

Council Minutes – November 29, 2011

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 29, 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, Manspeaker, Archer and Gray -8. Mayor William W. Bunten presided -1. Absent: Councilmember Harmon -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.

Daniel R. Stanley, Interim City Manager introduced new City of Topeka City Attorney, David Starkey.

Councilmember Archer moved to suspend the Council Rules to add an item to the Council agenda under New Business as item 7H, authorizing a public hearing date and publication of Notice of Public Hearing for the 2011 City of Topeka Budget amendments. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

Councilmember Archer moved to reinstate the Council Rules. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Kelly Jacobsen to the Topeka Sustainability Advisory Board for a term ending December 31, 2013 was presented.

BOARD APPOINTMENT recommending the re-appointment of Frank Ybarra to the Topeka Housing Authority Board of Commissioners for a term ending December 31, 2015 was presented.

BOARD APPOINTMENT recommending the re-appointment of Joyce Grigsby to the Human Relations Commission for a term ending December 31, 2013 was presented.

BOARD APPOINTMENT recommending the re-appointment of Renee Wiggins to the Topeka Human Relations Commission for a term ending December 31, 2013 was presented.

MINUTES of the regular meeting of November 15, 2011 were presented.

Dance Hall License applications were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Sasnak North Bar	1834 N. Kansas Avenue
Wild Horse Saloon	3249 SW Topeka Boulevard

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

A NOTICE OF PUBLIC HEARING

A PUBLIC HEARING relating to vacation request V11S/2 by Unified School District No. 501 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.

ORDINANCE NO. 19674 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 placed on first reading November 15, 2011 was again presented. (VIIS/2)

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

Councilmember Everhart moved to close the public hearing and adopt the ordinance. The motion was seconded by Councilmember Wolgast.

Councilmember Ortiz asked for an overview of the area and the School District's plan for the schools.

Bill Hoover, City Planner stated Ross Elementary School is located within the Eisenhower Middle School subdivision. He reported the subdivision is made up of small lots that are streets, and some of the streets have buildings built over them; therefore, the streets should have been vacated years ago. He stated the vacation request was made to prepare the property for future construction.

The motion to close the public hearing and adopt the ordinance 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, Manspeaker, Archer, Gray and Mayor Bunten -9. Absent: Harmon -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 placed on first reading November 15, 2011 was again presented.

Councilmember Gray reported the ordinance would not legalize gay marriages; compel businesses to offer healthcare benefits to nontraditional couples; and offer any legal rights or grant any rights or benefits that are regulated by Kansas law. He stated the ordinance has clear definition and criteria, and provides a unique opportunity to identify Topeka as a very tolerant and forward thinking community.

Pedro Irigonegaray, Kansas Equality Coalition stated it is time the City addressed the issue of equality and begin to remove the hate images associated with Topeka brought on by a mean spirited minority. He urged the Council to approve the ordinance.

Stephanie Mott, Kansas Equality Coalition Chair stated she believes approval of the ordinance would affirm that the City of Topeka accepts all individuals and supports civil rights and human dignity.

Michael Byington spoke in support of the ordinance. He stated he would like all individuals to have the same rights as heterosexual married couples and encouraged the Council to support the ordinance.

Councilmember Harmon entered the room.

Jason Chaika spoke in support of the ordinance and stated approval of the ordinance would not violate Kansas law banning same sex marriages. He provided research information on co-habitation versus marriage, and encouraged the Council to support the ordinance. He stated he believes approval of the ordinance could improve the hate image some people have of Topeka and show a progressive attitude.

Robert Noland, Family Policy Council stated there is no need to enact the ordinance quickly and encouraged the Council to vote against the ordinance. He asked what purpose the registry would serve and stated creation of a registry at a local level could be a step towards legalizing same sex marriages.

Annette Billings stated she did not have the ability to access benefits through her employer for her significant other and believes it is not too late for others to have the option.

Sandy Swartz gave examples of how lives have been affected in same sex relationships and not having the same recognition as traditional relationships. She stated couples just want to be recognized as partners and encouraged the Council to support the ordinance.

Marshall Barber spoke in support of the ordinance and stated he believes Topeka has the opportunity to make known their stance for justice by approving the ordinance.

Lynne and Bill Leifer, co-founders of the Kansas Equality Coalition encouraged the Council to support the ordinance because it is an issue of justice for all individuals and asked the Council to fulfill their pledge to represent all citizens.

Judy Pfeifer stated establishing the registry would help those that are currently denied rights that married heterosexual couples have and encouraged the Council to approve the ordinance.

Councilmember Gray moved to adopt the ordinance. The motion was seconded by Councilmember Manspeaker.

