

City Council Minutes – March 13, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 13, 2001. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcalá, Pomeroy, McClinton, Dunn, Duffy, Lee, Hill, and Gardner –8. Deputy Mayor Carkhuff presided -1. Absent: Mayor Wagnon -1.

AFTER THE MEETING was called to order, prayer was offered by Reverend Joe Childs, Antioch Missionary Baptist Church.

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 March 6, 2001, were presented.

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

ORDINANCE NO. 17657 introduced by Mayor Joan Wagnon authorizing the issuance of \$6,240,000 aggregate principal amount of General Obligation Bonds, Series 2001-A (Parking Garage), of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, and Charter Ordinance No. 68 of the City, all as amended, placed on first reading March 6, 2001, was again presented.

Dennis Lloyd, Financial Advisor for Columbia Capital Management explained the bids received for the bonds and temporary notes. He stated that the winning bid for the bonds was George K. Baum & Company with an interest rate of 5.08% and CIBC Worldwide won the bid for the notes with an interest rate of 3.25%.

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

RESOLUTION NO. 7135 introduced by Mayor Joan Wagnon prescribing the form and details of the General Obligation Bonds, Series 2000-A (parking garage) of the City of Topeka, Kansas, in the aggregate principal amount of \$6,240,000 the issuance of which was authorized by the City pursuant to its Ordinance No.

17657 passed and approved March 13, 2001; and authorizing certain other documents and actions in connection with the issuance of the Bonds, was presented.

RESOLUTION NO. 7136 introduced by Mayor Joan Wagnon authorizing and directing the issuance of Temporary Notes, Series 2001-A of the City of Topeka, Kansas, in the aggregate principal amount of \$7,500,000 for the purpose of providing funds to pay the cost of certain improvements in said City, was presented.

Councilmember McClinton moved to approve both resolutions. The motion seconded by Councilmember Pomeroy carried. Councilmembers Dunn, Gardner and Alcalá voted "no". (6-3-0)

ZONING PETITION (Z01/3) by Senne Company requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District and "C-4" Commercial District all to "I-1" Light Industrial District on property located at the southwest corner of NW Vail Avenue and Highway 24 Frontage Road in the City of Topeka, Kansas, was presented.

John Dugan, Director of Planning gave the staff report.

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

Deputy Mayor Carkhuff asked Councilmembers to declare ex parte communications.

Councilmembers Pomeroy and Alcalá stated that they had discussions with people surrounding the project.

Councilmember Pomeroy moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

ORDINANCE NO. 17660 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 southwest corner of NW Vail Avenue and Highway 24 Frontage Road from "R-1" Single Family Dwelling District and "C-4" Commercial District all to "I-1" Light

Industrial District in the City of Topeka, Kansas, placed on first reading March 6, 2001, was again presented.
(Z01/3)

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

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17661 introduced by Mayor Joan Wagnon, 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 D-Downtown Districts, providing use regulations therefor and providing performance standards, placed on first reading March 6, 2001, was again presented. (ACZR00/4)

John Dugan gave the staff report.

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

A COMMUNICATION regarding misdemeanors in Municipal Court, was presented.

Jim Langford, Director of Budget and Research explained possible options for funding misdemeanor prosecution costs.

Councilmember Dunn asked for a copy of the minutes from when the public offense ordinance was adopted.

Linda Jeffrey, City Attorney explained that in 1996 an ordinance was adopted to give the City jurisdiction to handle misdemeanor cases in Municipal Court. She stated that since funding has never been put in place, the City has not prosecuted these cases. She commented that the new District Attorney has stated that he would no longer prosecute misdemeanors because they should be done in Municipal Court in accordance with the ordinance adopted in 1996. She stated that the question is should they be handled in Municipal Court, and if so, how will it be funded.

Judge Neil Roach, Municipal Court expressed concerns about the availability of funding and noted that another option would be to repeal the ordinance and the cases would remain the responsibility of the District Attorney.

