

## City Council Minutes – November 28, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 28, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcala, McClinton, Duffy, Lee, Hill, and Gardner –6. Mayor Wagnon presided -1. Absent: Councilmembers Pomeroy, Dunn, and McClinton -1.

AFTER THE MEETING was called to order, prayer was offered by Carl Hill.

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

THE CONSENT AGENDA was presented as follows:

Minutes of the regular meeting of November 21, 2000, were presented.

Councilmember Hill moved to approve the consent agenda. The motion seconded by Councilmember McClinton carried unanimously. (6-0-0)

AN ORDINANCE 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 two independent parcels located north of SE 29<sup>th</sup> Street and east of SE Aquarius Drive in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "M-2" Multiple Family Dwelling District, placed on first reading November 21, 2000, was again presented. (Z71/29)

Mayor Wagnon gave an opportunity for anyone present to speak.

Councilmembers Dunn, Carkhuff and Pomeroy entered the room.

Several people appeared and expressed their opposition to the zoning reclassification. They also expressed concerns about the request not being in character with the neighborhood, the possibility of incurring special assessment cost, safety issues with ingress/egress, and damages to property values.

Barry Beagle, Planning Department explained the locations.

Councilmember Dunn moved to defer the ordinance until January 2, 2001. The motion seconded by Councilmember Pomeroy carried unanimously. (9-0-0)

AN ORDINANCE 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 approximately 700-feet north of SE 29<sup>th</sup> Street and 900-feet east of SE Aquarius Drive in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "C-1" Commercial District, placed on first reading November 21, 2000, was again presented. (Z71/30)

Councilmember Dunn moved to defer the ordinance until January 2, 2001. The motion seconded by Councilmember Pomeroy carried unanimously. (9-0-0)

AN ORDINANCE 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 approximately 1,500-feet north and 900-feet east of SE 29<sup>th</sup> Street and SE Aquarius Drive, respectfully in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "M-2" Multiple Family Dwelling District, placed on first reading November 21, 2000, was again presented. (Z74/13)

Councilmember Dunn moved to defer the ordinance until January 2, 2001. The motion seconded by Councilmember Pomeroy carried unanimously. (9-0-0)

RESOLUTION NO. 7104 introduced by Mayor Joan Wagnon creating the Topeka Housing Authority, a municipal housing authority pursuant to the Kansas Municipal Housing Act, K.S.A. 17-2337 et seq. and rescinding Resolution Nos. 2431, 2564, 4696, 5598 and any other resolutions in conflict with this, was presented.

Mayor Wagnon distributed a memo that included her nominees for the Board of Commissioners. She explained the resolution and stated that it was being presented to comply with the Kansas Municipal Housing Act.

Linda Jeffrey, City Attorney explained the memo from a legal standpoint and answered questions raised last week about how the Kansas Municipal Housing Act and the Quality Housing and Work Responsibility Act of 1998 govern the Topeka Housing Authority (THA).

Councilmember Alcala distributed information regarding communications with officials from HUD.

Several Councilmembers expressed concerns about the communications from HUD and comments that have been made regarding evictions at THA.

Councilmember McClinton stated that he supported the resolution because he researched other cities like Topeka and explained that they became compliant by developing a board of commissioners.

Councilmember Alcala made a motion to defer the resolution until after they have had a meeting with HUD officials. The motion was seconded by Councilmember Dunn.

Councilmember McClinton made a substitute motion to approve the resolution. The motion was seconded by Councilmember Hill.

Councilmembers Pomeroy and Duffy stated that they supported the resolution because of the deadline with the Kansas Public Employees Retirements System (KPERs) and to comply with the federal and state laws.

Councilmember McClinton called the question.

Councilmembers Dunn and Alcala challenged the call.

Councilmember McClinton withdrew his motion to call the question.

Following further comments from individual Councilmembers expressing their concerns about creating a separate board for the Topeka Housing Authority, Councilmember McClinton called for the question once again.

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

A COMMUNICATION requesting ratification of the appointments by the Mayor for the Topeka Housing Authority Board of Commissioners, was presented.

Councilmember McClinton moved to approve the communication. The motion seconded by Councilmember Lee carried. Councilmembers Alcala, Hill and Gardner voted "no". Councilmember Dunn "abstained". (5-3-1)

Councilmember Dunn stated that she abstained because she did not have enough information to make a decision.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to traffic and vehicles; Administration and Enforcement, amending City of Topeka Code §§ 142-1, Definitions; 142-36, Division of traffic engineering and municipal parking; 142-37, Duties of traffic engineer; 142-39, Records of violations; 142-40, Driver's files to be maintained; 142-63, Disposition of fines and forfeitures; and 142-121, Authority to install traffic control devices and specifically repealing said original sections, placed on first reading November 7, 2000, was again presented.

