

## City Council Minutes – May 11, 2004

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 11, 2004. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Chancler, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9. Mayor James A. McClinton presided -1.

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

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

Councilmember Pomeroy moved to suspend the Council Rules to add a resolution regarding desegregated housing and equal opportunity employment to the agenda under New Business. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

Councilmember Pomeroy moved to reinstate the Council Rules. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

Mayor McClinton withdrew Item 6D, a project budget and resolution relating to Improvement Project No. 60587-00.

THE CONSENT AGENDA was presented as follows:

Approval of claim appeal for Michael Carver alleging that on December 29, 2003 the sewer backed up into his residence located at 3016 SW Twilight Drive causing damage in the amount of \$10,621 was presented. This amount was amended at the appeal hearing to \$2,629.64.

Denial of claim appeal for Roscoe Earp alleging that on March 4, 2004 he hit a pothole going east on 17<sup>th</sup> between Arnold and Pembroke, which damaged the tire on his vehicle was presented. He is seeking damages in the amount of \$156.94.

An application for Cereal Malt Beverage License bearing the approval of the Chief of Police and City Inspectors for Patsy's, 1320 SW 6<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>                  |
|--------------------------------------|---------------------------------|
| Brewsky's Bar & Grill                | 1417 SW 15 <sup>th</sup> Street |
| Club Cosmos                          | 1421 SW Lane Street             |
| The Den Club                         | 1116 NW Lower Silver Lake Road  |
| Francis O'Dooley's Irish Pub & Grill | 1930 Westport Drive Suite 1     |
| JW's Bar & Lounge                    | 601 NW Highway 24               |
| Jordon Patterson Post 319            | 811 SE 15 <sup>th</sup> Street  |
| Left Bank Room                       | 820 N. Kansas                   |
| New York Sports Bar                  | 914 SE Madison                  |
| Night Hawk                           | 124 W. 8 <sup>th</sup> Street   |
| Paisanos                             | 4043 SW 10 <sup>th</sup> Street |
| Par Three Club                       | 3720 SW 45 <sup>th</sup> Street |
| Scoreboard                           | 2107 SE California              |
| Tucker's Bar & Grill                 | 805 S. Kansas Avenue            |

Minutes of the Regular Meeting of May 4, 2004 were presented.

Councilmember Duffy moved to approve the consent agenda. The motion seconded by Councilmember Stubbs 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, May 11, 2004, at 7:00 P.M. on CU04/2 by Audrey F. Erdman and Stephen J. Ferro requesting a Conditional Use Permit to establish a Group Residence, Limited, on property currently zoned "R-2" Single-Family Dwelling District and located at 728 SW College Avenue in the City of Topeka, Kansas.

RESOLUTION NO. 7469 introduced by Mayor James A. McClinton in accordance with Section 48-5.02.(c)(14) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a group residence, limited on property currently zoned "R-2" Single Family

Dwelling District and located at 728 SW College Avenue in the City of Topeka, Kansas was presented. (CU04/2)

Bill Fiander, Planning Department gave the staff report.

Councilmember Pomeroy stated that he believes that the concentration of several Oxford Houses in one area would have a negative effect on the neighborhood and also the Oxford Homes, and having them spread throughout the community is better. He also stated the Neighborhood Improvement Association supports the houses contingent on some restrictions.

Hi Stockwell, Old Town Neighborhood Association President commended the Oxford House representatives for considering the people's concerns.

Councilmember Preisner moved to close the public hearing and approve the resolution.

The motion seconded by Councilmember Price 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, May 11, 2004, at 7:00 P.M. on CU04/3 by Board of Disciples Kansas East Conference of the United Methodist Church requesting a Conditional Use Permit to continue the use of the property as a conference and retreat center, on property located about the northeast corner of SE 10<sup>th</sup> Street and SE Deer Creek Parkway, in the City of Topeka, Kansas.

