

City Council Minutes – November 8, 2005

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 8, 2005. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9. Mayor Buntten presided -1.

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

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

MINUTES of the Regular Meeting of November 1, 2005 were presented.

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

Councilmember Alcala moved to suspend the rules and add two resolutions that he has distributed to the agenda as Items 5H and 5I. The resolutions relate to promotions within the Police Department, and selection of an interim and permanent chief of police. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

Councilmember Alcala moved to reinstate the rules. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

ORDINANCE NO. 18531 introduced by City Manager Neil Dobler authorizing the issuance of \$15,015,000 aggregate principal amount of combined Utility Improvement Revenue Bonds, Series 2005-A, of the City of Topeka, Kansas, under the authority of K.S.A. 10-1201 *et. seq.*, and all amendments thereto placed on first reading November 1, 2005, was again presented.

RESOLUTION NO. 7709 introduced by City Manager Neil Dobler prescribing the form and details of the combined Utility Improvement Revenue Bonds, Series 2005-A of the City of Topeka, Kansas, in the aggregate principal amount of \$15,015,000 the issuance of which was

authorized by the City pursuant to its Ordinance No. 18531 passed and approved November 8, 2005; and authorizing certain other documents and actions in connection with the issuance of the bonds, was presented.

Jim Langford, Finance Director stated that the City received five bids, and the yields were very competitive. He stated that UBS Financial Services, Inc. was the successful bidder at a rate of 4.8 percent. He also stated that Jeff White and Kelsey Powell, Financial Advisors with Columbia Capital Management were present to answer questions.

Councilmember Preisner moved to adopt the ordinance and the resolution. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon –9.

AN ORDINANCE introduced by City Manager Neil Dobler authorizing the initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Improvement Project No. 70142-01 for trafficway improvements on SE California Avenue from I-70 to SE 21st Street placed on first reading November 1, 2005, was again presented.

Neil Dobler gave the staff report and stated that there are still three parcels remaining.

Councilmember Ortiz expressed concern about Rosa's new owners and wanted to make sure the project would not be detrimental to them in getting their business up and going.

Councilmember Ortiz moved to refer the ordinance to the Economic and Community Development Committee. The motion was seconded by Councilmember Alcalá.

Councilmember Blackburn suggested working out the details in committee for this property owner as well as any others that might be affected.

Councilmember Duffy asked what has been done historically.

Tim Green, City Engineer stated that they work with businesses to make sure there is always access into the business during construction.

The motion carried. Councilmember Preisner voted “no”. (8-1-0)

A PROJECT BUDGET in the amount of \$1,533,655 and AN ORDINANCE introduced by City Manager Neil Dobler, authorizing Improvement Project No. 60596-01, which provides for the aesthetic improvements along the “Capital Parkway” as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on June 28, 2005, was again presented.

Councilmember Blackburn gave the committee report and stated that the committee recommended “do not pass”. He stated that due to discussions about the Gateway entrance on 10th Street, they felt the timing was not good, and also they have not been able to determine a viable benefit district for the project. He stated that they would know more in six months what will be downtown and whether the State wants to participate.

Councilmember Blackburn moved to adopt the committee report. The motion was seconded by Councilmember Ortiz.

Councilmember Harmon asked if the project would come back in six months, or if this would kill it.

Neil Dobler, City Manager stated that the committee recommendation was to defer for up to six months, so they would put it back on the agenda six months from now.

Councilmember Duffy made a substitute motion to adopt the original project budget, which was \$1.8 million, extend the project from Kansas Avenue to Topeka Boulevard, and to increase the level of expenditure and appropriation from the excess sales tax revenue from

\$250,000 to \$597,000 thereby reducing the general bond obligation by \$347,000. The motion was seconded by Councilmember Preisner.

Councilmember Duffy stated that he believes the gateway project is important and this is what the image should be for the City of Topeka. He further stated that the project should be from I-70 to Topeka Boulevard as originally intended.

Councilmember Blackburn stated that he would not support the amendment because he does not believe the City has the money for the project.

The motion failed. Councilmembers Kennedy, Alcalá, Ortiz, Haynes, Blackburn and Harmon voted “no”. (3-6-0)

The motion to adopt the committee report carried. Councilmembers Duffy and Preisner voted “no”. (7-2-0)

ORDINANCE NO. 18532 introduced by City Manager Neil Dobler relating to parking ticket fines and garage rates, amending City of Topeka Code Section 142-301 and repealing said original section placed on first reading November 1, 2005, was again presented.

