

City Council Minutes – July 20, 2004

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 20, 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, Duffy, Nave, Haynes, Stubbs, Preisner and Price -9. Mayor James A. McClinton presided -1.

AFTER THE MEETING was called to order, prayer was offered by Holly Braden.

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

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for Shadywood South Subdivision No. 5 located at the SW corner of SW 37th Street and SW Wanamaker Road in the City of Topeka, Kansas, was presented.

(P04/21)

A FINAL PLAT for Aquarian Center Subdivision located on the north side of SE 29th Street, approximately 1,530 feet west of SE Croco Road, in the City of Topeka, Kansas, was presented. *(P02/6)*

Minutes of the Regular Meeting of July 13, 2004 were presented.

Application for an Open After Mid-Night License bearing the approval of the Chief of Police and City Inspectors for New York Sports Bar, L.L.C., 914 SE Madison was presented.

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

ORDINANCE NO. 18290 introduced by Mayor James A. McClinton authorizing the issuance of \$13,835,000 aggregate principal amount of taxable General Obligation Bonds, Series 2004-A (Pension Obligation Refunding), of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, the home rule authority granted to the cities of the State of

Kansas Constitution, and Home Rule Ordinance No. 18269 of the City, all as amended placed on first reading July 13, 2004 was again presented.

RESOLUTION NO. 7487 introduced by Mayor James A. McClinton prescribing the form and details of the Taxable General Obligation Bonds, Series 2004-A (Pension Obligation Refunding) of the City of Topeka, Kansas, in the aggregate principal amount of \$13,385,000 the issuance of which were authorized by the City pursuant to its Ordinance No. 18269 adopted and approved July 20, 2004; and authorizing certain other documents and actions in connection with the issuance of the bonds, was presented.

Randy Bailes, Finance Director gave the staff report and stated that they received a total of ten bids, and the best bid was received from Griffin, Kubik, Stephens, and Thompson, Inc., at an interest rate of 4.693%. He explained that the proceeds from the bonds would be used to pay a 13.3 million dollar debt obligation to the Kansas Police and Fire Retirement System and pay the cost of issuing the bonds. He continued to explain that the low interest rate would save the City of Topeka approximately 1.1 million dollars over the next eleven years.

Dennis Loyd and Jeff White, Financial Advisors with Columbia Capital Management appeared for questions.

Councilmember Haynes asked how much interest would be paid in the first year.

In response, Jeff White stated that 1.7 million dollars would be paid in interest.

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

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

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 east side of NW Rochester Road, the centerline of which is approximately 810-feet north of U.S. Highway 24 in the City of Topeka, Kansas from "R-1" Single Family Dwelling District and "C-4" Commercial District ALL TO "PUD" Planned Unit Development District placed on first reading July 6, 2004 was again presented. (PUD04/3)

Bill Fiander, Planning Department gave the staff report and stated that the Topeka Planning Commission recommended disapproval on June 21, 2004 because of several issues relating to the site plan design and area traffic flow. The following issues were discussed:

- Reducing the size of the pylon signs on U.S. Highway 24 and along Rochester Road
- Prohibiting outside storage trailers on the lot
- Landscaping within the interior of the parking lot
- Adding a employee walkway within the parking lot
- Adding a separate access to the Lardner Monuments property
- The widening of Rochester Road
- Adding left turn lanes to Highway 24
- Adding a signal light at the intersection of Rochester Road and NW 25th Street
- Enclosing Frontage Road along Highway 24

He further explained that following a Traffic Impact Analysis (TIA) Study it was discovered that by reducing the speed of the cycle lane on Rochester Road the "traffic stacking" problem could be resolved. The reduction in speed would allow the intersection to operate at a service level C, an improvement over the current service level D. He also stated that the applicant has agreed to pay for all suggested trafficway improvements.

Councilmember Alcalá asked why the "traffic stacking" problem was not addressed in the initial proposal from the traffic engineers, and he also asked if it would be necessary for additional trafficway improvements in the future.

In response, Bill Fiander stated that the new service level was an acceptable traffic

condition and it was only after the TIA model simulation at the public hearing that they discovered there would be a “traffic stacking” problem on Rochester Road and Tyler Street. The only option that would improve future traffic flow problems would be to construct an additional outlet in and out of Rochester Road.

