

City Council Minutes – November 5, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 5, 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, Councilmember Hecht asked for a moment of silent meditation.

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

THE CONSENT AGENDA was presented as follows:

Minutes of the Special Session of October 14, 2002 and the Regular Meeting of October 22, 2002, were presented.

Councilmember Dunn asked that a correction be made on page 407 of the Minutes of the Regular Meeting of November 5, 2002 concerning the motion made on the establishment of the reorganization of the Planning and Zoning Program Task Force.

Councilmember Dunn moved to approve the consent agenda with the corrections to the minutes. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

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, November 5, 2002, at 7:00 P.M., to consider approval of Lateral Sanitary Sewer Improvement Project No. 40350, Phase 4, to provide sewer service to the westerly portion of Grand Oaks Subdivision and part of Hilltop Subdivision.

A PETITION, PROJECT BUDGET in the amount of \$150,300 and RESOLUTION NO. 7280 introduced by Mayor Harry Felker authorizing Lateral Sanitary Sewer Improvement Project No. 40350, Phase 4 was presented.

Neil Dobler, Public Works Director gave the staff report.

Bill McCarter, Engineering Department gave the history of the project and answered questions.

Councilmember Duffy noted how the State handles these types of projects to spread the cost more fairly throughout the entire development area through amortization.

In response, Neil Dobler stated that they are currently considering the same process.

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

Councilmember Dunn moved to close the public hearing, approve the petition, accept the project budget and adopt the resolution. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

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, November 5, 2002, at 7:00 P.M., to consider approval of Lateral Sanitary Sewer Improvement Project No. 40644, Phase 3, to provide sewer service for Lots 3 through 9, Block "E", Lots 2 through 9, Block "H" and Lots 20 through 23, Block "J" all in Southboro Subdivision No. 2.

A PETITION, PROJECT BUDGET in the amount of \$107,541.67 and RESOLUTION NO. 7281 introduced by Mayor Harry Felker authorizing Lateral Sanitary Sewer Improvement Project No. 40644, Phase 3, was presented.

Bill McCarter gave the staff report.

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

Councilmember Dunn moved to close the public hearing, approve the petition, accept the project budget and adopt the resolution. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

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, November 5, 2002, at 7:00 P.M., to consider approval of Street Improvement Project No. 60468, Phase 4, located in Southboro Subdivision No. 2.

A PETITION, PROJECT BUDGET in the amount of \$221,194.30 and RESOLUTION NO. 7282 introduced by Mayor Harry Felker authorizing Street Improvement Project No. 60468, Phase 4, was presented.

Bill McCarter gave the staff report.

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

Councilmember Dunn moved to close the public hearing, approve the petition, accept the project budget and adopt the resolution. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

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, November 5, 2002, at 7:00 P.M., to consider approval of Street Improvement Project No. 60566, Phase 3, located in Grand Oaks Subdivision.

A PETITION, PROJECT BUDGET in the amount of \$863,600 and RESOLUTION NO. 7283 introduced by Mayor Harry Felker authorizing Street Improvement Project No. 60566, Phase 3, was presented.

Bill McCarter gave the staff report.

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

Councilmember Dunn moved to close the public hearing, approve the petition, accept the project budget and adopt the resolution. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$199,810 and ORDINANCE NO. 17908 introduced by Mayor Harry Felker, authorizing Improvement Project No. 14100-00, which provides for the Traffic Signal Upgrade for SE 4th Street and SE Madison Street as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading on October 22, 2002, was again presented.

Neil Dobler, Public Works Director gave the staff report.

Councilmember Alcalá stated that the traffic signal at the intersection of 4th Street and Branner needs to be upgraded as soon as possible.

Councilmember Alcalá moved to accept the project budget and adopt the ordinance. The motion seconded by Councilmember Dunn 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 PROJECT BUDGET in the amount of \$200,000 and AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project No. 30067-03, which provides for improvements to Gage Park by upgrading the electrical service to the facilities as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading October 22, 2002, was again presented.

