

## City Council Minutes – January 18, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 18, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcala, Lee, Dunn, Duffy, Hill, Carkhuff, Gardner, McClinton, and Pomeroy –9. Mayor Wagnon presided –1.

AFTER THE MEETING was called to order, prayer was offered by Dr. Woody Houseman, Reorganized Church of Jesus Christ Latter Day Saints.

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 January 11, 2000, were presented.

CEREAL MALT BEVERAGE APPLICATIONS bearing the approval of the Chief of Police and City Inspectors were presented from Imperial Garden, 934 S Kansas Avenue.

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

A RESOLUTION introduced by Councilmembers Betty Dunn and John Alcala relating to changing the form of government, was presented.

Mayor Wagnon explained that this item was deferred until January 18, 2000, however with the consent of the sponsors, the item will be withdrawn after it is read because of the number of items on the agenda. She stated that it would be placed on next week's agenda.

ORDINANCE NO. 17455 introduced by Mayor Joan Wagnon adopting an amendment to neighborhood revitalization plan as provided for in K.S.A. (1998 Supp.) 12-17, 114 *et seq.*, Neighborhood Revitalization Act, placed on first reading January 4, 2000 was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Dunn, Carkhuff, Duffy, Hill, Gardner, Lee and McClinton –9.

ORDINANCE NO. 17456 introduced by Mayor Joan Wagnon describing the boundaries of the capital city downtown business improvement district, amending City of Topeka Code § 42-36 and specifically repealing said original section, placed on first reading January 11, 2000 was again presented.

Councilmember Gardner moved to conceptually amend the proposed boundary changes so that the boundary would follow I-70 to Kansas Avenue and extend north to the river on Kansas Avenue. The motion was seconded by Councilmember Dunn.

Councilmember Gardner stated that his intent is to exclude several small businesses with a lot of square footage from the district because it would be a financial hardship on those businesses.

The motion to amend the ordinance carried. Councilmember Pomeroy voted “no”. (8-1-0)

The ordinance as amended was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Dunn, Carkhuff, Duffy, Hill, Gardner, Lee and McClinton –9.

A CHARTER ORDINANCE introduced by Mayor Joan Wagnon relating to general improvements and bond issuance thereof, amending § A12-1 of the Code of the City of Topeka and repealing said original section, placed on first reading December 9, 1999, was again presented.

Jeff White, Director of Budget and Research explained the purpose of the ordinance.

Councilmember Dunn questioned why there were no financial implications shown on the document.

Jeff White stated that a list of projects has not been developed. He stated that bonding was an alternative option to pay for sidewalk repairs that would provide more flexibility to the City. He stated that the current process and policy would not change with the adoption of this ordinance.

John Arnold, CAO explained that this was only a tool to use, if needed, for repairing the infrastructure in neighborhoods for infill housing.

Several Councilmembers stated that they were opposed to increasing the bond debt.

Jeff White explained the original idea to pay back general obligation bonds. He stated that the amount bonded would not change unless Council approves it. He stated that they would target the most needed areas.

Councilmember McClinton stated that he supported the initiative of the ordinance. He asked how this would affect homeowners who refused or was unable to make sidewalk repairs.

Jeff White stated that the City would cause the work to be done and then a lien would be assessed against the property.

Councilmember Hill asked if traffic control devices were included.

Jeff White stated that they were already included in the ordinance.

Linda Jeffrey, City Attorney stated that a Charter ordinance requires a two-thirds or six of nine votes for approval. She stated there is a sixty day time period for a protest petition, which begins after publication. She stated that if there was no protest, the ordinance would go into effect in April.

Jesse Campos appeared and stated that the sidewalks in his area are very poor and have not received any maintenance in years. He expressed his concern that Hispanics do not receive a proportionate share of CDBG funds.

David Price stated that he was opposed to using bonds to pay for sidewalks.

