

City Council Minutes – June 19, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 19, 2001. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price–9. Mayor Felker presided -1.

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

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 7159 introduced by Mayor Felker, canceling the Council meeting of July 3, 2001, in accordance with City of Topeka Code § 2-27, was presented.

A FINAL PLAT for B.R.B. Subdivision No. 2 on property located between the old and new alignments of U.S. Highway 75 and from U.S. Highway 24 to NW 25th Street within the City of Topeka, Kansas, was presented.

MINUTES of the Regular Meeting of June 12, 2001 were presented.

APPLICATION for Cereal Malt Beverage Licenses, bearing the approval of the Chief of Police and City Inspectors were presented for Oakmart Amoco located at 2518 NE Seward was presented.

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

ORDINANCE NO. 17694 introduced by Mayor Felker adopting an amendment to neighborhood revitalization plan as provided for in K.S.A. (2000 Supp.) 12-17, 114 et seq., Neighborhood Revitalization Act, placed on first reading June 12, 2001, was again presented.

Councilmember Stanley asked if the plan includes the exclusion of the property at the Topeka State Hospital grounds that U.S.D. 501 will be developing only. He stated that his vote would be predicated on that.

Bill Fiander, Neighborhood Planner stated that the legal description excludes only the property that will be developed by U.S.D. 501.

Kevin Bargman and Frank Meade appeared in support of the amendment.

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

A COMMUNICATION submitting an appeal of denial of application for merchant guard license for Lafayette R. Saulters was presented.

Mayor Felker deferred the item for three weeks at the request of the Deputy Mayor.

A COMMUNICATION requesting authorization for the Mayor to execute an Interim Intergovernmental Agreement between the City of Topeka and the Kansas Department of Administration, and a second amendment to lease with the option to purchase by and between the Topeka Building Commission, the State of Kansas-Department of Administration, and the City of Topeka, Kansas relating to the Signature Garage, was presented.

Councilmember Duffy asked upon execution of this agreement, if the City would have any involvement, liability or responsibility whatsoever with the garage.

Beth Schafer, Assistant City Attorney stated that they would, by the terms of the lease with option to purchase have the on-paper or bottom line responsibility. She explained that the interim agreement puts in place the state's willingness to make-up any revenue shortfalls, convey those moneys to the City, the City then in turn conveys those moneys on a monthly basis to the trustee for the bondholders. She explained that they would have to secure the approval of the bondholders and that would take a period of time.

Councilmember Duffy explained the work the Public Improvements Committee has been involved with for the past two years relating to downtown parking issues. He stated that they have had a lot of difficulty in sharing communications with the State in attempting to find out the State's intentions on a number of projects. He stated that the projects he would like information on relate to the traffic flow, between Jackson and Harrison around the State House. He wanted to know if it was still the desire of the State of Kansas to close 9th Street between Topeka and Harrison; and if the State plans to construct a parking garage on the State House grounds

or in that area. He also stated that the Attorney General sent a communication to this body that the parking in front of the Memorial Building must be changed to accommodate handicap parking for ADA compliance, and he would like to know if that project will be completed.

Joe Fritton, Director of Facilities Management for the State of Kansas Department of Administration appeared and explained that the last couple of years there has been some cooperation between the City and State on some parking issues. He explained what those projects were.

Councilmember Stanley explained what the State has in mind with regard to parking. He also explained that because there was a decision to put a garage on 9th Street it preempted the Capitol Area Planning Authority's plan to have a pedestrian promenade from the Capitol steps to Kansas Avenue. He noted that they never received a communication with regard to the disposition of Harrison and Jackson, so they were unaware.

Several Councilmembers expressed their concern about the pedestrian promenade. It was noted that the developers were too far along with the design and process to change or halt the garage project.

Following further discussion relating to downtown parking issues, Councilmember Hill moved to accept the communication. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

A COMMUNICATION from Councilmember Alcala requesting Council approval of funding not-to-exceed \$25,000 for the purpose of keeping the swimming pools open longer, was presented.

Councilmember Alcala explained the request. He stated that the Blaisdell and Hillcrest Pools would remain open until Labor Day, September 3, 2001. He stated that approval would keep the other pools open until August 5, 2001.

Rogers Brazier, Director of Park and Recreation stated that Blaisdell Pool is the only one they could keep open until Labor Day because of staffing needs.

