

## City Council Minutes – July 24, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 24, 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, Dunn, Stanley, Duffy, Stubbs, Hill, and Price–9. Mayor Felker presided –1.

AFTER THE MEETING was called to order, prayer was offered by Reverend Neil Buono, Prince of Peace Lutheran Church.

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

Mayor Felker stated that he needed to leave for a while and turned the meeting over to Deputy Mayor Dunn to chair until he returned.

THE CONSENT AGENDA was presented as follows:

A Final Plat for Cherry Brook Subdivision by George Meier on property located about the southeast corner of NW 35<sup>th</sup> Street and US Highway 75 in Unincorporated Shawnee County, Kansas, was presented.

RESOLUTION NO. 7171 introduced by Mayor Felker, scheduling a Council meeting on July 31, 2001, in accordance with City of Topeka Code § 2-27, was presented.

MINUTES of the Regular Meeting of July 10, 2001 were presented.

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

ORDINANCE NO. 17703 introduced by Mayor Felker, relating to nuisances, amending Topeka City Code § 66-27(2) and specifically repealing Topeka City Code § 66-27(2), placed on first reading June 26, 2001, was again presented.

Beth Schafer, Acting City Attorney explained the amendment to the ordinance adds the words “which creates an unsightly appearance”, which is language recognized by the court. She also suggested including the language “Provided further, no junked, wrecked, or inoperable vehicle(s) shall be stored or located at any place or stored or located at any business operating within 50 feet of a school where, in the judgment of the Code

Compliance Director such storage or location of the vehicle(s) will jeopardize the public safety, health, and welfare”, as a follow-up to the request for an amendment at the July 10<sup>th</sup> Council meeting.

Councilmember Alcalá moved to amend the ordinance on line 24 with the language suggested by the Acting City Attorney. The motion was seconded by Councilmember Lane.

Councilmember Duffy stated that the amendment sends a strong message that the Council is concerned with the safety issue of children.

Pat DeLapp appeared in opposition to the ordinance and urged the Council not to take action on the ordinance until there is plenty of time to review the entire code.

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

AN ORDINANCE introduced by Councilmember Gary Price, relating to block zone parking, amending Section 19 of City of Topeka Ordinance no. 17635 and specifically repealing said original Section 19 of City of Topeka Ordinance No. 17635, placed on first reading July 17, 2001, was again presented.

Councilmember Price asked for a delay to work out some details.

Deputy Mayor Dunn referred the ordinance to the Economic Development Committee for review.

Councilmember Duffy announced that the Economic Development Committee would meet Friday, July 27, 2001 at 7:10 a.m. in the City Council office.

ORDINANCE NO. 17704 introduced by Mayor Felker, relating to special event permits, amending Topeka City Code § 130-1, Special Event Permits and specifically repealing said original section, placed on first reading June 5, 2001, was again presented.

Mike McGee, Director of Public Works explained the ordinance.

Councilmember Alcalá moved to accept the committee report. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Lane, Dunn, Stanley, Duffy, Stubbs, and Hill–8. Councilmember Price was out of the room –1.

RESOLUTION NO. 7172 introduced by Mayor Felker relating to the leasing of property for the purpose of providing office space for staff of City of Topeka, pursuant to Topeka City Code §2-460(c), was presented. (Contract No. 31270)

RESOLUTION NO. 7173 introduced by Mayor Felker relating to the leasing of property for the purpose of providing office space for staff of City of Topeka, pursuant to Topeka City Code §2-460(c), was presented. (Contract No. 31271)

Kevin Rooney, Housing and Neighborhood Development gave the staff report. He stated that one of the resolutions was for relocation of the Municipal Court Probation Division, and the other one for the relocation of the Housing and Neighborhood Development Department.

Councilmember Dunn asked for a status regarding the purchase of a building.

John Arnold, Chief Administrative Officer stated that they needed immediate space and this fits their needs right now.

Councilmember Lane stated that he received a concern from a constituent about lack of parking if Housing and Neighborhood Development relocated to this downtown location.

Kevin Rooney explained the parking that would be available with the relocation.

Councilmember Pomeroy asked why one is a two-year and one is a three-year lease.

Mayor Felker entered the room.

