

City Council Minutes – October 12, 2004

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 12, 2004. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcalá, Chancler, Duffy, Nave, Haynes, Stubbs, Preisner and Muller -8. Mayor James A. McClinton presided -1. Absent: Councilmember Pomeroy -1.

AFTER THE MEETING was called to order, prayer was offered by Dick Dickinson, First Congregational Church.

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

THE CONSENT AGENDA was presented as follows:

Minutes of the Regular Meeting of October 5, 2004, were presented.

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Nave 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, October 12, 2004, at 7:00 P.M. in conjunction with Conditional Use Permit request CU04/6 by the Board of Shawnee County Commissioners to establish a yard waste composting facility at 600 NW Winter Street in the City of Topeka, Kansas.

A RESOLUTION introduced by Mayor James A. McClinton in accordance with Section 48-4.02(c)(2) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a yard waste composting facility on property currently zoned “R-1” Single Family Dwelling District and located east of the City of Topeka Forestry disposal site (600 NW Winter Street) in the City of Topeka, Kansas was presented. (CU04/6)

Bill Fiander, Planning Department gave the staff report. He explained that the request is to establish a public yard waste composting facility to serve the citizens of Topeka and Shawnee

County. He stated that the neighborhood is comprised of vacant undeveloped agricultural ground located within the floodplain of the Kansas River. He also explained that access to the site would be obtained through the existing drive located in the City of Topeka's Forestry Landfill area. He stated that the Planning Commission recommended approval by a vote of 11-0-0 on September 20, 2004.

Councilmember Duffy expressed concern with the proposal because he believes it may duplicate current city services. He stated that the City's long-term goal is to provide services that compliment both the City and County.

Councilmember Duffy moved to close the public hearing and refer the proposal to the Public, Health and Safety Committee. The motion seconded by Councilmember Nave carried. Councilmember Alcalá voted "no". (7-1-0)

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, October 12, 2004, at 7:00 P.M. in conjunction with Conditional Use Permit request CU04/8 by B&F L.L.C., at 1730 SW Washburn Avenue in the City of Topeka, Kansas.

RESOLUTION NO. 7533 introduced by Mayor James A. McClinton in accordance with Section 48-8.02(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 "M-1" Two Family Dwelling District and located at 1730 SW Washburn Avenue in the City of Topeka, Kansas was presented. (CU04/8)

Bill Fiander gave the staff report and explained that this application is one of three applications that were received. He stated that the applicant is requesting to use the site as an Oxford House, housing up to eight residents. He explained that the subject property is part of the Chesney Park Neighborhood Improvement Association and is an older, central Topeka

neighborhood, comprised of residential dwellings. He stated that they received two additional applications that were denied. He also stated that the Planning Commission recommended approval by a vote of 10-1-0 on September 20, 2004, and the site is in compliance with the "Oxford House Lane" Operation Statement and site plan.

Councilmember Duffy expressed concern with the other two applicants and asked if they were seeking legal action or have been ordered to leave by a certain date. He also stated that he supports the proposal because it is an excellent example of managing group homes throughout the city.

Bill Fiander stated that the remaining two applicants were not seeking legal action and have been given a deadline to comply with City regulations.

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

A PROJECT BUDGET in the amount of \$2,500,000 and ORDINANCE NO. 18318 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 placed on first reading October 5, 2004 was again presented.

Neil Dobler, Public Works Director gave the staff report and stated that Heartland Park is requesting early approval of the project budget in order to apply for a major SCCA Event that would take place in 2006. He stated that actual construction would begin sometime in the middle of 2005.

Councilmember Chancler asked for clarification on the financing of the project.

Neil Dobler explained that the project would not be bonded until a year from now.

Raymond Irwin, representative for Heartland Park appeared for questions. He stated that the completion of the project would allow them to place a bid on the largest SCCA Sports Car Club of America Event in 2006. He stated that this event would generate approximately 14 million dollars a year for the City of Topeka. He stated that the possibility of receiving the bid is very strong due to the fact that the SCAA company headquarters is located in Topeka, and the second largest SCAA event is already held at Heartland Park, making Topeka, a prime location for the 2006 event.

Shirley Wishom spoke in opposition of the proposal and stated that the 5 million dollars that is going to be allocated to Heartland Park should be used for other citywide improvements.

Councilmember Stubbs stated that 5 million dollars is a small investment compared to the economic impact it will have on the community.

