

City Council Minutes – April 9, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 9, 2002. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, Hill and Price –9. Mayor Felker presided –1.

AFTER THE MEETING was called to order, prayer was offered by Pastor Mark Lenerts, Student Ministries of Topeka Bible Church.

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

THE CONSENT AGENDA was presented as follows:

FINAL PLAT for South Branch Subdivision No. 3 located at the southwest corner of SW 38th Court and SW Lincolnshire Road in the City of Topeka, Kansas (02/10), was presented.

FINAL PLAT for Hickory Ridge Estates Subdivision No. 8 located on the south side of NW 35th Street approximately 1,000 ft east of U.S. Highway within unincorporated Shawnee County, Kansas, was presented.

RESOLUTION NO. 7229 introduced by Mayor Harry Felker and Councilmember Betty Dunn relating to a low income housing tax credit project by the SY Highland Park Investors, L.P., was presented.

RESOLUTION NO. 7230 introduced by Mayor Harry Felker and Councilmember Vanessa Hill relating to a low income housing tax credit project by the Topeka Lutheran Home Association, Inc., was presented.

Minutes of the Regular Meeting of April 2, 2002, were removed until next week.

Councilmember Hill moved to approve the Consent Agenda. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

SELECTION OF JEDO BOARD MEMBERS, was presented.

Councilmember Pomeroy expressed intent to elect the Deputy Mayor and two voting Councilmember representatives for the JEDO Board in accordance with Charter Ordinance #87.

Following the discussion Councilmember Price made a request to review Charter Resolution #87 to clarify the length of term the Deputy Mayor is to serve.

Councilmember Alcalá asked Brenden J. Long, City Attorney to read the letter that was distributed to the Councilmembers on October 31, 2001 defining the legal definition of "Deputy Mayor Term of Office".

Following the reading, Councilmember Pomeroy stated that he co-sponsored Charter Ordinance #87 with the understanding that the Deputy Mayor would serve a one-year term.

Councilmember Dunn stated that she accepted the title of Deputy Mayor with the intent of serving a two-year term, however, any Councilmember that would like her to resign needs to submit their request to her, in writing.

In response, Councilmember Pomeroy submitted his request for Councilmember Dunn's resignation.

Councilmember Dunn declined the request.

Councilmember Pomeroy continued discussion explaining the procedure for selection of JEDO Board Members.

Councilmembers Price, Stubbs, Hill, and Lane each self-nominated to serve as voting members on the JEDO Board.

Mayor Felker asked the Council to vote for two members of the Council to serve as JEDO Board members. The City Clerk read the ballots with five votes for Councilmember Price and five votes for Councilmember Stubbs.

Alexis Padilla expressed his opinion surrounding the controversy of electing a new Deputy Mayor.

Reverend Edward Kirtdoll expressed his concern about the community as a whole being united, and stated that everyone's opinion should be respected.

ORDINANCE NO. 17815 introduced by Mayor Harry Felker amending City of Topeka Code §§142-211, 142-212, 142-213, 142-214, and 142-215 relating to school speed zones and specifically repealing said original sections, placed on first reading April 2, 2002, was again presented.

Chief of Police, Ed Klumpp gave the staff report. He explained that the proposed ordinance is to accomplish the clean-up of effective times and dates of school zones, and increase the safety of students by increasing fines.

Councilmember Pomeroy suggested extending the length of school zones to help minimize traffic congestion and further ensure students safety.

Councilmember Hecht moved to amend line 186 of the ordinance by inserting the phrase "such fine shall not be paroled". The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

The ordinance as amended was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, Hill, and Price - 9.

PETITION, PROJECT BUDGET in the amount of \$1,466,780 AND RESOLUTION introduced by Mayor Felker authorizing Trafficway Improvement Project No. 70197-01, located approximately west of Topeka Boulevard from S.W. 57th Street North to S.W. 53rd Street as more specifically described herein, was presented.

Councilmember Price moved to defer for one week. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

ZONING PETITION (HL02/1) by Don and Janet Chubb requesting to amend the District Zoning Classification by granting the "HL" Historic Landmark Overlay District to property currently zoned "R-1" Single Family Dwelling District and located at 1011 SW Cambridge Avenue in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17816 introduced by Mayor Harry Felker designating real property more specifically described herein as a historic landmark and presently zoned "R-1" Single Family Dwelling District and located at 1011 SW Cambridge Avenue in the City of Topeka Code Section 80-4 (HL02/1), placed on first reading April 2, 2002, was again presented.

Barry Beagle, Planning Department gave the staff report.

Mark Burenhrde, Chairman of Historic Landmarks Commission appeared in support of the petition.

Councilmember Pomeroy expressed his concern about the amount of time that it took the Historical Landmark Commission to choose a property for the Historical Landmark list.

In response, Barry Beagle explained in detail, the process of designating a historical property to the Historical Landmark list and the procedures involved.

