

City Council Minutes – December 7, 2004

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 7, 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.

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

AFTER THE MEETING was called to order, prayer was offered by Chaplin Lieutenant Colonel Don Davidson.

Councilmember Duffy moved to suspend the Council Rules to add a communication appointing Steven R. Ebberts as the Administrative Municipal Judge to the agenda, under New Business, item H. The motion seconded by Councilmember Preisner carried. Councilmember Chancler was out of the room. (8-1-0)

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

Councilmember Alcalá requested to pull item 3A, a communication regarding appointments to the Topeka Planning Commission for separate discussion.

THE CONSENT AGENDA was presented as follows:

Minutes of the Regular Meeting of November 23, 2004, were presented.

Dance Hall License applications bearing the approval of the Chief of Police and City Inspectors for the following were presented:

<u>Business</u>	<u>Address</u>
American Legion Post 400	3029 NW Hwy 24
Club Cosmos	1421 SW Lane
Jeremiah Bullfrog's	4115 SW Huntoon
Skinny's	4016 SW Huntoon

Cereal Malt Beverage License applications bearing the approval of the Chief of Police and City Inspectors for the following were presented:

<u>Business</u>	<u>Address</u>
AJ's Express	1611 SE 29 th Street
Brass Rail Tavern	401 NE Emmett Street
Hunam	5005 W 19 th Street
Miami Tavern	3026 NE Seward
North Topeka Golf Center	350 NE Hwy 24
Pizza Parlor	1919 NE Seward
Taco Tico	2101 N. Topeka

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

A COMMUNICATION recommending the appointment of Gabriela Vega and the re-appointment of Sabrina Wells, Larry Mack, Jr., and Joyce Romero to the Topeka Planning Commission for a three-year term that would expire on October 31, 2007 was presented.

Councilmember Alcalá distributed a sheet listing the attendance record of the Topeka Planning Commission members. He briefly reviewed the City Code and stated that each member is only allowed three absences a year. He stated that he would like to defer the item for one week to allow the Chairperson the opportunity to explain absences.

Councilmember Alcalá moved to defer the communication for one week and approve the appointment of Gabriela Vega. The motion was seconded by Councilmember Preisner.

Councilmember Chancler made a substitute motion to approve all of the appointments of and defer the re-appointment of Joyce Romero for one week. The motion was seconded by Councilmember Nave.

Councilmember Pomeroy requested a report on Topeka Planning Commission Board vacancies.

The substitute motion carried. Councilmember Haynes voted "no". (8-1-0)

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, December 9, 2004, at 7:00 P.M. regarding a proposed loan in an amount not to exceed \$10,500,000 to be taken by the City from the Kansas Public Water Supply Loan Fund administered by the Kansas Department of Health and Environment pursuant to K.S.A. 65-163c *et seq.*

RESOLUTION NO. 7556 introduced by Mayor James A. McClinton authorizing filing of necessary documents with the Kansas Department of Health and Environment (KDHE), for loans under the Kansas Public Water Supply Loan Fund (K.S.A. 65-3321 through 65-3329) and specifically rescinding City of Topeka Resolution Nos. 7501 and 7502 was presented.

Neil Dobler, Public Works Director gave the staff report.

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

A FINAL PLAT for Rockfire at the Lake Subdivision located at the northwest corner of SE 45th Street and SE Croco Road within unincorporated Shawnee County, Kansas, was presented. This was deferred from the meeting of November 9, 2004. (P04/6)

David Thurbon, Planning Director gave the staff report.

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

Karl Capps, developer distributed a compact disk presentation to each Councilmember regarding the Rockfire by the Lake Project.

AN ORDINANCE introduced by Mayor James A. McClinton relating to municipal court procedures, repealing City of Topeka Code Section 50-91, amending City of Topeka Code Sections 50-52, 50-54, 50-55, 50-58, 50-61, 50-73, 50-75, 50-78, 50-79, 50-80, 50-100, and 50-

101 and specifically repealing said original sections placed on first reading November 23, 2004 was again presented.

John Knoll, Assistant City Attorney gave the staff report and stated that the ordinance would make technical amendments to the code of procedure for Municipal Court. He gave a brief overview of the provisions that would be largely affected by the amendments including; speedy trial provision, arrest and bench warrant provision, and truth and sentencing provision.

