

City Council Minutes – April 17, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 17, 2001. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, Lane, Stanley, Duffy, Stubbs, Hill, and Price –8. Deputy Mayor Dunn presided -1. Absent: Mayor Felker -1.

AFTER THE MEETING was called to order, prayer was offered by Councilmember Stubbs.

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

THE CONSENT AGENDA was presented as follows:

Deputy Mayor Dunn stated that there was a request to divide the question. She stated that Item 2C, a resolution relating to the renaming of the State of Kansas Signature Office Building, would be removed from the consent agenda and placed directly following as requested by Councilmember Stanley.

A RESOLUTION introduced by Councilmember John Alcala relating to housing tax credits for rental housing through Commercial Group, Inc., was presented.

Councilmember Alcala moved to table the resolution until a later date so that additional information could be received. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

A COMMUNICATION from Mayor Harry Felker recommending the re-appointment of Blanche Parks and Charles Engel to the Washburn University Board of Regents, was presented.

Minutes of the regular meeting of April 10, 2001, were presented.

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

RESOLUTION NO. 7146 introduced by Councilmembers Duane Pomeroy, Vanessa Hill, Harold Lane, and John Alcala to rename the State of Kansas Signature Office Building located at 10th and Kansas Ave. the Charles Curtis Office Building in honor of former Vice President Charles Curtis, was presented.

Ann Andrews appeared and stated that she supported the resolution.

Councilmember Stanley stated that he would abstain because of conflict of interest with his position as Chairman of the Public Building Commission.

Councilmember Hill moved to approve the resolution. The motion seconded by Councilmember Alcalá carried. Councilmember Stanley “abstained”. (8-0-1)

ZONING PETITION (Z01/04) by Hawkins Optical, Inc. requesting to amend the District Zoning Classification from “C-4” Commercial District to “C-5” Commercial District on property located at 1015, 1017, 1035, and 1037 SE Quincy Street in the City of Topeka, Kansas, was presented.

Barry Beagle, Acting Planning Director gave the staff report.

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

Deputy Mayor Dunn asked Councilmembers to declare ex parte communications. There were none.

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

ORDINANCE NO. 17670 introduced by Mayor Harry Felker 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 1025, 1027, 1035, and 1039 SE Quincy Street, in the City of Topeka, Kansas from “C-4” Commercial District to “C-5” Commercial District, placed on first reading April 10, 2001, was again presented. (Z01/04)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price –9.

ORDINANCE NO. 17671 introduced by Mayor Harry Felker, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60554 with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60554, as defined and described in

Resolution No. 7051, adopted and approved March 14, 2000, placed on first reading March 27, 2001, was again presented.

Linda Jeffrey explained that the requests made during the public hearing have been met.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price –9.

RESOLUTION NO. 7147 introduced by Councilmember Duane Pomeroy amending Topeka City Council Rules and Procedures, approved January 20, 1998, and amended on November 17, 1998, February 23, 1999, December 21, 1999, December 12, 2000, and January 2, 2001, specifically amending Rule 2.12 and Rule 4.1, and rescinding said original sections, placed on first reading April 10, 2001, was again presented.

Councilmember Pomeroy explained that the amendment would allow for the public comment portion of the Council meeting not to be televised at least once per month. This would give those who wanted to speak before the Council and not be televised an option. He stated that the second amendment would not allow the chair to remove an item from the table once the City Clerk has read it and discussion on the item has started.

Mayor Felker entered the room.

Councilmember Pomeroy moved to approve the resolution. The motion was seconded by Councilmember Duffy.

Councilmember Alcalá made a substitute motion to amend the resolution on line 20 to add the language “a portion of”. The motion seconded by Councilmember Dunn carried. Councilmember Pomeroy voted “no”. (8-1-0)

Pat DeLapp and Charles Criqui appeared and stated that they were opposed to the resolution.

The motion to approve the resolution as amended carried unanimously. (9-0-0)

RESOLUTION NO. 7148 introduced by Councilmember Duane Pomeroy amending Council Committee Rules of Procedures, approved August 26, 1997, specifically Rule 6.A., and rescinding said original section, placed on first reading April 10, 2001, was again presented.

