

City Council Minutes – November 18, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 18, 2003. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Lane, Alcalá, Nave, Haynes, Duffy, Stubbs, Preisner and Price -8. Deputy Mayor Duane Pomeroy Presided -1.

AFTER THE MEETING was called to order, prayer was offered by Reverend Richard Round, Love Chapel, McCrite Retirement Center.

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

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION from Deputy Mayor Duane Pomeroy recommending the re-appointment of Gwynne Harris-Birzer, Kevin Robertson, and Dean Yee for a two-year term on the Convention & Visitors Bureau expiring on December 31, 2005 was presented.

A COMMUNICATION from Deputy Mayor Duane Pomeroy recommending the re-appointment of Mike Faler, Mike Worswick, Bruce Mallory, Rick Jackson, Ed Ramirez, Ed Carmona and Jim Parrish for a two-year term on the Downtown Business Improvement District Advisory Board expiring on November 30, 2005 was presented.

A COMMUNICATION from Deputy Mayor Duane Pomeroy recommending the appointment of Ed Ramirez and the re-appointment of Jerry Lonergan for a three-year term on the Metropolitan Topeka Airport Authority expiring on November 30, 2006 was presented.

Minutes of the regular meeting of November 4, 2003, was presented.

APPLICATIONS for Cereal Malt Beverage Licenses bearing the approval of the Chief of Police and City Inspectors from Hummer Market, L.L.C., 2836 Fairlawn and Diamond Shamrock, 512 SW Topeka Boulevard, were presented.

APPLICATION for an Open After Mid-Night License bearing the approval of the Chief of Police and City Inspectors from Kwik Ship #781, 4500 SW Topeka Boulevard, was presented.

APPLICATION for a Dance Hall License bearing the approval of the Chief of Police and City Inspectors from Stoney's Bar & Grill, 1914 NW Topeka Boulevard, was presented.

Deputy Mayor Pomeroy stated that Susan Mahoney distributed an email concerning correction to item 3B, a communication recommending reappointments to the Downtown Business Improvement District Advisory Board.

The email stated that the terms that expired June 30, 2002, for Bruce Mallory, Ed Ramirez, Mike Worswick, Mike Faler and Rick Jackson would expire June 20, 2004. The terms for Gary Yager, Ed Carmona, Jim Parrish and Ann Adams would expire November 30, 2005, in order to stagger the terms.

Councilmember Lane questioned the requirements concerning dual residency when serving on a board.

Councilmember Lane moved to defer item 3C, a communication concerning the re-appointment of Ed Rameriz to the Metropolitan Topeka Airport Authority Board for one week. The motion seconded by Councilmember Alcalá carried. Councilmember Pomeroy abstained. (8-0-1)

Councilmember Preisner moved to approve the remainder of the consent agenda with corrections to item 3B. The motion seconded by Councilmember Haynes carried.

Councilmember Pomeroy abstained. (8-0-1)

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 Tuesday, November 18, 2003, at 7:00 P.M., to obtain citizen comment and review of a property tax exemption ordinance for improvements to

real and personal property on be half of PTMW, Inc., located at approximately 3501 NW Highway 24, Topeka, Shawnee County, Kansas.

ORDINANCE NO. 18115 introduced by Deputy Mayor Duane Pomeroy, exempting certain property, more specifically property owned by PTMW, Inc., from ad valorem taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at approximately 3501 NW Highway 24, Topeka, Shawnee County, Kansas placed on first reading November 14, 2003 was again presented.

Dave Graversen, Chief Administrative Officer gave the staff report.

Phil Wolfe and Ed Carpenter, Nichols and Wolfe appeared for questions and explained that the company currently employees ninety-five people and the new project will generate thirty-seven new jobs, with a starting pay rate of \$12.50 an hour.

Kathy Mollenberndt, Go Topeka and Topeka Chamber of Commerce appeared in support of the project.

Councilmember Alcala moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9.

Councilmember Stubbs stated that several individuals who would like to speak on the resolution concerning changing the of form of government could not attend tonight's meeting.

Deputy Mayor Pomeroy stated that Councilmember Nave recently submitted a resolution concerning changing the form of government and asked that it be considered with Councilmember Stubb's resolution.