Councilmember McClinton moved to amend the ordinance to strike the word "sidewalk" from line 22. The motion was seconded by Councilmember Gardner.

Councilmember McClinton stated that there is already a policy in place and they should not circumvent it. He stated that they should pay as they go.

Councilmember Lee asked if curb cuts were included.

Linda Jeffrey explained that they would be if included with the street project. She stated that they could not identify one hundred needed curb cuts and bond them.

The motion to amend the ordinance failed. Councilmembers Pomeroy, Alcalá, Dunn, Lee and Hill voted “no”. (4-5-0)

The ordinance was not adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, and Hill –3. Noes: Councilmembers Dunn, Carkhuff, Duffy, Gardner, Lee and McClinton –6.

Mayor Wagnon extended a point of personal privilege to introduce Senator Rick Gooch. She stated that he was a veteran of the Wichita City Council prior to becoming a veteran of the State Senate.

PROJECT BUDGET for Waterworks Project No. 28418, appropriating \$4,500,000 for design and construction of the 2000 Water Main Replacement Program, was presented.

RESOLUTION NO. 7036 introduced by Mayor Joan Wagnon, relating to Waterworks Project No. 28418 for water line replacement and authorizing the same, was presented.

Karen Holstein, Chief Financial Officer explained the financing of the project.

Councilmember Lee moved to approve the project budget and adopt the resolution. The motion seconded by Councilmember Carkhuff carried unanimously. (9-0-0)

LEGISLATIVE POLICY for discussion and adoption, was presented.

Doug Smith appeared to answer questions.

Councilmember Alcalá questioned the purpose of the document.

Mayor Wagnon explained that the value is to let the delegation know in broad general terms what they are interested in.

Councilmember Alcalá stated that he was opposed to the amount the City was paying lobbyists for representation.

Councilmember Pomeroy stated that he supports efforts of lobbyists. He stated that they should have someone there to represent the City’s interest.

Councilmember Carkhuff gave the Committee report. He highlighted the significant changes that were added or deleted by the Policy Committee.

Councilmember Dunn noted that the Federal Government created a task force to determine how taxes could be monitored and collected with Internet sales.

Councilmember Dunn expressed her concern about the statement concerning the Redevelopment Authority. She stated that she was opposed to giving any authority more power than the Governing Body.

Councilmember Gardner stated that he would rather they come up with an authority that would specifically fit the City instead of a broad policy.

Mayor Wagnon stated that the Legislature would have to decide what power they need, and then the Governing Body would determine what power they would give them and what entity would be created.

Councilmember Carkhuff moved to adopt the Committee report. The motion seconded by Councilmember Pomeroy carried. Councilmembers Alcala and Gardner voted “no”. Councilmember Hill was out of the room. (6-3-0)

Councilmember Carkhuff stated that the Committee identified supporting the entry of high quality childcare services for non-traditional hours of operation.

Councilmember Hill stated that she supported enhancing childcare programs that would provide more benefits to children, especially for those just starting school.

Councilmember Lee moved to incorporate “the legislature should be encouraged to preserve tobacco funds for children’s issues and services” into the policy. The motion seconded by Councilmember Dunn carried. Councilmember Gardner voted “no”. Councilmember Pomeroy was out of the room. (7-2-0)

Councilmember Lee moved to strike “reasonable” and “essential” from the “Environmental Quality” statement and delete the “Drinking Water Standards” statement. The motion seconded by Councilmember Duffy carried. Councilmembers Gardner and Carkhuff voted “no”. (7-2-0)

Councilmember Lee moved to delete “major financial problems” and replace with “possibility of high cost” and add “the continuation” following the word support in the second sentence of the “Infrastructure” statement. The motion seconded by Councilmember McClinton carried. Councilmember Gardner voted “no”. (8-1-0)

Councilmember McClinton moved to adopt the amended legislative policy statement. The motion was seconded by Councilmember Carkhuff.

Councilmember Dunn asked if the earnings tax could be added to the policy.

