

City Council Minutes – February 4, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 4, 2003. 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 Councilmember Hill.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber. Councilmember Hill moved to suspend the rules to add an ordinance relating to SW 20th Park under First Readings, item J. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

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

THE CONSENT AGENDA was presented as follows:

Final Plat from R.A. Fulmer Company, Inc. for South Branch Subdivision No. 4 a replat of Lots 1-4, Block "A", South Branch Subdivision No. 3 on property located at the southwest corner of SW 38th Court and SW Lincolnshire Road in the City of Topeka, Kansas, was presented. (P03/4)

RESOLUTION NO. 7309 introduced by Mayor Harry Felker and Deputy Mayor Betty Dunn relating to housing tax credits for rental housing project through Commercial Group, Inc., was presented.

RESOLUTION NO. 7310 introduced by Mayor Harry Felker, Councilmember Lisa Hecht and Deputy Mayor Betty Dunn relating to housing tax credits for rental housing projects through Commercial Group, Inc., was presented.

RESOLUTION NO. 7311 introduced by Mayor Harry Felker and Councilmembers Duane Pomeroy, John Alcala and Deputy Mayor Betty Dunn relating to housing tax credits for rental housing projects through Commercial Group, Inc., was presented.

RESOLUTION NO. 7312 introduced by Mayor Harry Felker, Deputy Mayor Betty Dunn and Councilmember Lisa Stubbs relating to housing tax credits for senior rental housing projects through Rosehill Place, L.L.C. and Continental Realty, Inc., was presented.

Minutes of the regular meeting of January 28, 2003, were presented.

APPLICATION for Cereal Malt Beverage License bearing the approval of the Chief of Police and City Inspectors for CITGO, B&B Fuel Center of Kansas, 1001 SW Wanamaker, was presented.

Councilmember Stubbs moved to make an amendment to item 3E to add "Councilmember Lisa Stubbs". The motion seconded by Councilmember Price carried unanimously. (9-0-0)

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

ORDINANCE NO. 17955 introduced by Mayor Harry Felker relating to the duties of traffic officers, amending City of Topeka Code Section 142-429 and specifically repealing said original placed on first reading January 28, 2003, was again presented.

Neil Dobler, Public Works Director gave the staff report.

Discussion continued by several Councilmembers concerning the area where the tickets would be issued.

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

ORDINANCE NO. 17956 introduced by Mayor Harry Felker relating to City owned reserved parking stalls placed on first reading January 28, 2003, was again presented.

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

A ZONING PETITION (Z02/38) by Thomas R. Petersen requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District to "C-2" Commercial District on property located on the south side of SE 29th Street, east of Croco Road in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17957 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 two tracts of property: the first being located on the east side of SE Croco Road, the centerline of which is approximately 400-feet south of SE 29th Street and the second, being located on the south side of SE 29th Street, the centerline of which is approximately 330-feet east of SE Croco Road in the City of Topeka, from "R-1" Single Family Dwelling District to

"C-2" Commercial District placed on first reading January 14, 2003, was again presented. This was referred back to the Zoning and Platting Committee from the meeting of January 14, 2003.

Barry Beagle, Planning Department gave the staff report, and stated that the applicant has submitted a revised legal description and concurs with the reduction of reclassification to the platted access opening on SE Croco Road.

Angela Sharp, Professional Engineer Consultants appeared to answer questions.

Councilmember Stubbs commended Councilmember Duffy in his decision to refer the zoning case back to the Zoning and Platting Committee. This allowed extra time to make an informed decision on this matter.

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

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

Councilmember Dunn moved to approve the zoning petition and adopt the ordinance. 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 FINAL PLAT for Windy Hill Subdivision on property located at 1836 SW 65th Street in unincorporated Shawnee County, Kansas, was presented. (P02/34)

Barry Beagle, gave the staff report.

Tony Berry, representative for the applicant appeared to answer questions. He explained that this would enable the land to remain as it is now, and expressed their appreciation to the Council for their support.

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

RESOLUTION NO. 7313 introduced by Mayor Felker authorizing the expenditure of Zoo Improvement Reserve Funds for the purpose of constructing a zoo quarantine facility, pursuant to City of Topeka Code Section 2-328, and repealing City of Topeka Resolution No. 7235 was presented.