Councilmember Stubbs moved to defer item 6C, a resolution relating to changing the form of government, for two weeks. The motion seconded by Councilmember Preisner 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 Tuesday, November 18, 2003, at 7:00 P.M., in conjunction with vacation request V03A/5 by Willow Park Properties, L.L.C., to vacate an east/west alley right-of-way located west of SW Horne Street, in the centerline which is approximately 140-feet north of SW 6th Avenue.

ORDINANCE NO. 18116 introduced by Deputy Mayor Duane Pomeroy relating to the vacation of a 20-foot wide public alley right-of-way located west of SW Horne Street, the centerline of which is approximately 140-feet north of SW 6th Avenue as dedicated by the plat of Haynes Subdivision, City of Topeka, Shawnee County, Kansas placed on first reading November 4, 2003 was again presented. (V03A/5)

Bill Fiander, Planning Department gave the staff report.

Mike Engler, Bartlett & West Engineers appeared for questions.

Councilmember Preisner moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9.

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 Tuesday, November 18, 2003, at 7:00 P.M., in conjunction with vacation request V03S/03 by Lenore Smith, Trustee, to vacate a 60-foot wide strip of SW Reeder Street right-of-way extending west of SW Chatham Place.

ORDINANCE NO. 18117 introduced by Deputy Mayor Duane Pomeroy relating to the vacation of a 60-foot wide unimproved street right-of-way on property located west of SW

Chatham Place approximately 470-feet south of SW 10th Avenue, as dedicated by the plat of Area Vocational-Technical School Subdivision No. 2, City of Topeka, Shawnee County, Kansas placed on first reading November 4, 2003 was again presented. (V03S/3)

Bill Fiander, Planning Department stated that the request has already been approved by Council, however, an error was discovered in the legal description that needed corrected.

Councilmember Price moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9.

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 Tuesday, November 18, 2003, at 7:00 P.M., by Twenty First and Adams, L.L.C. to vacate north/south alley right-of-way extending north of SE 21ST Street between SE Adams Street and SE Massachusetts Avenue.

ORDINANCE NO. 18118 introduced by Deputy Mayor Duane Pomeroy relating to the vacation of a 20-foot wide public alley right-of-way extending north of SE 21st Street between SE Adams Street and SE Massachusetts Avenue as dedicated by the plat of Stevenson's Addition, City of Topeka, Shawnee County, Kansas placed on first reading November 4, 2003 was again presented. (V03A/4)

Bill Fiander gave the staff report.

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

Councilmember Preisner moved to close the public hearing 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: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9.

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 Tuesday, November 18, 2003, at 7:00 P.M., in conjunction with vacation request V03E/4 by RVH, Inc., to vacate a north/south utility easement extending north of SE 21st Street between SE Massachusetts Avenue and SE Pennsylvania Avenue.

ORDINANCE NO. 18119 introduced by Deputy Mayor Duane Pomeroy relating to the vacation of a 20-foot wide utility easement on property extending north of SE 21st Street between SE Massachusetts Avenue and SE Pennsylvania Avenue, as dedicated by the plat of Stevenson's Addition, City of Topeka, Shawnee County, Kansas placed on first reading November 4, 2003 was again presented. (V03E/4)

Bill Fiander gave the staff report.

Councilmember Preisner moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9.

A ZONING PETITION and ORDINANCE NO. 18120 introduced by Deputy Mayor Duane F. Pomeroy 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 between SE Adams Street and SE Massachusetts Avenue and north of SE 21st Street in the City of Topeka, Kansas from "M-1" Two Family Dwelling District and "M-2" Multiple Family Dwelling District TO "C-2" Commercial District placed on first reading November 4, 2003 was again presented. (Z03/47)

Bill Fiander gave the staff report.

Councilmember Lane stated that he has spoke with constituents and received several emails concerning the zoning change.

Deputy Mayor Pomeroy asked if there were any additional exparte communications besides Councilmember Lane. There was none declared.

Councilmember Lane moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcalá, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9.

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 Tuesday, November 18, 2003, at 7:00 P.M., to consider the adoption of a Neighborhood Revitalization Plan.

Bill Fiander gave the staff report and explained the changes that were being made to the proposed Neighborhood Revitalization Plan and stated that the County may not participate in the program. The changes include: reduction of the overall size of the Neighborhood Revitalization area to help target the at risk neighborhoods, raise the financial bar for commercial and residential investment to encourage larger development projects, establish a tax rebate special fund that would be invested back into the target areas reducing property tax rebate from 95% to 80%, eliminate the tax rebate appeal process beyond the sixty day permit window, and open up the zoning classifications to allow for any use of property when applying for a building permit.