David Price stated that a government body could not exempt themselves from State law regarding the right to a speedy trial.

Brenden Long, City Attorney clarified that the constitutional law guarantees a person the right to a speedy trial and does not require a time limit provision. He explained that each state has an individual policy regarding the definition of a speedy trial and the State of Kansas has set the provision at 180 days.

Councilmember Muller moved to adopt the ordinance. The motion was seconded by Councilmember Duffy.

Councilmember Chancler stated that she opposes the amendment because it eliminates the opportunity for leniency regarding sentencing.

Councilmember Stubbs stated that she agrees with Councilmember Chancler and suggested sending the ordinance to the Policy and Finance Committee.

Councilmember Stubbs made a substitute motion to refer the ordinance to the Policy and Finance Committee. The motion seconded by Councilmember Chancler carried.

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

A PROJECT BUDGET in the amount of \$663,450 and ORDINANCE NO. 18353 introduced by Mayor James A. McClinton, authorizing Improvement Project No. 12058-00,

which provides for the removal and replacement of the Willow Street bridge over Ward Creek as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading November 23, 2004 was again presented.

Neil Dobler gave the staff report.

Councilmember Preisner moved to approve the project budget 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 Muller -9.

A PROJECT BUDGET in the amount of \$199,915 and ORDINANCE NO. 18354 introduced by Mayor James A. McClinton, authorizing Improvement Project No. 14102-00, which provides for the removal and installation of traffic signals, and replacement of sidewalk ramps as more specifically described herein, all pursuant to Section A12-1 of Code of the City of Topeka placed on first reading November 23, 2004 was again presented.

Neil Dobler gave the staff report.

Councilmember Duffy inquired on the use of acquired energy savings to finance the project.

Neil Dobler stated that the majority of energy saving has been a direct result of replacing iridescent bulbs with LED bulbs in the traffic signals. He stated that they are replacing the equipment in this particular traffic signal because the signal equipment is old.

Councilmember Nave moved to approve the project budget 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, Alcala, Chancler, Nave, Haynes, Duffy, Stubbs, Preisner and Muller -9.

ORDINANCE NO. 18355 introduced by Councilmember John Alcala, regarding the unlawful use of a Jake Brake, amending Topeka City Code Section 142-194 and specifically repealing said original section placed on first reading November 23, 2004 was again presented.

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

RESOLUTION NO. 7557 introduced by Mayor James A. McClinton, pursuant to City of Topeka Codes Section 130-377 concerning sidewalk repairs at locations more specifically described herein was presented.

Neil Dobler gave the staff report.

Councilmember Pomeroy stated that not all of the sidewalk addresses that are listed in his district are complete. He also asked who is responsible for the sidewalk repairs for the Imperial Garden restaurant located at 10th and Kansas Avenue, and the sidewalk repairs located on Oakley Street near the Hummer Sports Complex.

Councilmember Chancler stated that the ordinance is arbitrarily being forced on the citizens of Topeka and she would like to know what process is being used to determine which sidewalks have to be replaced.

Neil Dobler stated that the process is based on complaints received.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Duffy carried. Councilmember Chancler voted "no". (8-1-0)

A RESOLUTION introduced by Councilmember John Alcala relating to City contracts involving capital purchases of \$25,000 or more and the implementation of a hiring freeze, allowing the new City Manager maximum budgetary flexibility was presented.

Councilmember Alcalá explained the resolution. He stated that the purpose of the document is to allow the City to have an oversight of purchases in 2005 and he strongly encourages a hiring freeze.

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

Councilmember Haynes moved to make an amendment to include the statement, “Be it further resolved by the Council of the City of Topeka that upon adoption and approval of this resolution administration is encouraged to obtain approval of the City Council before hiring until a City Manager is hired.” The motion was seconded by Councilmember Alcalá.

Councilmember Muller made a substitute motion to send the resolution to the Government Transition Committee for review. The motion was seconded by Councilmember Preisner.

Councilmember Chancler stated that the 2005 budget would not affect the new City Manager because the budget is already finalized. She also stated that it is very important for the City to move forward during the government transition.

Councilmember Pomeroy stated that the Government Transition Committee is moving forward expeditiously, and the resolution would be addressed in a timely manner.