Councilmember McClinton gave the committee report and moved for approval. The motion seconded by Councilmember Carkhuff carried. Councilmember Dunn voted "no". (8-1-0)

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

Councilmember Gardner asked for information about the amount of revenue that would be generated in the parking fund.

Mayor Wagnon deferred the ordinance until staff could provide answers to Councilmember Gardner's questions.

ORDINANCE NO. 17606 introduced by Mayor Joan Wagnon relating to traffic and vehicles amending City of Topeka Code §§ 142-537, Traffic emergency proclamation; 142-538, Notice of traffic emergency proclamation, and 142-539, Establishment, and specifically repealing said sections, placed on first reading November 7, 2000, was again presented.

Councilmember McClinton gave the committee report and moved for approval. The motion seconded by Councilmember Carkhuff carried unanimously. (9-0-0)

Jeff White gave the staff report.

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

A COMMUNICATION from the Youth and Social Services Review Committee requesting approval of the youth and social services funds in the 2001 budget, in the amount of \$665,848, was presented.

Lt. Col. Bill Richards, Chair and Harry Felker, Co-Chair of the Youth and Social Services Review Committee appeared and presented the committee's recommendations.

Councilmember Lee moved to accept the recommendations of the committee. The motion was seconded by Councilmember McClinton.

Representatives from the Catholic Community Center, "Friendly Visitors, Ring-A-Day Program" and the Central Park TLC Resource Center appeared to explain their funding requests.

Councilmember Gardner made a motion to amend the communication by removing \$10,000 from the "cold weather" Utility Fund and give it to the Catholic Community Services for the "Ring-A-Day Program". The motion was seconded by Councilmember Alcala.

Following a discussion about the criteria to receive money from the "cold weather" Utility Fund, the motion failed. Councilmembers Pomeroy, McClinton, Duffy, Lee and Carkhuff voted "no". (4-5-0)

Councilmember Hill stated that her husband is involved with Let's Help Inc., and asked if they could vote on their request separately.

Councilmember Pomeroy made a motion to amend the communication by removing \$7,500 from the "cold weather" Utility Fund and give it to the Catholic Community Services for the "Ring-A-Day Program".

The motion died for lack of a second.

Councilmember Alcala moved to amend the communication by removing \$10,000 from Housing and Credit Counseling and give it to the TLC Resource Center. The motion seconded by Councilmember Dunn failed. Councilmembers Pomeroy, McClinton, Duffy, Lee and Carkhuff voted "no". (4-5-0)

Mayor Wagnon stated that the question would be divided as requested by Councilmember Hill.

The original motion excluding Let's Help carried. Councilmember Gardner voted "no". (8-1-0)

The original motion including the funding allocation for Let's Help carried. Councilmember Hill "abstained". (8-0-1)

A COMMUNICATION requesting approval of the recommendations of the Topeka Shawnee County Alcohol-Drug Abuse Advisory Council, was presented.

Ron Eisenbarth, Chairman of the Board appeared and explained the program and services that they provide. He also summarized the accomplishments from prior funding.

Councilmember Dunn moved to accept the committee recommendations. The motion seconded by Councilmember Carkhuff carried unanimously. (9-0-0)

PETITION, PROJECT BUDGET AND RESOLUTION NO. 7105 introduced by Mayor Joan Wagnon authorizing Lateral Sanitary Sewer Improvement Project No. 40595-02 located at approximately south and west of the intersection of SE Highland Avenue and SE Gilmore as more specifically described herein, in the amount of \$12,728, were provided.

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

Councilmember Dunn moved to approve the petition and project budget, and adopt the resolution. The motion seconded by Councilmember Lee carried. Councilmember Carkhuff was out of the room. (8-1-0)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer gave a report regarding environmental code issues that have been submitted as unsightly. (See City Council packet for report)

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Lee announced that the Public Health and Safety Committee would meet Monday, December 11, 2000 to discuss public health concerns and the ordinance relating to municipal court procedures.

Councilmember Carkhuff stated that the Policy Committee met to discuss the ordinance relating to public contracts and noted that it is ready to be placed on a future agenda.

Councilmember Lee stated that the Public Health and Safety Committee met to discuss the ordinance relating to smoking in public places and noted that it is ready to be placed on a future agenda.

Councilmember Alcalá stated that the Christmas train would be coming to Topeka on December 8, 2000 from 8:00 p.m. to 9:00 p.m. at the train depot.

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

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Iris Walker  
City Clerk