RESOLUTION NO. 7470 introduced by Mayor James A. McClinton in accordance with Section 48-4.02.(c)(16) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a reception, conference and assembly facility on property currently zoned "R-1" Single Family Dwelling District and "M-2" Multiple Family Dwelling District and located at 3158 SE 10<sup>th</sup> Street in the City of Topeka, Kansas was presented. (CU04/3)

A ZONING PETITION and ORDINANCE NO. 18232 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 at 3158 SE 10<sup>th</sup> Street in the City of Topeka, Kansas from “R-1” Single Family Dwelling District and “M-2” Multiple Family Dwelling District ALL TO “R-1” Single Family Dwelling District placed on first reading May 4, 2004 was again presented. (Z04/31)

Bill Fiander gave the staff report.

JoAnn Peavler, East Neighborhood Improvement Association President stated that they welcome and support their plan unanimously.

Mike Engler, Bartlett & West Engineers appeared for questions.

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

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 seconded by Councilmember Duffy carried unanimously. (9-0-0)

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

ORDINANCE NO. 18231 introduced by Mayor James A. McClinton authorizing the City of Topeka, Kansas, to issue its Housing and Health Care Refunding and Improvement Revenue Bonds, Series 2004, (Brewster Place Project) in the aggregate principal amount of \$12,000,000 for the purpose of financing the costs of constructing, equipping and improving certain residential and health care facilities located on the Brewster Place Campus in the city; refunding two outstanding revenue bond issues of the City; authorizing the execution of a third supplemental lease by and between the City and the Congregational Home, a Kansas not-for-

profit corporation; and authorizing and approving certain additional documents and actions in connection with the issuance of said bonds placed on first reading May 4, 2004 was again presented.

John Myers, Economic Development Specialist gave the staff report.

Phil Wolfe, Nichols & Wolfe and Bob Schafer, Gold Capital Management were present for questions.

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

ORDINANCE NO. 18233 introduced by Mayor James A. McClinton relating to the interference with city officers and employees, amending City of Topeka Code Section 54-73 and specifically repealing said original section placed on first reading May 4, 2004 was again presented.

Ed Klumpp, Chief of Police gave the staff report.

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

ORDINANCE NO. 18234 introduced by Mayor James A. McClinton relating to the wearing of gas masks, bulletproof vests, improvised body armor or masks or devices to conceal one's identity during unlawful activities and amending City of Topeka Code Chapter 54, Article IV and repealing the original section placed on first reading May 4, 2004 was again presented.

Ed Klumpp, Chief of Police was present for questions.

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

ORDINANCE NO. 18235 introduced by Councilmember Duane Pomeroy authorizing Downtown Topeka, Inc., to hold the NHRA Downtown Hot Rod Party placed on May 4, 2004 was again presented.

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

ORDINANCE NO. 18236 introduced by Councilmember Duane Pomeroy authorizing Downtown Topeka, Inc. to hold the Downtown Live Oldies Dance placed on first reading May 4, 2004 was again presented.

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

ORDINANCE NO. 18237 introduced by Mayor James A. McClinton relating to correctional placement residences, amending City of Topeka Code Chapter 48, Article XXXV and Sections 48-9.02, 48-12.02, 48-13.02, 48-14.02, 48-17.02, 48-18.02, 48-20.00, 48-20.02, 48-21.02, 48-23a.04, 48-23.02, and 48-26.01 and specifically repealing said original sections placed on first reading May 4, 2004 was again presented. (ACZR04/5)

Bill Fiander, Planning Department gave the staff report and stated that lines 285 through 288 should not have been deleted.

Councilmember Preisner moved to add lines 285 through 288 back to the ordinance. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

Councilmember Duffy moved to adopt the ordinance as amended. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

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

A FINAL PLAT for Flanagan Subdivision No. 3 on a 5.31-acre parcel located on the east side of California Avenue at SE 27<sup>th</sup> Street, extended in the City of Topeka, Kansas was presented. This was deferred from the April 27, 2004 meeting. (P03/47)

A ZONING PETITION AND ORDINANCE NO. 18238 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 located on the east side of SE California Avenue and SE 27<sup>th</sup> Street, extended, in the City of Topeka, Kansas from "C-4" Commercial District TO "PUD" Planned Unit Development District placed on first reading May 4, 2004 was again presented. (PUD04/2)

Bill Fiander gave the staff report.

