

## City Council Minutes – April 27, 2004

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 27, 2004. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Nave, Haynes, Duffy, Stubbs, Preisner and Price -8. Mayor James A. McClinton presided -1. Absent: Councilmember Chancler -1.

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

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

Councilmember Nave requested to pull Item 3A, a final plat for Flanagan Subdivision No. 3 for separate discussion.

THE CONSENT AGENDA was presented as follows:

Minutes of the Regular Meeting of April 20, 2004 were presented.

An application for Dance Hall License bearing the approval of the Chief of Police and City Inspectors for Boss Hawgs Barbeque & Catering, 2833 SW 29<sup>th</sup> Street, was presented.

Open After Mid-Night 2004-2005 renewal applications bearing the approval of the Chief of Police and City Inspectors for the following were presented:

<u>Business Name</u>	<u>Address</u>
Azteca Club & Grill	1201 SE 6 <sup>th</sup> Street
The Boobie Trap	1417 SW 6 <sup>th</sup> Street
Charlie Browns Club	840 N. Kansas
Denny's Restaurant	1500 Wanamaker Road
Denny's Restaurant	3210 Topeka Boulevard
Doll House	5235 SW 28 <sup>th</sup> Court
The Dugout	1545 SW Fairlawn
Electric Cowboy	3249 SW Topeka Boulevard
Jul's Cocktail	4117 SW Huntoon
Mr D's	3339 Gage

<u>Business Name</u>	<u>Address</u>
Scottie's	901 SW Fairlawn Road
Sharon's Second Chance	917 N. Kansas Avenue
Skinny's Sports Bar & Grill	4016 SW Huntoon
Tewz Euff	1465 SW Washington
TJ's II	1909 SE Seward Avenue
Wild Cherry	520 NW Elm Row

Councilmember Preisner moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Price carried unanimously. (8-0-0)

A FINAL PLAT for Flanagan Subdivision No. 3 on a 5.31-acre parcel located on the east side of SE California Avenue at SE 27<sup>th</sup> Street, extended, in the City of Topeka, Kansas, was presented. (P03/47)

Councilmember Nave stated that he would like more information on the final plat in relation to the appearance and layout of the proposed restaurant. He also stated that there are enough storage units already located in east Topeka and believes that there could be a better use for the property.

David Thurbon, Planning Director suggested that they defer the final plat for two weeks to gather the information that has been requested.

Sam Malinowsky, Kaw Valley Engineers appeared for questions.

Councilmember Nave moved to defer the final plat for two weeks. The motion seconded by Councilmember Alcalá 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 Tuesday, April 27, 2004, at 7:00 P.M. to consider approval of the issuance of Health Care Facilities Refunding and Improvement Revenue Bonds in the amount of \$24,000,000 by the City of Wichita pursuant to an interlocal agreement with the City of Wichita relating to Presbyterian Manors, Inc.

RESOLUTION NO. 7460 authorizing the issuance of certain Health Care Facilities Refunding Improvement Revenue Bonds in the principal amount not to exceed \$24,000,000 pursuant to an interlocal cooperation agreement by and between the City of Wichita, Kansas, as issuer, and the City of Topeka, Kansas, as participant was presented.

Tom Bechtel, Presbyterian Manor, Inc., appeared for questions.

Councilmember Price moved to close the public hearing and approve the resolution. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

A ZONING PETITION and ORDINANCE NO. 18228 introduced by Mayor James A. McClinton 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 on the south side of SW 17<sup>th</sup> Street, extended, approximately 1,050-feet west of SW Arvon Place in the City of Topeka, Kansas from "RR-1" Residential Reserve District TO "M-2" Multiple Family Dwelling District placed on first reading April 20, 2004 was again presented. (Z04/23)

David Thurbon, Planning Director gave the staff report.

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

Councilmember Preisner moved to approve the zoning petition and adopt the ordinance. The motion was seconded by Councilmember Price.

Councilmember Haynes asked if the traffic congestion in the area and the cost of the additional infrastructure has been addressed.

Steve LaCasse, Bartlett & West Engineers appeared for questions and stated that the developer is prepared to pay for a portion of the traffic signal needed to help ease congestion.

He also stated that the developer is paying the total cost of the sanitary sewer extension, water and utility hook-ups, and what is required for curb, gutter and road expansion costs.

The motion to approve the zoning petition and adopt the ordinance carried.

Councilmembers Alcalá, Nave and Haynes voted "no". (5-3-0)

The ordinance was adopted on roll call vote as follows: Ayes: Pomeroy, Duffy, Stubbs, Preisner, and Price -5. Noes: Alcalá, Nave and Haynes -3. Absent: Chancler -1.

