City Council Minutes – September 16, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 16, 2003. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Price and Preisner -9. Mayor Felker presided -1.

AFTER THE MEETING was called to order, Councilmember Duffy asked for a moment of silent meditation.

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

Councilmember Haynes moved to defer item 5A, a final plat and an ordinance for Monarch Meadow Subdivision for one week and defer item 5B, an ordinance relating to merchant guard licenses for four weeks. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

Councilmember Duffy moved to suspend the council rules to add an ordinance relating to the reorganization of the planning and zoning program of the City of Topeka under First readings, item C. The motion seconded by Councilmember Price carried. Councilmember Alcala and Haynes voted "no". (7-2-0)

Councilmember Duffy moved to reinstate the council rules. The motion seconded by Councilmember Price carried. Councilmember Haynes voted "no". (8-1-0)

Councilmember Lane requested that item 3B, Worker’s Compensation claim by Deborah Cherry be pulled for separate discussion.

A FINAL PLAT for South Boulevard Plaza Subdivision on property located on the east side of SW Topeka Boulevard and approximately 250 feet south of SW 45th Street in the City of Topeka, Kansas was presented. (P03/35)
RESOLUTION NO. 7393 introduced by Councilmember Duane Pomeroy granting House of Barbecue an exception to the provisions of the City of Topeka Code Section 54-148 concerning noise prohibitions and rescinding City of Topeka Resolution No. 7361, was presented.

Minutes of the Regular Meeting of September 9, 2003 were presented.

APPLICATION for a Cereal Malt Beverage License bearing the approval of the Chief of Police and City Inspectors for Brass Rail Tavern, 401 NE Emmett was presented.

Councilmember Haynes moved to approve the remainder of the Consent Agenda. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

APPROVAL of Worker’s Compensation Settlement Claim in the amount $11,797.62 for Deborah Cherry was presented.

Councilmember Lane moved to approve the Worker’s Compensation claim. The motion seconded by Councilmember Alcala failed. Councilmembers Lane, Alcala, Duffy, Stubbs and Price voted "no". (4-5-0)

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, September 16, 2003, at 7:00 P.M., in conjunction with vacation request V03E/2 by Steve and Gina Huddleston, owners, to vacate a 12-foot wide utility easement and an adjoining 12-foot wide temporary construction easement on property located at 412 NE Aspen Lane in Northland Subdivision No. ‘B’.

ORDINANCE NO. 18091 introduced by Mayor Harry Felker relating to the vacation of a 12-foot wide public utility easement and 12-foot wide adjoining temporary construction easement on property located at 412 NE Aspen Lane, as dedicated by the plat of Northland Subdivision No. ‘B’.
Subdivision ‘B’, City of Topeka, Shawnee County, Kansas placed on first reading September 9, 2003 was again presented.

Barry Beagle, Planning Department gave the staff report.

Steve Huddleston appeared for questions.

Mayor Felker gave an opportunity for anyone present to speak. No one appeared.

Councilmember Alcala moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

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

A RESOLUTION introduced by Mayor Felker authorizing and adopting the 2004-2010 Capital Improvement Program for the City of Topeka, Kansas, was presented. This was deferred two weeks from the meeting of September 2, 2003.

Jim Langford, Budget Director gave the staff presentation.

Councilmember Pomeroy suggested that they make amendments from the Current Approved 2006 Column listed in the budget handout distributed by Jim Langford.

The following projects are among those involved in a series of specific questions that were asked by the Councilmembers concerning the 2004-2010 Capital Improvement Program:

Enterprise Funded Projects for:
- Public Works/Water Pollution Control
- Public Works/Stormwater
- Public Works/Water

Other Revenue Source Projects for:
- Housing and Neighborhood Development
- Information Technology
- Public Works/Transportation
- Public Works/Bridge
- City Wide (except utilities)
General Obligation Bonded Projects for:
- Fire Department
- Parks and Recreation
- City Hall/Facilities Projects
- Community Projects
- Public Works/Transportation
- Public Works/Bridge
- Zoo

Councilmember Duffy moved to approve the Mayor’s recommendations for the 2006-2010 Enterprise Funds. The motion seconded by Councilmember Stubbs carried. Councilmember Alcala voted "no". (8-1-0)

Councilmember Preisner moved to approve the Mayor’s recommendations for the 2006-2010 Other Revenue Source Projects. The motion was seconded by Councilmember Price.

Councilmember Duffy stated that he opposed the motion because of the two projects located outside of city limits and the $850,000 allocated for city-wide rehabilitation and repair that is undesignated.

Councilmember Haynes stated that he would also oppose the motion.

