

City Council Minutes – July 1, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 1, 2003. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Lane, Alcalá, Pomeroy, Nave, Haynes, Duffy, Stubbs, and Preisner -8. Mayor Felker presided -1. Absent: Councilmember Price -1.

AFTER THE MEETING was called to order, prayer was offered by Councilmember Nave.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber. Councilmember Pomeroy moved to suspend the City Council Rules to add the following items to the agenda; item 3D, application for pyrotechnic display for Greg Taylor, 420 NE Aspen; item 3E, a resolution for House of Barbeque granting exception to the noise prohibitions; and item 6I, an ordinance relating to the issuance of merchant guard licenses and identification cards. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

Councilmember Pomeroy moved to reinstate the City Council Rules. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 7359 introduced by Councilmember John Alcalá granting Fiesta Mexicana an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

RESOLUTION NO. 7360 introduced by Mayor Harry Felker concerning the Council meeting of July 8, 2003 was presented.

Minutes of the regular meeting of June 24, 2003 were presented.

APPLICATION for a Dance Hall License bearing the approval of the Chief of Police and City Inspectors for Our Lady of Guadalupe Church, 134 NE Lake, was presented.

APPLICATION for approval to grant permission for firework pyrotechnic displays for Greg Taylor, 420 NE Aspen, was presented.

Councilmember Lane moved to approve the Consent Agenda, excluding item 3E. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

RESOLUTION NO. 7361 introduced by Councilmember Duane Pomeroy granting House of Barbecue an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

Lula Jenkins, owner of House of Barbecue appeared and explained the request.

Councilmember Duffy stated that he would not support the request because the establishment is located in a residential area.

Councilmember Pomeroy moved to approve the resolution. The motion seconded by Councilmember Nave carried. Councilmember Duffy voted “no”. (7-1-0)

ORDINANCE NO. 18042 introduced by Councilmember John Alcalá relating to the types of vehicles allowed to be driven in Riverside Motorcycle Park, amending Topeka City Code Section 142-181, Motorcycle area, and repealing said original section placed on first reading June 24, 2003 was again presented.

Councilmember Alcalá explained the ordinance and stated that it was presented as a result of complaints from area constituents.

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

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcalá,

Pomeroy, Nave, Haynes, Duffy, Stubbs and Preisner -8. Absent: Price -1.

ORDINANCE NO. 18043 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 4461 SW Colly Creek Drive in the City of Topeka, from "R-1" Single Family Dwelling District to the "M-2" Multiple Family Dwelling District placed on first reading June 24, 2003 was again presented. (Z89/21)

Barry Beagle, Planning Department gave the staff report.

Councilmember Stubbs inquired on the concerns of the area residents and he surrounding zoning of the area.

Wes, Brown representative for property developer Ron Wiley appeared to answer questions. He explained that the proposed area of development is located in what is considered a flood zone that has an extensive amount of tree growth. The lots are not considered an ideal location for single-family dwelling, and the duplex lots will be built directly behind lots that are zoned for multi-family zoning.

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs and Preisner -8. Absent Price -1.

ORDINANCE NO. 18044 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 4460 SW Colly Creek Drive in the City of Topeka, from "R-1" Single-Family Dwelling District to "M-2" Multiple Family Dwelling District place on first reading June 24, 2003 was again presented. (Z89/22)

Barry Beagle gave the staff report.

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcalá, Pomeroy, Nave, Haynes, Duffy, Stubbs and Preisner -8. Absent Price -1.

A PROJECT BUDGET in the amount of \$250,000 and AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project No. 30237-00, which provides for the improvements and/or replacement of the existing heating, ventilation, and air conditioning system to the Central Park Community Center as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading June 24, 2003 was again presented.

Mayor Felker withdrew the project budget and ordinance from the agenda and stated that the project budget would be reworked and brought back at a later date.

A PROJECT BUDGET in the amount of \$43,300 and RESOLUTION NO. 7362 introduced by Mayor Harry Felker, relating to City of Topeka Water Main Project No. 28487-00 which provides for the installation of a new water main for the improvement of the intersection of SE 45th Street and Adams Street and authorizing the same was presented.

Mike McGee, Assistant Public Works Director gave the staff report.

Councilmember Haynes moved to approve the project budget and resolution. The motion seconded by Councilmember Nave carried unanimously. (8-0-0)

A PROJECT BUDGET in the amount of \$271,500 and RESOLUTION NO. 7363 introduced by Mayor Harry Felker, relating to City of Topeka Water Main Project No. 28498-00 which provides for the installation of a new water main along SW 6th Avenue from Oakley Avenue to MacVicar Avenue and authorizing the same was presented.

Mike McGee gave the staff report.

Councilmember Haynes moved to approve the project budget and resolution. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

PUBLIC IMPROVEMENT PETITION, PROJECT BUDGET in the amount of \$1,109,325 and RESOLUTION NO. 7364 introduced by Mayor Harry Felker authorizing Street Improvement Project No. 60581-01 as more specifically described herein was presented.

Tim Green, City Engineer gave the staff report and explained the round-about project at 6th and Wanamaker.

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

Councilmember Stubbs moved to approve the public improvement petition, project budget and resolution. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

A JOINT CITY OF TOPEKA RESOLUTION AND SHAWNEE COUNTY RESOLUTION introduced by Councilmember John Alcalá, expressing the Topeka City Council and Shawnee County Board of Commissioners' intention to consolidate the City of Topeka Parks and Recreation Department with the Shawnee County Parks and Recreation Department into a single County agency was presented.

