

## City Council Minutes – January 2, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 2, 2001. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, McClinton, Dunn, Duffy, Lee, and Hill –7. Mayor Wagnon presided -1. Absent: Councilmembers Carkhuff and Gardner -2.

AFTER THE MEETING was called to order, prayer was offered by Marty Eckert, Minister Intern, Trinity Lutheran Church.

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

THE CONSENT AGENDA was presented as follows:

Mayor Wagnon stated that there was a request to divide the question. She stated that Item 2A, a Resolution regarding City Council Rules and Procedures, Item 2B, a Resolution authorizing the Mayor to transfer necessary documents to the new Topeka Housing Authority, and Item 2C, a Final Plat for Summerfield Subdivision No. 5, would be voted on separately as requested by Councilmembers Dunn and Lee.

A COMMUNICATION recommending approval of a Workers' Compensation settlement agreement for William Kincade in the amount of \$32,649.25, was presented.

CEREAL MALT BEVERAGE APPLICATION bearing the approval of the Chief of Police and City Inspectors was presented for The Downtowner, 119 SE 6<sup>th</sup> Street.

Minutes of the regular meeting of December 19, 2000, were presented.

Councilmember McClinton moved to approve the consent agenda as amended. The motion seconded by Councilmember Lee carried. Councilmember Duffy voted "no". (6-1-0)

RESOLUTION NO. 7119 introduced by Councilmember James McClinton, amending Topeka City Council Rules and Procedures, approved January 20, 1998, and amended on November 17, 1998, February 23, 1999, December 21, 1999, and December 12, 2000, specifically amending Rule 8.3 concerning personal and slanderous remarks, was presented.

Councilmember McClinton moved to approve the resolution. The motion seconded by Councilmember Lee carried. Councilmember Dunn voted "no". (6-1-0)

RESOLUTION NO. 7120 introduced by Mayor Joan Wagnon, authorizing the Mayor to execute deeds and any other necessary documents to transfer title of real estate and certain federal public housing authority grants to the new Topeka Housing Authority, was presented.

Councilmember McClinton moved to approve the resolution. The motion seconded by Councilmember Lee carried. Councilmembers Alcala and Dunn voted "no". (5-2-0)

A FINAL PLAT for Summerfield Subdivision No. 5 on property located at the eastern terminus of SW Summerfield Drive in the City of Topeka, Kansas, was presented.

Councilmember McClinton moved to accept the public dedication. The motion seconded by Councilmember Lee carried. Councilmember Duffy voted "no". (6-1-0)

Councilmember Dunn moved to recess into executive session for ten minutes to discuss zoning issues to avoid damaging the City's position and then reconvene the meeting. The motion seconded by Councilmember Alcala carried. Councilmember Duffy voted "no". (6-1-0)

The Council reconvened following ten minutes of executive session. No action was taken.

Agenda Items 4F through 4S, ordinances relating to Resolutions of Intent to change zoning, were withdrawn by the Mayor.

ORDINANCE NO. 17627 introduced by Mayor Joan Wagnon relating to public contracts, amending City of Topeka Code §§ 86-131, 86-133, 86-134, 86-136, and 86-137 and specifically repealing said original sections, placed on first reading September 19, 2000, was again presented.

Councilmember Duffy moved to adopt the committee report. The motion seconded by Councilmember Lee carried. Councilmember Dunn voted "no". (6-1-0)

Concerns were expressed about the appeal process for women and minority business owners who may have concerns about fairness.

Ed Parker, Director of Contracts and Procurement explained the process and what the committee has done to alleviate some of the concerns and give additional opportunities for minority contractors.

John Arnold, Chief Administrative Officer explained the design of the Committee.

Councilmember Alcalá moved to amend the language on lines 130 and 132 by adding "and approved by the City Council" after the language "Chief Administrative Officer", on line 137 replace "all recommendations and determinations of the review committee may be appealed to the Chief Administrative Officer" with "the City Council, the decision shall be final and binding ", and on page 9, line 192 add "in City Council" after "Chief Administrative Officer". The motion was seconded by Councilmember Dunn.

Councilmember McClinton commented that the Council would be too involved with the day to day operations. He stated that mechanisms are already in place to resolve issues.

Councilmember Duffy commented that he does not want to be involved in the administrative committee process but would like an annual report during the budget planning process on how the goals are being achieved.

The motion to amend failed. Councilmembers Pomeroy, McClinton, Duffy and Lee voted "no". (3-4-0)

Councilmember Lee moved to amend the language on page 7, line 151 by adding "C. The committee will report their findings to the full City Council on a quarterly basis and program goals will be approved by the City Council" and on Item B replace the language "annually" with "quarterly". The motion seconded by Councilmember Duffy carried unanimously. (7-0-0)

Councilmember McClinton moved to adopt the ordinance as amended. The motion seconded by Councilmember Lee carried. Councilmembers Alcalá and Dunn voted "no". (5-2-0)

The ordinance as amended was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, McClinton, Duffy, Lee, and Hill –5. Noes: Councilmembers Alcalá and Dunn -2. Absent: Councilmembers Carkhuff and Gardner -2.

