Council Minutes – April 9, 2013

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 9, 2013. The Governing Body of the City of Topeka met in regular session at 6:00 P.M.

AFTER THE MEETING was called to order, Grant English, Western Hills Baptist Church and volunteer City of Topeka Fire Department Chaplain, gave the invocation.

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

A SERVICE RECOGNITION AND FAREWELL CEREMONY for the following elected officials was conducted:

- City of Topeka Mayor William W. Bunten
- Councilmember TJ Brown, Council District No. 3
- Councilmember Edward Collazo, Council District No. 7

A SWEARING IN CEREMONY for the following newly elected officials was conducted:

- City of Topeka Mayor Larry E. Wolgast
- Councilmember Karen A. Hiller, Council District No. 1
- Councilmember John Campos II, Council District No. 2
- Councilmember Sylvia E. Ortiz, Council District No. 3
- Councilmember Michelle De La Isla, Council District No. 5
- Councilmember Elaine Schwartz, Council District No. 7
- Councilmember Richard Harmon, Council District No. 9

Mayor Wolgast called the meeting to order and the following Councilmembers were present: Councilmembers Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Gray and Harmon -9. Mayor Wolgast presided -1.

Councilmember Hiller requested to pull item 4A, Minutes of the regular meeting of March 26, 2013, from the consent agenda for separate discussion.

Upon hearing no objections, Mayor Wolgast announced item 4A would be pulled from the consent agenda for separate discussion.
THE CONSENT AGENDA was presented as follows:

Open After Midnight License renewal applications were presented for the following:

<table>
<thead>
<tr>
<th>Business Name</th>
<th>Address</th>
</tr>
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<tbody>
<tr>
<td>American Legion Capitol Post 1</td>
<td>3800 SE Michigan Avenue</td>
</tr>
<tr>
<td>Billar El 2 De Oros</td>
<td>2018 SE Swygart Street</td>
</tr>
<tr>
<td>Boss Hawg’s</td>
<td>2833 SW 29th Street</td>
</tr>
<tr>
<td>The Dugout</td>
<td>1545 SW Fairlawn Road</td>
</tr>
<tr>
<td>McDonald’s</td>
<td>1201 SW Gage Boulevard</td>
</tr>
<tr>
<td>McDonald’s</td>
<td>1640 SW Wanamaker Road</td>
</tr>
<tr>
<td>McDonald’s</td>
<td>2933 SW Wanamaker Road</td>
</tr>
<tr>
<td>McDonald’s</td>
<td>5525 SW 21st Street</td>
</tr>
<tr>
<td>Serendipity</td>
<td>820 N Kansas Avenue</td>
</tr>
<tr>
<td>Sixth Avenue Ballroom</td>
<td>117 SW 6th Avenue</td>
</tr>
<tr>
<td>Sk8away, Inc.</td>
<td>815 SW Fairlawn Road</td>
</tr>
<tr>
<td>Tailgators Sports Pub &amp; Grub</td>
<td>2025 SW Urish Road, Suite 108</td>
</tr>
<tr>
<td>Walgreens #02846</td>
<td>2915 SW Gage Boulevard</td>
</tr>
<tr>
<td>Walgreens #03069</td>
<td>1001 SW Topeka Boulevard</td>
</tr>
</tbody>
</table>

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

MINUTES of the regular meeting of March 26, 2013, was presented.

Councilmember Hiller distributed an amendment to page 104 of the March 26, 2013, Council meeting Minutes. She stated she would prefer her position in the statement remain neutral. The amendment was as follows:

Councilmember Hiller expressed on behalf of the Arab Shrine that they hoped that as the City looks at its water rate structure in the future, the City would consider including concern with backflow monitors and fire suppression lines as part of the City’s responsibility rather than those of the property owners. She stated that based on a comment from last night’s Council round tables, she wanted to encourage that the City consider including water conservation rates should be included in new water rate schedules. along with utility and street engineering and construction management fees. She said she would like the City to consider, as we go into budget
both for the utilities and in general, re-establishing a fund for concept engineering and project
design so that we are not bonding such projects.

