

Council Minutes – November 15, 2011

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 15, 2011. 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, Everhart, Wolgast, Archer, Gray and Harmon -8. Mayor William W. Bunten presided -1. Absent: Councilmember Manspeaker -1.

AFTER THE MEETING was called to order, Councilmember Everhart asked for a moment of silent meditation.

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

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Jacqueline Bugg to the Civil Service Commission for a term ending November 30, 2015 was presented.

MINUTES of the regular meeting of November 8, 2011 were presented.

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember Gray carried unanimously. (8-0-0)

RESCINDING action taken at the July 26, 2011 Council meeting, wherein the Council voted to table for six months the Resolution introduced by Deputy Mayor John Alcalá authorizing staff to issue a Request for Proposal for an executive search firm to assist the City in attracting and hiring a city manager was presented. This agenda item was deferred from the November 15, 2011 Council meeting.

Councilmember Harmon gave the staff report.

Councilmember Alcalá spoke in support of rescinding the action taken by the Council and to approve the resolution. He noted the initial intent to administer the hiring process

internally was to save money; however, the process did not prove successful for the Council. He reported the Council is pleased with Mr. Stanley's performance; however, Mr. Stanley has announced he will not remain in the City Manager position on a permanent basis.

Councilmember Hiller moved to rescind the action taken at the July 26, 2011 Council meeting to table the resolution for six months. The motion seconded by Councilmember Harmon carried unanimously. (8-0-0)

RESOLUTION NO. 8394 introduced by Deputy Mayor John Alcala authorizing City administration to issue a request for proposal as more specifically described herein was presented.

Councilmember Harmon gave the staff report.

Councilmember Harmon moved to approve the resolution. The motion was seconded by Councilmember Everhart.

Councilmember Archer stated the decision to support the resolution was difficult; however, due to the Council's unsuccessful efforts in hiring an interim city manager they now must move forward with an outside hiring firm. He reported there are many local firms that are qualified to perform this task and asked staff to consider local firms first.

Councilmember Wolgast stated the Council has had a difficult time functioning as a focused group in the past and struggle to make specific decisions; therefore, leadership with an objective voice is needed in this instance. He stated it would be helpful to find a firm that works with a search group to provide various candidates for the position.

The motion to approve the resolution carried. Councilmember Ortiz voted "no." (7-1-0)

ORDINANCE NO. 19671 introduced by Interim City Manager Daniel R. Stanley, allowing and approving City expenditures for the period of October 24, 2011, through October 30, 2011, and enumerating said expenditures therein was presented for first and final reading.

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Archer carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Everhart, Wolgast, Archer, Gray and Harmon -8. Absent: Manspeaker -1.

APPROVAL of funding recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council for annual program and one-time grant awards in 2012 from the Special Alcohol Program Fund was presented.

Daniel R. Stanley, Interim City Manager gave the staff report. He stated it is the opinion of the City Attorney's office that the Topeka Youth Project Jobs for Young Adults Program does not qualify for the proposed allocation of \$58,000 under the requirements outlined in K.S.A. 79-41a04(d). He noted the program is primarily geared towards employment of youth not drug and alcohol prevention programs.

Mayor Bunten noted the program also receives \$19,000 in federal grants in addition to the \$58,000 from the City. He suggested approving the recommendations with the exception of the Topeka Youth Project program allocation in the amount of \$58,000.

Mary Feighny, Deputy City Attorney confirmed the Topeka Youth Project Jobs for Young Adults Program does not meet state statute requirements.

Councilmember Hiller moved to approve the funding recommendations with the exception of the allocation to the Topeka Youth Project in the amount of \$58,000. The motion was seconded by Councilmember Archer.

Councilmember Hiller asked staff to research if another social service agency would be eligible to receive the \$58,000 in grant funds.

Pam Simecka, Acting Budget and Finance Director stated staff would research the request and report back to the Council.