Mike McGee, Assistant Public Works Director explained the “free parking proposal” and reported on past experience in offering free parking downtown. He stated that they are proposing a three-month trial where parking would be free from 11:00 a.m. until 2:00 p.m. downtown each day. He stated that the estimated loss of parking meter revenue would be approximately \$30,000. He further explained that the parking fund could sustain this loss one time, but not over a period of time.

Discussion continued relating to parking needs in the downtown area, how the success of the program would be determined, and how to treat parking for all businesses downtown equally.

Neil Dobler, City Manager stated that if the proposal is successful, those funds would have to be made up elsewhere.

Councilmember Harmon noted that this proposal has a budgetary impact and should be discussed at that time.

H.R. Cook, Marion Candles appeared and stated that the majority of business is done between Thanksgiving and Christmas. He stated that they will anonymously supply information from their sales tax revenue, and are encouraging other businesses to do the same. He stated that they will also help pay the cost of the Whoops ticket and put a coupon on the back.

Councilmember Kennedy moved to adopt the ordinance. The motion seconded by Councilmember Blackburn carried. Councilmembers Duffy and Preisner voted “no”. (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Blackburn and Harmon –7. Noes: Duffy and Preisner –2.

ORDINANCE NO. 18533 introduced by City Manager Neil Dobler relating to the administration and enforcement of violations, amending Sections 2 and 3 of the City of Topeka Ordinance 18449 and Topeka City Code Sections 26-53, 26-58 and 26-255 and repealing Topeka City Code Sections 26-382, 26-424 and 26-501, and specifically repealing said original sections placed on first reading November 1, 2005, was again presented.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon –9.

RESOLUTION NO. 7710 introduced by Sylvia Ortiz, Lana Kennedy, Brett Blackburn and John Alcala, amending City Council Rule and Procedure 5.2 concerning the order of

business of Council meetings, and repealing the original of said rule and procedure 5.2. was presented. (Placed on the October 25, 2005 agenda for first reading pursuant to Council Rule 9.2.)

Councilmember Alcalá supports going back to four action meetings because of the late hour of the meetings.

Councilmember Alcalá moved to adopt the resolution. The motion was seconded by Councilmember Ortiz.

Councilmember Haynes made a substitute motion to amend Rule 5.1 as follows: “agendas for meetings along with accompanying communications, proposed ordinances and resolutions shall be furnished to Councilmembers at least eleven days prior to possible council action on the item.

The motion seconded by Councilmember Nave failed. Councilmembers Kennedy, Alcalá, Ortiz, Nave, Duffy, and Preisner voted “no”. (3-6-0)

Councilmember Harmon moved on line 212 to strike 7:00 p.m. and replace with 6:00 p.m. for the beginning of the meetings, and on line 216 strike 11:00 p.m. and replace with 10:00 p.m. for the ending time of the meetings. The motion was seconded by Councilmember Alcalá.

Brenden Long, City Attorney stated that meeting times are changed by ordinance.

Councilmember Harmon withdrew his motion. The second concurred.

The motion to adopt the resolution carried. Councilmembers Haynes, Preisner and Harmon voted “no”. (6-3-0)

RESOLUTION NO. 7711 introduced by Councilmember Brett Blackburn concerning annexation by the City of Topeka was presented.

Councilmember Blackburn explained that the reason for the proposed resolution was to alleviate some fears that have been expressed by proponents of consolidation that the City is just wanting to annex everything possible within the three-mile area.

Councilmember Blackburn moved to adopt the resolution. The motion was seconded by Councilmember Preisner.

Councilmember Ortiz questioned the language on lines 9 through 12 of the resolution and stated that it sounds like if the City decided to annex, they would not be following the law. She stated that she along with the rest of the Councilmembers took an oath to follow the law and she does not believe this language is necessary.

Councilmember Ortiz moved to delete lines 9 through 12 of the resolution. The motion seconded by Councilmember Alcala failed. Councilmembers Nave, Haynes, Duffy, Blackburn, Preisner and Harmon voted “no”. (3-6-0)

Bob Sherburne appeared in support of the resolution.

Councilmember Alcala stated that the resolution does not exclude annexation in the Municipal Service Area (MSA), and he thought it would eliminate any annexation.

Councilmember Blackburn stated that there are some areas in the MSA that the City has a large investment in because of the infrastructure, and those areas have a consent to annexation.

Councilmember Alcala moved to amend the resolution on line 7 after Shawnee County, strike “and outside the Municipal Service Area” on line 8 “until after April 2009 city elections”. The motion was seconded by Councilmember Ortiz.