Ron Cathey, Parks and Recreation Department gave the staff report.

Councilmember Duffy asked why Western Resources, Inc. would not supply electricity to the park.

In response, Ron Cathey stated that in 1998 Western Resources, Inc. would have required several trees to be trimmed back extensively to accommodate overhead lines which would have changed the appearance of Gage Park drastically. At that time they decided to

handle the problem on their own. He stated that now underground lines are available and the upgrade would not affect the appearance of the park however, they are very costly to install.

Councilmember Duffy suggested that they try to negotiate a reduced rate for installation costs with Western Resources, Inc.

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

Councilmember Hill moved to accept the project budget and adopt the ordinance. The motion was seconded by Councilmember Stubbs.

Councilmember Lane made a substitute motion to defer one week. The motion was seconded by Councilmember Dunn.

Councilmember Hecht stated that if this item is deferred for one week she would like to have a representative from Western Resources, Inc. available for questions at a private work session or at next week's meeting.

The motion to defer one week carried. Councilmember Pomeroy voted "no". (8-1-0)

AN ORDINANCE introduced by Mayor Harry Felker decreasing the number of cars to be operated by a taxicab business, amending City of Topeka Code Section 154-87 and repealing said original ordinance placed on first reading October 22, 2002, was again presented.

Brenden Long, City Attorney requested that this item be placed into committee because of several insurance issues concerning this matter. He was contacted by Don Weick, City Taxi Cab Inspector and he stated that he would like to make a presentation to the committee on this issue but was unable to attend tonight's meeting.

Councilmember Lane moved to refer the ordinance to the Public, Health and Safety Committee. The motion seconded by Councilmember Alcalá carried. Councilmember Pomeroy voted "no". (8-1-0)

ORDINANCE NO. 17909 introduced by Mayor Harry Felker relating to the extension of water service outside the city limits and establishing criteria therefore, amending City of Topeka Code Section 146-37 and specifically repealing said original section placed on first reading August 20, 2002, was again presented. This was referred to the Public, Health and Safety Committee on September 3, 2002.

Councilmember Stubbs gave the committee report.

Neil Dobler explained the amendments made to the ordinance. He stated that there were three major changes incorporated into the document one would include a mandatory review fee in the amount of \$500, another allows extension only to existing residences, the third change included an annexation provision with an annual review period.

Councilmember Stubbs made a motion to approve the committee report. The motion was seconded by Councilmember Hill.

Councilmember Duffy stated that this is a great opportunity to reverse a trend and begin orderly and harmonious growth with the adoption of the next six documents and encouraged approval of the documents.

Several Councilmembers continued the discussion on unilateral annexation compared to island annexation, cost factors involved and the importance of County participation.

Councilmember Lane made a motion to amend line 18 to read the original language that was presented in the ordinance. The motion was seconded by Councilmember Dunn.

The parliamentarian stated that the only change that is necessary on line 18 is to add the words "City of Topeka".

The motion to amend the ordinance carried. Councilmembers Pomeroy, Alcalá and Duffy voted "no". (6-3-0)

The motion to adopt the ordinance as amended carried. Councilmembers Alcalá, Dunn and Duffy voted "no". (6-3-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Lane, Hecht, Stubbs, Hill and Price -6. Noes: Councilmembers Alcalá, Dunn and Duffy -3.

ORDINANCE NO. 17910 introduced by Public, Health and Safety Committee Members Vanessa Hill, Lisa Stubbs and Clark Duffy, making findings pertaining to sewage collection facilities and services outside of the City limits, and establishing a policy of requiring annexation as a condition for connection to City of Topeka sewage collection system, amending City of Topeka Code Section 146-257, Agreement for annexation for future connections and specifically repealing said original section placed on first reading June 12, 2001, was again presented. This was referred to the Public, Health and Safety Committee on June 12, 2001.

Councilmember Stubbs gave the committee report.

Neil Dobler explained the amendments made to the document

Councilmember Price stated that he is confident that this would help eliminate some of the problems for future annexation.

