

## City Council Minutes – July 10, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 10, 2001. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Dunn, Stanley, Duffy, Stubbs, Hill, and Price–8. Mayor Felker presided -1. Absent: Councilmember Lane –1.

AFTER THE MEETING was called to order, prayer was offered by Pastor Richard Taylor, Covenant Baptist Church.

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

Presentation by David Chavez regarding the Mariachi Estrella, was presented.

David Chavez appeared and gave the history of the Mariachi Estrella. He explained that a committee has collected funds and hired an architect to design a 10 foot bronze statute in memory of the four women who were members of the Mariachi Estrella who lost their lives at the Hyatt Regency when a stairwell collapsed. He asked if the City would consider placing a memorial on the corner of 8<sup>th</sup> and Quincy in front of the Topeka Performing Arts Center (TPAC) so that it could be visible to a large amount of people.

Councilmember Alcalá moved to suspend the rules to add an item to the agenda. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

Councilmember Alcalá moved to approve the request to secure the area next to the Commerce Bank & Trust sign at the southwest corner of SE 8<sup>th</sup> Street and SE Quincy Street for placement of the memorial. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

Councilmember Dunn moved to reinstate the rules. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for Brookfield Pondview Estates Subdivision No. 2 on property located at the southeast corner of SW 21<sup>st</sup> Terrace and SW Pondview Drive in the City of Topeka, Kansas, was presented.

A FINAL PLAT for KPL Substation Subdivision on property located on the west side of SE California Avenue and west of SE 41<sup>st</sup> Street within unincorporated Shawnee County, Kansas, was presented.

A FINAL PLAT for East Shawnee Lakes Subdivision on property located about the southwest corner of the intersection of SE 39<sup>th</sup> Street and SE Croco Road within unincorporated Shawnee County, Kansas, was presented.

Claim Appeal for Leo M. Elskamp, was presented.

A CEREAL MALT BEVERAGE APPLICATION bearing the approval of the Chief of Police and City Inspectors was presented for The Dock, 2838 SE 29<sup>th</sup> Street.

MINUTES of the Regular Meeting of June 26, 2001 were presented.

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

A FINAL PLAT for Urban Hills Subdivision No. 16 on property located on the north side of NW Melba Drive Court within unincorporated Shawnee County, Kansas, was presented. This was deferred from the meeting of June 26, 2001.

Barry Beagle, Planning Department gave the staff report. He noted that the consent to annex has been received.

Councilmember Duffy moved to accept the public dedication. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

AN ORDINANCE introduced by Mayor Felker, relating to nuisances, amending Topeka City Code § 66-27(2) and specifically repealing Topeka City Code § 66-27(2), placed on first reading June 26, 2001, was again presented.

Beth Schafer, Assistant City Attorney explained the ordinance and stated that it was the suggestion of the Legal Department based on what is now case law in the State of Kansas to reinstate the language “unsightly appearance”.

Frank Kirkdoll appeared in opposition to the ordinance.

Councilmember Alcala moved to amend the ordinance on line 25 to add the language “or any business operating within 50 feet of a school” after the word “place”. The motion was seconded by Councilmember Hill.

Questions were raised about clarification on what is unsightly; inoperable vehicles; and if there was a number established to find out where you could dispose of refrigerators and appliances. It was suggested to refer the ordinance back to the Legal Department for further review.

Councilmember Alcala moved to refer the ordinance back to the Legal Department for further review and bring it back to Council in two weeks. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

ORDINANCE NO. 17696 introduced by Mayor Felker regulating traffic within the corporate limits of the City of Topeka, Kansas, amending Standard Traffic Ordinance Section 30 and repealing the original Section, placed on first reading June 26, 2001, was again presented.

John Knoll, Legal Department explained the proposed amendment. He stated that the ordinance brings Section 30 of the Standard Traffic Ordinances in line with Senate Bill 67.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Dunn, Stanley, Stubbs, Hill, and Price—7. Councilmember Duffy was out of the room. Councilmember Lane was absent-1.

ORDINANCE NO. 17697 introduced by Councilmembers John Alcala and Betty Dunn relating to Merchant Guard appeals and license qualifications; amending Sections 30-420 and 30-421 of the Code of the City of Topeka (1994), as amended, and repealing the original sections, placed on first reading June 26, 2001, was again presented.

Councilmember Alcala explained the ordinance. He noted that the ordinance would allow someone to obtain a Merchant Guard’s license with specified traffic offenses only and does not exclude them from convictions of felonies or Class A and B misdemeanors.

Captain Mike Padilla, Police Department appeared and commented that the ordinance poses no concerns to the Police Department.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Dunn, Stanley, Duffy, Stubbs, Hill, and Price—8. Councilmember Lane was absent-1.

A COMMUNICATION submitting an appeal of denial of application for merchant guard license for Lafayette R. Saulters, was presented.

Councilmember Alcalá moved to refer the communication back to the Police Chief for reconsideration. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

LABOR CONTRACT NO. 31228 between the City of Topeka and the International Association of Firefighters (IAFF) for 2002, 2003, and 2004 and a wage re-opener for 2004, was presented.

Rod Armstrong, Labor Relations Negotiator for the City explained the contract. He commented that it predominantly provides for wage adjustments.

Councilmember Dunn moved to approve the contract. The motion was seconded by Councilmember Hill.

Councilmember Stanley stated that he could not support a commitment to the budget for the next three years.

The motion to approve the contract carried. Councilmember Stanley voted “no”. (7-1-0)

PROJECT BUDGET AND RESOLUTION NO. 7165 introduced by Mayor Felker authorizing Sidewalk Improvement Project No. 24108-B which provides for reconstruction of concrete sidewalks and the removal and replacement of failed concrete curb and gutter and authorizing the same, in the amount of \$139,295, were presented.