Several Councilmembers expressed the need to keep pools open on both sides of town.

Councilmember Pomeroy suggested doing training in the winter.

Rogers Brazier stated that they offer training in February and March.

Councilmember Duffy stated that he supports the request. He commented that the decision on which pool to keep open should be done administratively.

Councilmember Duffy moved to take the money from the General Fund, contingency line item, to keep the pool opened longer. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Councilmember Stubbs stated that she agreed with Councilmember Duffy's comment that the decision on which pool to keep open should be done administratively. She stated that they should also look at addressing transportation problems.

Several Councilmembers suggested offering incentives to certified swimmers to keep them through Labor Day.

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

A COMMUNICATION from Councilmember Alcala requesting Council approval of funding not-to-exceed \$6,000 from the General Fund for air conditioners for the Oakland Community Center room which houses the Health Department, was presented.

Rogers Brazier explained the request for funding. He stated that the project could possibly be done within four weeks from approval.

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

A COMMUNICATION requesting Council approval to transfer \$200,000 from the 2001 General Fund Contingency line item to pay the cost of the first year of the Microsoft Enterprise Agreement was presented.

Randy Bailes, Director of Finance stated that approval of the communication would put the City in compliance with the Microsoft requirements. He stated that the first year cost is not included in the operating budget.

Bill Ritter, Director of Information Technology stated that Microsoft changed the licensing requirement for governmental entities having 500 or more computers. He stated that Microsoft would be doing an audit to ensure compliance. He stated that they would get all new software updates for free with the new agreements. He stated that the leasing cost per year is \$300 per PC per year, and there are 659 PC's and laptops Citywide.

Councilmember Stanley moved to defer the communication for one week so that he could visit with Mr. Ritter about this. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

RESOLUTION NO. 7160 introduced by Mayor Felker, establishing a date for a public hearing concerning the adoption of an amended plan pursuant to the Neighborhood Revitalization Act, K.S.A. (2000 Supp.) 12-17, 114 et seq., was presented.

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

A COMMUNICATION requesting approval to appoint Bill Fiander as Acting Planning Director was presented.

Mayor Felker stated that Barry Beagle had sent e-mail to John Arnold, withdrawing as Acting Planning Director and withdrawing his application for consideration as Planning Director. Mayor Felker announced that interviews will be held soon, but they needed someone as Acting Planning Director currently. Bill Fiander has agreed to fulfill that role.

Councilmember Alcala commended Barry Beagle for his exemplary work in the Planning Department.

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

A COMMUNICATION regarding the Topeka Housing Authority was presented.

RESOLUTION NO. 7161 introduced by Mayor Felker, authorizing the Mayor to execute deeds and any other necessary documents to transfer title of real estate, the annual contribution's contract between the City and HUD, and certain federal public housing authority grants to the new Topeka Housing Authority, was presented.

Linda Jeffrey, City Attorney, distributed several documents relating to Topeka Housing Authority, which are available in the agenda packet.

Councilmember Dunn asked about the troubled agency status of Topeka Housing Authority. Tuck Duncan, Chairman of Topeka Housing Authority Board, stated that upon transfer of the annual contribution contract and assets, the agency has complied with all requirements of the memorandum of understanding with Housing and Urban Development.

Tuck Duncan distributed a document showing the accomplishments of Topeka Housing Authority from February 1999 to June 2001. He also stated that HUD had withdrawn current drug elimination grant funds and current capital improvement funds until the assets are transferred from the City of Topeka to the agency. In addition, HUD has suggested that Topeka Housing Authority may go into receivership if the assets and contract are not assigned to the agency. He stated that if the agency did go into receivership, there would be no local control in the agency.

Councilmember Dunn asked the City Attorney to prepare a charter ordinance to bring the Topeka Housing Authority back under the City of Topeka. Councilmember Lane stated that he would support such a charter ordinance so the council could assist tenants.

Following a discussion regarding the operations of the Topeka Housing Authority, Councilmember Alcala asked if there were any way to have more authority over the actions of Topeka Housing Authority. Linda Jeffrey explained the options available to the city council. Mayor Felker noted the governing board situations in other Kansas cities and how they operated.

Councilmember Stubbs moved to accept the resolution. Councilmember Duffy seconded the motion.

