

## City Council Minutes – December 17, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 17, 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, Hecht, Duffy, Stubbs, Hill and Price -8. Mayor Felker presided -1. Absent: Councilmember Dunn -1.

Councilmember Dunn was absent due to foot surgery.

AFTER THE MEETING was called to order, Councilmember Duffy 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:

Final Plat for Kansas Propane Subdivision by Global Propane, LLC on property located at 4104 NW Lower Silver Lake Road in the City of Topeka, Kansas, was presented. (P02/42)

Minutes of the Regular Meeting of December 10, 2002, were presented.

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

### 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, December 17, 2002, at 7:00 P.M., in conjunction with vacation request V02E/7 by Key Bank, N.A. Trustee of the Nelle H. Carkhuff Trust, owner, to vacate five utility easements which are located within the property at 3200 SW Westover Road.

ORDINANCE NO. 17927 introduced by Mayor Harry Felker relating to the vacation of 5 utility easements on property located at 3200 SW Westover Road, as dedicated by the plat of Westboro and addition to the City of Topeka, Shawnee County, Kansas, placed on first reading December 10, 2002, was again presented.

Barry Beagle, Planning Department gave the staff report.

Gerald Goodell, attorney representing the applicant appeared to answer questions.

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

Councilmember Duffy moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Price carried unanimously. (8-0-0)

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

ORDINANCE NO. 17928 introduced by Mayor Harry Felker, concerning the reestablishment 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. 17920 and specifically repealing said original ordinance placed on first reading December 10, 2002, was again presented.

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

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

ORDINANCE NO. 17929 introduced by Mayor Harry Felker relating to the powers and duties of the municipal judge, amending City of Topeka Code Section 50-41, 50-48, 50-58, and 142-429 and repealing said original sections placed on first reading December 10, 2002, was again presented.

Neil Dobler, Public Works Department distributed a memo relating to downtown parking issues and responded to questions raised at the December 10, 2002 meeting by several Councilmembers.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Hecht, Stubbs, Hill and Price -7. Noes: Councilmember Duffy -1. Absent: Councilmember Dunn -1.

A PROJECT BUDGET in the amount of \$2,255,000 and ORDINANCE NO. 17930 introduced by Mayor Harry Felker, authorizing Improvement Project No. 29096, which provides for the replacement of the Ash Street Pump Station Bar Screen as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, placed on first reading December 10, 2002, was again presented.

Neil Dobler gave the staff report.

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

Councilmember Alcalá moved to approve the project budget and adopt the ordinance.

The motion seconded by Councilmember Lane carried unanimously. (8-0-0)

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

A ZONING PETITION (Z02/32) by Family Service and Guidance Center of Topeka, Inc. requesting to amend the District Zoning Classification from "O&I-2" Office and Institutional District TO "O&I-3" Office and Institutional District on property located at 325 SW Frazier Avenue in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17931 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 325 SW Frazier Street in the City of Topeka, from "O & I-2" Office and Institutional District to "O & I-3" Office and Institutional District placed on first reading December 10, 2002, was again presented.

Barry Beagle gave the staff report.

Bill Sheahan, representative for the applicant appeared to answer questions.

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

Mayor Felker stated that he serves on the board of directors for the Family Service and Guidance and has not talked with any of the Councilmembers on this issue.

Councilmember Hill moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember Lane carried unanimously. (8-0-0)

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

A ZONING PETITION (Z02/33) by Keystone Development Group, Inc. requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District and "PUD" Planned Unit Development District ("M-2" usage) ALL TO "PUD" Planned Unit Development District ("M-1a" usage) on property located at the northeast corner of SW 37<sup>th</sup> Street and SW Gage Boulevard in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17932 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 northeast corner of SW 37<sup>th</sup> Street and SW Gage Boulevard in the City of Topeka, from "R-1" Single Family Dwelling District and "PUD" Planned Unit Development District ("M-2" use group) ALL TO "PUD" Planned Unit Development District ("M-1a" use group) placed on first reading, December 10, 2002, was again presented.