Councilmember Haynes moved to amend Section 2 of the ordinance to read, "The section will read, "No City funds shall be expended or any contract for services or material awarded for Project No. 60580, Phase 2 until the Development and Management Agreement between Lario Enterprises, Inc., as assigned to Jayhawk Racing, L.L.C. and the City as been amended to assure that the facility and real estate stay in the ownership of the City of Topeka as long as the general obligation bonds issued to pay for the project are outstanding. Further, the Mayor shall not have the authority to execute any amendment to the Development and Management Agreement unless authorized to do so by resolution of the City Council." The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

Councilmember Stubbs moved to approve the project budget and adopt the amended ordinance. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

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

A PROJECT BUDGET in the amount of \$2,500,000 and ORDINANCE NO. 18319 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 placed on first reading October 5, 2004 was again presented.

Neil Dobler gave the staff report.

Raymond Irwin appeared for questions and stated that it is crucial that they are granted the total 5 million dollars to assure that the project will be completed. He stated that last year Heartland Park generated a total economic impact of 60 million dollars to the community.

Shirley Wishom spoke in opposition of the proposal and ask why Heartland Park does not pay rent or property taxes on the land and who receives the profits.

Councilmember Alcalá stated that the large economic impact on the community justifies a rent-free facility.

Councilmember Nave commended Mr. Irwin for partnering with the City of Topeka and revitalizing the racetrack. He stated that the economic impact opportunity is too great to pass up.

Councilmember Chancler stated that the City could not afford to lose the amount of money that would be generated from Heartland Park events. She also asked if the event would increase area employment.

In response, Raymond Irwin stated that is would greatly increase seasonal employment.

Councilmember Stubbs moved to amend Section 2 of the ordinance to read: “No City funds shall be expended or any contract for services or material awarded for Project No. 60580, Phase 2 until the Development and Management Agreement between Lario Enterprises, Inc., as assigned to Jayhawk Racing, L.L.C. and the City as been amended to assure that the facility and real estate stay in the ownership of the City of Topeka as long as the general obligation bonds issued to pay for the project are outstanding. Further, the Mayor shall not have the authority to execute any amendment to the Development and Management Agreement unless authorized to do so by resolution of the City Council.” The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

Councilmember Preisner moved to approve the project budget and adopt the ordinance as amended. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

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

ORDINANCE NO. 18320 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, place on first reading October 5, 2004 was again presented.

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

A ZONING PETITION and ORDINANCE NO. 18321 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) placed on first reading October 5, 2004 was again presented. (*PUD04/9*)

Bill Fiander gave the staff report.

Kent Lamars and Bill Sheahan, Wood Valley, Inc., appeared for questions.

Mayor McClinton asked if there were any additional exparte communications besides Councilmembers Alcala and Stubbs. There were none declared.

Councilmember Stubbs moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

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

A ZONING PETITION and ORDINANCE NO. 18322 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 placed on first reading October 5, 2004 was again presented. (*Z04/48*)

Bill Fiander gave the staff report.

Rick Schmidt, Schmidt Engineering Company appeared for questions.

Henry McClure spoke in support of the proposal.

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 Stubbs carried unanimously. (8-0-0)

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

A FINAL PLAT for 1015 S.W. Wanamaker Subdivision located at 1015 SW Wanamaker Road in the City of Topeka, Kansas was presented. (P04/24)

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

A ZONING PETITION and ORDINANCE NO. 18323 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 presented for first reading October 5, 2004 was again presented. (Z04/49)

Bill Fiander gave the staff report.

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

Councilmember Stubbs moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember Nave carried unanimously. (8-0-0)

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

A ZONING PETITION and ORDINANCE NO. 18324 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 placed on first reading October 5, 2004 was again presented. (Z04/53)

RESOLUTION NO. 7534 introduced by Mayor James A. McClinton in accordance with Section 48-4.02(c)(9)(12)(14) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a commercial broadcasting and/or receiving tower; private utility structure communications tower; telecommunication equipment and accessory facility on property currently zoned "O&I-2" Office and Institutional District and located at 1607 SW Washburn Avenue in the City of Topeka, Kansas was presented. (CU04/7)

Bill Fiander gave the staff report.

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

Councilmember Duffy asked if this property was a part of the initial downzoning of the neighborhood and stated that he believes the project does not coordinate with the Washburn-Lane Parkway Plan.

