

City Council Minutes – January 9, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 9, 2001. 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 Reverend Paul LeDuc, Seaman Congregational Church.

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

THE CONSENT AGENDA was presented as follows:

Mayor Wagnon stated that there was a request to divide the question. She stated that Item 2A, a Communication recommending an appointment to the Topeka-Shawnee County Landmarks Commission, would be voted on separately as requested by Councilmember Dunn.

ORDINANCE NO. 17632 introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supp.) 12-520, on property extending east of SW Wanamaker Road between SW 6th Avenue and I-70, said land being annexed for all City purposes and 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 January 2, 2001, was again presented.

ORDINANCE NO. 17633 introduced by Mayor Joan Wagnon amending City of Topeka Code § 18-88 relating to a prohibition of dogs running at large and specifically repealing said original section, placed on first reading December 12, 2000, was again presented.

Minutes of the regular meeting of January 2, 2001, were presented.

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

A COMMUNICATION from Mayor Joan Wagnon recommending the appointments of Helen Crow and Mark Burenheide to serve on the Topeka-Shawnee County Landmarks Commission, was presented.

Councilmember Dunn suggested appointing an African-American to the commission to obtain equal representation and diversity.

Mayor Wagnon stated that her next appointment would be African-American.

Councilmember Pomeroy moved to approve the communication. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

ORDINANCE NO. 17635 introduced by Mayor Joan Wagnon relating to traffic and vehicles amending City of Topeka Code §§ 142-376, Establishment; 142-377, Installation of parking meters, 142-378, Parking meter spaces; 142-379, Deposit of coins and time limits; disabled veterans exempt; 142-380, Unlawful to deposit slugs; 142-381, Parking meter rates; 142-382, Rates and fees; 142-383, Permit for hood or cover; 142-402, Traffic engineering survey; 142-403, Designation of spaces by traffic engineer; 142-426, Defined; 142-427, Parking restriction; 142-451, Supervision; 142-452, Rates and hours of operation generally; 142-476, Established; 142-477, Application; and 142-478, Marking and specifically repealing said sections, placed on first reading November 7, 2000, was again presented.

Councilmember McClinton gave the committee report on both ordinances and moved for acceptance. The motion seconded by Councilmember Lee carried. Councilmember Gardner voted "no". (8-1-0)

Jeff White, Director of Public Works gave the staff report. He provided an overview of a financial model of facilities that currently exist and the proposed ones. He stated that future expansion relies on rate increases.

Councilmember Alcala expressed concerns about requiring people to pay for parking on Saturday and moved to amend the ordinance by reinstating lines 32 and 33. The motion seconded by Councilmember McClinton carried. Councilmember Carkhuff voted "no". Councilmember Pomeroy was out of the room. (7-2-0)

Councilmember Gardner asked if the proposal addresses concerns expressed about ADA compliance.

Jeff White stated that the City has done everything possible to include ADA compliance.

Several Councilmembers stated that they were opposed to an increase in parking fees.

Councilmember Duffy commended everyone involved with crafting the proposal and stated that he supported the ordinance.

Councilmember Pomeroy commented that the parking meters downtown already requires a fee for Saturday parking, but are not patrolled.

Councilmember Dunn asked what the impact would be to the General Fund.

Jeff White stated that the amount of revenue generated from the 5% parking fee increase to the General Fund would be insignificant.

The ordinance as amended was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, McClinton, Carkhuff, Duffy, Hill, and Lee –6. Noes: Councilmembers Alcalá, Dunn, and Gardner -3.

ORDINANCE NO. 17636 introduced by Mayor Joan Wagnon relating to parking tickets, providing civil hearing procedures for parking tickets, amending City of Topeka Code § 142-301, Fine Schedule, and specifically repealing said original section, placed on first reading November 7, 2000, was again presented.

Jeff White gave the staff report. He explained the administrative process and fees once a fine has been issued.

Councilmember Alcalá asked what the impact would be to the General Fund.

Jeff White stated that there would be decrease in revenue to the General Fund based on the revenues generated from 1999. He explained that Municipal Court anticipated a decrease in revenue therefore reduced their expenditures for 2000.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, McClinton, Dunn, Carkhuff, Duffy, Hill, and Lee –7. Noes: Councilmembers Alcalá and Gardner -2.

RESOLUTION NO. 7122 introduced by Mayor Joan Wagnon, to make the City of Topeka known as a City of Character, was presented.

Reverend Barry Feaker appeared and explained the program. He stated that every month of the year would be labeled with a word that symbolizes character.

Several Councilmembers expressed interest in becoming a volunteer for the program.

Mayor Wagnon explained the implementation process.