Barry Beagle gave the staff report.

Councilmember Stubbs asked that the city review the sidewalk situation in this area due to safety issues.

Councilmember Duffy raised a question regarding drainage in the area.

Dennis Hall, architect for the project appeared to answer questions.

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

Mayor Felker asked if there was additional exparte, besides Councilmember Stubbs.

There was none declared.

Councilmember Stubbs moved to approve the zoning petition and adopt the ordinance.

The motion seconded by Councilmember Price carried unanimously. (8-0-0)

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

FINAL PLAT for Rose Hill Subdivision by Keystone Development Group, Inc., on property located at the northeast corner of SW 37<sup>th</sup> Street and Gage Boulevard in the City of Topeka, Kansas, was presented. (P02/41)

Councilmember Stubbs moved to accept the final plat. The motion seconded by Councilmember Price carried unanimously. (8-0-0)

A COMMUNICATION to allocate \$40,000 of unspent 2002 Public Service funds for Youth and Social Service activities was presented.

Randy Speaker, Housing and Neighborhood Development Director gave the staff report.

Councilmember Pomeroy asked where the \$40,000 came from.

Randy Speaker stated that the \$40,000 was generated from the 2002 unspent NIA funds that cannot be carried over into 2003.

Councilmember Duffy asked why the Disadvantaged Business/Employee Assistant Program did not receive any of the unspent funds to encourage economic development in the City of Topeka. He stated that he is very disappointed in the community because of the lack of interest that is taken in small business development.

Mayor Felker stated that they have met with the Go Topeka Program Directors and are currently working on a solution to help start this program.

Councilmember Lane moved to allocate \$25,537 to the Stardusters Program, and \$14,350 to the Sunshine Connection Program. The motion was seconded by Councilmember Alcalá.

Councilmember Lane asked to divide the question.

Paula Ferguson, Chardae Bell, Clifton Jones, Mike Dixon, Jerome Cooks, Latroya Fields, Troy Fields, Shawn Britt, Hubert Ferguson, Robert Hailey, Thomas Ross and Taneshia Wishom spoke in support of additional funding for the Startduster Program and explained how the program has affected their lives and the community.

Councilmember Alcalá commended Jimmie Bullocks and Shirley Wishom for working with high risk kids in Topeka and the positive influence they have on them.

Councilmember Pomeroy made a substitute motion to subtract \$8,500 from the committee's recommendation for the Sunshine Connection, and \$2,000 from the East Topeka Senior Center, and add \$10,500 to the Stardusters allocation.

Randy Speaker stated that those allocations had already been submitted to HUD.

The motion died for lack of second.

Councilmember Price made a substitute motion to accept the recommendations of the committee. The motion seconded by Councilmember Hecht failed. Councilmembers Pomeroy, Alcala, Lane and Hill voted "no". (4-4-0)

The motion to allocate \$25,537 to the Stardusters Program failed. Councilmembers Pomeroy, Hecht, Duffy, Stubbs and Price voted "no". (3-5-0)

The motion to allocate \$14,350 to the Sunshine Connection failed. Councilmembers Pomeroy, Hecht, Duffy, Stubbs and Price voted "no". (3-5-0)

Councilmember Alcala moved to allocate \$20,000 to the Stardusters Program and the remaining \$20,000 to go back to the NIAs. The motion seconded by Councilmember Lane failed. Councilmembers Pomeroy, Hecht, Duffy, Stubbs and Price voted "no". (3-5-0)

Councilmember Alcala moved to allocate \$15,000 to the Stardusters Program and the remaining \$25,000 to go back to the NIAs. The motion seconded by Councilmember Lane failed. Councilmembers Pomeroy, Hecht, Duffy, Stubbs and Price voted "no". (3-5-0)