Councilmember Hiller moved to amend the Minutes of the regular meeting of March 26,
2013, as distributed. The motion seconded by Councilmember Ortiz carried unanimously.
(9-0-0)

Councilmember Hiller moved to approve the Minutes of the regular meeting of March
26, 2013, as amended. The motion seconded by Councilmember Manspeaker carried
unanimously. (9-0-0)

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING for vacation request V13E/2 by Mike Drippé Construction, Inc.,
for the vacation of a platted green space easement running along the northerly 30 feet of five lots,
located on the north side of SW Woods Drive just east of SW Cambridge Avenue, City of
Topeka, Shawnee County, Kansas.

ORDINANCE NO. 19808 introduced by City Manager Jim Colson, relating to the
vacation of a platted green space easement running along the northerly 30 feet of five lots,
located on the north side of SW Woods Drive just east of SW Cambridge Avenue, City of
Topeka, Shawnee County, Kansas placed on first reading March 26, 2013, was again presented.
(V13E/2)

Bill Fiander, City Planning Department Director, reported the green space easement is
located along the northerly portions of five vacant lots and is intended for landscape amenities.
He stated fences could not be constructed within the easements; however, the applicant would
like to do so to make the lots more viable for single-family development. He stated there are no
utilities located in the easement and staff recommends approval of the vacation request.

Councilmember Gray asked if the builder took into consideration the development and
future expansion of SW 45th Street when the easement was created.
Bill Fiander stated the easement right-of-way was dedicated for the SW 45th Street expansion years ago so the vacation request does not affect any future street improvements.

Mayor Wolgast moved to open the public hearing and asked if there was anyone present who would like to speak to the matter.

Mike Drippè, Drippè Construction, Inc., spoke in support of the vacation. He stated his intent is to make the lots more appealing to families and fence the backyards due to heavy traffic on SW 45th Street.

Mayor Wolgast asked if there was anyone else present who would like to speak to the matter. No one appeared.

Councilmember Harmon moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Manspeaker carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Gray, Harmon and Mayor Wolgast -10.

ORDINANCE NO. 19809 introduced by City Manager Jim Colson, amending City of Topeka Code Section 2.15.020 and specifically repealing said original section, concerning the times and dates for council meetings for the next two (2) years placed on first reading March 26, 2013, was again presented.

Jim Colson, City Manager, reported City of Topeka Municipal Code Appendix A, Section A2-26 requires the City Council to establish a regular schedule of meeting times and dates for the next two years at its first regular meeting after a city election. He stated the ordinance would be valid until April 2015, and includes no changes to the current meeting schedule.
Councilmember Manspeaker 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, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Gray and Harmon -9.

ELECTION OF Deputy Mayor to serve a one-year term pursuant to Topeka Municipal Code Section A2-26(2) was presented.

Councilmember Manspeaker stated he would prefer to follow historical protocol and nominate the longest standing councilmember serving, Councilmember Ortiz for Deputy Mayor.

Councilmembers Harmon and Hiller spoke in support of Councilmember Ortiz serving as Deputy Mayor.

Upon hearing no further nominations, Mayor Wolgast announced the nominations were closed and asked the Council to cast their votes on selection of a Deputy Mayor.

After the tally of votes, the City Clerk announced that Councilmember Ortiz received nine (9) votes.

Mayor Wolgast announced that Councilmember Ortiz would serve as the new Deputy Mayor.

ELECTION of the Joint Economic Development Organization (JEDO) Board Chair for the 2013 calendar year was presented.

Joseph Ledbetter stated he believes the nominee should be someone who is willing to listen to the public; allow public comment during JEDO Board meetings; schedule four action meetings per year; and demand accountability and transparency from the Growth Organization of Topeka.

Councilmember Everhart moved to nominate Mayor Wolgast.
Councilmember Harmon moved to nominate Councilmember Gray. 

Upon hearing no further nominations, Mayor Wolgast announced the nominations were closed and 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 Wolgast received six (6) votes, Councilmember Gray received two (2) votes and Councilmember Harmon received one (1) vote.

Mayor Wolgast announced that he would serve as the new Joint Economic Development Organization (JEDO) Board Chair.

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

Joseph Ledbetter stated he would prefer nominees who are receptive to concerns of the public and will hold JEDO accountable.

Councilmember Ortiz moved to nominate Councilmember Campos II, and Councilmember Schwartz.

Councilmember Hiller moved to nominate Councilmember Manspeaker and Councilmember Schwartz.

Councilmember Gray moved to nominate Councilmember Manspeaker and Councilmember De La Isla.