Councilmember Duffy expressed several concerns with the ordinance.

Councilmember Alcalá inquired on the financial impact that this would have.

Councilmember Hill moved to accept the committee report. The motion seconded by Councilmember Price carried. Councilmembers Alcalá, Lane, Dunn and Duffy voted "no". (5-4-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Hecht, Stubbs, Hill and Price -5. Noes: Councilmembers Alcala, Lane, Dunn and Duffy -4.

AN ORDINANCE introduced by Councilmember Clark Duffy, amending Section 134-143 of the Code of the City of Topeka relating to dedication, reservation and acquisition of public sites and open spaces, and specifically repealing said original section placed on first reading June 12, 2001, was again presented. This was referred to the Community Development Committee on June 12, 2001.

Councilmember Duffy explained the ordinance.

Councilmember Stubbs made a motion to refer the ordinance to the Public, Health and Safety Committee. The motion seconded by Councilmember Hill carried. Councilmembers Pomeroy, Dunn and Duffy voted "no". (6-3-0)

ORDINANCE NO. 17911 introduced by Mayor Harry Felker, authorizing the study and preliminary design of a performing theater facility as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading June 25, 2002, was again presented. This was referred to the Economic Development Committee on July 2, 2002.

Councilmember Hill gave the committee report. She stated that they amended line 23 to read "not to exceed \$20,000".

Councilmember Duffy stated that he feels they first need to identify program needs, location and the components involved before moving forward with this project.

Rogers Brazier, Parks and Recreation Director explained the project.

Councilmember Dunn stated that it was her understanding that the cost of the design was included in the \$2.5 million dollars that was allocated for this project.

Councilmember Dunn moved to deny the ordinance until more information is received. The motion was seconded by Councilmember Lane.

Councilmember Alcalá stated that the Helen Hocker Theater is a huge asset to Gage Park. It was his understanding that the organization does not want to move out of the park, therefore, the \$20,000 study is not necessary.

Councilmember Dunn expressed concerns with the financial implications and the necessity of the study.

Jim Reardon, representative for the Helen Hocker Theater confirmed that the organization does not want to move out of Gage Park. He stated that he agrees that there is not a need for a relocation study. However, in his opinion there does need to be a study to determine the needs of the program and the exact cost of renovation.

Councilmember Duffy stated that he feels that the cost of the study is a small price to pay considering the large amount of money that is going to be spent to complete this project.

Councilmember Price stated that he supports the study because it would provide the answers needed to move forward with this project and help ensure that the taxpayers dollars are being spent wisely.

Councilmember Alcalá requested a list of requirements for the theater and asked if the structure can be altered since it is a historical site. He also stated that the youth of Topeka has a strong interest and need for these types of facilities and it plays a big part in community development.

Councilmember Dunn requested a report on the equipment that has been purchased for the Topeka Performing Arts Theater and asked if the same equipment could be used in the Helen Hocker Theater.

Councilmember Hill made a substitute motion to approve the committee report as amended. The motion was seconded by Councilmember Price.

Councilmember Hecht asked if it would be possible to gather all of the information needed and present it to the Council at next week's meeting. This would enable all of the Councilmembers to be more comfortable in moving forward with this project.

Councilmember Lane made a substitute motion to adopt the committee report with an amendment to line 19.

Councilmember Lane withdrew the motion.

The motion to approve the committee report carried. Councilmembers Alcala and Dunn voted "no". (7-2-0)

Councilmember Dunn withdrew her motion to deny.

Councilmember Lane moved to make an amendment to line 19 to read that, "the Helen Hocker Theater stays within Gage Park" and change the amount in line 23 back to "\$15,000". The motion was seconded by Councilmember Alcala.

Councilmember Hecht left the meeting at 9:00 p.m.

Councilmember Stubbs made a substitute motion to defer for one week.

Motion died for lack of a second.

Councilmember Hill called the question.

