

**City Council Minutes – May 9, 2000**

Revised copy

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 9, 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 Alcalá.

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

Mayor Wagnon stated that she would move the Resolution numbered 5A to the beginning of the agenda because of the large crowd in attendance for that item.

RESOLUTION NO. 7062 introduced by Councilmember Clark Duffy to state that the City of Topeka is against hateful behavior and hateful actions, was presented.

Councilmember Duffy explained that the resolution was a statement of policy on behalf of the citizens of Topeka.

Several people appeared in support of the resolution and commented that it is not aimed at a particular individual or group, but is an assertion of value. They noted the negative impact of hateful behavior on the entire community and encouraged the Council to adopt the resolution.

Margie Phelps spoke in opposition to the resolution. She stated that if it is approved it will also be opposed by Westboro Baptist Church in a court of law. She stated that they would not stop carrying their message regardless of the resolution.

Councilmember Gardner asked if approval would create any legal risks to the City.

Linda Jeffrey, City Attorney stated that she had no concerns about the legality of the resolution.

Councilmember Duffy moved to adopt the resolution. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

Mayor Wagnon stated that Item 2A would be removed from the Consent Agenda and discussed immediately following.

THE CONSENT AGENDA was presented as follows:

Minutes of the Regular Meeting of May 2, 2000, were presented.

Councilmember Lee moved to approve the consent agenda except for Item 2A. The motion seconded by Councilmember Hill carried. Councilmember McClinton was out of the room. (8-1-0)

RESOLUTION NO. 7061 introduced by Mayor Joan Wagnon and Councilmember Duane Pomeroy, expressing support for the Pioneer Curtis Homes Development Project, was presented.

Ross Freeman, Developer explained the project.

Following a discussion about the use of CDBG funds and the affordability of the project, Councilmember Dunn moved to approve the resolution. The motion seconded by Councilmember Pomeroy carried unanimously. (9-0-0)

ORDINANCE NO. 17499 introduced by Mayor Joan Wagnon authorizing the issuance of \$6,850,000 aggregate principal amount of General Obligation Bonds, Series 2000-A, of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-110c, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., Charter Ordinance No. 68 of the City and Home Rule Ordinance No. 17366 of the City, all as amended, placed on first reading May 2, 2000, was again presented.

RESOLUTION NO. 7059 introduced by Mayor Joan Wagnon prescribing the form and details of the General Obligation Bonds, Series 2000-A of the City of Topeka, Kansas, in the aggregate principal amount of \$6,850,000 the issuance of which was authorized by the City pursuant to its Ordinance No.17499 passed and approved May 9, 2000; and authorizing certain other documents and actions in connection with the issuance of the Bonds, was presented.

RESOLUTION NO. 7060 introduced by Mayor Joan Wagnon authorizing and directing the issuance of Temporary Notes, Series 2000-A of the City of Topeka, Kansas, in the aggregate principal amount of \$13,530,000 for the purpose of providing funds to pay the cost of renewing a portion of the principal amount of

the Series 1999-A Temporary Notes of said City, dated June 1, 1999, and for the purpose of providing funds to pay a portion of the cost of certain improvements in said City, was presented.

Karen Holstein, Chief Financial Officer explained that they received three bids each for the bonds and notes. She stated that Prudential-Securities, Inc. was awarded the bid for the bonds with an interest rate of 5.7606 percent, and Bank of America was awarded the bid for the temporary notes with an interest rate of 5.0855 percent.

Dennis Lloyd, Financial Consultant explained the market conditions and how they affected the bond and note sale. He also explained how the city's sale compared with another bond sale held at the same time.

Phil Wolfe, Bond Counselor was present to answer questions.

Councilmember Carkhuff moved to adopt the ordinance and approve both of the resolutions. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

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

A COMMUNICATION requesting that the Council provide policy direction regarding the sale of existing assets, the construction of new parking facilities, and changes to the fine/fee structure used in the parking system, was presented.

Jeff White, Director of Public Works gave the staff report.

Councilmember McClinton gave the Committee report and moved to accept the report. The motion seconded by Councilmember Carkhuff carried. Councilmembers Dunn voted "no". Councilmember Lee was out of the room. (7-2-0)

John Etzel appeared and suggested that the Council delay approval of additional parking garages for 18 months.

Jim Bloomar appeared in support of the parking garage and stated that he also supported putting meters on Kansas Avenue.