Councilmember Lane asked what would happen when the assets were transferred if the City tried to charter THA back into the City. Linda Jeffrey stated that when assets are transferred, they are no longer under City authority.

Councilmember Dunn made a substitute motion to defer the issue for one week. The motion seconded by Councilmember Lane failed. Councilmembers Pomeroy, Duffy, Stubbs, Hill, Price voted “no.” (4-5-0)

The original motion carried. Councilmembers Alcalá, Lane, and Dunn voted “no.” (6-3-0)

Tuck Duncan reported that the title insurance work has already been completed and will be paid for by Topeka Housing Authority.

AN ORDINANCE introduced by Mayor Felker, authorizing Traffic Signal Improvement Project No. 14092, located at SW 6th Avenue and SW Madison Street as more specifically described herein all pursuant to Topeka City Code Section A12-1, was presented for first reading.

Councilmember Alcalá asked about putting a signal at SE 6th Street and SE Carnahan Avenue. Neil Dobler, Public Works Director, replied that they would research options to pay for installing such signals.

Councilmember Pomeroy asked about signals near French Middle School. Mayor Felker replied that signals and pavement would be addressed shortly.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER was presented.

John Arnold, CAO stated that Jim Langford prepared a list of budget priorities designated by the council. The priorities were categorized as basic city services, economic development, and other categories. Council were asked to provide feedback.

John Arnold announced that the Topeka Avenue Bridge would again be brought before the council as decisions are made.

The council may be asked to refinance bonds in the near future as interest rates are lowered.

REPORTS OF COMMITTEES AND OFFICERS were presented.

Councilmember Hill reported that the Public Health and Safety Committee would be meeting Friday at 4:00 p.m. in the Council office. They will discuss sewage collection facilities and services outside the city limits.

Mayor Felker distributed information regarding youth and social service committee appointments.

Chief Ed Klumpp appeared to report on the traffic accident involving an off-duty officer that had been discussed at previous council meetings. He explained witness statements, tests performed and other issues.

PRESENTATIONS BY MEMBERS OF THE COUNCIL were presented.

Councilmember Lane asked about a lease between the Damrons and the City of Topeka.

Councilmember Lane asked about sewer extension at SW 21st and Rice Road. John Arnold replied that he would follow up with the property owner.

Councilmember Alcalá complimented the Police Department on their involvement in the Oakland area. He asked how much extra money was expended to do the extra work in Oakland. Captain Padilla replied that very little overtime hours were used to saturate Oakland.

Councilmember Alcalá asked what benefits are received from lobbyists.

Councilmember Pomeroy stated that the League of Kansas Municipalities would not lobby for cities involved in issues that only involve an individual city.

Councilmember Pomeroy distributed flyers for the Crime Summit scheduled for 9:00 a.m. on July 28, 2001 at Henderson Hall at Washburn University. The public is invited.

Councilmember Dunn stated that the Cool Summer program at Hi-Crest and Avondale East is a success. She asked if it could be expanded.

Councilmember Dunn asked about the sidewalk for Avondale East. John Arnold replied that the contract has been awarded and construction will begin soon.

Councilmember Dunn stated that she was not attempting to take any funding from Washburn University, but was trying to find money for the Topeka Avenue Bridge.

PUBLIC COMMUNICATIONS AND COMMENTS were presented.

Councilmember Price moved to extend the meeting to the end of the agenda. The motion seconded by Councilmember Dunn carried. (7-2-0) Councilmembers Stanley and Duffy – no.

Raymond Ayala and Robert Otto appeared to speak.

NO FURTHER BUSINESS appearing the meeting was adjourned at 11:10 p.m.

Iris Walker, City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 19, 2001. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price-9. Mayor Felker 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, June 19, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the City Clerk, Lateral Sanitary Sewer District No. 40595, Phase II.

Bill McCarter, Engineering Department gave the staff report.

Mayor Felker 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 Lane carried unanimously. (9-0-0)

ORDINANCE NO. 17693 introduced by Mayor 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 lateral sanitary sewer with piping, manholes, engineering and all other contingencies needed to complete the Lateral Sanitary Sewer Improvement Project No. 40595, Phase II, as defined and described in Resolution No. 7105, adopted and approved November 28, 2000, placed on first reading June 12, 2001, was again presented.

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

Iris Walker
City Clerk