Several Councilmembers questioned if the County and the School District would reconsider contributing to the plan if their concerns about the program were met.

Councilmember Alcalá stated that it is a good plan and the reduction in the overall coverage area increases the incentive to build in areas that have not yet been developed.

Councilmember Duffy stated that if the County and School District decide not to reconsider the program the City should reevaluate the program to make sure it incorporates what they feel is important to the community.

Joseph Ledbetter, President of the Highland Crest NIA appeared in support of the plan and stated it is important to keep the residential subsidiaries as a part of the plan and add vacant lots. He also stated that he opposes the County's action not to participate in the plan.

Bryan Smith, representative for Eby Realtor Group requested that Section 7A of the plan be amended to read building permits must be "applied for" instead of "issued" by the end of the year. This would enable builders that have already started the building process in certain areas the opportunity to continue development.

Brenden Long, City Attorney stated that the Council should present any suggested amendments to Mr. Fiander so that they may be addressed at the next Council meeting.

JoAnn Peavler stated that the Neighborhood Revitalization Act has helped the neighborhoods tremendously and the plan not only helps an individual owner, it helps improve and spur development in the neighborhoods.

Christy Caldwell, Greater Topeka Chamber of Commerce asked that they reconsider adding Kanza Park area back into the Neighborhood Revitalization Plan.

David Harrison, OPUS Real Estate Development appeared in support of the plan and encouraged expanding the coverage area.

Frank Meade distributed a development plan for the Monroe Neighborhood area and asked that it be kept confidential.

Mike Engler, Bartlett & West Engineers stated that they were retained to work on the Eby Real Estate Project and encouraged Council to change the permit policy.

Perry Schremmer, St. Mary's, Kansas stated that he has a substantial investment in the Southern Hills Subdivision, an area that fits in the intensive care area and partly in the at risk area. He asked that the Council reconsider eliminating this area from the plan because the Neighborhood Revitalization Act is the only incentive people have to move into the area.

Councilmember Lane moved to close the public hearing. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

ORDINANCE NO. 18121 introduced by Deputy Mayor Duane Pomeroy, granting to Brooks Fiber Communications of Missouri, Inc., its successors and assigns, a system of voice, video conferencing and data transmission franchise in the City of Topeka, Kansas, prescribing the terms thereof and relating thereto placed on first reading November 4, 2003 was again presented.

NOTICE OF INTENTION to adopt a new franchise fee of five percent (5%) established under a Franchise Agreement between the City of Topeka, Kansas and Brooks Fiber Communications of Missouri, Inc. pursuant to K.S.A. 12-2001 was presented.

Neil Dobler, Public Works Director gave the staff report and explained that the new ten-year franchise agreement would expire October 31, 2013. He also stated that the city would receive 5% of the Brooks Fiber Communications annual gross revenue within sixty days of the end of each quarter.

Jeff Markowitz, Brooks Fiber Communications appeared for questions.

Councilmember Alcalá asked why the agreement was locked in at ten-years and not five.

Neil Dobler explained that the original franchise agreement was twenty years and they reduced it to ten. They considered this a reasonable compromise due to the investment that

Brooks Fiber Communications is putting into the city and the amount of control the city will maintain concerning city right-of-way.

Councilmember Duffy moved to adopt the Notice of Intention. The motion seconded by Councilmember Price carried. Councilmember Lane voted "no". (8-1-0)

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

A ZONING PETITION and ORDINANCE NO. 18122 introduced by Deputy Mayor Duane F. Pomeroy designating real property more specifically described herein as a historic landmark and presently zoned "I-1" Light Industrial District and located at 420 SE 6th Avenue in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading November 4, 2003 was again presented. (HL03/4)

Bill Fiander gave the staff report and stated that several historical events have taken place at the Ramada Inn Downtown and the new designation would not affect surrounding property owners.

Jim Parish, developer with Jefferson Street Hotel Partners, appeared for questions and stated that the main advantage of the designation is that the restored historical attractiveness would encourage new patrons, increasing revenue for the city.

Several Councilmembers expressed exparte communications through telephone calls, personal conversations and email.