Kevin Rooney stated that it takes care of our immediate needs. He stated that they would come back in the future with a proposal to purchase a building.

Councilmember Hill moved to adopt the resolution. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

RESOLUTION NO. 7174 introduced by Mayor Felker relating to a Lease-Purchase Agreement for computer equipment and software for the City, was presented.

Randy Bailes, Director of Financial Services gave the staff report.

Councilmember Alcala asked for the cost of interest.

Randy Bailes stated that it was approximately \$10,000.

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

RESOLUTION NO. 7175 introduced by Mayor Felker, amending the adopted 2001-2002 Capital Budget for the City of Topeka, Kansas, and rescinding City of Topeka Resolution No. 7081, was presented.

Dave Graverson, Capital Improvements Project Coordinator stated that the resolution keeps the budget current with the action taken previously by the Council.

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

AN ORDINANCE introduced by Mayor Felker, authorizing Traffic Signal Improvement Project No. 14095, located at SW 8<sup>th</sup> Avenue and SW Madison Street as more specifically described herein all pursuant to Topeka City Code § A12-1, was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala authorizing the Committee for the Mexican Independence Day Celebration to hold events, was presented for first reading.

**REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:**

John Arnold, Chief Administrative Officer reported on the standards of the National Fire Protection Association (NFPA). He stated that they would need to hire an additional fifty-one firefighters and fund two, maybe three new fire stations to initiate compliance with the NFPA. He provided an analysis regarding bond issuance costs. He also stated that the Federal Emergency Management Agency would be providing a course

for City and County officials next August. He noted that the Council must commit to a week if they want to participate.

Councilmember Duffy asked for a listing of memberships with the NFPA.

#### PRESENTATIONS BY MEMBERS OF THE COUNCIL:

Councilmember Lane asked if they could find out if KTWU would be interested in replaying City Council meetings because many citizens in Topeka do not have access to Cox Cable and therefore, to the City 4 Government access channel.

Councilmember Stanley asked for a review of the TCI franchise agreement.

Councilmember Pomeroy announced that there would be a town meeting regarding the crime summit on Saturday at 9:00 a.m. at Washburn University, Henderson Hall. He stated that anyone interested could attend and they could send written comments to the Council office if they are unable to attend the meeting. He stated that the Committee would provide a report to Council prior to September 18, 2001. He also stated that he sent some suggestions to the Election Commissioner regarding precinct lines and district boundaries.

Councilmember Alcala announced that Scott Heidner is leaving the City Council office and would be missed.

Councilmember Stanley stated that he wanted to make sure the memo from the Chief Administrative Officer was not the Mayor's "B" budget.

Councilmember Lane stated that he appreciated Councilmember Pomeroy's comments made regarding redistricting efforts.

Carlos Gomez, David Price, David Clemmons, Charles Criqui, Tina Cripps, and Ray Martinez appeared for public comment.

Councilmember Stubbs moved to adjourn into the Committee of the Whole for the purpose of discussing the 2002 budget. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

Following budget presentations by Financial Services and Parks and Recreation, Councilmember Price moved to recess the Committee of the Whole meeting. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 12:10 p.m.

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Iris Walker, City Clerk

## **Special Session**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 24, 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, 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, July 24, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8<sup>th</sup> Street to obtain citizen comment on a proposed amendment to the Neighborhood Revitalization Plan.

Bill Fiander, Acting Planning Director gave the staff report and explained the location of the proposed amendments to the plan. He stated that they included six parcels of land near Sherman Avenue and an area in the 1100 block of SW Buchanan.

Councilmember Pomeroy stated that they should delay the WaterTower amendment, and send the proposal in one package to the other governmental entities.

Councilmember Alcalá stated that he wanted to move ahead with the WaterTower amendment and keep it separate from the other amendments to the plan.

Councilmember Duffy asked if they support each amendment then wouldn't they want other governing bodies to support them, if so, he commented that it would be better to send the amendments as a package. He stated that he would oppose the motion.

Councilmember Lane moved to send WaterTower separately and send all of the others as a package so that they would not be holding up people who want to do some development in WaterTower area. The motion was seconded by Councilmember Alcalá.

The motion carried. Councilmembers Pomeroy and Duffy voted "no". (7-2-0)

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

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

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Iris Walker, City Clerk