

## **Council Minutes – October 4, 2011**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 4, 2011. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Alcalá, Ortiz, Wolgast, Manspeaker, Archer, Gray and Harmon -7. Mayor William W. Bunten presided -1. Absent: Councilmembers Hiller and Everhart -2.

AFTER THE MEETING was called to order, Pastor Anthony Patton, True Light Ministries provided the invocation.

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

Councilmember Alcalá moved to suspend the Council Rules to add an ordinance authorizing the sale, consumption and possession of alcoholic liquor for NOTO's BBQ and Blues event on October 23, 2011. The motion seconded by Councilmember Gray carried unanimously. (7-0-0)

Councilmember Alcalá moved to add the ordinance to the Council agenda under First Readings. The motion seconded by Councilmember Wolgast carried unanimously. (7-0-0)

Councilmember Alcalá moved to reinstate the Council Rules. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

Councilmember Manspeaker moved to suspend the Council Rules to consider allowing Ms. Jo Charey to speak under public comment. The motion seconded by Councilmember Gray carried unanimously. (7-0-0)

Councilmember Manspeaker moved to allow Ms. Jo Charey to speak under public comment. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

Councilmember Manspeaker moved to reinstate the Council Rules. The motion seconded by Councilmember Wolgast carried unanimously. (7-0-0)

Mayor Bunten announced the ordinance would be placed on the Council agenda under First Readings as item 6G; and Ms. Jo Charey would be allowed to speak under public comment.

At 6:24 p.m., Councilmember Harmon moved to recess into executive session for a time period not to exceed ten minutes to discuss a lawsuit settlement. The motion seconded by Councilmember Gray carried unanimously. (7-0-0)

At 6:34 p.m., Catherine Walter, Acting City Attorney announced the executive session would be extended an additional 15 minutes.

At 6:49 p.m., the Council meeting reconvened into open session and Mayor Bunten announced no action was taken during the executive session.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of September 27, 2011 were presented.

Councilmember Wolgast moved to approve the consent agenda. The motion seconded by Councilmember Archer carried unanimously. (7-0-0)

ORDINANCE NO. 19649 introduced by Interim City Manager Daniel R. Stanley, allowing and approving City expenditures for the period of September 5, 2011, through September 11, 2011, and enumerating said expenditures therein was presented for first and final reading.

Randy Speaker, Deputy City Manager gave the staff report.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Wolgast carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Alcala, Ortiz, Wolgast, Manspeaker, Archer, Gray and Harmon -7. Absent: Hiller and Everhart -2.

ORDINANCE NO. 19650 introduced by Interim City Manager Daniel R. Stanley, allowing and approving City expenditures for the period of September 12, 2011, through

September 18, 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 Manspeaker carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Alcala, Ortiz, Wolgast, Manspeaker, Archer, Gray and Harmon -7. Absent: Hiller and Everhart -2.

NO Retail Cereal Malt Beverage License applications were presented.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, amending City of Topeka Code Section 9.05.080, concerning the 2011 Uniform Public Offense Code and specifically repealing said original section, as well as, Section 5.135.010 in its entirety was presented for first reading.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, amending City of Topeka Code Sections 10.15.010, 10.15.020 and 10.20.170 and creating Section 10.20.127 and Section 10.05.080, all concerning the adoption of the Standard Traffic Ordinances 2011 and specifically repealing said original sections, as well as, Section 10.20.200 and Article 4 of Chapter 10.20 in their entirety was presented for first reading.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, concerning controlled substances, amending City of Topeka Code Sections 9.50.010, 9.50.020, 9.50.030, 9.50.040, 9.50.050, 9.50.060 and 9.50.070 and specifically repealing said original sections was presented for first reading.

AN ORDINANCE introduced by Councilmember Denise Everhart, amending City of Topeka Code Section 5.90.100 concerning private security guard license fees and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by Councilmember Karen Hiller designating a portion of the Crosby Place Parking Garage as temporarily exempt from the provisions of K.S.A. 41-719(c) and Topeka Municipal Code Section 9.15.020(d) was presented for first reading.

AN ORDINANCE 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 generally bound on the west by I-470, on the east by SW Arrowhead Road (extended), on the south by SW 17<sup>th</sup> Street, and on the north by SW Drury Lane from “R-1” Single Family Dwelling District and “O&I-2” Office and Institutional District ALL TO “PUD” Planned Unit Development District (“O&I-2” use group, with limited “C-1” and “C-2” use group uses) was presented for first reading. (*PUD10/11*)

AN ORDINANCE introduced by Deputy Mayor John Alcala authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for NOTO’s BBQ and Blues event on October 23, 2011, and to designate the public parking lot at Veteran’s Park as exempt from the provisions of K.S.A. 41-719(c) and TMC 9.15.020(d) was presented for first reading.

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

Randy Speaker, Deputy City Manager reported the fourth annual Energy Star Awareness & Sustainability Expo hosted by the Housing & Neighborhood Development Department was a great success and received well by the community.

Councilmember Wolgast congratulated Friends of the Topeka Zoo on the successful Zoobilee event held on October 1, 2011 at the Topeka Zoo.

Councilmember Manspeaker stated he attended the Apple Festival held on October 2, 2011 and stated it was a great event. He encouraged citizens to speak with their Councilmember and provide input on domestic violence issues. He commented on the recent influx of crime in the community and stated Police Chief Ron Miller would discuss the issue at next week's Council work session.

Mayor Bunten commented on the recent increase of crime in the community and stated the Topeka Police Department would eventually resolve the issues and arrest those individuals involved and restore safety in neighborhoods.

Claudine Dombrowski and Jo Charey appeared to speak under public comment.

Councilmember Alcalá moved to adjourn the Council meeting. The motion seconded by Councilmember Gray carried unanimously. (7-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:10 p.m.

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Brenda Younger  
City Clerk