

Council Minutes – October 19, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 19, 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, Councilmember Harmon asked for a moment of silent meditation.

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

A PRESENTATION on the status of the Half Cent Sales Tax Projects was provided by Mike Morrissey, City of Topeka Project Engineer.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of October 12, 2010 were presented.

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

Randy Speaker, Deputy City Manager requested to withdraw item 6A, a resolution expressing support for the Crown Homes at College Hill housing tax credit project from the Council agenda as requested by the applicant.

Upon hearing no objections, Mayor Bunten announced the resolution would be withdrawn from the Council agenda.

Councilmember Hiller moved to suspend the Council Rules to add a resolution granting a noise exception to Shekinah Glory Ministries to the Council agenda. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

Mayor Bunten announced the resolution would be added to the Council agenda under New Business as item 6D.

ORDINANCE NO. 19478 introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 18.30.010 of the Topeka Municipal Code concerning the definition of “minor plat approval” and specifically repealing said original section placed on first reading October 12, 2010 was again presented. (ASR10/2)

Randy Speaker, Deputy 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.

ORDINANCE NO. 19479 introduced by Councilmember Bob Archer, creating City of Topeka Code Section 9.40.005 concerning the unlawful carrying of a firearm placed on first reading October 12, 2010 was again presented.

Councilmember Archer gave the staff report.

Earl McIntosh spoke in support of the ordinance and commended the City Council and staff for drafting the document. He stated he believes it is the spirit of Kansas law for cities and counties to have the flexibility to regulate the open-carry of firearms.

Councilmember Woelfel spoke in opposition of the ordinance and stated he believes the ordinance violates Second Amendment rights of the United States Constitution.

Councilmember Archer moved to adopt the ordinance. The motion seconded by Councilmember Preisner carried. Councilmember Woelfel voted “no.” (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Wolgast, Swank, Archer, Preisner and Harmon -8. Noes: Woelfel -1.

APPROVAL of Retail Cereal Malt Beverage License applications were presented for the following businesses:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Grover's Smokehouse	1217 SW Gage Boulevard
Porubsky's	508 Sardou
Kwik Shop, Inc. #713	5700 SW 21 st Street
El Maguey	2160 SW Wanamaker Road

Councilmember Preisner moved to approve the Retail Cereal Malt Beverage License applications as presented. The motion seconded by Councilmember Swank carried unanimously. Mayor Buntin voted "yes." (10-0-0)

ORDINANCE NO. 19480 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 27, 2010 through October 3, 2010, and enumerating said expenditures therein was presented for first and final reading.

Randy Speaker, Deputy City Manager gave the staff report.

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

RESOLUTION NO. 8297 introduced by Councilmember Karen Hiller granting Shekinah Glory Ministries an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

Councilmember Hiller gave the staff report.

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

ORDINANCE NO. 19481 introduced by City Manager Norton N. Bonaparte, Jr., 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 at 2056 SW Central Park Avenue from “O&I-1” Office and Institutional District TO “PUD” Planned Unit Development District (“O&I-1” use group, plus a contractor’s office and home improvement/building supply store with only interior display, inventory, processing and servicing for non-O&I-1 uses) placed on first reading October 12, 2010 was again presented. (*PUD10/9*)

Randy Speaker, Deputy City Manager gave the staff report.

The City Clerk asked if there were any exparte communications besides Councilmember Ortiz. There were none declared.

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.

A CHARTER ORDINANCE introduced by Councilmembers Jeff Preisner and Larry Wolgast exempting the City of Topeka from the provisions of K.S.A. 25-2108a relating to primary elections and amending sections of the governing Charter Ordinance codified at Section A2-1 and A2-22 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., regarding an agreement between the City of Topeka, Kansas, and Crown Distributors for the purpose of

providing fire protection to a property outside of the City limits, pursuant to K.S.A. 80-1502 was presented for first reading.

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

Randy Speaker, Deputy City Manager reported the Downtown S. Kansas Avenue workshops were a great success and very informational. He thanked the City Council and public for their participation in the workshops.

Councilmember Hiller reported she attended ground-breaking ceremonies for Echo Ridge and Tennessee Town Plaza affordable housing developments hosted by the Topeka Housing Authority. She commended the agency for developing environmentally sustainable designs and believes the housing projects will receive national recognition. She stated the housing projects are scheduled for completion in the summer of 2011. She announced the grand opening of the new business Sugar and Spice located on SW 6th Street in Council District No. 1.

Councilmember Alcala stated he has questions relating to the Crown Homes at College Hill contract and requested Ginny Burghart, City Council Assistant email his questions to Deputy City Manager Randy Speaker for response. He questioned the developer's obligation to the City in regards to the contract not being fulfilled; what is the cost to the City presently and if those costs could be recouped; and what is the City's legal position based on the contract. He reported last snow season there was a lot of snow equipment not being used because there was not enough manpower. He asked the City to consider using retirees to operate the equipment as part of the street cleaning process this winter if it would be more cost-effective than contracting the work out.

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:51 p.m.

Brenda Younger
City Clerk