Councilmember Haynes moved to accept the public dedication. The motion seconded by Councilmember Nave carried. Councilmembers Alcalá and Chancler voted "no". (7-2-0)

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

Councilmember Preisner moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember Price carried. Councilmembers Alcalá and Chancler 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: Alcalá and Chancler -2.

ORDINANCE NO. 18239 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 west side of SW Ashworth Place, the centerline of which is approximately 400-feet north of

SW 21<sup>st</sup> Street in the City of Topeka, Kansas from “R-1” Single Family Dwelling District TO “C-4” Commercial District placed on first reading May 4, 2004 was again presented. (Z87/62)

Bill Fiander gave the staff report.

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

A ZONING PETITION and ORDINANCE NO. 18240 introduced by Mayor James A. McClinton amending the Master PUD Plan of Century Plaza Village by providing for multiple family dwellings on property located on the north side of SE 28<sup>th</sup> Street, the centerline of which is approximately 1,530 feet east of SE California in the City of Topeka, Kansas placed on first reading May 4, 2004 was again presented. (Z92/16B)

Bill Fiander gave the staff report and explained that the drainage system has an excellent water run off system.

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

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

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

A ZONING PETITION and ORDINANCE NO. 18241 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 located between SE 28<sup>th</sup> and SE 29<sup>th</sup> Streets from the west side of SE Greenfield Court to 245-foot east of SE Golden Avenue in the City of Topeka, Kansas from “R-1” Single Family



Dwelling District with Resolution of Intent for “M-2” Multiple Family Dwelling District ALL TO “R-2” Single Family Dwelling District placed on first reading May 4, 2004 was again presented. (Z04/28)

Bill Fiander gave the staff report.

Councilmember Alcalá stated that he will support the zoning change because it stays with the intentions of the Oakland Neighborhood Plan, however, in relation to Item 5G, he voted “no” because it implemented commercial development instead of residential housing.

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

Councilmember Duffy moved to approve the zoning petition 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: Pomeroy, Alcalá, Chancler, Nave, Haynes, Duffy, Stubbs, Preisner, and Price -9.

A ZONING PETITION and ORDINANCE NO. 18242 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 NE Seward Avenue between NE Wilson Avenue and NE Scotland Avenue and on the northwest and northeast corners of NE Scotland Avenue and NE Seward Avenue within the Oakland Neighborhood in the City of Topeka, Kansas from “C-2” Commercial District ALL TO “X-1” Mixed Use District. Final reading placed on first reading May 4, 2004 was again presented. (Z04/29)

Bill Fiander gave the staff report and stated that the zoning change is consistent with the Oakland Neighborhood Plan.

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

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

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

A ZONING PETITION and ORDINANCE NO. 18243 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 at the northeast, southeast and southwest corner of NE Atchison Avenue and NE Lake Street within the Oakland Neighborhood in the City of Topeka, Kansas from "C-2" Commercial District ALL TO "R-2" Single Family Dwelling District placed on first reading May 4, 2004 was again presented. (Z04/32)

Bill Fiander gave the staff report and stated that the zoning change stays consistent with the Oakland Neighborhood Plan.

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

Councilmember Alcala 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: Pomeroy, Alcala, Chancler, Nave, Haynes, Duffy, Stubbs, Preisner, and Price -9.

A ZONING PETITION and ORDINANCE NO. 18244 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 at 441 SE Winfield Avenue in the City of Topeka, Kansas from “M-1” Multiple Family Dwelling District with Resolution of Intent for “D&O” Multiple Family Dwelling and Office District TO “M-1” Multiple Family Dwelling District placed on first reading May 4, 2004 was again presented. (Z04/33)

Bill Fiander gave the staff report.