The motion to amend the ordinance carried. Councilmembers Pomeroy, Duffy and Stubbs voted "no". (5-3-0)

Councilmember Lane moved to adopt the ordinance as amended. The motion seconded by Councilmember Alcala carried. Councilmembers Pomeroy and Duffy vote "no". (6-2-0)

The ordinance as amended was adopted on roll call vote as follows: Ayes: Councilmembers Alcala, Lane, Dunn, Stubbs, Hill and Price -6. Noes: Councilmembers Pomeroy and Duffy -2. Absent: Councilmember Hecht -1.

Councilmember Pomeroy made a motion to move forward to New Business and First Readings. The motion seconded by Councilmember Dunn carried. Councilmembers Alcala and Lane voted "no". (6-2-0)

RESOLUTION NO. 7285 introduced by Mayor Harry Felker, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Deer Creek Trail Project from approximately Golden Avenue to 6th Street in the City of Topeka and authorizing the Mayor to sign the application, was presented.

Bill Riphahn, Director of Planning and Development, Parks and Recreation Department gave the staff report.

Councilmember Hill moved to adopt the resolution. The motion seconded by Councilmember Alcala carried. Councilmember Pomeroy voted "no". (7-1-0)

Councilmember Pomeroy inquired on the re-development of the Deer Creek area and stated that he voted no because he feels that it may cause even more damage to the area.

RESOLUTION NO. 7286 introduced by Mayor Harry Felker, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Kaw Reserve Tract Trail Project from approximately US Highway 75

to US Highway 24 in the City of Topeka and authorizing the Mayor to sign the application was presented.

Councilmember Stubbs moved to adopt the resolution. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

RESOLUTION NO. 7287 introduced by Mayor Harry Felker, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Landon Trail Project from approximately 15th Street to 37th Street in the City of Topeka and authorizing the Mayor to sign the application was presented.

Councilmember Dunn moved to adopt the resolution. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

RESOLUTION NO. 7288 introduced by Mayor Harry Felker, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Soldier Creek Trail Project from approximately Garfield Park to Kuehne YMCA in the City of Topeka and authorizing the Mayor to sign the application was presented.

Councilmember Dunn moved to adopt the resolution. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

RESOLUTION 7289 introduced by Mayor Harry Felker, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for

the 21st Century for the Shunga Trail Project from approximately 10th Street to Golden Avenue in the City of Topeka and authorizing the Mayor to sign the application was presented.

Councilmember Dunn moved to adopt the resolution. The motion seconded by Councilmember Alcalá carried. Councilmember Pomeroy voted "no". (7-1-0)

RESOLUTION NO. 7290 introduced by Mayor Harry Felker, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Great Overland Station Operating Assistance Project in the City of Topeka and authorizing the Mayor to sign the application was presented.

Bob Sherbourne expressed concern with the allocation of the funds for the project.

Councilmember Dunn moved to adopt the resolution. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

RESOLUTION NO. 7291 introduced by Mayor Harry Felker, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Great Overland Station Site Improvements Project in the City of Topeka and authorizing the Mayor to sign the application was presented.

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

RESOLUTION NO. 7292 introduced by Mayor Harry Felker, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act

for the 21st Century for the College Avenue Brick Street Restoration Project in the City of Topeka and authorizing the Mayor to sign the application was presented.

Councilmember Dunn moved to adopt the resolution. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

RESOLUTION NO. 7293 introduced by Mayor Harry Felker, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Washburn-Lane Parkway Project in the City of Topeka and authorizing the Mayor to sign the application was presented.