The motion to approve the funding recommendations with the exception of the allocation to the Topeka Youth Project in the amount of \$58,000 carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

No Retail Cereal Malt Beverage License Applications were presented.

ORDINANCE NO. 19672 introduced by Interim City Manager Daniel R. Stanley, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC) by providing for certain changes in zoning on two lots located at the northeast corner of SW 10th Avenue and SW Woodbridge Drive from “O&I-1” Office and Institutional District TO “M-1” Two Family Dwelling District placed on first reading November 8, 2011 was again presented. (Z11/16)

Daniel R. Stanley, Interim City Manager gave the staff report.

Exparte communications were declared by Councilmembers Hiller, Ortiz and Harmon.

Councilmember Harmon moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Everhart, Wolgast, Archer, Gray, Harmon and Mayor Bunten -9. Absent: Manspeaker -1.

ORDINANCE NO. 19673 introduced by Interim City Manager Daniel R. Stanley, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC) by providing for certain changes in zoning on property located north of SW 29th Terrace, the centerline of the tract being approximately 580 feet southeast of the intersection of SW MacVicar Avenue and SW 29th Street from “E” Multiple Family Dwelling District TO “O&I-2” Office and Institutional District placed on first reading November 8, 2011 was again presented. (Z11/20)

Daniel R. Stanley, Interim City Manager gave the staff report.

No ex parte communications were declared.

Councilmember Wolgast moved to adopt the ordinance. The motion seconded by Councilmember Gray carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

The ordinance was adopted on roll call voted as follows: Ayes: Hiller, Alcala, Ortiz, Everhart, Wolgast, Archer, Gray, Harmon and Mayor Bunten -9. Absent: Manspeaker -1.

AN ORDINANCE introduced by Councilmember Andrew Gray, concerning domestic partnership registry by creating new Chapter 9.60 of the City of Topeka Municipal Code was presented for first reading.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, relating to the vacation of platted public street and alley rights-of-way on property located at 1400 SE 34th Street, City of Topeka, Shawnee County, Kansas was presented for first reading. (V11S/2)

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

Daniel R. Stanley, Interim City Manager reported there would be a \$3.11 million shortfall including \$500,000 of expenditures in the 2011 operating budget; however, the budget will still

have a healthy ending fund balance and the City will be able to pay their bills. He also stated they do not anticipate the 2011 shortfall to affect the 2012 budget; however, if it does, a contingency plan will be developed. He suggested the overall budgeting process include a more detailed review to avoid this problem in the future.

Councilmember Hiller reported she attended the interviews for the Kansas Avenue project proposals and was impressed with the process and commended the quality of individuals involved.

Councilmember Alcala asked staff to research if there would be a cost savings in establishing an employee vacation purchase program which would allow the City to recover some of the lost revenue costs. He expressed his appreciation for the kindness expressed by friends and family during his extended illness.

Daniel R. Stanley stated he would consider the suggestion as they develop solutions for the budget shortfall.

Councilmember Ortiz announced a Home Invasion Prevention event would be held November 16, 2011 at 6:30 p.m. at the Highland Park High School auditorium. She reported the information provided would be beneficial to the community and encouraged the public to attend.

Councilmember Wolgast requested a work session be scheduled to discuss the budget issues mentioned by the City Manager. He asked that an update on the need for new Police Department radios be provided to the Council.

Councilmember Archer thanked the Interim City Manager for his dedicated service to the community and for considering the City Manager position on a permanent basis.

Councilmember Gray thanked the Interim City Manager for his service.

Mayor Bunten requested the Council start the 2013 budget process as soon as possible. He thanked the Interim City Manager for doing a fine job and helping the City during difficult times; however, he encouraged Mr. Stanley to continue to work hard and develop more efficient ways to operate the City.

Orville Johnson, Ted Mize and Jason Chaika appeared to speak under public comment.

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:46 p.m.

Brenda Younger
City Clerk