Councilmember Alcalá stated that he received documentation today concerning the joint proposal that has generated questions that he would like answered before he votes on this issue.

Councilmember Alcalá moved to defer the Joint City of Topeka Resolution and Shawnee County Resolution until the next joint City/County meeting. The motion was

seconded by Councilmember Lane.

Discussion continued by several Councilmembers concerning; taxing concerns that would have to be considered with consolidation, information technology cost, the closing of the Helen Hocker Theatre, non-elected officials making budget decisions, the establishment of a county-wide Parks District, and whether the consolidated agency would be a separate city or county taxing entity.

Councilmember Haynes moved to add a substitute resolution to the agenda. The motion died due to lack of second.

Councilmember Alcalá called the question.

The motion to defer carried. Councilmember Duffy, Stubbs and Preisner voted “no”. (5-3-0)

A RESOLUTION introduced by Councilmembers Clark Duffy, Gary Price, and Duane Pomeroy amending the adopted 2003 – 2004 Capital Budget for the City of Topeka, Kansas, and rescinding City of Topeka Resolution No. 7329 was presented.

Councilmember Duffy moved to amend the resolution to include Attachment A. The motion seconded by Councilmember Pomeroy carried. Councilmember Haynes voted “no”. (7-1-0)

Councilmember Duffy explained the two projects added to the Capital Budget and a project to establish signs. He stated that he believes that these two projects would help achieve the future goals of City improvements and enhance the essence of the downtown area for the 150-year anniversary celebration of Topeka. He also stated that he would like to clarify that the requested funds have not been dedicated to the Monroe Neighborhood Revitalization Plan.

Councilmember Pomeroy stated that these documents carry forth plans that have been established.

After substantial discussion regarding the source of funding, the general consensus of the Council was to defer the resolution two weeks to further research the financial implications of the proposal.

Devin Sutherland, representative for Downtown Topeka, Inc., gave a presentation on the proposed project.

Councilmember Alcalá asked that Downtown Topeka, Inc., contact area residents to notify them of the project.

Councilmember Stubbs moved to defer the resolution for two weeks. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

AN ORDINANCE introduced by Mayor Harry Felker concerning the impoundment or immobilization of motor vehicles driven by intoxicated persons, amending Standard Traffic Ordinance Section 30 and repealing the original section was presented for first Reading.

AN ORDINANCE introduced by Mayor 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 changes in zoning on property located at 901 SW Lane Street in the City of Topeka, from “M-1” Two-Family Dwelling District to “O&I-2” Office and Institutional District was presented for first Reading. (Z79/7)

AN ORDINANCE introduced by Mayor 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 changes in zoning on property located at 2109 NE

Meriden Road in the City of Topeka, from “R-1” Single-Family Dwelling District to “I-1” Light Industrial District was presented for first Reading. (Z80/55)

AN ORDINANCE introduced by Mayor 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 changes in zoning on property located at 1225 and 1215 SW Executive Drive in the City of Topeka, from “R-1” Single-Family Dwelling District to “O&I-2” Office and Institutional District was presented for first Reading. (Z87/60)

AN ORDINANCE introduced by Mayor 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 changes in zoning on property located about the 6800 Block of SW 21st Street south of SW Broadview Drive east of SW Urish Road and north of SW 23rd Street in the City of Topeka, from “R-1” Single-Family Dwelling District to “O&I-2” Office and Institutional District was presented for first Reading. (Z89/42)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by Mayor Felker relating to sign regulations and specifically amending City of Topeka Code §§ 48-31.01, 48-23a.02, 48-23a.03, 48-23a.04, and 43-23a.06 and specifically repealing said original sections 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 authorizing the issuance of \$25,370,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2003-B, of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, and K.S.A. 10-427 et seq., all as amended was presented for first Reading.

AN ORDINANCE introduced by Councilmembers Bill Haynes and Harold Lane, relating to the issuance of merchant guard licenses and identification cards, amending City of Topeka Code Section 30-66 and 30-424, and specifically repealing said original sections was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented. Mayor Felker noted that there is a major telephone outage in North Topeka and in case of an emergency, area residents should go to the nearest Fire Station or use a cell phone. He also stated that the Police Department has stationed additional officers to patrol the area.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Stubbs announced that there would be a Public, Health and Safety Committee meeting on July 7, 2003 at 4:00 p.m. in the City Council Office.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane requested that an ordinance relating to temporary sign requirements be placed on a future agenda within twenty-eight days. He also announced that he had received a response from Western Resources concerning the power outages in the 18th and Adams area and they are going to do extensive tree trimming to eliminate the problems.

Councilmember Alcalá announced that the trails in northeast Oakland are open to the public from 9:00 a.m. to 8:00 p.m. in the summer, and 9:00 a.m. and 6:00 p.m. in the

fall. He stated that he has received several complaints from constituents concerning no sidewalks on the south side of 6th Street and Swygart.

Mayor Felker noted that due to concerns expressed by Oakland area residents, city staff had scheduled a walk through of the 6th Street area as well as other Oakland areas concerning sidewalks and over growth of vegetation.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Margaret Brandshaw, Arlene Clayton, Chris Meinhardt and David Owen appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 9:15 p.m.

Iris Walker
City Clerk