In response, Bill Fiander stated that the property was not a part of the initial downzoning area and has been used as a parking lot for over twenty years. He explained that the Washburn-Lane Parkway Plan designates the land use for this area as "Mixed Use" and the reclassification of the property accommodates the expansion of the Cox facility and is consistent with the

“Mixed Use” classification.

Councilmember Duffy stated that he would not support the proposal because he believes it is not consistent with the Washburn-Lane Parkway Plan. He stated that he does not understand why the Planning Department supports commercial usage, instead of encouraging private individuals to invest in the area.

Mayor McClinton asked if there were any additional exparte communications besides Councilmembers Duffy and Stubbs. There was none declared.

The motion to approve the zoning petition, adopt the ordinance, and approve the resolution carried. Councilmembers Chancler, Nave and Duffy voted "no". (5-3-0)

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

A PROJECT BUDGET in the amount of \$45,000 and ORDINANCE NO. 18325 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 placed on first reading October 5, 2004 was again presented.

Neil Dobler gave the staff report.

Councilmember Duffy stated that it is a good project, however, he would not support it because they are using General Obligation Bonds instead of private investors to the fund the project.

Councilmember Preisner moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Stubbs carried. Councilmember Duffy voted "no". (7-1-0)

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

A PROJECT BUDGET in the amount of \$133,974 and ORDINANCE NO. 18326 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 placed on first reading October 5, 2004 was again presented.

Neil Dobler gave the staff report.

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

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

A PROJECT BUDGET in the amount of \$150,000 and ORDINANCE NO. 18327 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 placed on first reading October 5, 2004 was again presented.

Neil Dobler gave the staff report.

Councilmember Duffy asked if there were any potential private investors to fund the project.

Councilmember Nave stated that there is a potential private investor east of California Avenue between SE 21st Street and I-70.

Councilmember Duffy stated that it is a good project that he cannot support because it is going to be financed through General Obligation Bonds instead of private investors.

Councilmember Stubbs suggested that they amend the ordinance to include a tax increment financing option.

Councilmember Duffy moved to amend line 29 of the ordinance to include a tax increment financing option. The motion was seconded by Councilmember Stubbs.

Councilmember Chancler and Alcalá stated that they believe the motion is premature because they need more information pertaining to tax increment financing.

The motion to amend carried. Councilmembers Chancler, Alcalá and Nave voted "no". (5-3-0)

Councilmember Preisner moved to approve the project budget and adopt the ordinance as amended. The motion seconded by Councilmember Nave carried. Councilmember Duffy voted "no". (7-1-0)

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

A PROJECT BUDGET in the amount of \$291,860 and ORDINANCE NO. 18328 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 placed on first reading October 5, 2004 was again presented.

Neil Dobler gave the staff report.

Councilmember Duffy stated that it is a good project that he cannot support because it is going to be funded by General Obligation Bonds instead of private investors.

Councilmember Stubbs move to amend line 30 of the ordinance to include tax increment financing. The motion seconded by Councilmember Preisner carried. Councilmembers Alcala, Preisner and Nave voted "no". (5-3-0)

JoAnn Peavler and John Moyer spoke in support of the project.

Councilmember Chancler commended the East Neighborhood Improvement Association for addressing the problem in a positive manner.

Councilmember Preisner moved to approve the project budget and adopt the ordinance as amended. The motion seconded by Councilmember Chancler carried. Councilmember Duffy voted "no". (7-1-0)

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

A PROJECT BUDGET in the amount of \$5,946,984 and 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 placed on first reading October 5, 2004 was again presented.

A RESOLUTION introduced by Mayor James A. McClinton, adopting the 2004-2005 Capital Budget for the City of Topeka, Kansas, and rescinding City of Topeka Resolution No. 7524 was presented.

Neil Dobler gave a brief presentation on the acquisition and renovation of the EBA

Building proposal. The following items were discussed:

- A detailed financial breakdown of the total project cost
- The proposed departments that are scheduled to move
- The financial impact of the proposal including pros and cons
- Improved public parking and public access
- Improved service and staff
- Revitalization of the area

In conclusion, he stated that they would appreciate a decision on the proposal as soon as possible in order to move forward with the purchase of the EBA building, or begin leasing negotiations that must be complete by the end of the year.

Councilmember Alcalá stated that he is not prepared to make a decision on the proposal at this time because he needs more financial information.

Councilmember Alcalá moved to refer the proposal to the Committee of the Whole until October 26, 2004. The motion was seconded by Councilmember Haynes.

Councilmember Stubbs asked how the decision was made in regards to choosing the EBA Building as the best option.