Councilmember Haynes moved to amend the 2006-2010 Other Revenue Source Projects to delete the $850,000 of undesignated funds. The motion seconded by Councilmember Duffy carried. Councilmember Pomeroy, Preisner and Price voted "no". (6-3-0)

The motion to approve the Mayor’s recommendations for the 2006-2010 Other Revenue Source Projects as amended carried. Councilmembers Alcala and Pomeroy voted “no”. (7-2-0)

Councilmember Duffy moved to strike the “W 21st-Arvonia to Urish Street” project from the Other Revenue Source Projects. The motion seconded by Councilmember Haynes carried. Councilmembers Lane and Alcala voted "no". (7-2-0)
Councilmember Duffy moved to shift the financing for Streetscape Improvements from General Obligation Bonded Projects to the Business Improvement District. The motion seconded by Councilmember Stubbs carried. Councilmembers Lane and Alcala voted "no". (7-2-0)

Councilmember Nave moved to add the following California Avenue projects in the 2006-2010 Capital Improvement Program.

<table>
<thead>
<tr>
<th>Year</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>1-70 to 29th - Phase II</td>
<td>$1,172,780</td>
</tr>
<tr>
<td>2007</td>
<td>29th to 33rd</td>
<td>$3,127,091</td>
</tr>
<tr>
<td>2008</td>
<td>37th to 41st</td>
<td>$3,369,651</td>
</tr>
<tr>
<td>2009</td>
<td>33rd to 37th</td>
<td>$3,548,414</td>
</tr>
<tr>
<td>2010</td>
<td>41st to 45th (50% County)</td>
<td>$1,605,929</td>
</tr>
</tbody>
</table>

The motion seconded by Councilmember Stubbs carried. Councilmember Alcala and Haynes voted "no". (7-2-0)

Councilmember Duffy suggested working through the General Obligation Bonded Projects at a work session.

Councilmember Duffy moved to place the General Obligation Bonded Projects into the Committee of the Whole and incorporate the amendments that have already been made. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

RESOLUTION NO. 7394 introduced by Mayor Felker in accordance with Topeka City Code (TCC) Section 80-9(9), concurring with historic resource designation to the following City owned properties located in the City of Topeka, Kansas: The Dink Mothel House, Gage Park Arches and Rose Garden Pillars, Topeka City Hall, Sumner School, and Fire Station Nos. 1, 4, 6, and 7 was presented.
David Thurbon, Planning Director gave the staff report and stated that the Dink Mothel House is not owned by the City and an amendment needs to be made to exclude this property from the resolution.

Councilmember Lane moved to strike the Dink Mothel House from the resolution. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

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

Councilmember Lane requested that the City Landmark Commission notify City Homes that the Dink Mothel House was not designated as a historic landmark.

A RESOLUTION introduced by John Alcala regarding changes in the policy and procedures relating to the City’s Procurement Program was presented.

Councilmember Alcala stated that he has been presented with a resolution by Councilmember Haynes regarding the City’s Procurement Program and would like the opportunity to peruse the document in detail so that both resolutions may be incorporated into a single document.

Councilmember Alcala moved to refer the resolution to the Policy and Finance Committee. The motion seconded by Councilmember Lane carried. Councilmember Pomeroy voted "no". (8-1-0)

AN ORDINANCE introduced by Mayor Harry Felker relating to the operation of the parks and recreation advisory board responsibilities, amending Topeka City Code Section 102-58, and repealing said original section was presented for first reading.

AN ORDINANCE introduced by Mayor Felker, exempting certain property, more specifically property owned by Reser’s Fine Foods, Inc. from ad valorem taxation for economic
development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at approximately 3167 SE 10th Street, Topeka, Shawnee County, Kansas was presented for first reading.

AN ORDINANCE introduced by Councilmember Clark Duffy relating to the reorganization of the planning and zoning program of the City of Topeka, specifically creating a City of Topeka planning commission, pursuant to K.S.A. 12-741 et seq. providing for transition measures, and amending City of Topeka Code Section 110-26 through 110-50 inclusive, 110-71 through 110-77 inclusive and specifically repealing said original sections was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Stubbs announced that there would be a Public, Health and Safety Committee meeting held on September 22, 2003 at 3:00 p.m. in the City Council Office.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane extended an invitation to attend the meeting relating to education held on September 18, 2003 at 6:00 p.m. at the Kansas State Historical Society.

Councilmember Alcala requested a list of all Parks and Recreation Department Advisory Board members including addresses. He stated that the street located on the west side of the Logan School needs to be repaired as soon as possible, and asked if there is any legal action that can be taken by the City to enforce completion of the project.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Charles Criqui appeared to speak under public comment.
NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 8:50 p.m.

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Iris Walker
City Clerk