Councilmember Price moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember Duffy carried. Councilmember Haynes voted "no". (8-1-0)

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

A ZONING PETITION and ORDINANCE NO. 18123 introduced by Deputy Mayor Duane F. Pomeroy 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 NW Walker Street and NW MacVicar Avenue in the City of Topeka, Kansas from "PUD" Planned Unit Development District ("R-4" use group) ALL TO "PUD" Planned Unit Development District ("I-1" use group) placed on first reading November 4, 2003 was again presented. (Z03/9)

David Thurbon, Planning Director gave the staff report.

Mike Unrein, representative for the applicant appeared and explained the project.

Clay Loyd, President of Greater Auburndale Neighborhood Association appeared in support.

Several Councilmembers declared exparte communications through personal conversations, letters and email.

Councilmember Price moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9.

A ZONING PETITION and AN ORDINANCE introduced by Mayor Harry Felker amending the Master PUD Plan of Northland Shopping Center by providing for development of commercial land use and residential housing on property located at the southeast corner of NW Topeka Boulevard and NW Menninger Road in the City of Topeka, Kansas placed on first reading November 4, 2003 was again presented. This was deferred from the meeting of October 21, 2003. (Z69/44D)

David Thurbon gave the staff report and stated that a legal protest of 38% was filed. The applicants are requesting that the petition be referred back to the Zoning and Platting Committee for consideration of a variance request from 30 feet to a 15 or 20 foot setback from the southern boundaries.

Councilmember Duffy moved to remand the zoning petition and ordinance back to the Zoning and Platting Committee to resolve the variance issue. The motion seconded by Councilmember Haynes carried. Councilmembers Lane and Alcala voted "no". (7-2-0)

Councilmember Haynes moved to reconsider the motion. The motion seconded by Councilmember Alcala failed. Councilmembers Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price voted "no". (2-7-0)

ORDINANCE NO. 18124 introduced by Deputy Mayor Duane Pomeroy, relating to establishing water, wastewater and stormwater utility rates, repealing City of Topeka Sections 146-138, 146-139, 146-140, 146-343, and 146-401 and amending City of Topeka Code Chapter 146, Article 1 and Section 146-142, and specifically repealing said original sections placed on November 4, 2003 was again presented.

Neil Dobler gave the staff report on the proposed water, wastewater and stormwater utility rate increases for the next four years beginning January 1, 2004 to pay for increased operating costs and debt service for utility system improvements.

Councilmember Duffy moved to amend page 22, section 13, line 326 to read "hereby amended to read as follows". The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

Councilmember Preisner moved to adopt the ordinance as amended. The motion seconded by Councilmember Haynes carried. Councilmembers Lane and Alcala voted "no". (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -7. Noes: Lane and Alcala -2.

ORDINANCE NO. 18125 introduced by Deputy Mayor Duane F. Pomeroy relating to the Topeka Planning Commission and specifically increasing the membership by adding two commission members, clarifying the duties of the Planning Commission, and referencing the relevant Kansas Statutes and amending City of Topeka Code Sections 110-27, 110-35, 110-42 through 110-46 inclusive, 110-51 through 110-52 inclusive, 110-71, 110-72 inclusive, and 110-76 and specifically repealing said original sections placed on first reading November 4, 2003 was again presented.

Deputy Mayor Pomeroy explained the ordinance and stated that Districts 1, 2, 3, 4, and 5 do not have representation.

Councilmember Alcala moved to amend lines 21 through 26 to read "The Mayor with the consent of the City Council shall appoint eleven (11) members to the City Planning Commission. Nine (9) of the members shall reside within the corporate boundaries of the City, one (1) from each Council district. Two (2) members shall reside outside the corporate boundaries of the City but within the City's three (3) mile extraterritorial jurisdiction." The motion was seconded by Councilmember Lane.

Councilmember Pomeroy questioned if the wording would constitute the reconstruction of the Topeka Planning Commission.

Brenden Long, City Attorney stated that it would address vacancies as they occur.

Councilmember Pomeroy stated that he would oppose the amendment because it could possible restrict the top two candidates from serving on the commission if they reside in the same district.

The motion to amend failed. Councilmembers Pomeroy, Nave, Duffy, Stubbs, Preisner and Price voted "no". (3-6-0)

Councilmember Stubbs moved to amend the ordinance to increase the Planning Commission to 12 members. The motion was seconded by Councilmember Price.