Following further discussion, Councilmember Preisner called the question.

Councilmember Alcala challenged the call.

Mayor Bunten asked for a vote of if the question should be called. The call for the question was sustained. Councilmembers Kennedy, Alcalá and Ortiz voted “no”. (6-3-0)

Councilmember Alcalá’s motion failed. Councilmembers Nave, Haynes, Duffy, Blackburn and Preisner voted “no”. (4-5-0)

Councilmember Preisner called the question.

Councilmember Alcalá challenged the call for the question.

Mayor Bunten asked for a vote of if the question should be called. The call for the question was sustained. Councilmembers Kennedy, Alcalá and Ortiz voted “no”. (6-3-0)

The motion to adopt the resolution carried. Councilmembers Kennedy, Alcalá, Ortiz and Harmon voted “no”. (5-4-0)

CONTRACT NO. 35806 between the City of Topeka and the Helping Hands Humane Society for services and the conveyance of real property, was presented.

Neil Dobler, City Manager gave the staff report. He stated that currently the city owns the property and building occupied by the Humane Society, and pays the Humane Society a fee to run the facility and hold animals picked up by Animal Control. He stated that the city is responsible for the maintenance of the building, which is in poor condition. He further stated that the Humane Society is desirous of owning and operating a new facility, and the city does not want to continue to be responsible for maintenance of that facility. He stated that administration began negotiating a contract with the Humane Society in the Spring, and those negotiations have continued through the summer, and up until last month. He explained the items in the resolution as well as additional items have been included in the contract. He also explained the items they were not able to agree upon. He stated that he believes this is a solid contract.

Ginger Howell, Helping Hands Humane Society Board President appeared to answer questions and stated that they would not be willing to look at no change in fees for three years because they have gone five years already without an increase.

Councilmember Alcala moved to amend the contract so that the fee per day for holding dogs would remain the same for the next three years in exchange for conveyance of the property to the Humane Society. The motion was seconded by Councilmember Ortiz.

Councilmember Duffy stated that he was opposed to the amendment because the city has negotiated in good faith, and the contract should either be accepted or rejected.

The motion failed. Councilmembers Kennedy, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon voted “no”. (2-7-0)

Councilmember Preisner moved to approve the contract. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

RESOLUTION NO. 7712 introduced by City Manager Neil Dobler authorizing initiation of condemnation proceedings to acquire property for Improvement Project No. 29103-01, and Improvement Project No. 28593-00, for a sanitary sewer and water service extension for property located along East Edge Road, and on SE 45th Street from West Edge Road to Croco Road and North along Croco Road approximately one half mile and north along West Edge Road and extending north to the Kansas Turnpike, was presented.

Neil Dobler, City Manager gave the staff report and stated that the project was redesigned since last action three months ago.

Tim Green, City Engineer appeared to answer questions.

Councilmember Preisner moved to adopt the resolution. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

RESOLUTION NO. 7713 introduced by City Manager Neil Dobler, adopting the 2006-2007 Capital Budget for the City of Topeka, Kansas, was presented.

RESOLUTION NO. 7714 introduced by City Manager Neil Dobler authorizing and adopting the 2006-2010 Capital Improvement Program for the City of Topeka, Kansas, was presented.

Neil Dobler, City Manager stated that they would discuss both documents at the same time. He distributed recommendations on the General Obligation Bonded projects, and stated that the city would pay off about \$10 million in debt each year. He explained that they divided the general obligation entities up into eight different areas that they construct projects that are bonded. The eight areas are fire, police, neighborhoods, signals, streets, bridges, parks and the zoo. He stated that they assigned an annual target to each of those areas, and then looked at how this plan performs over a five-year period. He gave an example of the Fire Department's annual target of \$750,000 and stated that at the end of the five-year period they ended with \$539,000 less than their target. He stated that this illustrates that the plan sticks to a base line of the amount of general obligation bonding paid off each year. He explained some further changes recommended in the plan including an increase in neighborhood infrastructure. He stated that essentially, they have assigned a budget to each area giving them something to work within that stays within the framework of the general obligation bonding that is paid off.

Councilmember Duffy moved to amend the Capital Improvement Program as distributed by the City Manager. The motion seconded by Councilmember Preisner carried unanimously.

(9-0-0)

Councilmember Duffy moved to approve the budget as amended for the Enterprise funded projects. The motion seconded by Councilmember Preisner carried unanimously.

(9-0-0)

Councilmember Duffy moved to approve the General Improvement fund projects. The motion was seconded by Councilmember Preisner.