Councilmember Manspeaker spoke in support of the ordinance and thanked citizens for their comments. He stated he believes government was established to protect all minorities regardless of race, religion or sex.

Mayor Bunten stated the ordinance would not address discrimination or civil rights; guarantee hospital rights to a significant other; require individuals or businesses to acquire health insurance or compel businesses to move to the Topeka area; however, the ordinance would allow people to register and say they are in a domestic partnership for self identification.

The motion to adopt the ordinance failed. Councilmembers Alcala, Ortiz, Everhart, Archer and Harmon voted “no.” (4-5-0)

RESOLUTION NO. 8395 introduced by Councilmember Richard Harmon establishing an analytical framework for elected leaders and staff to work with other taxing authorities in developing cooperative arrangements was presented.

Councilmember Harmon gave the staff report. He distributed amendments to the resolution and recommendations of the Policy and Finance Committee and stated he believes the resolution would serve as a useful tool in working towards cooperative arrangements with other taxing entities.

Councilmember Harmon moved to amend the resolution beginning on Line 29 by deleting the words “that it adopts” and inserting the statement, “recommends that the City

Manager consider and evaluate;” on Line 30 by deleting the words “in considering” and inserting the statement, “as appropriate and report to the City Council when it considers;” and on Line 33 by inserting the statement, “1. Statement of purpose or goal of the proposed agreement.” The motion was seconded by Councilmember Alcala.

Councilmember Archer commended Councilmember Harmon for drafting the resolution and stated he believes it is flexible and will generate many great ideas.

The motion to amend the resolution beginning on Line 29 by deleting the words “that it adopts” and inserting the statement, “recommends that the City Manager consider and evaluate;” on Line 30 by deleting the words “in considering” and inserting the statement, “as appropriate and report to the City Council when it considers;” and on Line 33 by inserting the statement, “1. Statement of purpose or goal of the proposed agreement.” carried unanimously. (9-0-0)

Councilmember Harmon moved to approve the resolution as amended. The motion seconded by Councilmember Everhart carried unanimously. (9-0-0)

ORDINANCE NO. 19675 introduced by Interim City Manager Daniel R. Stanley, allowing and approving City expenditures for the period of October 31, 2011, through November 13, 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 Everhart carried unanimously. (9-0-0)

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

A PROJECT BUDGET in the amount of \$122,237 and A RESOLUTION introduced by Interim City Manager Daniel R. Stanley, authorizing Zoo Improvement Project No. T-301033.00 to resurface portions of service roads on zoo grounds was presented.

Daniel R. Stanley, Interim City Manager requested item 7B be withdrawn from the Council agenda at the request of staff.

Upon hearing no objections, Mayor Bunten announced the item would be withdrawn from the agenda.

APPROVAL of Real Estate Purchase Agreement between the City of Topeka and CoreFirst Bank and Trust for the purchase of property located at Lauren's Bay Estates in the amount of \$56,925 for Project No. T-151011.00 Lauren's Bay Pond, and specifically authorizing the Mayor to execute the agreement was presented. (*Contract No. 41731*)

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

Councilmember Archer moved to approve the real estate purchase agreement. The motion seconded by Councilmember Gray carried unanimously. (9-0-0)

A RESOLUTION introduced by Interim City Manager Daniel R. Stanley, authorizing the execution and delivery of an equipment lease/purchase agreement with respect to the acquisition, purchase, financing and leasing of certain equipment for the public benefit; authorizing the execution and delivery of documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution was presented.

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

Mayor Bunten reported the 15 year agreement would provide equipment upgrades to City facilities utility controls and be financed with the savings derived from the installations.

Councilmember Alcala asked for a copy of the workflow sheet and a financial breakdown analysis of the funding source to better understand the agreement.

Councilmember Alcala moved to refer the resolution to the Policy and Finance Committee. The motion was seconded by Councilmember Ortiz.

Councilmember Archer spoke in support of referring the agreement to Committee for further review. He stated he would like to receive more information from the Finance Department regarding the final financial analysis because of the City's financial condition at this time.

Daniel R. Stanley stated Johnson Controls, Inc., has provided a good analysis for energy savings; however, he wants to make certain the Council is comfortable with the \$3.6 million project. He stated a financial analysis would be provided to the Council.

The motion to defer the resolution to the Policy and Finance Committee carried unanimously. (9-0-0)

RESOLUTION NO. 8396 introduced by Interim City Manager Daniel R. Stanley, approving the 2012 Neighborhood Empowerment Grants as recommended by the Neighborhood Empowerment Grant Committee was presented.

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

Councilmember Wolgast moved to approve the resolution. The motion was seconded by Councilmember Gray.

