

## City Council Minutes – September 26, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 26, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, McClinton, Dunn, Duffy, Lee, Hill, and Gardner –8. Deputy Mayor Carkhuff presided -1. Absent: Mayor Wagnon -1.

AFTER THE MEETING was called to order, Councilmember Duffy asked for a moment of silent meditation.

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

Deputy Mayor Carkhuff stated that agenda Items 2A, an Ordinance relating to public contracts and 2B, a Resolution that names banks and savings institutions designated as depositories for City of Topeka accounts and authorizes signatures would be removed from the consent agenda and placed directly following Item 3A as requested by Councilmembers Dunn and Duffy. He stated that Item 2C, a Resolution regarding the replacement of the pedestrian bridge on Swygart Street has been withdrawn from the agenda for additional information.

THE CONSENT AGENDA was presented as follows:

Minutes of the Regular Meeting of September 19, 2000, were presented.

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

PROJECT BUDGET AND RESOLUTION NO. 7091 introduced by Mayor Joan Wagnon, setting forth the City of Topeka's intention to acquire a pumper truck, pursuant to K.S.A. 12-110c, in the amount of \$255,000, were presented.

Councilmember McClinton moved to approve the project budget and resolution. The motion was seconded by Councilmember Lee.

Councilmember Gardner stated that he would vote no because he voted against adding it to the Capital Improvement Program (CIP).

The motion carried. Councilmembers Alcala and Gardner voted "no". (7-2-0)

PROJECT BUDGET AND RESOLUTION NO. 7092 introduced by Mayor Joan Wagnon, setting forth the City of Topeka's intention to acquire a pumper truck, pursuant to K.S.A. 12-110c, in the amount of \$255,000, were presented.

Councilmember Dunn moved to approve the project budget and resolution. The motion seconded by Councilmember Lee carried. Councilmember Gardner voted "no". (8-1-0)

PRESENTATION and discussion on parking garages, was presented.

AN ORDINANCE introduced by Mayor Joan Wagnon, authorizing the 9<sup>th</sup> Street and Kansas Parking Garage project, which provides for the construction of a 272 stall parking facility as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, was presented for first reading.

Jeff White, Director of Public Works stated that a Request for Proposal (RFP) was started in the Winter of 2000. He explained the background of the project and noted the requirements of the deal. He stated that they recommended denial of the project because: it would cost more than the model; the lack of parking guarantee; the outstanding land purchasing issue; and the concern with having retail in a publicly owned facility. He explained that their options would be to stop the project now, continue on recognizing the increased risk or spend some time to determine if there is any outside interest in the project.

Councilmember Dunn asked if the project was within the Capital Plaza Authority, and if she could get the response in writing. She noted that there could possibly be some tax dollars involved in the project.

Councilmember Pomeroy asked if there could be upper levels added to the garage.

Jeff White stated that two levels could possibly be added but explained why adding levels would not be a useful benefit.

Councilmember Carkhuff suggested looking at the Downtown Element of the Comprehensive Plan before making a decision on the project. He asked why the project increased from \$3 million to \$6 million.

Jeff White stated that \$1 million is absorbed by retail space. He stated that the other \$2 million is land acquisition and relocation. He explained that the façade also added to the cost.

Councilmember Alcalá asked what changed from the first time this project was presented that made staff recommend not moving forward. He commented that \$17,000 was a significant amount of money to spend on the preliminary study and encouraged Council to disapprove the proposal.

Councilmember Duffy asked what the parking cost is per stall as compared to the Signature Building garage.

Jeff White stated that the cost per stall was about the same.

Councilmember Pomeroy moved to refer the ordinance back to the Public Improvements Committee for further review. The motion was seconded by Councilmember McClinton.

Several Councilmembers stated that they supported the motion because they were not ready to give up on the project because of parking demands downtown.

The motion carried. Councilmembers Alcalá and Dunn voted "no". (7-2-0)

RESOLUTION NO. 7093 introduced by Mayor Joan Wagnon, pursuant to City of Topeka Code § 130-377 concerning sidewalk repairs at locations more specifically described hereinafter, was presented.