RESOLUTION NO. 7121 introduced by Mayor Joan Wagnon in accordance with Section 48-25.01 of the Code of the City of Topeka, approving an amended City of Topeka Special Use Permit for a public use facility (general aviation airport), and, the sale and consumption of cereal malt and alcoholic beverages on property currently zoned "R-1" Single Family Dwelling District and located at 3600 NE Sardou Avenue in the City of Topeka, Kansas, was presented. (SP81/21A)

Barry Beagle, Planning Department gave the staff report.

Councilmember Dunn moved to approve the resolution. The motion seconded by Councilmember Hill carried unanimously. (7-0-0)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17628 introduced by Mayor Joan Wagnon pertaining to an amendment to the text and map of the Topeka-Shawnee County Comprehensive Metropolitan Plan, placed on first reading December 19, 2000, was again presented.

Bill Fiander, Neighborhood Planner gave the staff report for the Tennessee Town and Elmhurst Neighborhood element of the Comprehensive Plan.

Councilmember Pomeroy moved to approve Items 4B, 4C, 4D, and 4E. The motion was seconded by Councilmember Alcalá.

Councilmember Pomeroy suggested that they flag demolition permits to determine if the house could be moved to one of these areas where in-fill housing is needed.

Michael Bell and Melody McConnell appeared in support of the Tennessee Town Neighborhood Plan and expressed their appreciation for the opportunity to be involved and participate with the Planning staff throughout development of the Plan.

Don Taylor appeared and expressed his support of the Elmhurst Neighborhood Plan.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Duffy, Lee, and Hill –7. Absent: Councilmembers Carkhuff and Gardner -2.

ZONING PETITION (Z00/53) by the City of Topeka requesting to amend the district zoning classification from "M-1" Two Family Dwelling District, "M-2" Multiple Family Dwelling District, and "C-2" Commercial District all to "R-2" Single Family Dwelling District on property located within the neighborhood areas known as Tennessee Town in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17629 introduced by Mayor Joan Wagnon 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 within the Tennessee Town neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from "M-1" Two Family Dwelling District, "M-2" Multiple Family Dwelling District, and "C-2" Commercial District all to "R-2" Single Family Dwelling District, placed on first reading December 19, 2000, was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Duffy, Lee, and Hill –7. Absent: Councilmembers Carkhuff and Gardner -2.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17630 introduced by Mayor Joan Wagnon pertaining to an amendment to the text and map of the Topeka-Shawnee County Comprehensive Metropolitan Plan, placed on first reading December 19, 2000, was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Duffy, Lee, and Hill –7. Absent: Councilmembers Carkhuff and Gardner -2.

ZONING PETITION (Z00/54) by the City of Topeka requesting to amend the district zoning classification from "M-1" Two Family Dwelling District to "R-2" Single Family Dwelling District on property located within the neighborhood areas known as Elmhurst in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17631 introduced by Mayor Joan Wagnon 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 within the Elmhurst neighborhood of the City of Topeka, Kansas

requesting to amend the District Zoning Classification from "M-1" Two-Family Dwelling District to "R-2" Single Family Dwelling District, placed on first reading December 19, 2000, was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Duffy, Lee, and Hill –7. Absent: Councilmembers Carkhuff and Gardner -2.

A FINAL PLAT for Hickory Creek Subdivision No. 2 on property located south of SW 45<sup>th</sup> Street, east of SW Auburn Road within unincorporated Shawnee County, Kansas, was presented.

John Dugan, Director of the Planning Department gave the staff report.

Councilmember Hill moved to accept the public dedication. The motion was seconded by Councilmember Dunn.

Councilmember Duffy explained that he could not support approval of the plat because of his concerns about the septic system and urban sprawl.

Several other Councilmembers expressed agreement with these concerns as well.

The motion failed. Councilmembers Pomeroy, Alcalá, McClinton, Duffy, and Lee voted "no". (2-5-0)

AN ORDINANCE introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supp.) 12-520, on property extending east of SW Wanamaker Road between SW 6<sup>th</sup> Avenue and I-70, said land being annexed for all City purposes and hereby assigned to a specific City Council District in accordance with Section A2-18 of the Code of the City of Topeka, was presented for first reading. (A00/13)

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the vacation of SE Winner's Circle Drive, an unimproved public street right-of-way as dedicated by Heartland Park Topeka Subdivision in the City of Topeka, Shawnee County, Kansas, was presented for first reading. (V01S/1)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer stated that he received a communication from the Topeka Metropolitan Transit Authority (TMTA) indicating that they will be starting demolition of the Columbian Building very soon, therefore parking around the building would no longer be available.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Mayor Wagon announced that there would be a work session Tuesday, January 9, 2001 at 5:30 p.m. and the Police Chief would be giving a presentation addressing crime.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcalá requested that yield signs be placed at 4<sup>th</sup> and Golden in lieu of road closed signs because of the watermain breaks in the area. He also asked that a guardrail be placed along Porubsky Drive in areas that are dark and steep.

David Price and Ray Martinez appeared and spoke at public comment.

NO FURTHER BUSINESS appearing, the meeting was adjourned by unanimous consent.

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Iris Walker  
City Clerk