Councilmember Duffy commented that they should pursue an opportunity to work with the District Attorney. He stated that they should look at how revenue is generated by comparing the processes of surrounding cities.

Several Councilmembers commented that they owe it to the community to improve prosecution in the City.

Councilmember Pomeroy requested a copy of the 1996 minutes. He asked why domestic violence and drug cases were the only ones being referred for prosecution and what the Cities involvement would be.

Councilmember Gardner moved to appoint Councilmember Duffy as the Council's liaison to work with Mr. Hecht, District Attorney, and receive the communication. The motion was seconded by Councilmember Pomeroy.

Councilmember Duffy suggested the Chief Administrative Officer and Deputy Mayor also be involved with communications.

The motion carried unanimously. (9-0-0)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by Mayor Joan Wagnon pertaining to an amendment to the text and maps of the Topeka-Shawnee County Comprehensive Metropolitan Plan, adopting an amended Regional Trails and Greenways Plan and repealing City of Topeka Ordinance No. 17654, was presented for first reading. (CPA00/6)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer reported that the ending fund balance is up \$2.2 million, \$1 million is from departments not spending as much money as authorized and \$1.2 is from revenues.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lee stated that she received communication from Jesse Torres regarding closed captioning. She asked if it could be made available during the viewing of City Council meetings.

Councilmember Gardner asked for a copy of the employment contract with the Chief Administrative Officer.

Councilmember Duffy expressed interest in preparing a resolution or an ordinance that would eliminate the process of some projects coming before Council numerous times that continually receive the same votes. He commented that there is a fundamental flaw that needs to be corrected in the procedures.

Councilmember Alcalá asked if an ordinance regarding the "Thursday Live-Meet Me Downtown" event could be placed on next week's agenda.

Palace Holtz, Joe Ledbetter, and Willa Mae Anderson appeared and spoke during public comment.

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

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 13, 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, Duffy, Lee, Hill, and Gardner –8. Deputy Mayor Carkhuff presided -1. Absent: Mayor Wagnon -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, March 13, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with Vacation Request V01S/3 by Wohlgenuth and Daniel Investments, L.L.P., to vacate a 23-foot wide strip of SE 2nd Street right-of-way, at SE Lime Street.

John Dugan, Director of Planning gave the staff report and said it is recommended for approval.

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

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

ORDINANCE NO. 17658 introduced by Mayor Joan Wagnon relating to the vacation of a 23-foot wide portion of SE 2nd Street public right-of-way as dedicated by Midway Subdivision, City of Topeka, Shawnee County, Kansas, on property located on the north side of SE 2nd Street, the centerline of which is approximately 200-feet west of SE Lawrence Street in the City of Topeka, Kansas, placed on first reading March 6, 2001, was again presented. (V01S/3)

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

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John Dugan, Director of Planning gave the staff report and said it is recommended for approval.

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

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

ORDINANCE NO. 17659 introduced by Mayor Joan Wagnon relating to the vacation of a 30-foot wide platted building setback as dedicated by Shadywood Subdivision, City of Topeka, Shawnee County, Kansas, on property located at 3244 SW Timberlake Lane, in the City of Topeka, Kansas, placed on first reading March 6, 2001, was again presented. (V01SB/1)

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

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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, March 13, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to consider the advisability of Street Repair Project No. 84289, 1000 feet of bandera limestone curb for installation within the Potwin Place Association boundary.

Mike McGee, Assistant Director of Public Works gave the staff report.

Deputy Mayor Carkhuff gave an opportunity for anyone present to speak.

Jim Schiefrack appeared in support of the project.

RESOLUTION NO. 7137 introduced by Mayor Joan Wagnon authorizing Street Repair Project No. 84289 located within Potwin Place Association Boundary as more specifically described herein, was presented.

Councilmember Pomeroy moved to close the public hearing and adopt the resolution. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Iris Walker
City Clerk