Neil Dobler, Director of Public Works gave the staff report.

Steve Ernst, Director of Housing and Neighborhood Development stated that the request supports ten infill housing projects.

Bill Fiander appeared to answer questions.

Councilmember Stubbs asked if the proposal would benefit existing homes.

Bill Fiander stated that approximately fifteen existing homes throughout a seven-block area would benefit from the sidewalk and street improvements.

Councilmember Price moved to approve the project budget and adopt the resolution. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

PETITION, PROJECT BUDGET AND RESOLUTION NO. 7166 introduced by Mayor Felker authorizing Street Improvement Project No. 60572, located within the Colly Creek area as more specifically described herein, in the amount of \$624,430, were presented.

Neil Dobler, Director of Public Works gave the staff report.

Councilmember Duffy moved to approve the petition and project budget and adopt the resolution. The motion seconded by Councilmember Dunn carried. Councilmember Price voted “no”. Councilmember Hill left the meeting. (6-2-0)

A COMMUNICATION from Mayor Felker submitting a request for Council approval from T&J Land Company, L.L.C. for a waiver of the building permit and inspection fees for construction of an indoor facility for youth sports at 39<sup>th</sup> and Burlingame, was presented.

Beth Schafer explained the communication.

Tom Schmidlein, Representative of Sport Zone appeared to answer questions.

Councilmember Alcalá moved to approve the communication. The motion was seconded by Councilmember Dunn.

Several Councilmembers expressed support for the project.

Margaret Masilionis appeared and expressed her concern about the waiver of building permit fees.

The motion carried unanimously. (7-0-0)

AN ORDINANCE introduced by Mayor Harry Felker authorizing the issuance of \$29,665,000 aggregate principal amount of General Obligation Improvement and Refunding Bonds, Series 2001-B, of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 10-427 et seq., K.S.A. 12-110c, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., K.S.A. 12-1736 et seq., and Charter Ordinances Nos. 68 and 74 of the City, all as amended, was presented for first reading.

AN ORDINANCE introduced by Mayor Felker, authorizing Bridge Improvement Project No. 12053-03, Part A, which provides for Planning and Route Study for the removal and replacement of the existing Topeka Blvd. Bridge all pursuant to Topeka City Codes A12-1, was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 15-foot wide alley extending south of SE 10<sup>th</sup> Avenue between SE Lime and SE Lawrence Streets, City of Topeka, Shawnee County, Kansas, was presented for first reading. (V01A/3)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of the north 6-feet of a 20-foot wide public utility easement on Lot 7, Block “C”, Clarion Woods Subdivision No. 3 and located at 5217 SW 40<sup>th</sup> Terrace in the City of Topeka, Shawnee County, Kansas, was presented for first reading. (V01E/5)

AN ORDINANCE introduced by Mayor Harry Felker 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 located on the north side of NW Independence Avenue, the centerline of which is approximately 720-feet west of NW Topeka Boulevard in the City of Topeka, Kansas, from “R-1” Single Family Dwelling District and “I-1” Light Industrial District all to “PUD” Planned Unit Development District (“I-1” use group category) and repealing City of Topeka Ordinance No. 17683, was presented for first reading. (Z01/5)

Mayor Felker explained that they would deviate from the agenda and have public comment, resume the staff presentations on the 2002 budget, and then complete the agenda.

Charles Criqui appeared and spoke during public comment.

Chief Kingsley, Fire Department explained their proposed budget for 2002, including a couple of enhancements not included in the Mayor's proposal.

Councilmember Duffy requested information on the number of women and minorities in the Fire Department; a comparison of cost per capita with other cities; frequency of fires in the last few years; the anticipated frequency with the enhancements; and the anticipated frequency with exterior attack.

Councilmember Stanley asked what was being done to prevent fires.

Councilmember Dunn moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Alcala carried unanimously. (7-0-0)

Bill Fiander, Acting Planning Director explained the Planning Department's proposed budget for 2002.

Councilmember Duffy asked that they compare items in elements of the Comprehensive Plan to see if they are within the budget request.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Price stated that the Public Improvement Committee decided to enforce block zoning parking prior to January 2002 that is stated in the ordinance.

Councilmember Duffy asked how they would be accommodating all day parkers on Kansas Avenue.

Councilmember Alcala announced that the Finance, Audit, and Administration Committee would meet Thursday, July 12, 2001 in the Council office at 4:30 p.m. to discuss the Comprehensive Annual Finance Report for 2000.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Dunn asked for an update on what incentives Graphic Promotions have received.

NO FURTHER BUSINESS appearing the meeting was adjourned at 11:35 p.m.

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Iris Walker, City Clerk

## **Special Session**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 10, 2001. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Dunn, Stanley, Duffy, Stubbs, Hill, and Price –8. Mayor Felker presided -1. Absent: Councilmember Lane –1.

### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas held on Tuesday, July 10, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8<sup>th</sup> Street to obtain citizen comment on a proposed amendment to the Neighborhood Revitalization Plan.

Bill Fiander, Acting Planning Director gave the staff report and explained that the proposed amendment would include five parcels along Sherman Avenue. He stated that the legal description and map were not advertised correctly. He stated that there should be six parcels of land included.

Beth Schafer, Assistant City Attorney stated that they would need to advertise the correct legal description and map. She noted that readvertisement would not hold up the proposed development.

Councilmember Pomeroy stated that he had an additional amendment to include in the plan.

Bill Fiander suggested that they allow the incentive to be awarded as long as the development meets the zoning requirements.

Councilmember Alcalá moved to continue the public hearing for two weeks. The motion seconded by Councilmember Pomeroy carried unanimously. (8-0-0)

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Iris Walker, City Clerk