Councilmember Alcalá stated that he opposes the amendment because it still creates the scenario that there is no representation for the north or east side of city.

Several Councilmembers stated that the commission members represent the entire city and the 3-mile extraterritorial area.

The motion to amend the ordinance carried. Councilmembers Alcalá, Nave, Haynes and Duffy voted "no". (5-4-0)

The ordinance as amended was adopted on roll call vote as follows: Ayes: Lane, Pomeroy, Nave, Stubbs, Preisner and Price -6. Noes: Alcalá, Haynes and Duffy voted "no".

A PROJECT BUDGET in the amount of \$150,000 and ORDINANCE NO. 18126 introduced by Deputy Mayor Duane F. Pomeroy, authorizing Park Improvement Project No. 30248-00, which provides for the expansion of Highland Crest Park, as more specifically described herein, all pursuant to City of Topeka Charter Ordinance No. 89 placed on first reading November 4, 2003 was again presented.

Rogers Brazier, Parks and Recreation Director gave the staff report.

Joseph Ledbetter and Betty Phillips appeared in support of the project.

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

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by Mayor Felker relating to X Mixed Use District regulations and specifically amending City of Topeka Code Section 48-31.01, 48-23a.02, 48-23a.03, 48-23a.04, and 48-23a.06 and specifically repealing said original sections placed on first reading October 7, 2003 was again presented. This was deferred from the meeting of October 14, 2003. (ACZR03/01)

Councilmember Stubbs gave the committee report and stated that they recommend that the ordinance be remanded back to the Topeka Planning Commission.

Councilmember Stubbs moved that the ordinance be remanded back to the Topeka Planning Commission. The motion seconded by Councilmember Preisner carried. Councilmembers Lane and Alcala voted "no". (7-2-0)

AN ORDINANCE introduced by Mayor Harry Felker, relating to the rules and regulations regarding private security licenses, repealing City of Topeka Code Section 30-399, 30-419, and 30-427, amending City of Topeka Code Section 30-66, 30-396, 30-397, 30-398, 30-400, 30-401, 30-402, 30-403, 30-416, 30-417, 30-418, 30-420, 30-421, 30-422, 30-423, and 30-424 and repealing said original sections placed on first reading October 21, 2003 was again presented. This was deferred from the meeting of November 4, 2003

Ed Klumpp, Chief of Police gave the staff report. He explained that a meeting was held on October 1, 2003 with approximately ten security companies in attendance expressing their

concerns. He stated that would like to include a “juvenile” background check when running a background check on the applicants and require identification cards to be displayed on the person at all times.

Councilmember Preisner moved to extend the meeting through the end of the agenda. The motion seconded by Councilmember Price carried. Councilmembers Alcala, Haynes and Duffy voted "no". (6-3-0)

Ed Klumpp suggested that they make an amendment to page 20 of the ordinance, starting with line 447 and continuing through lines, 448, 451, 453, 454, 467 and 499 by changing the word “badge” to “card” and make the effective date January 1, 2004 in section 22.

Councilmember Duffy expressed concern with the definition or clarification of certain words used throughout the ordinance.

Councilmember Lane moved to amend the ordinance per Chief Klumpp’s recommendation. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

Kirk Burhans stated that he agrees that they should have a policy that enforces merchant guards to wear identification badges.

Tom Deatruck, owner of America Sentry, and representative for the PSI Security Company stated that he has operated under the current ordinance for thirty years and the requirements are too strict.

Terry Breese, owner of Capital Investigative Services stated that the juvenile records should be evaluated, not automatically denied and Police Officers working private security should have liability insurance.

Jerry Kendall stated that the security business is his only source of income and believes that Police Officers are double dipping. He also stated that the identification badges would make the security guards look unprofessional.

Roger Christopherson asked that they keep the identification badges and make sure that the fees remain affordable.

Brenden Long suggested that they amend line 50 to read, "Conviction shall mean a finding of guilty of the commission of a criminal offense as specified herein, and shall include juvenile offender adjudications, expunged convictions, diversions and deferred prosecutions."

Councilmember Lane moved to amend the definition of "conviction" on line 50 of the ordinance per the City Attorney's recommendation. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

Councilmember Haynes moved to defer for two weeks. The motion seconded by Councilmember Duffy carried. Councilmember Alcalá voted "no". (8-1-0)

ORDINANCE NO. 18127 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 placed on first reading July 1, 2003 was again presented. This was deferred from the meeting of October 28, 2003.