Councilmember Duffy expressed his concern about fleet replacement for vehicles in the Fire Department and stated that before project budgets are approved, he would like to be provided with sound basis for replacement of these vehicles.

The motion carried unanimously. (9-0-0)

Councilmember Preisner moved to approve the Capital Improvements fund transfer projects. The motion seconded by Councilmember Harmon carried unanimously. (9-0-0)

Councilmember Preisner moved to approve Other Revenue funded projects. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

Councilmember Duffy asked if there is a list of projects where the Citywide Neighborhood Infrastructure funds would be spent.

Neil Dobler, City Manager stated they do not have a list, but in the past they have been directed toward the NIA neighborhoods along with some HND funds. He stated that the intent of the \$600,000 was to make those funds available anywhere in the City.

Councilmember Duffy moved to use \$1.5 million in 2006 for the Capital Parkway Project. The motion seconded by Councilmember Preisner failed. Councilmembers Kennedy, Alcalá, Ortiz, Nave, Haynes, Blackburn and Harmon voted “no”. (2-7-0)

Councilmember Duffy moved to eliminate the Citywide Neighborhood Infrastructure until the projects can be identified. The motion seconded by Councilmember Preisner failed.

Councilmembers Kennedy, Alcalá, Ortiz, Nave, Haynes, Blackburn and Harmon voted “no”.

(2-7-0)

Councilmember Harmon asked if the rehab and repair of Fire Station #5 could be moved back to 2007 pending the results of the study to consider realignment of the station. Chief Giles stated that he would prefer to leave it in 2006 because of the condition of the building.

Councilmember Blackburn moved to approve Fire, Police and Neighborhoods/Citywide projects as amended. The motion was seconded by Councilmember Alcalá.

Councilmember Blackburn moved to extend the meeting through the end of the agenda. The motion seconded by Councilmember Alcalá carried. Councilmember Haynes voted “no”.

(8-1-0)

Jerry and David Morgan appeared and requested that the Council restrict the use of \$1.5 million in Capital Improvement funds relating to the proposed College Hill project. They explained that they own property at 1411, 1413, 1415, 1417 and 1419, and are asking to keep what is theirs.

Ron Strycker, Deborah Swank, John Floyd, David Monical and Kate McKown appeared in support of the College Hill Project.

The motion to approve Fire, Police and Neighborhoods/Citywide Projects carried unanimously. (9-0-0)

Councilmember Preisner moved to approve the Signals projects as amended. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

Councilmember Blackburn moved to accelerate the Elevation Parkway Project, Gage Boulevard to Fairlawn into 2007, and the Elevation Parkway Project, Fairlawn to Wanamaker in 2008 in the GO Bonded Projects under Citywide Neighborhood Infrastructure. He stated that the

amount of the project budget for 2007 would be \$5,448,721 and for 2008 \$5,223,937. The motion was seconded by Councilmember Preisner.

Councilmember Alcalá stated that these projects are hard to support without a project budget.

The motion failed. Councilmembers Kennedy, Alcalá, Ortiz, Duffy and Harmon voted “no”. (4-5-0)

Councilmember Duffy moved to adopt the Street Projects. The motion seconded by Councilmember Blackburn carried unanimously. (9-0-0)

Councilmember Duffy moved to adopt the Bridge Projects. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

Councilmember Haynes moved to adopt the Parks and Recreation Projects. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

Councilmember Duffy moved to adopt the Zoo Projects. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

Councilmember Duffy moved to amend the Capital Improvement Program that all projects that require expenditures for ADA compliance be financed from the same source of funding that is used to finance the project. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

Councilmember Alcalá moved to adopt both resolutions as amended. The motion seconded by Councilmember Harmon carried unanimously. (9-0-0)

Councilmember Blackburn moved to reconsider Item 5A, a resolution concerning annexation by the City of Topeka. The motion seconded by Councilmember Haynes carried. Councilmembers Kennedy, Alcalá, Ortiz and Harmon voted “no”. (5-4-0)

Councilmember Blackburn moved to strike reference to the Municipal Service Area (MSA). The motion seconded by Councilmember Preisner carried. Councilmembers Kennedy, Alcala, Ortiz and Harmon voted “no”. (5-4-0)

Councilmember Blackburn moved to adopt the resolution as amended. The motion seconded by Councilmember Preisner carried. Councilmembers Kennedy, Alcala, Ortiz and Harmon voted “no”. (5-4-0)

A GRANT APPLICATION to the State of Kansas Safe, Accountable, Flexible, Efficient, Transportation Equity Act (SAFETEA-LU) in the amount of \$385,815 was presented.