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

Councilmember Hill left the meeting.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the nuisance code, providing for enhanced administrative penalties for repeat offenders, amending City of Topeka Code § 66-33.1 and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, relating to service of nuisance violation notices amending City of Topeka Code § 66-32 and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to repeat violators of the nuisance code, amending City of Topeka Code § 66-33, Abatement by city and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to emergency abatements of nuisance conditions, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, relating to nuisances, amending Topeka City Code § 66-27(2) and specifically repealing Topeka City Code § 66-27(2), was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the Housing Code, amending City of Topeka Code § 82-158, Means of ingress and egress and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the Housing Code, specifically providing for an administrative penalty for uncorrected housing code violations, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, amending the City of Topeka Housing Code, specifically City of Topeka Code § 82-137, Temperature, heating and venting and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, amending the City of Topeka Housing Code, specifically City of Topeka Code § 82-91, Notice and order and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, relating to abandoned property as defined in K.S.A. 12-1750; designating an enforcing officer pursuant thereto, was presented for first reading.

Councilmember Dunn moved to refer the ordinances to the Community Development Committee. The motion was seconded by Councilmember Alcalá.

Beth Schafer, Assistant City Attorney and Meg Perry, Interim Director of Housing and Neighborhood Development explained the proposed changes.

Questions were raised about an analysis as to why people don't become compliant; the definitions of owner, occupant and agent; who is ultimately held accountable for negligence; if a fine process is established, how would it be enforced; safety factors with open trunks and broken or discarded furniture; the process of determining a nuisance; and the heating level requirement.

Beth Schafer and Meg Perry responded to questions raised.

Councilmember Lee made a substitute motion to refer the ordinances to the Committee of the Whole for Review, hold a public hearing and receive input from the Community Development Advisory Council (CDAC). The motion was seconded by Councilmember McClinton.

Councilmembers Alcalá and Carkhuff stated that they were opposed to the substitute motion because they would support the ordinances after a few minor adjustments.

Councilmember Dunn called the question.

Councilmember Lee challenged the call.

The motion on shall the question be called failed. Councilmembers Pomeroy, Alcalá, McClinton, Duffy and Lee voted "no". Councilmember Hill left the meeting. (3-5-0)

The substitute motion carried. Councilmembers Dunn and Gardner voted "no". (6-2-0)

Councilmember Alcalá moved to recess into executive session for ten minutes to discuss personnel issues and to avoid damages to the City's position and then reconvene the meeting. The motion seconded by Councilmember Dunn failed. Councilmembers McClinton, Carkhuff, Duffy and Lee voted "no". (4-4-0)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer stated that the City Hall elevator is being rebuilt and would not be working for 30 days. He explained other entrances that are accessible. He distributed two documents from the Topeka Housing Authority (THA) regarding the employee's status and a financial report. He also stated that a guardrail on the Porubsky ramp would cost about \$25,000. He stated delineators would be installed for now.

Randy Bailes, Director of Financial Services stated that the Public Housing Fund would end the year in a "break even" status.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Pomeroy announced that the Economic Development Committee would meet on Tuesday, January 23, 2001 at 5:15 p.m. in the City Council Office to discuss the resolution about the Neighborhood Revitalization Act (NRA).

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Gardner asked for a report from John Dugan, Director of Planning, regarding Topeka businesses. He asked for a status regarding a ban that was issued to a citizen by the Topeka Zoo. He also asked for the bidding process for selecting lobbyist.

Councilmember Lee stated that the Public Health and Safety Committee would be meeting to review claim appeals. She also announced that the Committee would meet Thursday, January 11, 2001 to discuss zoning along the Wanamaker corridor and Thursday, February 1, 2001 at Fire Station #8 to discuss "achieving true success" and any other items relating to "character".

Councilmembers Alcalá expressed concerns about the administrative structure at the Topeka Housing Authority (THA).

Gary Plemons and Pat DeLapp appeared for public comment.

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

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 9, 2001. The Councilmembers of the City of Topeka met in special 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.

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, January 9, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with Vacation Request V01S/01 by Heartland Park Topeka, to vacate SE Winner's Circle Drive, an unimproved public street right-of-way as dedicated by Heartland Park Topeka Subdivision, in the City of Topeka, Kansas

Barry Beagle, Planning Department gave the staff report and said it is recommended for approval.

Tim Sipes, Executive Director of Heartland Park appeared to answer questions.

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

Councilmember Carkhuff moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember McClinton carried unanimously. (9-0-0)

ORDINANCE NO. 17634 introduced by Mayor Joan Wagnon relating to the vacation of SE Winner's Circle Drive, an unimproved public street right-of-way as dedicated by Heartland Park Topeka Subdivision in the City of Topeka, Shawnee County, Kansas, placed on first reading January 2, 2001, was again presented. (V01S/1)

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

Iris Walker
City Clerk