Councilmember Alcala moved to allocate \$10,000 to the Stardusters Program and the remaining \$30,000 to go back to the NIAs. The motion seconded by Councilmember Lane failed. Councilmembers Pomeroy, Hecht, Duffy, Stubbs and Price voted "no". (3-5-0)

Councilmember Lane moved to allocate \$20,000 to the Stardusters Program and the remaining \$20,000 to be divided equally among the recommendations of the committee. The

motion seconded by Councilmember Alcala failed. Councilmembers Pomeroy, Hecht, Duffy, Stubbs and Price voted "no". (3-5-0)

Councilmember Pomeroy moved to allocate 10% from each of the redistributed line items except the Stardusters Program and allocate that money to the Stardusters Program. The motion seconded by Councilmember Price carried. Councilmembers Hecht, Duffy and Hill voted "no". (5-3-0)

Jimmie Bullocks expressed his concern about the allocation of the funds and lack of support for high-risk kids.

Several Councilmembers responded to the concerns expressed and reiterated the shortage of funds needed for the numerous requests.

Councilmember Hecht explained why she opposed the motions and stated that there were many requests with limited funds.

Shirley Wishom expressed her concerns about why their request was denied.

Councilmember Hill left the meeting at 9:10 p.m.

A PROJECT BUDGET in the amount of \$7,166 for Lateral Sanitary Sewer District No. 40901-01 was presented.

Councilmember Lane moved to approve the project budget. The motion seconded by Councilmember Price carried unanimously. (7-0-0)

A PROJECT BUDGET in the amount of \$50,000 for the purchase of Play Structures for Gage Park was presented.

Councilmember Price moved to approve the project budget. The motion seconded by Councilmember Duffy carried unanimously. (7-0-0)



A COMMUNICATION from Housing and Credit Counseling, Inc. requesting \$44,000 from the general fund of the City of Topeka 2002 operating budget was presented.

Councilmember Duffy move to approve the communication. The motion seconded by Councilmember Stubbs carried. Councilmembers Alcala and Lane voted "no". (5-2-0)

A CERTIFIED LOCAL GOVERNMENT AGREEMENT NO. 32666 between the City of Topeka, Shawnee County and the State of Kansas, through the Kansas State Historic Preservation Office initiating the Certified Local Government program application process was presented.

Dave Thurbon, Planning Director gave the staff report.

Councilmember Lane moved to approve the contract. The motion seconded by Councilmember Price carried unanimously. (7-0-0)

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Water Main Project No. 28490-00, which provides for the installation of a water transmission main from the Water Treatment Plant generally south on Oakley Avenue to Front Street 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 Water Main Project No. 28492-00, which provides for the water main installation along North Topeka Avenue from Elm Row Avenue north to Reo Street 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 Water Main Project No. 28492-00, which provides for the water main installation along North Topeka Avenue from

Elm Row Avenue north to Reo Street 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 Water Main Project No. 28495-00, which provides for the water main installation along Southeast 10<sup>th</sup> Avenue from Jefferson Street east to Shunganunga Creek 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 Duffy announced that there would be a Public, Health and Safety Committee meeting, December 20, 2002 at 7:30 am in the City Council conference room.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcalá inquired on the water tower fund allocations, code compliance issues at the North Topeka Bridge recycling center, and asked when the street employees would receive their salary increase.

Councilmember Stubbs expressed her appreciation to the County Commissioners for approving the Wanamaker Road study from 39<sup>th</sup> Street to 61<sup>st</sup> Street.

Councilmember Pomeroy inquired on the funding for the Tennessee Town Neighborhood Project.

Councilmember Duffy requested that an ordinance relating to the modification of procedure for city developer financed projects be placed on a future agenda.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

LaZone Grays, Dr. Connie Lang, Pastor Billie Blackman, Reverend Edward Kirtdoll and Terry Fisher appeared to speak under public comment.

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

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Iris Walker  
City Clerk