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

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

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

A ZONING PETITION AND AN ORDINANCE 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 northeast corner of NW Western Avenue and NW Gordon Street in the City of Topeka, Kansas from “R-2” Single Family Dwelling District to “R-4” Single Family Dwelling District placed on first reading May 4, 2004 was again presented. (Z04/1)

Bill Fiander gave the staff report and stated that the applicant recorded two deed restrictions to help resolve the concerns of area residents. The two restrictions include; all mobile homes moved in must be placed on a permanent foundation, and the mobile home cannot be more than ten years old.

Mike Engler, Bartlett & West Engineers representative for the applicant stated that they have attended several Neighborhood Improvement Association meetings to help resolve the concerns of area residents. He also stated that there is no way to ensure that the units will not be rented at some point and time. He encouraged the Council to approve the proposal because it is in compliance with the neighborhood plan, and there are already mobile homes located in the surrounding area.

Councilmember Alcalá stated that the Neighborhood Improvement Association is not in support of the proposal and is concerned that it would not be good for the neighborhood.

Councilmember Preisner stated that he believes it would be a good fit for the neighborhood and a vast improvement to the area.

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

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

Councilmember Pomeroy stated that he believes that the mobile home units belong in a mobile home park not scattered throughout the neighborhood.

Councilmember Chancler stated that she is inclined not to support the zoning change because area residents do not support the proposal.

Councilmember Preisner called the question.

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

Councilmembers Alcalá, Pomeroy, Chancler, Duffy, Nave and Haynes voted "no". (3-6-0)

AN ORDINANCE introduced by Mayor James A. McClinton relating to Housing and Neighborhood Development, repealing City of Topeka § 42-8, amending City of Topeka Code

§§ 42-1, 42-2, 42-3, 42-4, 42-5, 42-6, 42-7, 42-8, 42-9, 42-10, 42-11, 42-12, 42-61, 42-62, 42-63, 42-64, 42-65, and 42-66 and specifically repealing said original sections placed on first reading March 16, 2004 was again presented.

Councilmember Preisner moved to refer the ordinance back to the Public, Health and Safety Committee for a meeting set for 12:00 noon on May 14, 2004. The motion was seconded by Councilmember Haynes.

JoAnn Peavler stated that she would like to see the ordinance withdrawn and reconsidered by all interested parties.

Michael Bradley stated the he agrees with Ms. Peavler and believes that all stakeholders need to be involved in the process to allow them to be responsible for their neighborhoods.

Councilmember Alcalá made a substitute motion to refer the ordinance to the Policy and Finance Committee. The motion seconded by Councilmember Pomeroy failed.

Councilmembers Duffy, Chancler, Nave, Stubbs, Preisner and Price. (3-6-0)

The motion to refer the ordinance back to the Public, Health and Safety Committee carried unanimously. (9-0-0)

RESOLUTION NO. 7471 introduced by Councilmember Duane Pomeroy relating to the Governing Bonds intent to assist in desegregation efforts by promoting desegregated housing and equal opportunity employment was presented.

Councilmember Pomeroy explained the resolution.

Councilmember Price asked why the resolution does not include all school districts.

Councilmember Haynes moved to refer the resolution to the Policy and Finance Committee. The motion was seconded by Councilmember Price.

Councilmember Alcalá made a substitute motion to approve the resolution. The motion was seconded by Councilmember Stubbs.

Councilmember Haynes withdrew the motion to refer the resolution to the Policy and Finance Committee.

Councilmember Duffy moved to amend the resolution to strike the words “in its efforts of desegregation of USD 501” and replace it with the words “intent to assist in desegregation efforts”, on line 4, and strike the words “its appointees to” from line 24. The motion was seconded by Councilmember Stubbs.

Councilmember Duffy withdrew the amendment to line 24.

