

City Council Minutes – October 5, 2004

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 5, 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 Muller -9. Mayor James A. McClinton presided -1.

AFTER THE MEETING was called to order, prayer was offered by Rabbi Lawrence Karol, Temple Beth Sholom.

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

Councilmember Preisner moved to suspend the Council Rules to add two ordinances relating to Heartland Park Improvements to the agenda under First Readings. The motion seconded by Councilmember Stubbs carried. Councilmember Alcalá voted "no". (8-1-0)

Councilmember Preisner moved to reinstate the Council Rules. The motion seconded by Councilmember Nave carried. Councilmember Alcalá voted "no". (8-1-0)

THE CONSENT AGENDA was presented as follows:

Minutes of the Regular Meeting of September 28, 2004, were presented.

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

A COMMUNICATION requesting publication of the public hearing notice to hold a public hearing on October 19, 2004 to amend the Adopted 2004 Operating Budget was presented.

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

RESOLUTION NO. 7530 introduced by Mayor James A. McClinton authorizing the preparation of an annexation extension of services plan and report for certain areas of Shawnee County was presented.

Councilmember Stubbs moved to approve the resolution. The motion was seconded by Councilmember Preisner.

Councilmember Alcalá stated that he would not support the resolution because he believes that they have not had an adequate amount of time to read the information and make an informed decision.

The motion to approve carried. Councilmember Alcalá voted "no". (8-1-0)

RESOLUTION NO. 7531 introduced by Mayor James A. McClinton, setting forth the City of Topeka's intention to acquire one (1) pumper fire truck, pursuant to K.S.A. 12-110c was presented.

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

RESOLUTION NO. 7532 introduced by Councilmember Lover Chanler amending Topeka City Council Rules and Procedures, specifically Rule 2.12, and rescinding said original section was presented.

Councilmember Alcalá moved to approve the resolution. The motion was seconded by Councilmember Chanler.

Councilmember Preisner called the question.

Councilmember Alcalá challenged the call.

The vote on if the question shall be called failed. Councilmembers Pomeroy, Alcalá, Chanler, Duffy, Haynes and Muller voted "no". (3-6-0)

Ted Mize, Todd Valley, Bonnie Gish and Bob Sherburne spoke in support of the resolution.

Councilmember Chancler stated that she received numerous calls in support of the resolution. She also stated that there are people in the community who want to hear public comment but are either unable or have no desire to attend the meeting.

Councilmember Pomeroy suggested that they televise public comment one meeting a month.

Councilmember Haynes moved to make an amendment to the resolution, to include the statement, "In order to provide an opportunity for citizens who want to speak to the City Council on television, the Public Communications and Comments section of the agenda at the end of the fourth meeting each month shall be televised live. The motion seconded by Councilmember Pomeroy carried. Councilmembers Nave, Duffy, Stubbs and Preisner voted "no". (5-4-0)

Councilmember Stubbs stated that she opposes the resolution because they are conducting a business meeting, not a time for people to air their personal complaints. She also stated that since they have stopped televising that portion of the meeting constructive criticism has dramatically increased from the public.

Councilmember Stubbs made a substitute motion to include a "time delay" system for the public comment segment of the meeting. The motion seconded by Councilmember Haynes failed. Councilmembers Alcalá, Chancler, Nave, Haynes and Duffy voted "no". (4-5-0)

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

AN ORDINANCE introduced by Councilmember Duane Pomeroy authorizing the sale and consumption of cereal malt beverage during the Downtown Live Outdoor Concert on Friday, October 15, 2004 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 at 2909 and 2925 SW 37th Street in the City of Topeka, Kansas from "R-1" Single Family Dwelling District with Special Permit for a recreational facility ALL TO "PUD" Planned Unit Development ("C-2" use group, limited exclusively to commercial recreational facility) was presented for first reading. (*PUD04/9*)

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 at 1015 SW Wanamaker Road in the City of Topeka, Kansas from "R-1" Single Family Dwelling District TO "C-2" Commercial District was presented for first reading. (*Z04/48*)

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 at the northeast corner of SW 8th Avenue and SW Mulvane Street in the City of Topeka, Kansas from "M-1" Two Family Dwelling District with Resolution of Intent for "E" Multiple Family Dwelling District, "M-2" Multiple Family Dwelling District, "M-2" Multiple Family Dwelling District with Resolution of Intent for "E" Multiple Family Dwelling District and "O&I-2" Office and Institutional District, with "Special Permits (SP74/15 and SP67/4) for parking lots" ALL TO

“MS-1” Medical Service District was presented for first reading. (Z04/49)

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 west side of SW Washburn Avenue the centerline of which is approximately 90 feet south of SW 16th Street in the City of Topeka, Kansas from “M-1” Two Family Dwelling District TO “O&I-2” Office and Institutional District was presented for first reading. (Z04/53)

AN ORDINANCE introduced by Mayor James A. McClinton, authorizing Improvement Project No. 12060-00, Part A, which provides for the design of a new bridge on SW 29th Street over the south branch of the Shunganunga Creek 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 Mayor James A. McClinton, authorizing Street Improvement Project No. 60444-02, which provides for the construction of SW 20th Park as a 29’ wide asphalt street as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically rescinding City of Topeka Resolution No. 7463 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, authorizing Improvement Project No. 70142-01, which provides for the design and right-of-way acquisition to reconstruct badly deteriorated concrete pavement on SE California from Interstate 70 to SE 21st Street 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 Mayor James A. McClinton, authorizing Improvement Project No. 70190-01, which provides for the design and right-of-way acquisition to improve

traffic safety on East 6th Street 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 Mayor James A. McClinton, authorizing Improvement Project No. 86248-00, which provides for the City's acquisition and renovation of the current EBA Building located at 620 SE Madison 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 Mayor James A. McClinton, authorizing Project No. 60580, Phase 2, which provides for the renovation of the racetrack and a portion of the paddock and pit area at Heartland Park of Topeka 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 Mayor James A. McClinton, authorizing Project No. 60580, Phase 3, which provides for completion of the renovation of the paddock and pit area and construction of buildings located at Heartland Park of Topeka as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

Ted Mize appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:50 p.m.

Iris Walker
City Clerk