Councilmember Duffy stated that he supports sending the resolution to committee, and he believes it would give the new City Manager the flexibility needed to help achieve the City’s financial goals.

The motion to refer to the Government Transition Committee carried unanimously.

(9-0-0)

RESOLUTION NO. 7558 introduced by Mayor James A. McClinton describing Trommel Screen Purchase Project No. 17033-02 which provides for the purchase of a trommel screen as more specifically described herein was presented.

Adam Moser, Forestry Department gave the staff report.

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

RESOLUTION NO. 7559 introduced by Mayor James A. McClinton and Councilmember Clark Duffy, directing the City Attorney's office to meet with the private and public utilities and the Kansas Corporation Commission to discuss the establishment of a community standard for the trimming of trees by private and public utilities was presented.

Councilmember Duffy stated that he has met with utility representatives, the Kansas Corporation Commission, and the Parks and Recreation Department to discuss the issue. He explained that the utility companies are very concerned with doing what is right for the community while ensuring safety and reliability. He stated that he is optimistic that improvements can be made.

Councilmember Stubbs stated that this resolution does not imply that Westar Energy was not willing to negotiate because they have always been available for discussion.

Councilmember Stubbs moved to strike the words "improper and irresponsible" on line 11 of the resolution. The motion was seconded by Councilmember Duffy.

Councilmember Chancler requested that they also discuss the trimming of trees surrounding streetlights during their deliberations.

Councilmember Pomeroy stated the he opposes the amendment because there have been numerous improper tree trimmings displayed throughout the city.

Councilmember Alcala stated that there is a need for specific regulations to prevent what has happened in the past, therefore, he will oppose the amendment.

Councilmember Preisner called the question.

Councilmember Alcala challenged the call.

The call for the question failed. Councilmembers Pomeroy, Alcala, Duffy and Stubbs voted "no". (5-4-0)

Larry McCullaugh, Westar Energy representative gave a brief presentation on their Line Clearance Program. He stated that the main goal is to ensure safety and reliability for their customers. He explained that Westar Energy follows nationally recognized standards and procedures. He also stated that line clearance work is prioritized by using circuit outage performance statistics.

The motion carried. Councilmembers Pomeroy, Alcala, Chancler and Preisner voted "no". (5-4-0)

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

RESOLUTION NO. 7560 introduced by Councilmember Clark Duffy canceling the Council meeting of December 28, 2004 was presented.

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

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA
RESOLUTION introduced by Councilmembers John Alcala, Tiffany Muller, Duane Pomeroy, John Nave and Lover Chancler expressing the Topeka City Council and Shawnee County Board of Commissioners' intention to consolidate the City of Topeka Parks and Recreation Department

with the Shawnee County Parks and Recreation Department into a single County agency was presented.

Councilmember Alcalá moved to approve the joint Shawnee County Resolution and City of Topeka Resolution. The motion was seconded by Councilmember Pomeroy.

Councilmember Nave stated that he removed his name from the resolution because it was the will of the voters to have the State look at consolidation.

Councilmember Alcalá moved to amend line 18 of the agreement to extend the deadline to May 1, 2005. The motion was seconded by Councilmember Haynes.

Mayor McClinton stated that he agrees with Councilmember Nave and believes that they should support the will of the voters and let the State create a committee to conduct the study.

Councilmember Pomeroy stated that consolidation of the Parks and Recreation department makes the most sense because it has been studied.

Councilmember Duffy stated that he opposes the consolidation because tax equity is a concern and it would eliminate the City Parks and Recreation Department, which is an urban service, not a county service.

Councilmember Stubbs stated that an interlocal agreement would accomplish what they want regarding tax equity for both City and County Parks and Recreation Departments. She also stated that the agreement would not hinder future consolidation of City and County governments.

Councilmember Chanler stated she opposes the resolution because she believes that they should allow State legislature the opportunity to study City-County government consolidation as a whole and listen to what the voters want.

Councilmember Muller stated she opposes the resolution and agrees with the concerns expressed regarding tax equity and City-County consolidation as a whole.

The motion to amend carried. Councilmembers Chancler, Nave, Stubbs and Preisner voted "no". (5-4-0)

The motion to approve as amended failed. Chancler, Duffy, Nave, Stubbs, Preisner and Muller voted "no". (3-6-0)

CONTRACT NO. 34790 an interlocal agreement relating to financing countywide infrastructure development and economic development to be funded by a one-half of one-cent countywide retailers' sales tax was presented.

