situation by creating a new start for the Topeka Zoo.
- She noted that the Topeka Zoo as a whole has attracted a lot of media attention by what has taken place over the past several years.

Councilmember Alcalá stated that he presented the issue because he supports transparency in government and it is important for citizens to know the facts.

Councilmember Swank expressed concern with presenting the issue without being placed on a Council agenda. She stated that it is unfair to the public because they have not been provided with the opportunity to speak to the issue. She questioned why there has been so much media attention relating to the elephants at this time because the elephants have resided at the Zoo for nearly thirty years. She stated that she believes the statements are unfair and will have a

negative effect on the Topeka Zoo as a whole. She expressed the importance of waiting until a new Zoo Director can evaluate the situation and provide recommendations; and the public is allowed to speak openly to the issue before the Council makes a decision.

Councilmember Alcalá stated that in his opinion the issue needed to be addressed as soon as possible or it may appear that the City is trying to hide the problem.

Councilmember Alcalá distributed a resolution relating to the retirement of the City of Topeka Zoo's two elephants. He requested that the resolution be placed on the next available Council agenda.

Councilmember Hiller requested that Mark Reed be allowed to speak to the issue at this time. She noted that Mr. Reed was signed up to speak under public comment.

Upon hearing no objections, Mayor Buntin announced that Mr. Reed would be allowed to speak to the issue.

Councilmember Hiller questioned what is involved in acquiring an AZA Accreditation and requested that Mark Reed, Executive Director of the Sedgwick County Zoo provide a professional opinion on the issue to the Council.

Mark Reed, Executive Director of Sedgwick County Zoo made the following comments on the issue:

- He gave a brief overview of what is required of a facility to receive AZA Accreditation. He stated that the City has already made a bold move to remove senior management sending a clear message to the AZA and the community that the City of Topeka wants to rebuild the Zoo. He noted that 60% of the population in the State of Kansas attends at least one of the seven zoos annually throughout the state.
- He reported that the same type of situation happened in El Paso, Texas. He explained that the AZA would determine where the elephants would go through the SSP Program process, and if the Council chose to bypass this process than the Topeka Zoo would lose their accreditation. He also believes the Topeka Zoo would eventually lose other exotic animals because they would not be replaced as the animals expire.

- He commented on Dr. Richardson’s report and stated that it is not the quantity of space but the quality of space that matters. He stated that there is no question technology will continue to change and improve the lives of animals in captivity; however, he is convinced the elephants are content and happy at the Topeka Zoo and should not be removed at this time.
- He stated that if this matter is not handled properly or professionally it will destroy the Topeka Zoo because the community has a huge investment in the Zoo.
- He stated that he believes the elephants would receive better care at the Topeka Zoo than in The Elephant Sanctuary. He noted that the climate in Tennessee is similar to the climate in Kansas.
- He reported that studies have found elephants that live in drier climates average approximately 4.8 miles a day of walking; and elephants that live in wet climates average 2.4 miles a day of walking.

Councilmember Preisner moved to suspend the Council Rules to add a resolution relating to the retirement of the City of Topeka Zoo’s two elephants to the Council agenda and take action on the resolution. The motion was seconded by Councilmember Archer.

Councilmember Alcalá raised a point of order in regards to the official request to place the resolution on an upcoming agenda to allow the public the opportunity to speak to the issue.

Jackie Williams, City Attorney stated that the Council Rules do not prohibit a member of the Council from suspending the Council Rules, adding an item to the Council agenda, and taking action on the item at the same time.

Councilmember Alcalá stated that he would not support the motion because it eliminates due process; ends dialog within the Governing Body; portrays that the City wants to hide the problem; and eliminates transparency in government.

Councilmember Archer stated that it is important for the matter to be evaluated by a new Zoo Director, and for dialog to continue within the Governing Body and the community after recommendations have been provided.

The motion to suspend the Council Rules to add the resolution to the Council agenda and take action on the resolution carried. Councilmember Alcalá voted “no.” (7-1-0)

Councilmember Hiller stated that she would not support the resolution. She stated that it is important for the Council to express their concern with the issue; however, it is more important to hire a new Zoo Director and move forward in new inventive ways. She stated that she believes administration, not the Council, should make the decision because it is very complex and could risk the health of the elephants.

A RESOLUTION introduced by Councilmember John Alcalá relating to the retirement of the City of Topeka Zoo's two elephants was presented.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Archer failed. Councilmembers Hiller, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon voted "no." Councilmember Ortiz was absent. (1-7-0)

Councilmember Alcalá moved to adjourn the City Council meeting. The motion seconded by Councilmember Archer carried unanimously. (8-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:16 p.m.

Brenda Younger
City Clerk