Councilmember Pomeroy explained that the amendment would allow the Deputy Mayor to refer a specific item to Committee only once.

The newly elected Councilmembers suggested that changes to the rules could be delayed 60-90 days until they have had a chance to become familiar with the current rules.

Councilmember Pomeroy moved to approve the resolution. The motion seconded by Councilmember Duffy carried. Councilmember Stanley voted “no”. (8-1-0)

A COMMUNICATION requesting Council approval of the Gage Park mini-train tunnel replacement project and authorize funding through General Improvement Fund (GIF), General Fund balance and/or Temporary Notes, was presented. Additionally, to declare the use of emergency provisions of the purchasing ordinance so the project can proceed as soon as possible and not have to be advertised, and waive any Topeka City Code provisions or purchasing requirements that conflict with the project.

Mayor Felker explained the communication. He stated that the BrickLayers Union has volunteered to build the tunnel as a community project.

John Arnold, Chief Administrative Officer explained that the insurance deductible for replacement of the tunnel is \$25,000. He stated that the funds could come from the General Improvement Fund and there is no need to do a budget amendment at this time.

Rogers Brazier appeared to answer questions.

Several Councilmembers expressed support for identifying funds that could be used to buy materials so volunteers could build the building and make repairs at the Heartland BMX Track.

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

CONTRACT NO. 31075 between the City of Topeka and the Jefferson Madison Building, L.P. providing for a loan agreement which will govern the loan of the remaining \$60,285.84 of Community

Development Block Grant (CDBG) funds, for the purpose of rehabilitation of residential rental units for the Sante Fe Place (old Memorial Hospital) Project, was presented.

Steve Ernst, Director of Housing and Neighborhood Development gave the staff report and explained the terms of the agreement.

Don Cooper, Jefferson Madison Building, L.P. appeared to explain the project.

Several Councilmembers expressed support for the project.

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

AN ORDINANCE introduced by Councilmember Vanessa Hill relating to the budget schedule, amending City of Topeka Code § 2-271, Budget schedule and specifically repealing said original section, was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer announced that there is a work session scheduled for Saturday, April 21, 2001, from 9:00 a.m. until Noon at the Law Enforcement Training Center to discuss claims, litigation, and the crime summit.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Mayor Felker stated that he invited John Frieden, attorney hired by the City, to give a presentation and update on the utility rate case.

John Frieden, Attorney explained the background of the case and the proposed rate increase. He stated that the Kansas Corporation Commission (KCC) was holding a public hearing Thursday, April 19, 2001, at 7:00p.m. He commented that this was a very serious case and it was important that the City and public attend.

Councilmember Alcalá asked for a monthly update on the cost of representation for the utility rate case.

Randy Bailes, Director of Financial Services noted that other cities are contributing to the cost of attorney fees and he would provide a report.

Councilmember Lane stated that it was brought to his attention that a downtown business owner was using a City parking permit. He asked for a list of names and permit numbers of all those who have City parking permits so they could remedy the situation.

Pallas Holts, Charles Criqui, and Brandon Naylor appeared and spoke during public comment.

NO FURTHER BUSINESS appearing, the meeting was adjourned by unanimous consent at 9:05 p.m.

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 17, 2001. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Lane, Stanley, Duffy, Stubbs, Hill, and Price –8. Deputy Mayor Dunn presided -1. Absent: Mayor Felker -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, April 17, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with vacation request V01E/2 by Shawnee County Board of Commissioners to vacate a 20-foot wide drainage easement located at the southwest corner of SW 6th Avenue and SW Commerce Place.

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

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

ORDINANCE NO. 17669 introduced by Mayor Harry Felker relating to the vacation of a 20-foot wide drainage easement which crosses a portion of Lot 1, Block "A", Menninger Subdivision No. 3, City of Topeka, Shawnee County, Kansas, on property located at the southwest corner of SW 6th Avenue and SW Commerce Place in the City of Topeka, Kansas, placed on first reading April 10, 2001, was again presented. (V01E/2)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price –9.

Iris Walker
City Clerk