Councilmember Duffy moved to refer the contract to the Economic and Community Development Committee. The motion was seconded by Councilmember Nave.

Councilmember Alcala made a substitute motion to approve. The motion was seconded by Councilmember Chancler.

Councilmember Haynes distributed proposed amendments as follows:

- Amendment No. 1 relates to Joint Economic Development Organization (JEDO) and amends subparagraph 1(a) and paragraph 2 by deleting the word "Mayor"; delete the words "two Councilmembers" and inserting the statement "three elected officials (Councilmembers and/or Mayor) to be selected by the City Council"; and delete the words "six City Councilmembers" and insert the words "City elected officials"
- Amendment No. 2 relates to the Finance Committee and amends paragraph 3 by deleting the words "Director of Budget and Finance" and inserting the words "City Manager or a designee".
- Amendment No. 3 relates to project scheduling and amends paragraph 8 by deleting the words "The Finance Committee" and inserting the words "The governing bodies and"; insert the words "project and payment" before the word "schedule" on line 6; insert the words "formal approval of the projects" after the word "to" on line 6.
- Amendment No. 4 relates to the commitment to the agreement and amends paragraph 11. He suggested deleting the words "reasonably necessary".

Councilmember Haynes moved to approve the amendments as distributed. The motion was seconded by Councilmember Chancler.

Councilmember Pomeroy stated that he opposes striking the word “Mayor” in the first paragraph.

Councilmember Muller stated that she also is opposed to striking the word, “Mayor” because that is the only JEDO member that is elected at large. She also expressed concern with removing “Director of Budget and Finance” and replacing it with “City Manager and/or designee” without staff input.

Councilmember Duffy asked to divide the question.

The motion to approve Amendment No. 1 relating to JEDO failed. Councilmembers Pomeroy, Chancler, Duffy, Nave, Stubbs and Muller voted "no". (3-6-0)

The motion to approve Amendment No. 2 relating to the Finance Committee carried unanimously. (9-0-0)

The motion to approve Amendment No. 3 relating to project scheduling carried unanimously. (9-0-0)

The motion to approve Amendment No. 4 relating to the commitment of the agreement carried unanimously. (9-0-0)

Brenden Long, City Attorney distributed proposed amendments as follows:

- Amendment No. 1 relates to excess sales tax and adds a new subparagraph (a) to paragraph 3 to read as follows; “Upon the later of the expiration or termination of the sales tax and the completion of and payment for the projects described/listed in Attachment A and the Topeka Boulevard Bridge project, the committee shall inform the City and County of any money remaining in the account. Unless otherwise agreed to by the parties, these excess monies, less any economic development (as provided by paragraph five of this agreement) or county bridge (as provided by paragraph six of this agreement) commitments, shall be distributed to the City and County in the proportional rates at provided by Kansas law at the time of the excess monies determination.”
- Amendment No. 2 relates to county bridges and amends paragraph 6 by adding the words “each year of the sales tax” following the word “collected” on line 3.
- Amendment No. 3 relates to the Topeka Boulevard Bridge Project and amends paragraph 7 by adding the statement, “The Topeka Boulevard Bridge project shall include, but not be limited to, the planning and construction projects previously approved by the Council of the City of Topeka pursuant to ordinance nos. 17701, 17814, 18041, and 18317.”

Councilmember Muller moved to approve the amendments as distributed by the City Attorney. The motion seconded by Councilmember Muller carried unanimously. (9-0-0)

Councilmember Duffy stated that he believes there are two main issues that need to be addressed; the appropriate oversight of taxpayer’s dollars, and to insure that funds are spent in the best way possible in terms of projects for economic development throughout the city. He continued to explain that the most effective way for funding accountability would be to follow the city ordinance that was specifically crafted to allocate funds through contracts, not an interlocal agreement.

He also expressed concern with the language that was deleted in the new agreement regarding expenditure of funds for the economic development strategy in the Comprehensive Plan. He also inquired on the economic goals that have been set by JEDO and Go Topeka and asked if those goals include No. 6 and No. 8.