Councilmember Price moved to adopt the resolution. The motion seconded by Councilmember Hill carried. Councilmember Dunn voted "no". (7-1-0)

AN ORDINANCE introduced by Mayor Harry Felker to the vacation of a portion of Old K-172 Highway right-of-way adjoining the north side of U.S. Highway 24 and west of NW Rochester Road, City of Topeka, Shawnee County, Kansas, was presented for first reading. (V02S/3)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 1-foot wide strip of right-of-way along S. Kansas Avenue as dedicated by Original Town, on property located on the east side of S. Kansas Avenue between SE 7th Street and SE 8th Avenue in the City of Topeka, Shawnee County, Kansas, was presented for first reading. (V02S/4)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of SW 28th Street, a 50-foot wide public right-of-way as dedicated by Country Club Heights, on property located on the west side of SW Fairway Drive between Lots 9 and 10 in the City of Topeka, Shawnee County, Kansas, was presented for first reading. (V02S/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 about 3325 SW Gage Boulevard from "PUD" Planned Unit Development District to "C-4" Commercial District AND "C-2" Commercial District, was presented for first reading. (Z89/26)

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Sewer Improvement Project No. 29007-02, which provides for the rehabilitation of the Furman Road Interceptor Sewer and appurtenances as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

Mayor Felker noted that the Parks and Recreation Department requested that Item F and G be withdrawn from the agenda.

AN ORDINANCE introduced by Councilmembers Vanessa Hill, Lisa Stubbs and Clark Duffy sitting as the Public, Health and Safety Committee, regarding building codes, extending the City of Topeka building codes and permit process to the three (3) mile area adjacent to the City of Topeka boundaries placed on first reading October 23, 2001, was again presented. This was referred to the Policy Committee on October 23, 2001.

Councilmember Stubbs moved to refer the ordinance to the Public, Health and Safety Committee. The motion seconded by Councilmember Hill carried. Councilmember Dunn voted "no". (7-1-0)

AN ORDINANCE introduced by Councilmember Clark Duffy relating to employee retirement placed on first reading October 21, 2001, was again presented. This was referred to the Policy Committee on October 21, 2001.

The ordinance was not adopted on roll call vote as follows: Noes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Duffy, Stubbs, Hill and Price -8. Absent: Councilmember Hecht -1.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by Councilmember Clark Duffy pertaining to the Topeka-Shawnee County Metropolitan Planning Commission amending City of Topeka Code Sections 110-27, 110-28, 110-33, 110-39, 110-42, 110-43, 110-44, 110-45, 110-72, 110-73, and repealing Topeka City Code Sections 110-74 and 110-75 and repealing said original sections placed on first reading June 12, 2001, was again presented. This was referred to the Community Development Committee on June 12, 2001.

Councilmember Dunn moved to defer for one week. The motion was seconded by Councilmember Lane.

Councilmember Duffy expressed his disappointment with the County Planning Commission because they have not made any contact with the City of Topeka concerning this ordinance and asked if this resolution has been adopted by the County.

Mayor Felker noted that the County has not adopted the resolution.

The motion to defer one week carried. Councilmembers Alcalá, Lane and Duffy voted "no". (5-3-0)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17912 introduced by Mayor Felker relating to minimum lot size requirements, providing for an administrative waiver amending City of Topeka Section 48-27.01, and specifically repealing said original section placed on first reading January 15, 2002, was

again presented. This was referred to the Public Improvement Committee on January 15, 2002.
(ACZR01/09)

Councilmember Lane moved to adopt the ordinance. The motion was seconded by Councilmember Dunn.

Councilmember Duffy asked if the resolution has been adopted by the County.

Mayor Felker noted that the County has not adopted the resolution.

Councilmember Dunn asked if this would affect the infill housing project areas.

Councilmember Pomeroy requested a report on the guidelines on the variances of lot size requirements for each neighborhood.

The motion to adopt the ordinance carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Lane, Dunn, Duffy, Stubbs, Hill and Price -8. Absent: Councilmember Hecht -1.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA
ORDINANCE NO. 17913 introduced by Mayor Felker relating to Site Plans, amending the Comprehensive Zoning Regulations of the City of Topeka and unincorporated areas of Shawnee County, and specifically repealing Topeka City Code Section 26-121 and 122 placed on first reading October 16, 2001, was again presented. This was referred to the Community Development Committee on October 16, 2001.

Councilmember Dunn moved to defer for one week.

Motion died for lack of a second.

Mayor Felker noted that the County has not adopted the resolution.