Vern Jarboe, attorney for the applicant stated that it was not his understanding that there was a “stacking problem”, and the Planning Commission did not supply them with the information until a few days prior to the Council meeting.

Dave Lotz, traffic engineer for the applicant stated that they have complied with all of the requests made by Council. He stated that they have agreed to the following:

- To change the zoning from “C-4” Commercial District to “PUD” Planned Unit Development District
- To remove the gas station from the site plans
- To decrease the amount of pylons signs that will be displayed
- To pay for all traffic improvements
- To install a pedestrian pathway
- To construct an additional access road for Lardner Monuments
- Create more green space by using buffer averaging

Mike Wahlstedt, Tran Systems Corporation traffic engineer appeared for questions and demonstrated a Traffic Impact Analysis Simulation. He explained that the TIA Study was based on a 100 second cycling, twenty-year condition simulation. He stated that he calculated a 2% increase in traffic flow per year inconjunction with the area being fully developed.

Councilmember Chancler expressed concern that the intersection at Highway 24 and Rochester Road would eventually have the same traffic problems as the intersection located at Wanamaker Road and SW 21st Street.

Councilmember Stubbs expressed concern with the speed limit in the area because of the large trucks that would be exiting from Meier’s Ready Mix and the “stacking problem” on Tyler Street.

Councilmember Pomeroy expressed concern with the entrance of the Sonic Restaurant.

Councilmember Chancler asked how many jobs the new facility would create and what the pay rate would be.

Councilmember Price inquired on how many net jobs the facility would create.

Jeff Clayton, representative for the applicant stated that there would be a total 450 jobs created and the pay rate would range from \$8.00 to \$15.00 per hour depending on length of service.

Councilmember Alcala stated that he fully supports the proposal because he believes it would promote future business in the area.

Brenden Long, City Attorney noted that the proposal must receive a super majority vote for approval because the Planning Commission recommended disapproval.

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

Councilmember Haynes made a substitute motion to override the Planning Commission's recommendations and approve the proposal with the stipulation that the applicant must comply with staff recommendations. The motion seconded by Councilmember Nave failed.

Councilmember Duffy, Stubbs, Preisner and Price voted "no". (5-4-0)

ORDINANCE NO. 18291 introduced by Councilmember Lisa Stubbs amending the provisions of City of Topeka Code Chapter 30 and Section 54-102 concerning the use of paintball guns within the city limits of Topeka, and specifically repealing said original sections placed on first reading July 13, 2004 was again presented.

Margaret Masilionis stated that proper zoning should be implemented prior to issuing paintball licenses.

Robert Otto, owner of Sports Zone appeared in support of the ordinance and stated that he has received a huge response in support of allowing recreational paintball gun use within the city limits.

John Ostrowski, co-owner of Sports Zone spoke in support of the ordinance and stated that it would take a substantial investment by them to provide a safe and fun environment for the sport and believes that it would generate a large amount of revenue for the City.

John Palma, property owner adjacent to the Sport Zone expressed concern with the noise, safety and liability of the activity.

Councilmember Chancler asked who would supply the liability insurance.

Brenden Long stated that the activity would be covered under a general liability policy.

Councilmember Stubbs clarified that this ordinance only sets the policy and does not grant any licenses. She also asked Chief Klumpp to explain the safety procedures that would be put into place following the adoption of the ordinance.

Ed Klumpp, Chief of Police stated that their main concern is safety. The applicant would be required to provide a safety plan that would include a barrier to protect the surrounding areas and muffle the noise to the public, require adequate training by persons over the age of 18 and require liability insurance coverage.

Councilmember Haynes moved to amend the ordinance to add the word "City Council" on line 107 and 138. The motion died due to a lack of second.

Councilmember Chancler stated that she believes they should increase the cost of the application fee due to the amount of revenue that would be generated from this activity.