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

AN ORDINANCE introduced by Mayor Joan Wagnon relating to public contracts, amending City of Topeka Code §§ 86-131, 86-133, 86-134, 86-136, and 86-137 and specifically repealing said original sections, placed on first reading September 19, 2000, was again presented.

Linda Jeffrey, City Attorney explained the ordinance.

Councilmembers Dunn and Alcalá expressed concerns about the proposed changes to the ordinance.

Councilmember Dunn moved to refer the ordinance to the Policy Committee for review. The motion seconded by Councilmember Alcala carried. Councilmembers McClinton, Carkhuff, Duffy and Lee voted "no". (5-4-0)

RESOLUTION NO. 7090 introduced by Mayor Joan Wagnon naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatures and rescinding City of Topeka Resolution No. 7017, was presented.

Councilmember Duffy moved to amend the language on line 56. He distributed and explained the amendment (see Council packet). The motion was seconded by Councilmember Gardner.

Linda Jeffrey stated that the amendment deals with two subjects and this resolution should be a separate document.

Councilmember Dunn noted that the resolution simply changes the names on accounts.

Councilmember Gardner asked the Chair to rule on whether the proposed amendment is germane to the resolution on the agenda.

Councilmember Duffy stated that the proposed amendment is in Economic Development Committee in the form of an ordinance.

Deputy Mayor Carkhuff ruled that the proposed amendment is not germane to the resolution.

Councilmember Gardner moved to challenge the ruling of the Chair. The motion was seconded by Councilmember Dunn.

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

The ruling of the Chair was upheld. Councilmembers Dunn, Gardner and Alcala voted "no". (6-3-0)

Councilmember McClinton moved to approve the resolution. The motion seconded by Councilmember Carkhuff carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor Joan Wagnon, instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for sewage collection and treatment where such

payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-631k, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon and Councilmember John Alcala amending City of Topeka Ordinance No. 17474, which exempted certain property, more specifically property owned by Mainline Printing, Inc., from ad valorem taxation for economic development purposes, pursuant to the provision of the Code of the City of Topeka, Chapter 138, Article III, and located at 818 Adams, Topeka, Kansas, and specifically repealing said original ordinance, was presented for first reading.

Deputy Mayor Carkhuff stated that Item 5A was withdrawn from the agenda.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer stated that the report regarding ingress/egress for the Fire Department apparatus would be placed on a future agenda. He announced that Karen Holstein has resigned and stated that Randy Bailes has been appointed Interim Director. He stated that he distributed a memo that explains the process of bidding handguns for the Police Department. He stated that the boundaries of the Capital Plaza authority have been requested by the Secretary of State. He also distributed a memo regarding Tax Increment Financing (TIF) and Neighborhood Improvement Association (NIA) issues.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Pomeroy announced that the Economic Development Committee would meet Friday, September 27, 2000, in the Executive Conference Room at 5:00 p.m. to discuss the ordinance on TIF.

Councilmember Duffy asked that GO! Topeka be invited to participate in the discussion.

Councilmember Carkhuff stated that the Policy Committee would meet next week to discuss the ordinance regarding public contracts.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Dunn commented about the proposed amendment to the NIA ordinance.

Deputy Mayor Carkhuff stated that Don Perkins with the Holiday Park NIA distributed the proposal.

Councilmember Lee stated that she attended a conference last week about "Hunger in the Heartland". She shared information about hunger statistics nationally and within the State of Kansas.

Councilmember Alcalá asked if there was a special fund for the collapsing of sewage or manhole covers within the City. He stated that he has noticed several that are caving in.

John Arnold stated that there was not a special fund established, but would ask the Director of Public Works for a report.

Councilmember Gardner asked for information about regulatory cases handled by the Consultant that the City hired for the electric rates case.

Several Councilmembers asked that a report be presented on how the proposed quarter cent sales tax would be used and distributed if approved.

Councilmember Dunn asked for a status of the modifications that are being made to the guidelines for the enhancement funds. She also asked for an update on the Topeka Housing Authority (THA).

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

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Iris Walker  
City Clerk