Neil Dobler stated that they hired Schwerdt Design Group, Inc., Bartlett & West Engineers, and Latimer, Sommers & Associates, PA., to conduct a study on the top four building options. He stated that the report reflected that the EBA Building was the best option.

Councilmember Haynes inquired on the availability of the study for the Council's review.

Several Councilmembers expressed concern with the need for more financial information regarding the purchase of the EBA Building.

The motion to defer until October 26, 2004 carried unanimously. (8-0-0)

FINAL PLAT for Sherwood Estates Subdivision No. 63 located on the northeast corner of the intersection of SW 41st Street and SW Indian Hills Road in unincorporated Shawnee

County, Kansas was presented.

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

RESOLUTION NO. 7535 introduced by Mayor James A. McClinton authorizing the expenditure of Zoo Improvement Reserve Funds for the purpose of resurfacing zoo service roads, pursuant to City of Topeka Code Section 2-328 was presented.

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

RESOLUTION NO. 7536 introduced by Mayor James A. McClinton declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of transportation enhancement funds set forth by the Federal Transportation Equity Act for the 21st Century for Street Improvement Project No. 18027-00, which provides for the I-70 beautification project and authorizing Mayor James A. McClinton to sign the application was presented.

Neil Dobler gave the staff report.

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

RESOLUTION NO. 7537 introduced by Mayor James A. McClinton setting the public hearing for Trafficway Impact Fee District No. 70183-00, for the construction of South Kansas Avenue from SW 37th Street to the Interstate 470 and South Topeka Boulevard intersection was presented.

Neil Dobler gave the staff report.

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

RESOLUTION NO. 7538 introduced by Councilmember Clark Duffy canceling the Council meeting of November 2, 2004 was presented.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Muller carried. Councilmember Alcalá voted "no". (7-1-0)

RESOLUTION NO. 7539 introduced by Councilmember Tiffany Muller concerning early detection of breast and cervical cancer was presented.

Councilmember Muller moved to amend the resolution to include the statement "The City Clerk is hereby directed to provide a copy of this Resolution by certified mail to the Shawnee County Commission and the Director of the Shawnee County Health Agency." The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

Councilmember Muller moved to approve the resolution as amended. The motion seconded by Councilmember Chancler carried unanimously. (8-0-0)

Councilmember Stubbs and Councilmember Duffy commended Councilmember Muller for introducing the resolution and encouraging participation by the City and County.

Dave Graversen, Chief Administrative Officer stated that because action was not taken on the EBA Building proposal there may be some challenges relating to the financing of the building.

Jim Langford, Budget Director stated that he agrees with Mr. Graversen regarding the EBA Building proposal. He stated that the Temporary Notes for the purchase of the EBA Building were scheduled for sale on October 26, 2004. He also stated that because there was no action taken concerning the project budget it may have jeopardized the issuance of the

Temporary Notes. He stated that he wanted the Council to understand that they may have to consider other financial options to pay for the project.

AN ORDINANCE introduced by Mayor James A. McClinton, authorizing Park Project No. 30248-00, which provides for development of Highland Crest Park 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 Councilmember Lisa Stubbs relating to housing and neighborhood development, repealing City of Topeka Code Section 42-6, and amending City of Topeka Code Section 42-4, as amended by City of Topeka Ordinance No. 18263 and specifically repealing said original sections was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, was presented.

Councilmember Preisner announced that there would be a Public, Health and Safety Committee meeting held on October 18, 2004 at 12:00 noon in the City Council Office.

Councilmember Nave announced that there would be a Policy and Finance Committee meeting held on October 18, 2004 at 4:15 p.m. in the City Council Office.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen stated that he would distribute a report regarding the Neighborhood Revitalization Act and Tax Increment Financing to the Council in the near future. He also announced that he would not be present at the October 19, 2004 City Council meeting because he would be attending the City Managers Conference in San Diego, California.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, was presented.

Councilmember Duffy submitted a pending request per Council Rule 5.3 relating to the annexation of Sherwood Estates Subdivision No. 63.

James Bolden, William Gomez, John Moyer and Nancy Daniels appeared to speak under public comment.

Councilmember Duffy moved to adjourn into executive session for a period not to exceed fifteen minutes to discuss issues relating to non-elected personnel. The motion seconded by Councilmember Nave carried unanimously. (8-0-0)

Following a ten-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 10:25 p.m.

Iris Walker
City Clerk