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

CHARTER ORDINANCE NO. 94 introduced by Councilmembers Lisa Stubbs, Bill Haynes, Duane Pomeroy, Jeff Preisner and Gary Price relating to a change in the form of government for the City of Topeka, Kansas repealing Charter Ordinance Numbers 65, 66, 72, 73, 75, 87, 90, and 92 and any other Ordinance in conflict herewith placed on first reading July 13, 2004 was again presented.

Brenden Long recommended several technical amendments to the ordinance. He suggested to delete sections "13-1008d through 13-1008h" on line 16, add section "25-2110A" on line 17, and delete the words "The district councilmembers" on line 133 of the ordinance.

Councilmember Haynes moved to amend the ordinance as suggested by the City Attorney. The motion seconded by Councilmember Stubbs carried. Councilmembers Alcalá and Chancler voted "no". (7-2-0)

Councilmember Chancler stated that she believes that the citizens should have the option to choose the Councilmembers if a new form of government is adopted.

Councilmember Chancler moved to amend page 6, section D, of the ordinance, "all Councilmembers will run for re-election in 2005, the even number districts would run for a 2-year term and the odd number districts would run for a 4-year term." The motion seconded by Councilmember Duffy failed. Councilmembers Pomeroy, Alcalá, Haynes, Stubbs, Preisner and Price voted "no". (3-6-0)

Betsy Rohleder, Joseph Ledbetter, Betty Phillips, Gene Hiatt, JoAnn Peavler, Cliff Cormier, Fred Sanders, Brian Treadwell, JR Campbell, Jenny Prichard, Allyn Locner and Bob Sherburne spoke in support of the ordinance and stated that the citizens of Topeka should be allowed to vote on the change in the form of government.

Dave Perkins spoke in opposition of the ordinance and stated that what matters is the

qualifications and competence of the individuals in charge, and changing the form of government does not resolve the problem.

Councilmember Alcalá moved to amend the ordinance by deleting lines 77 and 78. The motion was seconded by Councilmember Chancler.

Councilmember Stubbs made a substitute motion to include a disclosure in the ordinance concerning felony convictions. The motion seconded by Councilmember Price carried.

Councilmember Pomeroy voted "no". (8-1-0)

Councilmember Chancler moved to amend the ordinance to change the age limit back to 18 years of age. The motion seconded by Councilmember Pomeroy carried. Councilmember Alcalá voted "no". (8-1-0)

Councilmember Pomeroy moved to amend the ordinance to make the Mayor the tenth voting member, requiring six votes for passage of items and remove veto power. The motion died due to lack of a second.

Councilmember Alcalá stated that he was inundated with telephone calls and emails relating to the change in the form of government, and believes that it is very important to allow the community the opportunity to vote on the issue.

Councilmember Chancler stated that she believes it would have a negative impact on the minority and further restrict District 3 from moving forward.

Councilmember Price stated that he supports the ordinance and believes that the citizens of Topeka should have the opportunity to vote on the issue.

Councilmember Nave stated that he spoke with several people in the community and believes the community does not want change, however, it is their right to choose.

Councilmember Stubbs stated that she believes it is a process that “sets up success” and

is a positive move. She also stated that like all new policies, it would probably need to be adjusted in the beginning.

The charter ordinance was adopted as amended on roll call vote as follows: Ayes: Pomeroy, Alcala, Haynes, Stubbs, Preisner, and Price -6. Noes: Chancler, Nave and Duffy voted "no". (6-3-0)

A CHARTER ORDINANCE introduced by Councilmember Clark Duffy amending City of Topeka Charter Ordinance Code Sections A2-19, A2-20, A2-31, A2-32, and A2-33, concerning the office of City Manager, and repealing the originals of said code sections placed on first reading July 13, 2004 was again presented.

Councilmember Duffy explained his ordinance and stated that they need to take politics out of government and concentrate on the qualifications of the people.

Councilmember Nave stated that they need to identify and fix what is broken in the current form of government.

Mayor McClinton clarified that this charter ordinance changes the name of the current position of Chief Administrative Officer to City Manager.

The charter ordinance was not adopted on roll call vote as follows: Ayes: Pomeroy, Nave and Duffy -3. Noes: Alcala, Chancler, Haynes, Stubbs, Preisner and Price -6.