Mayor Wagnon stated that it would probably not have a very good chance of being passed based on her experiences with the legislature.

Councilmember Gardner stated that he was opposed to the policy statement for the following reasons: the B.I.D. partnership that is already established; new tax on Internet sales; City-wide jurisdiction for Municipal Court; Redevelopment Authority is too vague; and Open Meetings Act language of the League of Municipalities.

The motion to adopt the amended legislative policy statement carried. Councilmembers Gardner, Alcalá and Duffy voted “no”. (6-3-0)

ORDINANCE NO. 17457 introduced by Mayor Joan Wagnon 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 3701, 3731, and 3751 S.W. Wanamaker Road in the City of Topeka, Kansas, from “R-1” Single Family Dwelling District to “C-2” Commercial District, placed on first reading January 11, 2000, was again presented. (Z86/32)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Dunn, Carkhuff, Duffy, Gardner, and McClinton –6. Noes: Councilmembers Alcalá, Lee, and Hill –3.

RESOLUTION NO. 7037 introduced by Mayor Joan Wagnon authorizing initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Traffic Signal Installation Project No. 14083, at the intersection of Southwest Burlingame Road and Southwest 33<sup>rd</sup> Street, was presented.

Mike McGee, Deputy Director of the Public Works Department gave the staff report. He stated that they needed an additional four hundred square feet to complete project. He stated that the property owner was unwilling to communicate with the City. He noted that this location does meet the warrant.

Councilmember Gardner stated that he was opposed to the ordinance because it seems unwarranted. He asked why pedestrians were not using the already in place lighted signals one block north or one block south of the proposed area.

Councilmember Carkhuff stated that the traffic signal was badly needed for pedestrian and child safety because of early morning activity. He stated that they would continue to try to communicate and negotiate with the property owner.

Mayor Wagnon stated that she has received numerous calls in support of this project.

Councilmember Carkhuff moved to adopt the resolution. The motion seconded by Councilmember McClinton carried. Councilmember Alcalá voted “no”. (8-1-0)

AN ORDINANCE introduced by Mayor Joan Wagnon authorizing initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Traffic Signal Installation Project No. 14083, at the intersection of Southwest Burlingame road and Southwest 33<sup>rd</sup> Street, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of a lateral sanitary sewer with piping, manholes, engineering and all other contingencies needed to complete

Sanitary Sewer Improvement Project No. 40869, as defined and described in Resolution No. 6816, adopted and approved on October 14, 1997, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60332-H, Ph. II with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60332-H, Ph. II as defined and described in Resolution No. 6893, adopted and approved June 19, 1998, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to zoning petition, filing fees, amending City of Topeka Code § 134-97. Filing Fees and specifically repealing said original section, was presented for first reading.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by Mayor Joan Wagnon relating to zoning petition filing fees, amending City of Topeka Code § 48-33.06. Filing Fees and specifically repealing said original section, was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, CAO commended the Planning Department for the work they have done with the booklet on the Historic North Topeka Revitalization Plan. He stated that it was a fine piece of work and encouraged the Council to study the detail of the booklet.

Mayor Wagnon stated that she has invited Lawrence Kilduff, Consultant for Neighborhood Development to do a workshop on Neighborhood Economic Development on Wednesday, January 19 from 9:00 a.m.- Noon in the Homestead Room of the Expocentre's Manor Conference Center.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Dunn stated that she and Councilmember Hill recently attended the League of Municipalities Conference in Los Angeles, California. She distributed information that she received from Bob



Knight, Mayor of Wichita regarding his work on racism. She stated that he has received attention at the national level and she was sharing the information in light of the upcoming Martin Luther King holiday.

Councilmember Duffy distributed a handout of that included five proposed ordinances and two proposed resolutions to implement the City of Topeka's economic goals and strategies. He asked the Council to review the documents.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent.

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Iris Walker  
City Clerk