Councilmember Pomeroy stated that it would be difficult for the Councilmembers that serve on the JEDO Board to respond to Councilmember Duffy's inquiries because they were not directly involved in the writing of the economic strategy of the Comprehensive Plan.

Councilmember Haynes read the last paragraph on page 1 of the old agreement and asked why the language regarding the expenditure of revenue that is raised is deleted from the new agreement.

Mayor McClinton stated that the current agreement was created from the County Commission's recommendations and can be modified by the Council prior to approval.

Councilmember Pomeroy suggested adding the language back into the agreement.

Brenden Long stated that all projects listed in the economic development strategy should be eligible for funding through the one quarter-cent sales tax revenue. He also stated that the decision must to be approved by JEDO and the County Commission.

Councilmember Duffy moved to amend the agreement to add the statement, "Economic Development is defined by the implementation of the economic development priorities based on a yearly basis by the Joint Economic Development Organization guided by the Joint Shawnee County Development Plan to the extent that such a plan has been adopted by both parties." The motion was seconded by Councilmember Stubbs.

Councilmember Stubbs asked Councilmember Duffy if the second "whereas clause" regarding the list of what the County is considering for economic development, and the second paragraph located on page 3 regarding the timeline for setting JEDO priorities for the following year, addresses his concerns on funding projects.

Councilmember Chancler clarified that the City accounts for 4 of the 7 votes required for funding approval of a project.

Councilmember Haynes asked Councilmember Duffy how he would like to change the wording of the new agreement to address his concerns.

Councilmember Duffy stated that he would like the agreement to include guidance of economic development priorities.

Councilmember Muller stated that if JEDO is not going to pursue the entire Comprehensive Plan then they need to identify which strategies they would like them to address.

Councilmember Preisner called the question.

The motion on if the question shall be called failed. Councilmembers Alcalá, Chancler, Haynes and Stubbs voted "no". (5-4-0)

Councilmember Duffy asked who in local government is responsible for the development of the Comprehensive Plan. He stated that the Council needs to benchmark the City-County priorities because the JEDO set the priorities not the City. He expressed the need for a communication mechanism to provide all Councilmembers with responses to inquiries.

Brenden Long stated that they could create language for the agreement that would address the needs of the Council.

Councilmember Duffy moved to amend the agreement to require independent contractors to respond to inquiries from both voting and non-voting board members of County or City government. The motion was seconded by Councilmember Preisner.

Councilmember Stubbs stated that she believes that the Council is responsible for their own actions regarding the JEDO Board setting priorities.

Councilmember Chancler stated that the priorities are only based on the recommendations of the City and County and carryover into the next year if none are identified in the current year.

Councilmember Preisner called the question.

Councilmember Duffy challenged the call.

The motion on if the question shall be called failed. Councilmembers Pomeroy, Haynes, Duffy and Muller voted "no". (5-4-0)

The motion to amend carried. Councilmembers Alcala, Chancler, Haynes and Stubbs voted "no". (5-4-0)

Councilmember Duffy stated that the final issue he would like to address relates to a partnership that would maximize the use of economic development opportunities between the City of Topeka and the State of Kansas by utilizing the new Economic Development Act or STAR Bonds.

Councilmember Preisner moved to approve the agreement as amended. The motion was seconded by Councilmember Stubbs.

Councilmember Pomeroy moved to amend the agreement to include that all non-voting members are alternates and may be called on to take voting members place due to absence. The motion seconded by Councilmember Chancler carried unanimously. (9-0-0)

Councilmember Duffy moved to add a provision that would include approval of all five street projects that are located in City limits. The motion died due to a lack of a second.

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

A COMMUNICATION recommending the consent of the appointment of Steven R. Ebberts as the Administrative Municipal Judge was presented.

Mayor McClinton noted the decrease in starting salary for the new Administrative Municipal Judge.