Councilmember Alcala moved to extend the meeting through First Readings. The motion seconded by Councilmember Pomeroy carried. Councilmember Duffy voted "no". (8-1-0)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA RESOLUTION NO. 7488 encouraging the Kansas State Legislature to adopt legislation concerning the consolidation of the City of Topeka and Shawnee County into one governmental entity was presented.

Councilmember Duffy moved to approve the Joint Shawnee County Resolution and City of Topeka Resolution. The motion seconded by Councilmember Haynes carried.

Councilmembers Alcalá, Stubbs and Price. (6-3-0)

ORDINANCE NO. 18292 introduced by Mayor James A. McClinton relating to fees and specifically amending City of Topeka Code Sections 26-58, 26-123, 26-139.1.5, 26-204, 26-251, 26-255, 26-446, 26-454, 26-463, 26-521, 30-53, 30-62, 30-67, 30-71, 66-103, and 118-59 and specifically repealing said original sections placed on first reading May 4, 2004 was again presented.

Neil Dobler, Public Works Director gave the staff report.

Councilmember Nave gave the committee report and stated that it was removed from the Policy and Finance Committee “Without Recommendation” on June 29, 2004.

Councilmember Price moved to accept the committee report. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

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

ORDINANCE NO. 18293 introduced by Councilmember Clark Duffy establishing a licensing fee for mobile restaurants, mobile food service units or push carts in the City of Topeka, amending City of Topeka Code Sections 30-302, 30-304, and 30-306, and specifically repealing said original sections placed on first reading May 4, 2004 was again presented.

Councilmember Nave gave the committee report and stated that the Policy and Finance Committee recommended “Do Pass” on June 29, 2004. He also stated that an amendment was made to the ordinance to change the application fee from \$500 to \$250 every six months.

Councilmember Nave moved to accept the committee report. The motion seconded by

Councilmember Haynes 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. 18294 introduced by Councilmember Clark Duffy, concerning business and occupation license and permit fees, repealing Topeka City Code Sections 142-701, 142-702, 142-703, and 142-704, and amending Topeka City Code Sections 14-162, 30-52, 30-54, 30-55, 30-56, 30-60, 30-63, 30-65, 30-68, 30-70, 30-71, 30-72, 30-73, 30-74, 30-75, 30-76, 30-77, 30-78, 30-79, 30-158, 30-304, 70-57, 114-154, and 130-72, and specifically repealing said original section placed on first reading May 4, 2004 was again presented.

Councilmember Nave gave the committee report and stated that the Policy and Finance Committee recommended “Do Pass” on June 29, 2004.

Councilmember Nave moved to accept the committee report. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

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

ORDINANCE NO. 18295 introduced by Mayor James A. McClinton, granting to Kansas Gas Service, a division of ONEOK, Inc., its successors and assigns, a natural gas franchise in the City of Topeka, Kansas, prescribing the terms thereof and relating thereto, an repealing portions of Ordinance No. 15667 placed on first reading March 9, 2004 was again presented.

Neil Dobler gave the staff report.

Vic Miller spoke in opposition of the ordinance and stated that he believes it is premature because the budget has not been finalized. He also stated that this would have the biggest affect on the poor.

Councilmember Alcala stated that he would prefer to raise the mill levy because the lower income people can receive a tax refund through the Homestead Act.

J.R. Campbell stated that he opposes the ordinance and it should be postponed until budget proceedings are complete.

Councilmember Alcala moved to amend by adding a subsection to the ordinance that would give individuals making less than \$25,000 a year a franchise tax fee refund. The motion was seconded by Councilmember Haynes.

Brenden Long, City Attorney suggested that they construct a separate document to regulate a refund policy for low-income people.

Councilmember Alcala withdrew his motion.

Councilmember Duffy stated that a refund policy should be implemented by the State of Kansas.

Councilmember Stubbs stated that the State already has programs available to assist low-income people with their utility bill.

John DeCoursey, Kansas Gas Service attorney stated that there are programs available directed through SRS that are based on a person's income.

Councilmember Nave inquired on the percentage of people that participate in the program.

Councilmember Chancler stated that most of the programs available run out of funding.