Councilmember Haynes moved to amend the ordinance to reflect the same fees addressed in the previous ordinance that was deferred for two weeks. The motion seconded by Councilmember Duffy carried. Councilmember Alcalá voted "no". (8-1-0)

The ordinance was adopted as amended on roll call vote as follows: Ayes: Lane, Alcalá, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9.

A RESOLUTION introduced by John Alcala regarding changes in the policy and procedures relating to the City's Procurement Program was presented.

Councilmember Alcala moved to disapprove the resolution. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

RESOLUTION NO. 7411 introduced by Councilmember Bill Haynes regarding the policy and procedures relating to the City's Procurement Program was presented.

Councilmember Haynes stated that this resolution provides the ground rules necessary to provide for a more efficient Procurement Program.

Councilmember Haynes moved to approve the resolution. The motion was seconded by Councilmember Lane.

Councilmember Pomeroy moved to amend the ordinance by adding the word "reviewed" and striking out the words "in writing" in paragraph 1, deleting paragraph 2 and 6, deleting the words "definition for appropriate" and add the words "list of inappropriate" in paragraph 7.5, and correction of a typographical error in paragraph 8.6. The motion was seconded by Councilmember Preisner.

Councilmember Duffy stated that the resolution takes away the efficiency of the city's purchasing power and more money will be spent on paperwork and manpower, therefore, he would oppose the amendment and the resolution.

Councilmember Preisner carried called the question.

The motion to amend carried. Councilmembers Haynes and Duffy voted "no". (7-2-0)

Councilmember Lane moved to approve the resolution as amended. The motion seconded by Councilmember Preisner carried. Councilmembers Haynes and Duffy voted "no". (7-2-0)

A RESOLUTION introduced by Mayor Felker authorizing and adopting the 2004-2010 Capital Improvement Program for the City of Topeka, Kansas.

Councilmember Stubbs moved to defer one week. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

RESOLUTION NO. 7412 introduced by Deputy Mayor Duane Pomeroy, establishing a water main connection charge for Water Main Extension Improvement Project No. 28542, along the west side of Gage Blvd from SW 37th Street north 670 feet was presented.

Neil Dobler gave the staff report.

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

RESOLUTION NO. 7413 introduced by Deputy Mayor Duane F. Pomeroy canceling the Council meeting of December 23, 2003, and scheduling a Council meeting on December 30, 2003 was presented.

Councilmember Lane moved to approve the resolution. The motion seconded by Councilmember Stubbs carried. Councilmember Alcalá voted "no". (8-1-0)

A FINAL PLAT for River Hill Subdivision on property located at the northwest corner of SW Wanamaker Road and SW 6th Avenue in the City of Topeka, Kansas and unincorporated Shawnee County, Kansas, was presented. (P03/15)

David Thurbon, Public Works Director gave the staff report.

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

AN ORDINANCE introduced by Councilmember Bill Haynes establishing the time and place of Council Meetings pursuant to City of Topeka Charter Ordinance A2-25, repealing section 2-27 of the Code of the City of Topeka, Kansas was presented for first reading.

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy adopting a neighborhood revitalization plan and designating a revitalization area, all as provided for in K.S.A. 12-17, 114 *et seq.*, Neighborhood Revitalization Act was presented for first reading.

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy 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 northwest corner of NW Fillmore Street and NW Lower Silver Lake Road 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. (Z03/45)

AN ORDINANCE introduced by Councilmember Gary Price, authorizing Park Improvement Project No. 30205, which provides for the design and construction of the Gage Park Greenhouse as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and repealing City of Topeka Ordinance No. 18001 was presented for first reading.

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy, authorizing Trafficway Improvement Project No. 70192-02, which provides for the reconstruction and widening of SW 6th Street and Gage Blvd as more specifically described herein, all pursuant to Charter Ordinance No. 89 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by Councilmembers Clark Duffy, Duane Pomeroy and Gary Price establishing the Advantage Topeka Program which provides for a loan forgiveness

program for eligible students enrolled at the University of Kansas and such other higher educational institutions as the City Council may designate was presented for first reading.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcala inquired on the necessity of having three police officers at the Council meetings.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Greg Inkmann, Tom Langer and Charles Criqui appeared to speak under public comments.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 1:30 a.m.

Iris Walker
City Clerk