Councilmember Duffy expressed his appreciation and support of the ordinance. He inquired on several issues. What is the status of the implementation of the plan, have any properties been designated for a historical landmark, and when will the Historical Landmark Preservation Plan be completed.

Councilmember Stubbs suggested using incentives to get more people to have their property designated.

Mayor Felker asked if there were any exparte communications. There were none declared.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, Hill, and Price - 9.

ZONING PETITION (Z20/7) by Congregational Home, Inc., DBA Brewster Place requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District TO "PUD" Planned Unit Development District ("M-1" usage) on property located at the southeast corner of SW 29th Terrace and SW Lincoln Street in the City of Topeka, Kansas, was presented.

ORDINANCE 17817 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 at the southeast corner of SW 29th Terrace and SW Lincoln Street in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "PUD" Planned Unit Development District ("M-1" usage), placed on first reading April 2, 2002, was again presented. (Z02/7)

FINAL PLAT for Brewster Place Subdivision No. 4 located at the southeast corner of SW 29th Terrace and SW Lincoln Street in the City of Topeka, Kansas (P01/36), was presented.

Barry Beagle, Planning Department gave the staff report.

Councilmember Lane expressed support of the ordinance. He stated that he met with Mr. Beck and some of the neighbors at an organized neighborhood meeting for presentation of the future plans.

Mayor Felker asked if there was additional exparte, besides Councilmember Lane. There was none declared.

Mayor Felker gave an opportunity for anyone present to speak. No one appeared.

Councilmember Dunn moved to approve the petition, adopt the ordinance, and accept the final plat. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, Hill and Price –9.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17818 introduced by Mayor Harry Felker pertaining to an amendment to the text and map of the Topeka-Shawnee County Comprehensive Metropolitan Plan, placed on first reading April 2, 2002, was again presented.

Bill Fiander, Neighborhood Planner gave the staff report. He explained that the process for creating the Plan started with an initial kick-off meeting in March, 2001. He stated that they interviewed and met monthly with the stakeholder committee to develop the Plan. He further explained the Revitalization Plan's goals, themes, land use plan, circulation and infrastructure, economic development, community building and implementation.

Several Councilmembers expressed their appreciation for the information contained in the Plan and the way it was created involving the community.

Ivan Weichert, Andrew Fields, Rudolph Negrete, Sylvia Ortiz and JoAnn Peavler appeared in support of the Plan.

Councilmember Alcalá moved to approve the Plan and adopt the ordinance. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

The ordinance was adopted on roll call votes as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, Hill and Price –9.

A RESOLUTION introduced by Councilmembers John Alcalá and Harold Lane regarding rezoning of an area generally referred to as the East Topeka and Oakland Neighborhoods pursuant to City of Topeka Code, section 48-33.01(c) (2), was presented.

The Deputy Mayor referred the resolution to the Public Improvements Committee.

A COMMUNICATION submitting a request by Heartland Gospel for \$4,000 from the Transient Guest Tax contingency line item for help in its operating expenses, was presented.

Councilmember Stubbs requested to set up a work session within the next week or two to develop criteria for approval or denial of future requests. She would like to set up guidelines and require a summary of the organization's funds to be submitted with the request, so the Council may make an informed decision.

Councilmember Pomeroy moved to approve the request. The motion seconded by Councilmember Alcalá carried. Councilmembers Hecht and Price voted "no". (7-2-0)

AN ORDINANCE introduced by Mayor Harry Felker designating and establishing the intersection of SE 6th Avenue and SE Deer Creek Parkway as a main Trafficway in the City of Topeka and authorizing the improvement of said trafficway, hereinafter known as Trafficway Improvement Project No. 70188-02, all under the authority of K.S.A. 12-685 et seq., was presented for first reading.

The Deputy Mayor referred the ordinance to the Public Improvements Committee.

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of the south 30 feet of a platted building setback, less the south 22 feet, thereof, on property located at the northeast corner of SW Briarwood Lane and SW Jardine Terrace, in the City of Topeka, Kansas, was presented for first reading. (V02SB/3)

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Pomeroy stated that he received some financial information but he would like to know the project status of the CDBG funded projects.

Councilmember Hill announced that the Public Health and Safety Committee has scheduled a meeting to discuss the Buffer Ordinance on April 29, 2002.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane stated he was told by some of his constituents that houses renovated in the Watertown area would have a second mortgage on them. He asked Administration to check if that was the way the grants were set up.

Councilmember Pomeroy made clarification concerning contentions within the Council, and confirmed that all issues have been resolved.

Councilmember Hill acknowledged a personal thank you from Brenda Murphy from the 501 School District and expressed the importance of Board Members to continue to support funding for school programs.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Frank Kirtdoll appeared to speak under public comments.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 10:20 p.m.

Iris Walker
City Clerk