Mike Stringer appeared and stated that he does not support the proposed garage at 9<sup>th</sup> and Kansas because he does not want the Smith Building demolished, but there is a need for additional parking downtown. He stated that he also supports putting parking meters downtown.

Following a discussion regarding risk factors, financial feasibility and downtown parking needs, Councilmember McClinton moved to adopt the March 2000 staff recommendations, begin negotiations for the MBI garage, and bring back parking management issues. The motion was seconded by Councilmember Duffy.

Councilmember Pomeroy made a substitute motion in addition to Councilmember McClinton's motion to include assurance that there will be retail space and it would be rented. The motion was seconded by Councilmember Carkhuff.

Councilmember Dunn expressed her concern about having an overflow of parking garages that would have to be subsidized by taxes.

The motion carried. Councilmembers Alcala, Dunn, Hill and Gardner voted "no". (5-4-0)

ORDINANCE NO. 17501 introduced by Mayor Joan Wagnon and Deputy Mayor Sam Carkhuff authorizing Topeka 2000, Inc. to hold "Thursday Live - Meet Me Downtown" events at certain times in 2000, placed on first reading May 2, 2000, was again presented.

Councilmember Gardner moved to amend the language in line twenty-four, by changing "8:30 p.m." to "9:00 p.m.". The motion was seconded by Councilmember Lee.

Councilmember Lee suggested beginning at 4:30 p.m. instead of 5:00 p.m.

Devin Sutherland, Director of Downtown Topeka, Inc. explained that they begin at 5:00 p.m. because people have been going home and getting their families before attending the event.

The motion carried. Councilmembers Carkhuff and Duffy voted "no". (7-2-0)

The ordinance as amended was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, McClinton, Carkhuff, Duffy, Lee, Hill and Gardner -8. Noes: Councilmember Dunn -1.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17502 introduced by Mayor Joan Wagon, amending Chapter 48 of the Code of the City of Topeka, Comprehensive Zoning Regulations for the City of Topeka and unincorporated areas of Shawnee County by creating X-Mixed Use Districts and the OS-Open Space District, providing use regulations therefore and providing performance standards, placed on first reading, May 2, 2000, was again presented. (ACZR00/01)

Bill Fiander, Neighborhood Planner gave the staff report.

David Jackson, North Topeka On the Move Association (NOTOMA) and Mike Welch, North Topeka Business Alliance appeared in support of the ordinance.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Carkhuff, Duffy, Lee, Hill and Gardner -8. Abstained: Councilmember Dunn -1.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17503 introduced by Mayor Joan Wagon, relating to Day Care Facilities, Type II, amending Article XXXV, Definition of the Topeka City Code, Chapter 48, Topeka City Code § 48-15.02 (c) C-1 Conditional Uses, Topeka City Code § 48-17.02 (b) C-3 Provisional Uses, Topeka City Code § 48-18.02 (b) C-4 Provisional Uses, Topeka City Code § 48-19.02 (b) C-5 Provisional Uses, and Topeka City Code § 48-20.02 (c) I-1 Conditional Uses, placed on first reading on May 2, 2000, was again presented. (ACZR00/02)

Barry Beagle, Planning Department gave the staff report.

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

A Final Plat for Red Oaks Place Subdivision on property located on the southeast corner of SW 10<sup>th</sup> Street and SW Urish Road in unincorporated Shawnee County, Kansas, was presented.

ORDINANCE NO. 17504 introduced by Mayor Joan Wagon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supplement) 12-520, located at the southeast corner of SW 10<sup>th</sup> and SW Urish 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 May 2, 2000, was again presented. (A00/05)

Barry Beagle gave the staff report.

Councilmember Hill moved to accept the public dedication and adopt the ordinance. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

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

ORDINANCE NO. 17505 introduced by Mayor Joan Wagnon relating to the Capital City Downtown Business Improvement District, establishing the method of raising revenue and enforcement, amending City of Topeka Code §§ 42-38 and 42-40 and specifically repealing said original sections, placed on first reading May 2, 2000, was again presented.

Jim Parrish, Business Improvement District (B.I.D.) explained the ordinance recommended by the BID Advisory Board. He stated that they have no problem with the proposed amendment of a flat rate of .031 per square foot.