Councilmember Alcala stated that they attempted to raise money through local charity to help the poor with their utility bills and the funding ran out a month ago.

Councilmember Pomeroy suggested that they become more proactive with the Corporation Commission to help raise money.

Councilmember Stubbs stated that they should become more proactive in the repair of low-income homes to help lower utility expense.

Councilmember Duffy stated that he is against raising property taxes because this document is a property lease agreement for the use of City easement, not an increase in franchise fees.

Councilmember Alcalá moved to defer the ordinance until budget proceedings. The motion was seconded by Councilmember Haynes.

Councilmember Duffy stated that they are required by law to print the budget by next week, and he believes that this is a revenue source that needs to be included in the budget to prevent an increase in the mill levy.

Councilmember Chancler stated that she cannot support this ordinance knowing that an increase in franchise fees will be passed down to the taxpayers by the State of Kansas.

Councilmember Pomeroy stated that if a franchise fee is passed on to the taxpayer it would provide a wider tax base for the City of Topeka, because it would include non-for-profit organizations and government entities.

Councilmember Stubbs stated that they have a limited choice of revenue at this point and a decision needs to be made so that they can publish the budget with a lower mill level.

The ordinance was adopted on roll call vote as follows: Ayes: Pomeroy, Nave, Duffy, Stubbs, Preisner, and Price -6. Noes: Alcalá, Chancler and Haynes -3.

ORDINANCE NO. 18296 introduced by Mayor James A. McClinton, pertaining to the transportation, distribution, and sale of natural gas or other energy through pipelines or distribution systems in the City of Topeka, requiring a franchise placed on first reading March 9, 2004 was again presented.

Neil Dobler gave the staff report.

Councilmember Preisner stated that he has spoke with several constituents in his district and they would prefer to pay more in property taxes instead of an increase in franchise fees.

The ordinance was adopted on roll call vote as follows: Ayes: Pomeroy, Nave, Duffy, Stubbs, Preisner, and Price -6. Noes: Alcalá, Chancler and Haynes -3.

ORDINANCE NO. 18297 introduced by Mayor James A. McClinton, granting to Westar Energy, Inc., its successors and assigns, an electric energy franchise in the City of Topeka, Kansas, prescribing the terms thereof and relating thereto, and repealing Ordinance No. 15667 placed on first reading February 10, 2004 was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Pomeroy, Nave, Duffy, Stubbs, Preisner, and Price -6. Noes: Alcalá, Chancler and Haynes -3.

RESOLUTION NO. 7489 introduced by Councilmembers Clark Duffy and John Nave relating to the use of the proceeds from the proposed increase in franchise fees on electrical, natural gas and transported gas within the City of Topeka, was presented. This resolution was deferred from the meeting of June 22, 2004.

Councilmember Duffy moved to approve the resolution. The motion seconded by Councilmember Nave carried. Councilmembers Alcalá, Chancler and Haynes voted "no". (6-3-0)

RESOLUTION NO. 7490 introduced by Councilmember Bill Haynes relating to a Balanced Budget and Surplus Policy for the City of Topeka was presented. This resolution was deferred from the meeting of July 6, 2004.

Councilmember Haynes explained the resolution and read a short article in relation to the policy.

Jim Langford, Budget Director stated that he supports the policy because it would give

them more funding options.

Councilmember Duffy stated that he would not support the resolution until after the budget proceedings have been completed.

Councilmember Stubbs stated that she believes it is a wise fiscal policy, however, because it was not implemented with the proposed budget she cannot support it. She also stated that she would support the policy if presented with the 2006 budget.

Councilmember Pomeroy moved to defer the resolution until August 24, 2004. The motion was seconded by Councilmember Alcalá.

Councilmember Stubbs made a substitute motion to amend the resolution to become effective on January 1, 2005. The motion seconded by Councilmember Price carried.

Councilmembers Pomeroy, Chancler, Haynes and Duffy voted "no". (5-4-0)

Councilmember Stubbs moved to approve the resolution as amended. The motion seconded by Councilmember Price carried. Councilmembers Pomeroy, Chancler and Duffy voted "no". (6-3-0)

RESOLUTION NO. 7491 introduced by Councilmember Clark Duffy relating to implementation of the Topeka/Shawnee County Comprehensive Metropolitan Plan 2025 and the designation of jobs of high demand for the Advantage Topeka Program was presented.