Several Councilmembers expressed concerns with why the County has not made an effort to act on several of the Interlocal Agreements.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Duffy, Stubbs, Hill and Price -5. Noes: Alcalá, Lane and Dunn -3. Absent: Councilmember Hecht -1.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by Mayor Felker relating to signs, amending Article XXXI, Sign Regulations, Article XXXV, Definitions, Topeka City Code Section 118-76, defined, and specifically repealing said original sections, and repealing Topeka City Code Section 118-11, Removal of signs, 118-12, Cost of sign removal, 118-276, Defined, 118-277 Placing and time limitation, 118-278, Temporary banners, pennants or flags over streets in their entirety, placed on first reading October 16, 2001, was again presented. This was referred to the Community Development Committee on October 16, 2001.

Councilmember Pomeroy stated that he would not support this ordinance and encouraged his colleagues to vote no on this matter and start over with a new document.

Councilmember Price stated that this is an important issue to address since it is dealing with the City of Topeka's appearance and reconstructing a new document would be a good starting point.

Councilmember Stubbs agreed that they should start over with a new streamlined ordinance to make the document easier to understand and enforce.

Councilmember Duffy asked if the County has adopted the resolution.

David Thurbon, Planning Director stated that the County has not adopted the resolution.

The ordinance was not adopted on roll call vote as follows. Noes: Councilmembers Pomeroy, Alcala, Lane, Dunn, Stubbs, Hill and Price -7. Ayes: Councilmember Duffy -1. Absent: Councilmember Hecht -1.

A RESOLUTION introduced by Mayor Harry Felker, relating to transient guest tax funds, designating the Convention and Visitors Bureau as the Agency to evaluate requests for discretionary transient guest tax monies and thereafter make distributions was presented.

Councilmember Alcala moved to adopt the resolution. The motion seconded by Councilmember Dunn failed. Councilmember Duffy voted "yes". (1-6-0)

Councilmember Stubbs left the meeting at 10:05 p.m.

A RESOLUTION introduced by Councilmembers Betty Dunn and Harold Lane relating to the Housing and Neighborhood Development Department was referred to the Community Development Committee on March 19, 2002, was again presented.

Councilmember Lane recommended that the Council vote no on the resolution.

Councilmember Lane moved to adopt the resolution. The motion seconded by Councilmember Dunn failed. (0-7-0)

RESOLUTION NO. 7284 introduced by Councilmembers Vanessa Hill, Lisa Stubbs, and Clark Duffy sitting as the Public Health and Safety Committee, affirming the 2010 Comprehensive Metropolitan Land Use Plan and the Topeka/Shawnee by Design Survey prepared by Nelessen Associates, Inc. as policy guidance for future development and redevelopment in the City of Topeka and the three mile area, was presented. This was referred to the Policy Committee on October 23, 2001.

Councilmember Duffy explained the intent of the resolution.

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

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Pomeroy complimented the Shawnee County Election Commissioner and the elections staff on conducting a fair and honest election.

Councilmember Alcalá asked if the JEDO Board resolution priorities have been changed or altered.

Councilmember Dunn stated that she has received several calls from her constituents concerning street light replacement at 37th and Kentucky and 31st and Illinois and asked what the status is of each location. She attended the Task Force meeting on November 4, 2002 and stated that there is a work session scheduled on November 12, 2002 and asked if it would be televised.

Councilmember Duffy stated that Kate Grover, Water Quality Manager, Public Works Department was on the front page of the Atchison Daily Globe on November 1, 2002. He stated that the article labeled her as the State of Kansas Water Shed Protection Expert and commended her efforts contributed to the City of Topeka Water Shed Program.

Councilmember Price stated that he would like to clarify the statement that was made at the October 22, 2002 City Council Meeting concerning the contract between the city and Southwestern Bell. This contract will save, not cost the taxpayers \$140,000 within the next few years.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Bob Sherbourne appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent
at 10:30 p.m.

Iris Walker
City Clerk