

City Council Minutes – July 25, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 25, 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, Duffy, Lee, Hill, and Gardner –8. Mayor Wagnon presided -1. Absent: Councilmember Carkhuff -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.

Mayor Wagnon stated that Councilmember Carkhuff was absent because he was ill.

THE CONSENT AGENDA was presented as follows:

Minutes of the Regular Meeting of July 18, 2000, were presented.

Councilmember Pomeroy moved to approve the consent agenda. The motion seconded by Councilmember Lee carried unanimously. (8-0-0)

Councilmember Dunn moved to adjourn into the Committee of the Whole for the purpose of discussing the 2001 budget. The motion seconded by Councilmember Duffy carried unanimously. (8-0-0)

Following the Committee of the Whole discussion, Councilmember Dunn moved to recess the Committee of the Whole meeting until August 1, 2000. The motion seconded by Councilmember Hill carried unanimously. (8-0-0) (The Committee of the Whole minutes are attached.)

A COMMUNICATION requesting authorization to publish the Notice of Public Hearing for the year 2001 Budget that is scheduled for August 8, 2000, was presented.

Jim Langford, Budget Director explained the changes reflected in the budget summary.

Councilmember Gardner stated that he was opposed to publishing this budget because of the significant increase over last year's budget.

Councilmember Gardner moved to publish the proposed amount without the add alternate amounts and reduce the General Fund expenditures by that amount. The motion was seconded by Councilmember Dunn.

Following discussion on the motion, Councilmember Pomeroy made a substitute motion to approve the communication and publish the budget with the changes that were distributed by James Langford. The motion was seconded by Councilmember Lee.

Councilmember Gardner requested that the question be divided.

Mayor Wagnon stated that the communication was requesting approval to publish the budget and set August 8, 2000 as the date for the public hearing. She stated that the question could be divided, and they could vote separately on setting the date for the public hearing.

The substitute motion to approve publication of the budget with the changes distributed by James Langford carried. Councilmember Gardner voted "no". (7-1-0)

Councilmember Pomeroy moved to set the public hearing for August 8, 2000. The motion seconded by Councilmember Lee carried unanimously. (8-0-0)

ORDINANCE NO. 17531 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 about the southeast corner of SE 2nd Street and SE California Avenue in the City of Topeka, Kansas, placed on first reading April 4, 2000, was again presented. (Z71/11)

John Dugan, Director of Planning gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak.

Councilmember Alcalá expressed concern about the property staying clean. He stated that the neighbors are opposed to the zoning change and hoped that it is kept clean.

Councilmember Alcalá moved to defer the ordinance until it is determine if back taxes are owed on the property. The motion was seconded by Councilmember Gardner.

Linda Jeffrey, City Attorney stated that it does not matter if there are delinquent taxes. She reminded the Council that this case is under a resolution of intent where the conditions were satisfied and it is simply before them to adopt the ordinance and finalize the zoning.

Councilmember Alcalá withdrew his motion. The second concurred.

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

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Lee announced that the Public Health and Safety Committee would meet Friday, July 28, 2000 at 11:00a.m. in the Council office to discuss claim appeals.

Councilmember Dunn announced that the Council would hear budget presentations from the remaining City departments at next week's meeting.

Councilmember McClinton left the meeting.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Pomeroy commented about the high school drop out rate. He stated that the problem exists within all schools and needs to be addressed.

Councilmember Dunn suggested going to the Legislature to find out how schools are funded.

Councilmember Alcalá stated that he was pleased with clean up efforts within Council District #2. He also asked for a status of the reimbursement that was authorized by Council for a bill that was submitted by Patricia McClellan for printing costs of material provided to the Neighborhood Improvement Associations.

Councilmember Gardner asked when the County would vote on putting the quarter cent sales tax on the ballot. He asked if the \$54,000 paid to Mr. Frieden was related to the electric rates case, and if not, why it was paid. He also asked for the criteria that was used to select Frieden's Law Firm to represent the City's interest in the electric rates case.

Mayor Wagon explained why there were two separate cases and how they were related. She also explained her knowledge of Mr. Frieden's background and regulatory experience with utilities. She stated that

she would have the City Attorney's office contact Mr. Frieden's law office for additional information on his regulatory experience with utilities.

Councilmember Dunn moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Alcala carried unanimously. (7-0-0)

Councilmember Dunn asked for an explanation of why the insurance company is denying the claim to replace the helicopter that was lost in the recent crash. She asked if there were safeguards in place to prevent future errors of this nature.

Linda Jeffrey stated that the insurance company sent a rider that was filed without review. She stated that she was working with the insurance company to try to get payment for the claim.

Mayor Wagnon stated they were giving the City Attorney an opportunity to appeal the decision of the insurance company, and then they would determine what action would be taken following the outcome of the appeal.

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

Iris Walker
City Clerk