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

AN ORDINANCE introduced by Mayor James A. McClinton assessing the costs of sidewalk repair to real properties, more specifically described hereinafter, all pursuant to the authority found in Topeka City Code Sections 126-96 through 126-102, inclusive and 130-373 through 130-378 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, authorizing an amendment to the project budget for Improvement Project No. 14104-00, which provides for the installation of a new traffic signal system at the intersection of Southeast and Southwest 17th Street and Kansas Avenue, ADA compliant sidewalk ramps, and an increased radius to improve truck movement though the intersection as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, and specifically repealing City of Topeka Ordinance No. 18150 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, authorizing Improvement Project No. 86257-00, which provides for the installation of a chain length fence surrounding the Topeka Public Golf Course 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 relating to the vacation of the entire public right-of-way of SE 31st Street from an extension of the West line of Lot 2 in Block "G" to an extension of the East line of said Lot 2, as dedicated by Shawnee Estates Subdivision, in the City of Topeka, Shawnee County, Kansas was presented for first reading.

(V04S/5)

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 approximately the northwest corner of SE 30th Street and SE Turnpike Avenue in the City of Topeka, from "R-1" Single Family Dwelling District to "O&I-2" Office and Institutional District was presented for first reading. (Z75/9)

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 3010 SW 10th Avenue in the City of Topeka, from "R-1" Single Family Dwelling District to "O&I-1" Office and Institutional District was presented for first reading. (Z82/15)

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 east of SW Washburn Avenue between SW 10th Avenue and SW 11th Street in the City of Topeka, Kansas from "M-1" Two Family Dwelling District with Resolution of Intent for "D&O" Multiple Family Dwelling and Office District and "C-4" Commercial District TO "MS-1" Medical Service District and "O&I-1" Office and Institutional District was presented for first reading. (Z04/44)

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 2220 SE 29th Street in the City of Topeka, Kansas from "R-1" Single Family Dwelling District and "R-1"

Single Family Dwelling District with Resolution of Intent for “E” Multiple Family Dwelling District ALL TO “O&I-2” Office and Institutional District was presented for first reading.

(Z04/56)

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 2061 SE 29th Street in the City of Topeka, Kansas from “PUD” Planned Unit Development District with Resolution of Intent for “C-4” Commercial District ALL TO “C-2” Commercial District was presented for first reading. *(Z04/59)*

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 SE California Avenue, approximately 435 feet south of SE 25th Street in the City of Topeka, Kansas from “C-2” Commercial District with Resolution of Intent for “C-4” Commercial District ALL TO “C-2” Commercial District was presented for first reading.

(Z04/62)

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 approximately 270 feet east of California Avenue and 240 feet south of SE 25th Street in the City of Topeka, Kansas from “R-1” Single Family Dwelling District with Resolution of Intent for “C-4” Commercial District ALL TO “R-1” Single Family Dwelling District was presented for first reading. *(Z04/63)*

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 12th Street and SW Fairlawn Avenue in the City of Topeka, Kansas from “R-1” Single Family Dwelling District TO “O&I-1” Office and Institutional District was presented for first reading. (Z04/64)

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Pomeroy announced that there would be a Government Transition Committee meeting held on December 9, 2004 at 4:00 p.m. in the City Council Office.

Councilmember Preisner announced that there would be a Public, Health and Safety Committee meeting held on December 20, 2004 at 12:00 p.m. in the City Council Office.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen stated they he would distribute the information that Councilmember Duffy requested at the November 23, 2004 Council meeting next week. He also introduced the new Fire Chief, Howard Giles.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcalá commended Phil Morse for perfect attendance regarding the 2004 Planning Commission meetings.

Councilmember Pomeroy stated that the majority of the Rockfire by the Lake Subdivision projects would be located within city limits following the finalization of annexation by the County.

Mayor McClinton distributed a map to each Councilmember displaying the businesses that contributed to the City of Topeka’s 150th Year Anniversary Celebration.

Councilmember Duffy requested information on how to receive new business incentive offers, and what those incentives are for someone wanting to locate a business in the City of Topeka. He also requested the list that establishes the 2005 Economic Development and federal funding priorities for the JEDO Board. He asked to what extent JEDO is taking advantage of STAR Bonds. He stated that he believes that JEDO is not taking full advantage of State and Federal program funding to encourage economic development in the community.

Councilmember Stubbs explained that STAR Bonds have a high-risk threshold, and have only been used for one project. She also gave a brief overview of the economic programs and incentives that would be discussed at the next JEDO Board meeting. She stated that the implementation of the Disadvantage Business Program has been very successful and clarified that there are currently 22 active loans located in city limits.

NO FURTHER BUSINESS appearing the meeting was adjourned at 10:22 p.m.

Iris Walker
City Clerk