Councilmember Ortiz asked for a list of the grant recommendations.

Brad Reiff, Housing and Neighborhood Department Deputy Director provided a brief overview of the funding recommendations for Central Park, Chesney Park, Highland Acres, Historic North Topeka East, Oakland, Tennessee Town, and Ward Meade neighborhoods.

The motion to approve the resolution carried unanimously. (9-0-0)

RESOLUTION NO. 8397 introduced by Deputy Mayor John Alcala cancelling the Council meetings for July 3, 2012; September 4, 2012; November 6, 2012; and December 25, 2012 and establishing a Council meeting for July 31, 2012 was presented.

Councilmember Alcala gave the staff report.

Councilmember Alcala moved to approve resolution. The motion was seconded by Councilmember Archer.

Councilmember Hiller made a substitute motion to add August 7, 2012 (Primary Election Day) to the list of cancelled Council meetings. The motion seconded by Councilmember Archer carried. Councilmembers Alcala and Harmon voted “no.” (7-2-0)

Councilmember Ortiz moved to approve the resolution as amended. The motion seconded by Councilmember Archer carried. Councilmember Alcala voted “no.” (8-1-0)

Retail Cereal Malt Beverage License Applications were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
The Brass Rail	401 NE Emmett
North Topeka Golf Center	350 NE Highway 24
Pizza Parlor	1919 NE Seward
Sasnak North Bar	1834 N. Kansas Avenue

Councilmember Archer moved to approve the Retail Cereal Malt Beverage License applications as presented. The motion seconded by Councilmember Hiller carried unanimously. Mayor Buntun voted “yes.” (10-0-0)

SETTING a public hearing date of December 20, 2011 for the purpose of hearing and answering objections of taxpayers relating to the proposed amendments to the 2011 Operating Budget, and authorizing the publication of the Public Hearing Notice was presented.

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

Councilmember Archer moved to approve the public hearing date and authorize publication of the Public Hearing Notice. The motion seconded by Councilmember Hiller carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, amending City of Topeka Code Sections 5.10.020 and 9.15.300, concerning alcohol sales and tax and specifically repealing said original sections was presented for first reading.

AN ORDINANCE introduced by Councilmembers Karen Hiller, Sylvia Ortiz and Richard Harmon, sitting as the Public Health and Safety Committee, amending City of Topeka Code Section 8.35.070 concerning fireworks and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, concerning the Parks and Recreation and Golf Course Advisory Boards, amending City of Topeka Code Section 2.05.010 and specifically repealing said original section, as well as, repealing Sections 2.90.010 through 2.90.080 and Sections 11.30.050 through 11.30.120 was presented for first reading.

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

Daniel R. Stanley, Interim City Manager announced he would conduct interviews for the City’s Lobbyist position at 9:00 a.m. on December 1, 2011. He thanked Catherine Walter for her service as Acting City Attorney.

Councilmember Hiller stated she received feedback from her constituents regarding the fireworks ordinance and distributed amendments to the ordinance for the Council to review. She reported she attended economic development training and would be willing to share the

information with the Council. She also stated a private sponsor would be willing to conduct an economic development training session in Topeka if there were people interested in attending.

Councilmember Alcalá reminded citizens to keep valuables out of plain sight during the holiday season in their homes, as well as, their vehicles. He also encouraged citizens to be mindful about keeping warm this holiday season to avoid tragedies.

Councilmember Ortiz reported the Amtrak ridership has increased in Topeka and commended the Police Department for reinforcing passenger safety during Operation Amtrak. She thanked the volunteers who served at the community Thanksgiving dinner. She reported the Topeka Rescue Mission is in need of twin size blankets and asked that donations be delivered to the Mission's Distribution Center located at 401 NW Norris.

Councilmember Wolgast commended Mayor Buntin for his leadership and participation in the Miracle on Kansas Avenue Parade. He commended all the volunteers who assisted with the event.

Councilmember Manspeaker expressed concern with the Miracle on Kansas Avenue Parade route and suggested a formal parade route be created for all Topeka parades. He requested staff examine the best way to create the longest lifespan possible for street improvement projects due to the amount of money being spent on each project.

Councilmember Harmon stated he volunteered at the community Thanksgiving dinner and noted it was a very unique experience with a tremendous outpouring of community volunteers.

Mayor Buntin reported the community Thanksgiving dinner was a remarkable event indicating the community cares about those who may be less fortunate than others.

Councilmember Alcalá moved to adjourn the Council meeting. The motion seconded by Councilmember Archer carried unanimously. (9-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:47 p.m.

Brenda Younger
City Clerk