Councilmember Duffy moved to approve the grant application. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

A COMMUNICATION relating to the Public Employer-Employee Relations (PEERA) hearing on the Water Division fact finder’s report, was presented.

Councilmember Preisner moved to set the hearing on November 22, 2005. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

RESOLUTION NO. 7715 introduced by Councilmember John Alcala relating to promotions within the Topeka Police Department, was presented.

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

Councilmember Haynes moved to amend the resolution to state that it would not interfere with the bargaining unit. The motion seconded by Councilmember Blackburn carried.

Councilmember Harmon voted “no”. (8-1-0)

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

RESOLUTION NO. 7716 introduced by Councilmember John Alcala relating to the City Manager's selection of an interim and permanent chief of police, was presented.

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

Councilmember Nave stated that he does not support going outside for an interim chief of police because it would only be temporary.

Councilmember Blackburn made a substitute motion to direct the City Manager to engage Slavin Consultants to do a nationwide search for a Police Chief. The motion was seconded by Councilmember Alcala.

Neil Dobler, City Manager stated that he would prefer to strike the interim language.

Councilmember Blackburn moved to amend his substitute motion to add striking the interim language. Councilmember Alcala withdrew his second. Councilmember Preisner seconded the motion.

The motion carried. Councilmembers Kennedy, Alcala and Ortiz voted "no". (6-3-0)

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

A ZONING PETITION AND ORDINANCE NO. 18534 introduced by City Manager Neil Dobler 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 2215 SW Wanamaker in the City of Topeka, Kansas from "C-2" Commercial District and "M-2" Multiple-Family Dwelling District with Resolution of Intent for "E" Multiple Family Dwelling District ALL TO "C-2" Commercial District placed on first reading November 1, 2005, was again presented. (Z05/34)

Neil Dobler, City Manager gave the staff report.

Councilmember Preisner moved to approve the petition and adopt the ordinance. The motion was seconded by Councilmember Alcala.

Mayor Bunten asked if there were any exparte communications. There were none declared.

The motion carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon –9.

A ZONING PETITION AND ORDINANCE NO. 18535 introduced by City Manager Neil Dobler 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 516 SE 29th Street in the City of Topeka, Kansas from "C-2" Commercial District TO "C-3" Commercial District placed on first reading November 1, 2005, was again presented. (Z05/36)

RESOLUTION NO. 7719 introduced by City Manager Neil Dobler in accordance with Section 48-17.02(c)(6) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a correctional placement residence or facility, general on property currently zoned "C-3" Commercial District and located at 516 SE 29th Street in the City of Topeka, Kansas, was presented. (CU05/11)

Neil Dobler, City Manager gave the staff report.

Councilmember Duffy moved to approve the petition, adopt the ordinance and the resolution. The motion was seconded by Councilmember Haynes.

Each Councilmember declared their exparte communication.

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon –9.

RESOLUTION NO. 7717 introduced by City Manager Neil Dobler in accordance with Section 48-4.02(c)(16) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a conference, reception and assembly facility on property currently zoned “R-1” Single Family Dwelling District and located at 2612 SW Western Avenue in the City of Topeka, Kansas, was presented. (CU05/12)

A FINAL PLAT for Newcomer Subdivision located on the northeast corner of SW Western Avenue and SW 27th Street, was presented. (P05/40)

Neil Dobler, City Manager gave the staff report.

Councilmember Preisner moved to adopt the resolution and accept the public dedication. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

RESOLUTION NO. 7718 introduced by City Manager Neil Dobler in accordance with Section 48-21.02 of the Code of the City of Topeka, approving a Conditional Use Permit to establish a sanitary sewer pump station on property currently zoned “R-1” Single Family Dwelling District and located at 545 NE Lake Street in the City of Topeka, Kansas, was presented. (CU05/10)

Neil Dobler, City Manager gave the staff report.

Councilmember Preisner moved to adopt the resolution. The motion was seconded by Councilmember Alcala.

Councilmember Alcala stated that he would not support the motion to approve because of the odor and the close proximity of the project to his home.

The motion carried. Councilmembers Kennedy, Alcala and Ortiz voted “no”. (6-3-0)

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL, were presented.

Councilmember Nave stated that there would be a resolution on next week’s consent agenda to extend the timeframe until January for the Commission on Diversity’s recommendations to the Council.

Bill Gomez appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 12:08 a.m.

Iris Walker
City Clerk