Upon hearing no further nominations, Mayor Wolgast closed the nominations and asked the Council to cast their votes on selection of a Joint Economic Development Organization (JEDO) Board members.

After the tally of votes, the City Clerk announced that Councilmember De La Isla
received six (6) votes; Councilmember Manspeaker received six (6) votes; Councilmember Schwartz received four (4) votes; and Councilmember Campos II, received two (2) votes.

Mayor Wolgast announced that Councilmember De La Isla and Councilmember Manspeaker would serve as the new Joint Economic Development Organization (JEDO) Board members.

ELECTION of City Council representatives to the Metropolitan Topeka Planning Organization (MTPO) Policy Board was presented.

Councilmember Everhart moved to nominate Councilmember Schwartz and Councilmember Manspeaker.

Councilmember Ortiz moved to nominate Councilmember Hiller and Councilmember Campos II.

Councilmember Manspeaker stated he would respectfully withdraw his nomination to allow a Council person who has not yet served on the board to do so.

Councilmember Campos II, spoke in support of Councilmember Hiller’s nomination.

Councilmember Hiller stated she enjoys serving on the MTPO Board and would be honored to serve another term as a board member or as the MTPO Board Chair which is appointed by the Mayor.

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 votes, the City Clerk announced that Councilmember Hiller received eight (8) votes; Councilmember Campos II, received six (6) votes; and Councilmember Schwartz received four (4) votes.
Mayor Wolgast announced that Councilmember Hiller and Councilmember Campos II, were selected as the new Metropolitan Topeka Planning Organization Policy Board members.

No Retail Cereal Malt Beverage or Scrap Metal Dealers License applications were presented.

A CHARTER ORDDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section A9-2 and repealing said original section concerning the Topeka Metropolitan Transit Authority was presented for first reading.

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

Jim Colson, City Manager, announced the Neighborhood Summit Collaboration and Empowerment meeting would be held April 20, 2013, from 10:00 a.m. to 12:00 p.m. noon at the Ramada Inn Convention Center, Grand Ballroom, located at 420 SE 6th Avenue. He stated the meeting would address how the City and neighborhoods could partner together to become more effective in strengthening the community. He also announced that Mike Teply, Public Works Director, would be retiring at the end of the month.

Mayor Wolgast encouraged all neighborhoods and the community to participate in the Neighborhood Summit Collaboration and Empowerment meeting on April 20, 2013. He welcomed the new Councilmembers and stated his goal is to work together as a Governing Body to help Topeka move forward.

Councilmember Ortiz welcomed newly elected Councilmembers to the City Council.

Councilmember Manspeaker stated he would not be able to attend the Neighborhood Summit Collaboration and Empowerment meeting on April 20, 2013, because he has made prior commitments to the Get Down and Get Dirty event sponsored by Keep America Beautiful. He
suggested the Council consider improving the Council Chambers sound system in an effort to support the City’s commitment to transparency.

Councilmember Gray welcomed newly elected Councilmembers to the Governing Body.

Councilmember Harmon welcomed newly elected Councilmembers and stated he is looking forward to working as a team and moving the City forward. He congratulated Councilmember Ortiz on her election as Deputy Mayor.

Councilmember Hiller welcomed newly elected Councilmembers and stated she is looking forward to working with the Governing Body to move the City forward. She encouraged Councilmembers to take advantage of the many opportunities they will have to serve on various committees.

Councilmember Campos II, stated Council District No. 2 has a great amount of knowledge and experience to share and he looks forward to channeling it into the community. He stated he is honored to serve with five women on the City Council, a first for the City of Topeka. He commented on transparency in government and distributed a packet to the Council regarding the Countywide Half-Cent Sales Tax. He asked City staff if the document was accurate and requested scheduling a work session to discuss the matter further.

Jim Colson, City Manager, stated the City is aware there has been a lot of activity in regards to the Countywide Half-Cent Sales Tax issue. He reported that City staff members including the Mayor and himself have been invited to meetings and they have been very clear that in no way do they represent a position of the City and the issue must come before the Council. He expressed his appreciation for bringing the item forward and noted they must be careful not to cast dispersions that somebody is trying to do something that would not be considered transparent because he believes this would not be an accurate reflection of what has
transpired. He assured the Governing Body that nothing has been done that would be considered inappropriate by City staff members or an elected official of the City.

Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:23 p.m.

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Brenda Younger
City Clerk