Mike Coker, Topeka Zoo Director gave the staff report.

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

RESOLUTION NO. 7314 introduced by Mayor Harry Felker amending the adopted 2003-2004 Capital Budget for the City of Topeka, Kansas, and rescinding City of Topeka Resolution No. 7271 was presented.

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

A REVISED PROJECT BUDGET in the amount of \$415,000 and RESOLUTION NO. 7315 introduced by Mayor Felker describing and authorizing Improvement Project No. 30216-00 which provides for construction of an outdoor orangutan exhibit and authorizing expenditure of \$315,000 from the Zoo Improvement Reserve Funds for the purpose of constructing the outdoor orangutan exhibit and repealing City of Topeka Resolution No. 7183 was presented.

Mike Coker gave the staff report.

Councilmember Lane moved to approve the revised project budget and adopt the resolution. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor Harry Felker relating to the Capital City Downtown Business Improvement District, establishing the method of raising revenue, amending City of Topeka Code Section 42-38 and specifically repealing said original section was presented for first reading.

Randy Bailes, Finance Director expressed concern that the rate requested in the ordinance would not provide adequate funding for the 2003 budget.

Devin Sutherland, DTI Executive Director stated that he has been informed that the board would prefer to cut spending in certain areas instead of increasing taxes.

AN ORDINANCE introduced by Mayor Felker designating a portion of SW 6th Street as a main trafficway and designating and establishing Trafficway Improvement Project No. 70192-00 of the City of Topeka and authorizing the improvement of said trafficway located at SW 6th Street from approximately Oakley Street to MacVicar Avenue thereafter known as Trafficway Improvement Project No. 70192-00 all under the authority of K.S.A. 12-685 *et seq.*, was presented for first reading.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by Mayor Felker pertaining to an amendment to the text and map of the Topeka-Shawnee County Comprehensive Metropolitan Plan was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker designating real property more specifically described herein as a historic landmark and presently zoned "R-2" Single Family Dwelling District and located at 2844 SE Maryland Avenue in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 was presented for first reading.

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 south of SW Drury Lane, the centerline of which is approximately 470-feet west of SW Cheyenne Hills Road in the City of Topeka, Kansas from "R-1" Single Family Dwelling District TO "O&I-1" Office & Institutional District and "O&I-2" Office & Institutional District was presented for first reading. (Z03/01)

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 at 2071 S. Kansas Avenue in the City of Topeka, Kansas from, "C-2" Commercial District TO "C-3" Commercial District was presented for first reading.

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 east of SW Mifflin Road, the centerline of which is approximately 300-feet south of SW 7th Street in the City of Topeka, Kansas from "R-1" Single Family Dwelling District TO "M-1" Two Family Dwelling District was presented for first reading.

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 within the Old Town Neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from "M-1" Two-Family Dwelling District ALL TO

"R-2" Single-Family Dwelling District, inclusive of Special Permits located at 920 SW Buchanan, 802 SW Buchanan, 1015 SW 9th Street, 815 SW Fillmore, 824 SW Fillmore, and 828 SW Fillmore, was presented for first reading.

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 within the Old Town Neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from "M-2" Multiple Family Dwelling District to "M-1a" Limited Multiple Family Dwelling District was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker designating and establishing SW 20th Park as a trafficway connection in the City of Topeka, Kansas under the authority of K.S.A. 12-685, *et. seq.* and designating and establishing SW 20th Park as a collector street under City of Topeka Resolution No. 6846 was presented for first reading.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Pomeroy requested that the Accounting of Arts Office funding be added to pending requests. He commented on an incident that happened in the 1100 block of Fillmore and noted that the intruder that was involved had six prior felony arrests, four of which are pending, and stressed the need to track repeat offender cases.

Councilmember Lane stated that the planter located on the circle at Holiday Park was hit and needs to be repaired.

Councilmember Alcalá inquired on the status of Heartland Park.

Mayor Felker noted that the city has been informed that a letter of intent from a potential buyer for Heartland Park has been received, and all of the events for the 2003 race season are in order.

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 8:30 p.m.

Iris Walker
City Clerk