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

RESOLUTION NO. 7492 introduced by Councilmember Clark Duffy relating to the implementation of the Economic Development Element of the Topeka/Shawnee County Comprehensive Metropolitan Plan 2025 and to study existing sources of financing for economic development opportunities within the city limits of Topeka was presented.

Councilmember Pomeroy moved to approve the resolution. The motion seconded by Councilmember Duffy carried. Councilmembers Alcalá, Chancler, Haynes and Stubbs voted "no". (5-4-0)

RESOLUTION NO. 7493 introduced by Councilmember Clark Duffy regarding implementation of the Economic Development Element of the Topeka/Shawnee County Comprehensive Metropolitan Plan 2025 and development of an incubator and an industry cluster was presented.

Councilmember Pomeroy moved to approve the resolution. The motion seconded by Councilmember Preisner carried. Councilmembers Alcalá, Chancler, Haynes and Stubbs voted "no". (5-4-0)

A RESOLUTION introduced by Councilmember Clark Duffy relating to implementation of the Topeka/Shawnee County Comprehensive Metropolitan Plan 2025 and health care coverage for individuals, small business and entrepreneurs was presented.

Councilmember Pomeroy moved to approve the resolution. The motion seconded by Councilmember Preisner failed. Councilmembers Alcalá, Chancler, Haynes, Stubbs, and Price voted "no". (4-5-0)

RESOLUTION NO. 7494 introduced by Councilmember Clark Duffy relating to the status of the implementation of the Economic Development Element of the Topeka/Shawnee County Comprehensive Metropolitan Plan 2025 was presented.

Councilmember Stubbs stated that she is opposed to the resolution because the JEDO Board already has the authority to set policy.

Councilmember Duffy stated that implementation of the organizations and how they carry out their duties is important to the economic development of the City, and if they are not

being carried out there needs to be a policy in place to do so.

Councilmember Pomeroy moved to approve the resolution. The motion seconded by Councilmember Preisner carried. Councilmembers Alcalá, Chancler, Haynes and Stubbs voted "no". (5-4-0)

A PUBLIC IMPROVEMENT PETITION, PROJECT BUDGET in the amount of \$1,050,000 and RESOLUTION NO. 7495 introduced by Mayor James A. McClinton authorizing Improvement Project No. 60604-01 as more specifically described herein was presented.

Neil Dobler gave the staff report.

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

A REVISED PROJECT BUDGET in the amount of \$2,190,000 and RESOLUTION NO. 7496 introduced by Mayor James A. McClinton describing Improvement Project No. 29007-03 which provides for the installation of a sanitary sewer along Furman Road to US Hwy 24 and amendment to the project budget as more specifically described herein was presented.

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

CONTRACT NO. 34451 between the City of Topeka and South Central Kansas Education Service Center (New Directions) to lease space at the Oakland Community Center was presented.

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

CONTRACT NO. 34452 authorizing the Mayor to grant an extension of time to the

Optimization Study consulting firm Management Partners, Inc., until August 3, 2004 to complete its contractual obligations with the City of Topeka was presented.

Councilmember Nave moved to approve the contract. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor James A. McClinton, authorizing Improvement Project No. 13087-03, which provides for the removal and reinstallation of exiting granite pavers at the north plaza entry to City Hall as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by Councilmembers Bill Haynes, Duane Pomeroy, Jeff Preisner, Gary Price, and Lisa Stubbs calling an election to be held on the 2nd day of November, 2004, for the purpose of voting on Charter Ordinance No. 94 was presented for first reading.

AN ORDINANCE introduced by Councilmember Duane Pomeroy authorizing Downtown Topeka, Inc., to sell and dispense cereal malt beverages during the Downtown Live Outdoor Concert and Bike Show on Thursday, August 5, 2004 was presented for first reading.

NO FURTHER BUSINESS appearing the meeting was adjourned at 11:35 p.m.

Iris Walker
City Clerk