

## **Council Minutes – September 20, 2011**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 20, 2011. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray and Harmon -8. Mayor William W. Bunten presided -1. Absent: Councilmember Alcala -1.

AFTER THE MEETING was called to order, Councilmember Ortiz provided the invocation.

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

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of September 13, 2011 were presented.

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

ORDINANCE NO. 19639 introduced by Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for the Jayhawk Theater event to be held on October 1, 2011 placed on first reading September 13, 2011 was again presented.

Councilmember Hiller gave the staff report.

Councilmember Hiller 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, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -9. Absent: Alcala -1.

ORDINANCE NO. 19640 introduced by Interim City Manager Daniel R. Stanley, instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas,

to pay the cost of sewage collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-808c placed on first reading September 13, 2011 was again presented.

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

Councilmember Ortiz asked if the utility bill amounts were usually this high.

Braxton Copley, Utilities and Transportation Operations Director stated the liens must be submitted to Shawnee County by October 1, 2011 to be included on the 2011 tax roll. He noted the high amount results from assessing the bills only one time a year; however, the practice has an approximate recovery rate of 90%.

Councilmember Wolgast moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried. Mayor Bunten voted “yes.” Councilmember Gray abstained.

(8-0-1)

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

A PROJECT BUDGET in the amount of \$300,000 and ORDINANCE NO. 19641 introduced by Interim City Manager Daniel R. Stanley, authorizing Improvement Project No. T-841019.00, which provides for ADA accessible curb cuts and sidewalk ramps at selected intersections throughout the city, as more specifically described herein placed on first reading September 13, 2011 was again presented.

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

Councilmember Archer asked if ADA improvement projects could be financed with half-cent special purpose retailers’ sales tax revenue funds.

Randy Speaker, Public Works Director stated in the past sales tax revenue funds have been used to finance ADA improvement projects.

Mary Feighny, Deputy City Attorney stated the project complies with the proper use of sales tax revenue funds.

Councilmember Manspeaker requested a copy of the list of projects being funded by half-cent retailers' sales tax funds.

Councilmember Archer moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Everhart carried unanimously. (8-0-0)

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

A RESOLUTION introduced by Councilmember Richard Harmon establishing an analytical framework for elected leaders and staff to work with other taxing authorities in developing cooperative agreements was presented.

Councilmember Harmon suggested referring the resolution back to the Policy and Finance Committee for further review due to comments made by fellow Committee members expressing the desire to wait until the City-County Parks and Recreation Department consolidation is complete, allowing them to learn from the consolidation process, and then move forward with the document. He noted Councilmember Hiller has drafted an amendment to the document that would be submitted to the committee for possible revision.

Councilmember Archer spoke in support of referring the resolution to the Policy and Finance Committee and thanked Councilmember Harmon for drafting the document.

Councilmember Harmon moved to refer the resolution to the Policy and Finance Committee. The motion seconded by Councilmember Everhart carried unanimously. (8-0-0)

APPROVAL of Retail Cereal Malt Beverage License application for 29<sup>th</sup> Quick Stop located at 3101 SW 29<sup>th</sup> Street was presented.

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

Councilmember Hiller moved to approve the retail cereal malt beverage license application as presented. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Buntten voted “yes.” (9-0-0)

ORDINANCE NO. 19642 introduced by Interim City Manager Daniel R. Stanley, allowing and approving City expenditures for the period of August 22, 2011, through August 28, 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, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray and Harmon -8. Absent: Alcalá -1.

ORDINANCE NO. 19643 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 properties located east of the dead-end intersection of SW Arrowhead Road and SW 27<sup>th</sup> Street from “E” Multiple Family Dwelling District and “C-4” Commercial District ALL TO “M-2” Multiple Family Dwelling District placed on first reading September 13, 2011 was again presented. (Z11/11)

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

No ex parte communications were declared.

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

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

ORDINANCE NO. 19644 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 on SW Lane Street, the centerline of which is approximately 196 feet south of the intersection of SW Lane Street and SW Huntoon Street from “E” Multiple Family Dwelling District TO “M-1” Two-Family Dwelling District placed on first reading September 13, 2011 was again presented. (Z11/12)

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

Exparte communications were declared by Councilmember Ortiz.

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

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

ORDINANCE NO. 19645 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 on the south side of SW 17<sup>th</sup> Street, midway between SW Van Buren and SW Harrison Streets, from “E” Multiple Family Dwelling District TO “M-1” Two-Family Dwelling District placed on first reading September 13, 2011 was again presented. (Z11/13)

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

No ex parte communications were declared.

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

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

ORDINANCE NO. 19646 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 at 2933 SW Central Park Avenue from “M-2” Multiple Family Dwelling District TO “O&I-2” Office and Institutional District placed on first reading September 13, 2011 was again presented. (Z11/14)

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

Ex parte communications were declared by Councilmember Wolgast.

Councilmember Harmon stated he would abstain from voting because he has been a member of The Congregational Home Foundation for twenty years and is involved in various organizational campaigns and projects.

Councilmember Wolgast stated the property is a tremendous improvement to the area, as well as, an improved quality of health care.

Councilmember Wolgast moved to adopt the ordinance. The motion seconded by Councilmember Everhart carried. Mayor Bunten voted “yes.” Councilmember Harmon abstained. (8-0-1)

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

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, authorizing the City of Topeka, Kansas, to issue its Sales Tax Refunding Revenue Bonds, Series 2011 (Topeka Boulevard Bridge) in the aggregate principal amount of \$15,700,000 for the purpose of refunding the City's Sales Tax Revenue Bonds, Series 2006 (Topeka Boulevard Bridge); authorizing the execution of an indenture by and between the City and U.S. Bank National Association, St. Louis, Missouri, as Trustee; and authorizing and approving certain additional documents and actions in connection with the issuance of said bonds was presented for first reading.

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

Daniel R. Stanley, Interim City Manager announced he plans to continue discussions on the prosecution of misdemeanor cases; provide an update from the City's legislative lobbyist; and discuss the 2012 City of Topeka Legislative Agenda at next week's Council work session.

Councilmember Hiller announced the 6<sup>th</sup> Annual Aaron Douglas Art Fair would take place September 24<sup>th</sup> on the southwest corner of 12<sup>th</sup> and Lane Streets beginning at 10:00 a.m. She invited the community to attend and stated bicycle drop-off and handicap parking would be available on-site, as well as, a shuttle service would provide transportation to the event.

Councilmember Archer expressed his disappointment with Shawnee County District Attorney Chad Taylor's decision to discontinue the prosecution of misdemeanor cases and domestic violence cases.

Councilmember Gray expressed concern with the Shawnee County District Attorney's office refusing to prosecute misdemeanor cases. He stated he does not understand the actions taken by Mr. Taylor because the County already has the necessary services and support staff in place to prosecute the cases.

Ted Mize, Patrick Mullin and Anthony Fadale appeared to speak under public comment.

Councilmember Ortiz 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 6:58 p.m.

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Brenda Younger  
City Clerk