

## **Council Minutes – May 21, 2013**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 21, 2013. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, and Harmon -8. Mayor Larry E. Wolgast presided -1. Council District No. 8 - vacant.

AFTER THE MEETING was called to order, Councilmember Everhart asked for a moment of silent meditation.

PRESENTATION of the Legislative Update was provided by Witney Damron, Lobbyist for the City of Topeka.

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

Councilmember De La Isla requested to add a resolution granting a noise exception for Abigail's Grill & Bar located at 3701 SW Plaza Drive, to the Council agenda.

Upon hearing no objections, Mayor Wolgast announced the resolution would be placed on the consent agenda as item 4F.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Robert Bausch to the Civil Service Commission to fill an unexpired term ending October 31, 2013, was presented.

APPROVAL of a Workers' Compensation Settlement for Topeka Police Sergeant Byron Endsley, in the amount of \$40,306.88 for injuries sustained while participating in defense training on August 8, 2011, resulting in permanent partial impairment of his whole body was presented.

APPROVAL of a Workers' Compensation Settlement for Topeka Police Officer James Wilson, in the amount of \$55,000 for injuries sustained while on duty on February 15, 2008, resulting in permanent partial impairment of his right ankle and right knee was presented.

MINUTES of the regular meeting of May 14, 2013, was presented.

A Dance Hall License application for the Pulse Club located at 4117 SW Huntoon Street, was presented.

RESOLUTION NO. 8521 introduced by Councilmember Michelle De La Isla, granting Abigail's Grill and Bar an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

Councilmember Campos II, moved to approve the consent agenda as amended. The motion seconded by Councilmember De La Isla carried unanimously. (8-0-0)

ORDINANCE NO. 19821 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of March 30, 2013, through April 26, 2013, and enumerating said expenditures therein was presented for first and final reading.

Councilmember Ortiz moved to 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, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz and Harmon -8.

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

<u>Business Name</u>	<u>Address</u>
Herredura Restaurant	115 SE 29 <sup>th</sup> Street
Kelly Express	1001 SW Wanamaker Road
Quality Gas & Shop	1900 N Topeka Boulevard
Walgreens #02846	2915 SW Gage Boulevard
Walgreens #02888	2110 NW Topeka Boulevard
Walgreens #03069	1001 SW Topeka Boulevard
Walgreens #03772	2901 SE California Avenue
Walgreens #04557	2121 SW Fairlawn Road
Walgreens #04782	3696 SW Topeka Boulevard
Walgreens #04981	3630 SW Wanamaker Road
Walgreens #07778	1001 SW Gage Boulevard

Councilmember Hiller moved to approve the Retail Cereal Malt Beverage License applications as presented. The motion seconded by Councilmember Harmon carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

ORDINANCE NO. 19822 introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at the rear of 1725 NW Topeka Boulevard from “R-1” Single-Family Dwelling District TO “I-1” Light Industrial District placed on first reading May 14, 2013, was again presented. (Z13/6)

Bill Fiander, Planning Department Director, reported approval of the district zoning classification would allow the existing manufacturing facility to substantially expand and employ additional employees. He noted City staff is supportive of the request as the property being rezoned is primarily in an area of industrial and commercial uses and is in compliance with the land use policies and principles of the Topeka Land Use and Growth Management Plan 2025.

Councilmember Campos II, moved to adopt the ordinance. The motion seconded by Councilmember Schwartz carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Harmon and Mayor Wolgast -9.

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

Mayor Wolgast distributed copies of Ordinance No. 19149, directing the City Council to establish annual goals and objectives for the City Manager before May 1 of each year. He stated the process provides the Council the opportunity to draft the goals that are important to them that may need to be addressed during the budget process. He announced a Policy and Finance Committee meeting would be held on May 29, 2013, at 12:00 p.m., in the City Hall First Floor Conference Room, 215 E. 7<sup>th</sup> Street. He encouraged the Policy & Finance Committee to request

a copy of the City's monthly financial status report, as it is a great way to follow the half-cent sales tax revenues, allowing the Governing Body to remain fiscally responsible. He stated it was his understanding the new Sunflower Soccer field building was not being built to Leadership in Energy and Environmental Design (LEED) standards as set forth by the U.S. Green Building Council. He questioned if Fire Station No. 13 would be built to LEED standards, and stressed the importance of Topeka, as well as, other cities across the nation, following standards that are environmentally responsible.

Councilmember Schwartz reported she met with the Topeka Sustainability Advisory Council to discuss building codes and review how other cities handle similar sustainability issues. She also reported she conducted a meeting in her home with key members of the community, as well as, City staff members to discuss community health issues. She noted there were many great ideas generated at both meetings and commended City staff members for their input.

Councilmember Hiller offered her condolences to the Mike Bauman family. She stated Mr. Bauman played an important role in drafting the animal control ordinance, creating and managing the Gage Park Bark Park, and educating the community on a wide-range of animal issues.

Councilmember Campos II, announced that the 2013 Germanfest would be held on June 1-2, 2013, at the Sacred Heart-St. Joseph Parish located at 312 NE Freeman Avenue. He also announced that ArtsConnect would host a mural workshop on June 2, 2013, at 12:00 p.m. at 515 SE Kansas Avenue, Suite A. He encouraged citizens to participate in the events.

Councilmember Ortiz announced that a JEDO Board meeting would be held on May 22, 2013, at 5:30 p.m. in the City Council Chambers located at 214 SE 8th Street. She also announced there would be no City Council meeting on May 28, 2013. She distributed a letter she received from Robert Ellis and asked the City Manager to provide an update on the issue.

She reminded citizens to slow down and be cautious of children as the school year comes to an end.

Councilmember Harmon announced that a Transient Guest Tax Committee meeting would be held on May 28, 2013, at 5:00 p.m. in the City Council Chambers located at 214 SE 8th Street.

Andy Fry appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:31 p.m.

---

Brenda Younger  
City Clerk