Councilmember Alcalá moved to amend the ordinance on line 35 to read “1,000 plus” at a rate per square foot of “\$.031”, deleting lines 36 – 38; and add a sentence that reads: “However, the maximum service fee per business shall be ten thousand dollars (\$10,000) regardless of the number of square feet”. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

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

ZONING PETITION (Z00/19) by Ron D. Shuman requesting to amend the District Zoning Classification from "PUD" Planned Unit Development District (single family usage) to "R-1" Single Family Dwelling District on property located at the northwest corner of SE Adams Street and SE 45<sup>th</sup> Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17506 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 the northwest corner of SE Adams Street and SE 45<sup>th</sup> Street in the City of Topeka, from "PUD" Planned Unit Development District (single family usage) to "R-1" Single Family Dwelling District, placed on first reading May 2, 2000, was again presented. (Z00/19)

Barry Beagle gave the staff report.

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

Mayor Wagnon asked Councilmembers to declare exparte communications. There were none.

Councilmember Lee moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember McClinton carried. Councilmember Duffy voted "no". Councilmember Pomeroy was out of the room. (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Alcalá, McClinton, Dunn, Carkhuff, Lee, Hill and Gardner -7. Noes: Councilmember Duffy -1. Councilmember Pomeroy was out of the room.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Lee announced a meeting of the Public, Health and Safety Committee scheduled for 12:00 noon on Wednesday, May 10, 2000 to review activities and procedures of the Animal Control Advisory Board.

Councilmember Alcalá stated that the Community Development Committee met on the Final Plat for Drakes Subdivision and discussed water run-off issues. He stated that the neighbors left the meeting in support of the project and they recommend it be placed back on the agenda as soon as possible.

Councilmember Dunn announced that the Finance, Administration and Audit Committee would meet on Thursday, May 11, 2000 at noon to discuss Broadbanding for the Management pay plan and Councilmember Duffy's ordinance relating to downsizing.

Councilmember McClinton announced that the Public Improvements Committee would meet at 5:15 p.m., Wednesday, May 10, 2000 at 515 Kansas Avenue to discuss cut back parking and some other issues.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Gardner expressed his concerns about comments made to the newspaper by the Code Compliance Director regarding the lack of funding for their department.

Councilmember Alcala also commented about the Code Compliance Director's quote in the newspaper regarding their department's lack of funding.

Councilmember Alcala announced that the Bridge in the 500 block of Branner would be closed for maintenance until November 1, 2000.

Councilmember Alcala stated that he received a letter from Randy Speaker notifying him that tax credits had been issued for construction of twenty units of elderly housing in East Topeka.

Councilmember Alcala asked the Chief Administrative Officer to check into some environmental complaints that he has received in the area of 1015 and 1019 NW Jackson.

Councilmember Dunn requested that Administration find another mechanism to fund the Starduster's Juneteenth celebration because they were advised by CVB that they will not receive funding from the Promote Topeka funds due to cuts in that fund this year.

Councilmember Dunn asked for a determination on if the Watertower Project could be put on the ballot this year.

Councilmember Pomeroy expressed his concern that the timeline for CDBG funding allows adequate time for review by the Advisory Council.

Councilmember Dunn expressed her concern about the availability of summer jobs for the youth.

Mayor Wagon stated that applications for summer jobs for the youth were available at the Community Centers.



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, May 9, 2000. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Ayes: Pomeroy, Alcalá, 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 Tuesday, May 9, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8<sup>th</sup> Street in conjunction with vacation request V00A/3 by Bill Kobach, Inc.; J.B. Sharp, Trustee; Joy Kaplan, Trustee; J.B. Sharp, an individual; and Richard and Mary Foster, owners, to vacate a 20 foot wide public alley located between SW Harrison Street and SW Van Buren Street, running between SW 19<sup>th</sup> Street and SW 20<sup>th</sup> Street.

Barry Beagle gave the staff report.

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

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

ORDINANCE NO. 17500 introduced by Mayor Joan Wagnon relating to the vacation of a 20 foot wide public alley as dedicated by Walnut Grove Subdivision, City of Topeka, Shawnee County, Kansas, on property located between SW Harrison Street and SW Van Buren Street running between SW 19<sup>th</sup> Street and SW 20<sup>th</sup> Street, City of Topeka, Kansas, placed on first reading May 2, 2000, was again presented. (V00A/3)

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

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Iris Walker  
City Clerk