

## City Council Minutes – November 19, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 19, 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 Regular Meeting of November 12, 2002, were presented.

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

AN ORDINANCE introduced by Mayor Harry Felker concerning the re-establishment of the City Council district boundaries as recommended by the commission of electors appointed by the Council, all pursuant to the provisions of Section A2-18 of the Code of the City of Topeka, amending City of Topeka Ordinance No. 16517 and specifically repealing said original ordinance placed on first reading November 12, 2002, was again presented.

ORDINANCE NO. 17920 introduced by Councilmembers Duane Pomeroy and Lisa Stubbs, concerning the re-establishment of the City Council district boundaries, pursuant to the provisions of Section A2-18 of the Code of the City of Topeka, amending City of Topeka Ordinance No. 16517 and specifically repealing said original ordinance placed on first reading November 12, 2002, was again presented.

JoAnn Peavler, member of the Redistricting Commission stated that the Commission felt Map 10 would be the best option because only District 6 has interior boundaries with no likelihood of annexation, and presented the least amount of change in precincts while incorporating 1/9 of the population. Map 2 has similar characteristics except that District 1 and 6 run a greater risk of interior boundary annexation. She also stated that she did not locate the ordinance relating to the membership on the redistricting committee until the morning of September 17, 2002, the last meeting date.

Councilmember Pomeroy explained Map 2 and how the precincts were considered.

Councilmember Alcalá asked if the ordinance restricted any precincts from touching the outer boundaries of the city or potential growth.

Brenden Long, City Attorney stated that both maps are legal and explained the five criteria that must be followed when considering council district boundaries:

- 1) Remain within the 2.5 percent deviation above or below 1/9 of the total population in each district.
- 2) Maintain a reasonably compact area in each district and avoid any noncontiguous zones or any unusual exaggerated extension of district lines.
- 3) Follow election precinct lines set by the Shawnee County Election Commissioner and be described in the terms and wards of precincts contained in each district.
- 4) Avoid use of numbered registered voters or party or partisan data.
- 5) Maintain as much as possible the integrity of the broadly cohesive areas of interest.

Discussion followed concerning the make-up of the commission and whether or not a Councilmember could serve on the Commission.

The parliamentarian stated that he understands the Councilmembers concerns with the conflicting redistricting ordinances. He stated that this is not an issue that can be resolved

immediately because it is going to require a great amount of time and research to combine all of the documents into one working document that addresses all of the issues discussed.

Councilmember Duffy commended the City Attorney on how this matter was handled and on November 12, 2002, he stated that the Council was provided with a detailed memorandum of the circumstances surrounding the conflicting ordinances.

Cathy Sparks, Vice-Chairman of the Redistricting Commission appeared in support of Map 10. She stated that this map followed the state statute requirements the closest presenting a 2.94 percent deviation, contiguous boundaries, and incorporates the one person/one vote concept.

Hans Heineman spoke in opposition of consideration of the ordinance at this time, and requested that the City Council revise the document and present it to the public following the city elections.

Mark Gabriath, President of the Elmhurst Neighborhood Association appeared in support of Map 2 and stated that it keeps the neighborhood together.

Todd Valley stated that he supports Map 2 because it better maintains the cohesiveness of the neighborhood.

Michael Bell, member of the Tennessee Town NIA stated that he supports Map 2 because he feels the smaller NIA's would not want their neighborhood divided into two different Council Districts.

Councilmember Pomeroy stated that there are currently ten NIA's that are split. Map 10 splits fourteen of the NIA's, and Map 2 splits five of the NIA's. Map 2 maintains the integrity of the neighborhood and allows current Councilmembers to keep their district.

Councilmember Hill moved to approve Map 10. The motion was seconded by Councilmember Dunn.

Councilmember Pomeroy made a substitute motion to approve Map 2. The motion was seconded by Councilmember Stubbs.

Councilmember Lane stated that he feels the Council should support the Redistricting Commission's recommendation and he will support their decision.

Councilmember Duffy stated that the No. 5 criterion is important to avoid the principle of gerrymandering.

Councilmember Stubbs stated that she has reservations about accepting the Commission's recommendations because two of the members could not vote.

Councilmember Dunn expressed her appreciation to the commission for all of the efforts and time vested in creating the redistricting maps.

The substitute motion to approve Map 2 carried. Councilmembers Alcala, Lane, Dunn and Hill voted "no". (5-4-0)

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

No action was taken on the ordinance approving Map 10.

ORDINANCE NO. 17921 introduced by Mayor Harry Felker authorizing the Mayor to appoint associate municipal court judges, amending City of Topeka Code Section 2-145 and repealing said original section placed on first reading November 12, 2002, was again presented.

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

RESOLUTION NO. 7295 introduced by Mayor Harry Felker, establishing a water main connection charge for a water main extension along the north right-of-way line of NE US Hwy 24 beginning 635 feet east of the east right-of-way line of Meriden Road; thence east approximately 320 feet, was presented.

Neil Dobler, Public Works Director gave the staff report.

Councilmember Hill moved to adopt the resolution. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

RESOLUTION NO. 7296 introduced by Mayor Felker, amending the adopted 2002-2003 Capital Budget for the City of Topeka, Kansas and rescinding City of Topeka Resolution No. 7244 was presented.

Dave Graverson, Interim Chief Administrative Officer explained the resolution.

Councilmember Hill moved to adopt the resolution. The motion seconded by Councilmember Price carried. Councilmember Dunn voted "no". (8-1-0)

CONTRACT NO. 32618, an amendment to Contract No. 31228 between the City of Topeka and the International Association of Firefighters, Local 83 was presented.

Dennis Phillips, Chief Fire Fighter explained the amendment to the contract.

Councilmember Hill moved to approve the contract amendment. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

A COMMUNICATION requesting to transfer \$60,000 from the General fund contingency line item to the Street Light fund was presented.

Neil Dobler gave the staff report.

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

Councilmember Stubbs asked how quickly Westar, Inc. responds to requests for replacement of streetlights and vandalism.

In response, Neil Dobler stated that he would review the contract that the city has with Westar, Inc. and report back to the Council.

The motion to approve the communication carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project 30042-02, which provides for the repair and replacement of Garfield Community Center's roof covering system as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project 30226-00, which provides for the design and installation of a new lighting system for the parking lot and the gymnasium at Crestview, Oakland, Garfield, and Hillcrest Community Centers as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Dunn announced that there would be a Policy and Finance Committee meeting held on November 25, 2002 at 4:00 p.m. in the City Council Conference Room.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Price requested a report from the Planning Commission concerning Fleming Place located on the corner of 10<sup>th</sup> and Gage.

Councilmember Pomeroy reviewed the procedures concerning redistricting and when they would go into effect.

Councilmember Dunn commended two fire fighters for their involvement in identifying the person who was involved in the shooting this weekend.

Councilmember Lane extended his sympathy to the family whose child was attacked by dogs.

Councilmember Dunn received a letter from a constituent concerning the signs located at 1-70 and California Avenue that need to be removed, and the house at 3309 SE Indiana that needs to be demolished. She also received a call concerning the placement of child safety signs in the city's right-of-way.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Terry Breese, Robert Sherbourne and Tom Dietrick appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 9:55 p.m.

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Iris Walker  
City Clerk