

## City Council Minutes – March 28, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 28, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Lee, Hill, and Gardner –9. Mayor Wagnon presided-1.

AFTER THE MEETING was called to order, prayer was offered by Councilmember Dunn.

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

THE CONSENT AGENDA was presented as follows:

Minutes of the Regular Meetings of March 14 and 21, 2000, were presented.

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

Mayor Wagnon extended a point of personal privilege to Councilmember Alcalá.

Councilmember Alcalá introduced Mrs. Jaye Parkerson so that she could present a proposal regarding youth violence.

Jaye Parkerson stated that she would like to begin a quilt in remembrance of those who have died because of violent acts in Kansas. She stated that the quilt could be displayed at area schools so that it would help make students think and stop violence.

ORDINANCE NO. 17482 introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supp.) 12-520, located in the 2400 block of S.W. Stutley Road, and said land being annexed for all City purposes, is hereby assigned to a specific City Council District in accordance with Section A2-18 of the Code of the City of Topeka, placed on first reading March 21, 2000, was again presented. (A00/1)

ORDINANCE NO. 17483 introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supp.) 12-520, located in the 2300 and 2400 blocks of S.W. Romar Road, S.W. Rother Road, and S.W. Indian Hills Road, and said land being annexed for all City purposes, is

hereby assigned to a specific City Council District in accordance with Section A2-18 of the Code of the City of Topeka, placed on first reading March 21, 2000, was again presented. (A00/2)

ORDINANCE NO. 17484 introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supp.) 12-520, located in the vicinity of S.W. Stutley Road and the City boundary, and said land being annexed for all City purposes, is hereby assigned to a specific City Council District in accordance with Section A2-18 of the Code of the City of Topeka, placed on first reading March 21, 2000, was again presented. (A00/3)

Jeff White, Public Works Director gave the staff report. He stated that these areas requested to be annexed in order to receive water service. He stated that there are approximately fifteen homes in the area. He noted that there would be a minimal cost to the City for these annexations.

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

All three ordinances were adopted on roll call vote as follows: Ayes: Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Lee, Hill, and Gardner –9.

ORDINANCE NO. 17485 introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supp.) 12-520, located in the vicinity of S.W. 41<sup>st</sup> Street and the City boundary, said land being annexed for all City purposes and hereby assigned to a specific city Council District in accordance with Section A2-18 of the Code of the City of Topeka, placed on first reading March 21, 2000, was again presented. (A00/4)

Jeff White gave the staff report. He stated that no one currently lives in this area and there are approximately forty-three lots in the subdivision.

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

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

Funding recommendations regarding Neighborhood Empowerment Grants, were presented.

Mayor Wagnon explained that in adopting the Year 25 Consolidated Plan the Council created a pool of \$314,000 to be used for a competitive grant program to empower neighborhoods. A Request for Proposals (RFP) was issued, responses were screened in accordance with criteria included in the RFP, and this funding recommendation was developed.

John Johnston, Director of Housing and Neighborhood Development (HND) stated that thirty-eight applications were received and they tried to fund as many requests as possible. To expand the pool of available funds, staff identified \$73,539 in activities that can be funded with previously allocated funds (Dumpster Program and Housing Rehab. monies). Twenty-seven of the projects were funded and the remaining eight will be considered in June. He stated that they have more CDBG funds on hand than HUD allows, and they need to spend these funds before May 31, 2000.

Councilmember Alcala asked what the Advisory Council's input was regarding the Request for Proposals (RFP).

John Johnston stated that there were two meetings that they could have had provided input but they addressed process instead.

Councilmember Alcala asked if conflict of interest was discussed. He also expressed concerns that HND made it difficult for the NIAs to obtain documents relating to the funding recommendations, and they did not work with the people in the neighborhoods to partner with the City.

Following a discussion on if there is conflict of interest if voting members of the Advisory Council also benefit from the funds, Mayor Wagnon referenced a letter that was distributed to Councilmembers from William Boyd, Deputy Director of Community Planning and Development, Kansas City HUD office which explained how HUD looked at the conflict of interest.

The Council further discussed the timeframe for opportunities to receive input from the Advisory Council on the RFPs and the cost of reproducing the documents for the Advisory Council members.

Several Councilmembers expressed their concerns that only summaries of the funding recommendations and not all RFPs that were received, were distributed to the Advisory Council. They also expressed concern about the competitive grant process and suggested that they review the process and procedures comprehensively for the next cycle of funds.

