

City Council Minutes – April 14, 2000

EXECUTIVE CONFERENCE ROOM, Topeka, Kansas, Friday, April 14, 2000. The Councilmembers of the City of Topeka met in Special Session at 12:15 P.M., with the following Councilmembers present:

Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Lee, Hill and Gardner –9. Mayor Wagon presided –1.

Pursuant to Charter Ordinance No. 65, Article II, Section 3.4.A.5, and City Council Rules of Procedure, Section 3.2, a Special Meeting of the City Council is hereby called for Friday, April 14, 2000, to be held from 12:15 p.m. to 1:00 p.m. in the Executive Conference Room, third floor, City Hall.

The purpose of the meeting is to conduct the following business:

A GRANT APPLICATION and planning document for \$3,225,000 of FY2000 Consolidated Plan federal grant funds for Council's approval, was presented.

RESOLUTION NO. 7058 introduced by Mayor Wagon, authorizing execution of a grant agreement between the City of Topeka and the Department of Housing and Urban Development, was presented.

Mayor Wagon stated that this is the original Consolidated Plan reviewed and discussed by the Council on Tuesday, April 11, 2000.

Councilmember Pomeroy moved to adopt the plan with the recommendations of the Community Development Advisory Council (CDAC). The motion was seconded by Councilmember Duffy.

Mayor Wagon asked for a vote on the motion.

Councilmember Dunn objected to the call for the vote and that discussion was not allowed.

Mayor Wagon ruled Councilmember Dunn out of order.

Councilmember Dunn challenged the rule of the chair.

Mayor Wagon asked for a vote on whether to sustain the ruling of the Chair.

The ruling of the Chair was upheld. Councilmembers Dunn, Hill, Gardner and Alcalá voted “no”.

(5-4-0)

Councilmember McClinton made a substitute motion to include the previous motion and adopt the resolution. The motion was seconded by Councilmember Duffy.

Mayor Wagnon called for a vote on the question.

Councilmember Gardner challenged the ruling of the Chair under Council rule 2.6.

Mayor Wagnon asked for a vote on whether to sustain the ruling of the Chair.

The ruling of the Chair was upheld. (5-0-0)

The substitute motion to adopt the plan with the recommendations of the Community Development Advisory Council and the resolution carried. (5-1-0) Councilmember Hill voted “no”.

CONSIDERATION of a demolition permit application for 1110 SE Madison filed by the Shawnee County Historical Society, was presented.

Councilmember Lee moved to approve the application. The motion was seconded by Councilmember Pomeroy.

Councilmember Duffy made a substitute motion that based on consideration of all relevant factors, there is no feasible and prudent alternative to the requested demolition, the proposed demolition includes all possible planning to minimize harm to the historic property, and the application be approved.

The motion was seconded by Councilmember McClinton.

Mayor Wagnon called for a vote on the question.

Councilmember Gardner challenged the ruling of the Chair under Council rule 2.6.

Mayor Wagnon asked for a vote on whether to sustain the ruling of the Chair.

The ruling of the Chair was upheld. (5-0-0)

The substitute motion carried. (5-3-0) Councilmembers Alcalá, Hill and Gardner voted “no”.

CONSIDERATION of settlement of H.T. Paul Company, Inc. v. City of Topeka, Kansas, Case No. 99C580, was presented.

Linda Jeffrey, City Attorney stated that they are recommending the negotiated settlement of \$154,000.

Councilmember Gardner asked if there had been any public discussion on this issue and questioned why they should pay the settlement amount.

Linda Jeffrey stated that there probably had been public discussion. She stated that it is recommended for payment because of the decision by the District Court that the Resolution of Intent was binding.

Councilmember McClinton moved to approve the settlement in the amount of \$154,000. The motion was seconded by Councilmember Carkhuff.

Following discussion on the possibility of paying a higher amount if the settlement is not approved, Councilmember Dunn asked the status of the remainder of Resolutions of Intent.

Mayor Wagnon explained that they would have to come back for final approval individually and staff is working so they can do that over the next several months.

Several Councilmembers commented that they did what they thought was right based on legal advice, and they will reluctantly vote to approve the settlement.

Councilmember Duffy noted that some Councilmembers acted against the advice given by their legal counsel.

Councilmember Dunn stated that she would abstain because she voted on advice of the legal department.

Councilmember Gardner stated that he would vote no because he does not believe you should put a dollar amount on right or wrong.

The motion to approve the settlement carried. (5-2-1) Councilmembers Gardner and Hill voted “no”. Councilmember Dunn abstained. Councilmember Alcalá left the meeting.

The meeting was adjourned.

Iris Walker, City Clerk