ORDINANCE NO. 18229 introduced by Councilmember Lisa Stubbs relating to site plan regulations, amending City of Topeka Code Sections 48-39.05 and 48-39.06 and specifically repealing said original sections presented for first reading April 20, 2004 was again presented.

Dave Thurbon gave the staff report.

The ordinance was adopted on roll call vote as follows: Ayes: Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner, and Price -7. Noes: Alcalá -1. Absent: Chancler -1.

A RESOLUTION introduced by Councilmember Bill Haynes relating to a Balanced Budget and Surplus Policy for the City of Topeka was presented.

Councilmember Haynes explained the resolution and stated that staff would like additional time to review the policy and report back to the Council.

Councilmember Duffy moved to refer the resolution to the Policy and Finance Committee. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

RESOLUTION NO. 7461 introduced by Councilmembers Lisa Stubbs, John Alcalá, Duane Pomeroy, John Nave, Clark Duffy, Gary Price, Jeff Preisner, Bill Haynes and Lover Chancler stating the support of the City of Topeka for the U.S. Supreme Court's landmark decision in the Brown v. Board of Education of Topeka (1954) case regarding desegregation of public schools was presented.

Councilmember Stubbs read a portion of the email that was sent to the Council from a white supremacy group the “White Revolution” and clarified that this resolution does not belittle, nor violate the group’s “freedom of speech” rights. She also stated that the resolution clearly states that the Council supports the ruling on desegregation and not the group’s beliefs or activities.

Councilmember Pomeroy stated that he would like the resolution to include the City’s role in promoting the integration of schools, neighborhoods, and the workforce.

Councilmember Duffy stated that he agrees with Councilmember Pomeroy, and suggested that the amendment be presented as a separate resolution.

William E. Richards, President of the Topeka Branch of the National Association of the Advancement of Colored People stated that they promote equal justice, consideration, and respect to all people. He also thanked the Council for their support of the resolution.

Councilmember Stubbs moved to approve the resolution. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

RESOLUTION NO. 7462 introduced by Mayor James A. McClinton relating to traffic flow policies within the Wanamaker corridor and authorizing additional permanent access points on SW 21<sup>st</sup> Street, and rescinding City of Topeka Resolution No. 5587 was presented.

Tim Green, Engineering Department gave the staff report for items 6C, a resolution relating to traffic flow policies on SW 21<sup>st</sup> Street and item 6D, a resolution relating to Street Improvement Project No. 60444-02, construction of SW 20<sup>th</sup> Park. He stated that they have negotiated a proposal with Lewis Toyota for the realignment of SW 20th Park, right-of-way costs and SW 21<sup>st</sup> Street access points.

Councilmember Stubbs commended staff for their hard work on the proposal.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Price carried unanimously. (8-0-0)

A PROJECT BUDGET in the amount of \$133,974 and RESOLUTION NO. 7463 introduced by Mayor James A. McClinton, describing Street Improvement Project No. 60444-02 which provides for the construction of SW 20<sup>th</sup> Park as a 29' wide asphalt street and authorizing the same was presented.

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

RESOLUTION NO. 7464 introduced by Mayor James A. McClinton granting an exemption from the annexation requirements of City of Topeka Code Section 146-37, as amended, for the provision of water to certain specified property located in Shawnee County, Kansas and specifically rescinding City of Topeka Resolution No. 7455, was presented.

David Thurbon gave the staff report and stated that this resolution corrects the address of the property.

Councilmember Duffy moved to approve the resolution. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

AN ORDINANCE introduced by Mayor James A. McClinton relating to fire fighting services and providing for a contract between the City of Topeka, Kansas and the Goodyear Tire and Rubber Company Plant for the purpose of furnishing all fire department services for the Goodyear Tire and Rubber Company Plant, was presented for first reading.

Councilmember Duffy moved to refer the ordinance to the Public, Health and Safety Committee. The motion seconded by Councilmember Price carried unanimously. (8-0-0)

AN ORDINANCE introduced by Mayor James A. McClinton, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Trafficway Improvement Project No. 70193-H, Phase 1 with pavement, curb and gutter, and all other contingencies needed to complete Trafficway Improvement Project No. 70193-H, Phase 1 as defined and described in Resolution No. 7123, adopted and approved January 24, 2001 was presented first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen distributed the weekly Legislative report and asked each Councilmember if they would like to receive the report in hardcopy form or electronic form.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Pomeroy expressed concern with the City of Topeka's sidewalk policy relating to sidewalk, curb and gutter replacement following street improvement projects, and new home construction in various locations throughout the city.

Councilmember Duffy requested information relating to the proper use of STAR Bonds. He also suggested that they research all components of the new Economic Development Act recently passed by the State of Kansas in relation to downtown development.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:58 p.m.

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Iris Walker  
City Clerk