The motion to amend line 4 of the resolution carried unanimously. (9-0-0)

Councilmember Haynes moved to amend lines 27 and 28 of the resolution to read “equal employment opportunity within the City of Topeka pursuant to City of Topeka, resolutions and ordinances.” The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

The motion to approve the resolution as amended carried unanimously. (9-0-0)

A FINAL PLAT for Misty Harbor Estates Subdivision No. 2 located on the north side of SW 45<sup>th</sup> Street approximately 2800’ east of SW Gage Boulevard within unincorporated Shawnee County, Kansas was presented.

Bill Fiander gave the staff report.

Mike Engler, Bartlett & West Engineers appeared for questions.

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

A PUBLIC IMPROVEMENT PETITION, PROJECT BUDGET in the amount of \$475,320.36 and RESOLUTION NO. 7472 introduced by Mayor James A. McClinton

authorizing Street Improvement Project No. 60343-02 as more specifically described herein was presented.

Neil Dobler, Public Works Director gave the staff report.

Councilmember Price moved to approve the public improvement petition, project budget and resolution. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

AN ORDINANCE introduced by Councilmembers Jeff Preisner, Lisa Stubbs, Gary Price, and John Nave relating to a city wide curfew for minors was presented for first reading.

AN ORDINANCE introduced by Councilmember Lisa Stubbs amending the provisions of the City of Topeka Code § 54-102 concerning the granting of an airgun permit exception to the general prohibition against the discharging of firearms within the city limits of Topeka, amending and repealing the original of City of Topeka Code § 54-102 was presented for first reading.

Councilmember Stubbs moved to refer the ordinance to the Economic and Community Development Committee. The motion seconded by Councilmember Duffy carried.

Councilmembers Alcalá and Chancler voted "no". (6-2-0)

AN ORDINANCE introduced by Mayor James A. McClinton relating to billiard and dance halls, amending City of Topeka Code §§ 14-51, 14-52, 14-53, and 14-114 and repealing the original sections was presented for first reading.

AN ORDINANCE 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 north side of SW 7<sup>th</sup> Street between College Avenue and Jewell Avenue, property located at the northeast corner of SW 7<sup>th</sup> Street and SW College Avenue and property located on the south side

of SW 6<sup>th</sup> Avenue between SW College Avenue and SW Mulvane Street in the City of Topeka, Kansas from “R-2” Single Family Dwelling District, “M-1” Two Family Dwelling District, “M-2” Multiple Family Dwelling District, “C-4” Commercial District and “O&I-2” Office and Institutional District ALL TO “MS-1” Medical Services District was presented for first reading.  
(Z04/30)

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Preisner announced that there would be a Public, Health and Safety Committee meeting on May 14, 2004 at 12:00 p.m. in the Executive Conference Room.

Councilmember Stubbs announced that there would be an Economic and Community Development Committee meeting on May 18, 2004 at 12:00 p.m. in the City Council Office.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen distributed the weekly Legislative report.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Pomeroy thanked Dave Graversen for responding to the curb and sidewalk issues in a timely manner and suggested amending the sidewalk ordinance to offer financial assistance to those who have to install handicap accessible sidewalks.

Councilmember Duffy stated that there is an ordinance that regulates the City’s right-of-ways and clearly states that the company or persons using the city right-of-way is financially responsible for sidewalk updates. He also commented on the ordinance relating to the Kansas Black Expo introduced by Councilmember Alcalá.

Councilmember Alcalá stated that all of the sidewalks that have been replaced in the Oakland area include handicap accessible curb cuts.



Councilmember Nave inquired on the emergency flasher located at the intersection of SE 21<sup>st</sup> Street and Hudson.

Councilmember Preisner stated that he would provide dinner for the May 18, 2004 work session.

Councilmember Duffy moved to adjourn into executive session for a period not to exceed fifteen minutes to discuss personnel issues in relation to non-elected personnel. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

Following the fifteen minute time period the Council reconvened into open session and Mayor McClinton stated that no action had been taken.

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

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Iris Walker  
City Clerk