Mayor Wagnon stated that she would bring code sections 42.4 and 42.5 back to Council for review to clarify the role of the Advisory Council. She noted that these funds must be spent by May 31, 2000, so the timeliness of these projects is important.

Several people representing various Neighborhood Improvement Associations appeared and commented that the efforts of the Community Development Advisory Council (CDAC) should not be overlooked. They do not support the process that HNDD has used to obtain recommendations from CDAC. HNDD should provide full copies of all RFPs they received to all members of the Advisory Council. There was not ample time to review the department's recommendations. The proposed projects should continue to be ranked by the point system that ultimately prioritizes the projects, and they should have more citizen participation.

Several other people appeared and expressed their appreciation of the process and recommended approval of staff recommendations. The Council was also encouraged to consider a request from the Friends of the Free State Capitol, Inc. which was eliminated from the staff recommendations.

Councilmember Gardner moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Alcala carried. Councilmember Carkhuff and Duffy voted "no". (7-2-0)

Mayor Wagnon withdrew Item 6A, a Charter Ordinance regarding the Convention and Visitor's Bureau.

Mayor Wagnon explained the fiscal year of CDBG funds and stated that they are trying to change it to the same fiscal year of the City's budget. She stated that this creates problems in the first year of transition but once both budget years correspond, the problems will diminish greatly. She stated that the process is not clearly defined, and she will be asking Council to help refine the process. She encouraged the Council to focus on the recommendations and allocation of the funds.

Councilmember Gardner moved to send the recommendations back to the CDAC for one week so that they could review them. The motion was seconded by Councilmember Dunn.

Councilmember Pomeroy made a substitute motion to defer the recommendations for one week. The motion was seconded by Councilmember McClinton. Councilmember Pomeroy stated that he would like to receive written recommendation from CDAC, if they want to make one.

Several Councilmembers again expressed their concerns about the process and the importance of receiving input from citizens and the Advisory Council.

Councilmember Duffy stated that he supports the substitute motion. He stated that he would like to receive recommendations from the CDAC to the extent that they want to give it.

The substitute motion to defer the recommendations for one week carried unanimously. (9-0-0)

Councilmember Alcalá moved to direct administration to reimburse Patricia McClelland \$619.74, for the copies she made of the RFPs, subject to receipts. The motion was seconded by Councilmember Dunn.

Councilmember Pomeroy moved to amend the motion to provide each CDAC member a copy of the RFPs that have not received one.

Mayor Wagnon ruled the motion to amend out of order.

The motion failed. Councilmembers Lee, Duffy, Carkhuff, McClinton and Pomeroy voted "no". (4-5-0)

Councilmember Alcalá moved to reimburse Patricia McClelland for only the cost of the packets that were distributed to the members of the CDAC, subject to receipts. The motion seconded by Councilmember Dunn carried. Councilmembers Lee, Duffy, Carkhuff, and McClinton voted "no". (5-4-0)

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

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Iris Walker  
City Clerk

## Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 28, 2000. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Ayes: Pomeroy, Alcala, McClinton, Dunn, Carkhuff, Duffy, Lee, Hill, and Gardner –9. Mayor Wagnon presided-1.

### 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 on March 28, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8<sup>th</sup> Street for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the City Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 60543-H, authorized by Resolution No. 6932, adopted and approved October 6, 1998.

Bill McCarter gave the staff report. He explained that the project required a large storm sewer and the City participated with costs in the amount of \$36,623.72. One street is 39 feet back to back instead of the traditional residential 29 feet back to back. The final project cost totaled \$489,000.

Councilmember Lee thanked Bill for the work he has done with the project and for addressing the drainage problems in the area.

Mayor Wagnon gave an opportunity for anyone present to speak.

Terry Cobb, Equity Ventures requested that the assessment be spread over a fifteen-year period instead of over ten years because of the high cost of the individual assessments.

Councilmember Gardner moved to close the public hearing. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

ORDINANCE NO. 17486 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. 60543-H with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60543-H as defined and described in

Resolution No. 6932, adopted and approved October 6, 1998, placed on first reading March 21, 2000, was again presented.

Councilmember Gardner moved to amend line 64, to spread the assessments over a fifteen- year period.

The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

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

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Iris Walker  
City Clerk