

City Council Minutes – August 7, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 7, 2001. The Councilmembers of the City of Topeka met in work session at 5:30 P.M., with the following Councilmembers present: Pomeroy, Alcala, Lane, Dunn, Duffy, Stubbs, and Hill–7. Councilmembers Stanley and Price were absent – 2. Mayor Felker presided –1.

Councilmember Stubbs moved to adjourn into the Committee of the Whole for budget presentations. The motion seconded by Councilmember Hill carried unanimously. (7-0-0)

Councilmembers Stanley and Price entered the room.

Mayor Felker turned the meeting over to Deputy Mayor Dunn to chair the Committee of the Whole meeting.

The Legal Department and Information Technology gave budget presentations for their individual departments.

Councilmember Hill moved to reconvene into open session for the regular Council meeting. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

Councilmember Hill moved to go into Executive Session for fifteen minutes to discuss a personnel matter. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Following Executive Session, the Council meeting reconvened. Mayor Felker stated that no action had been taken.

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 Dave Fulton of Trinity Lutheran Church.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 7178 introduced by Mayor Felker relating to a lease purchase agreement for telecommunication infrastructure for all City facilities was presented.

Minutes of the Regular Meeting of July 31, 2001, were presented.

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

ORDINANCE NO. 17708 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 July 31, 2001, was again presented.

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

Councilmember Price moved to dissolve into the Committee of the Whole. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

The Council listened to presentations from several agencies for funding for their programs for 2002.

Deputy Mayor Dunn put the request from Downtown Topeka Incorporated in Policy Committee.

Information Technology concluded their budget presentation.

Councilmember Stanley moved the reconvene into open session. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

A COMMUNICATION requesting all fees be waived by the City in connection with the construction of Phase II of The Great Overland Station project, was presented.

John Glassman, Executive Director of the Great Overland Station appeared and explained his request. The project is funded with private dollars at a 3-1 match. The finished project will include a museum and

educational site as well as tourist location. Two other museums are anticipated, including the Oregon Trail and Freight House museums.

Councilmember Dunn moved to accept the communication. The motion was seconded by Councilmember Hill.

Discussion followed concerning TEA 21 grant funding and economic impact of projects.

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

COMMUNICATION regarding Neighborhood Empowerment Grant Programs and Emergency Shelter Grant Program for FY2001 and FY2002, was presented.

John Arnold, Chief Administrative Officer provided the background on the requests.

Steve Ernst, Housing and Neighborhood Development Director gave the staff report and reviewed the HUD guidelines for the grants and conflict of interest.

Discussion followed concerning appointment of selection committee members.

Mayor Felker asked Beth Schafer, Acting City Attorney to provide an opinion about the conflict of interest HUD regulation.

Reverend Jean Wilson of Asbury Mount Olive United Methodist Church spoke in support of the Shalom Youth Program.

Beth Schafer explained the separation of church and state in regards to use of federal funds.

Michael Bell appeared in support of the Shalom Youth Program.

Betty Phillips appeared regarding the CDAC changes.

Andrews Fields appeared regarding Ripley Park improvements.

Lena Russell of East Topeka South NIA appeared regarding conditions of the area.

Discussion followed concerning the forms required for enhancement and empowerment funds.

Shirley Wishom appeared regarding Stardusters STUF Program.

Ellen Ross appeared and expressed her concern that the proposed projects might exceed the public service cap and might jeopardize future funding.

Councilmember Alcalá moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Lane carried. Councilmembers Stanley and Duffy voted “no.” (7-2-0)

Discussion followed about the public service cap.

Steve Ernst said that none of the projects submitted would fall under the public service cap, because the projects are solely “bricks and mortar” projects.

Victoria Nicholson of Tennessee Town NIA appeared and expressed concern with the grant process.

Marge Bradshaw appeared in support of funding for Constitution Hall.

Councilmember Lane moved to allocate \$26,000 to East Topeka South NIA for FY2001; \$26,000 to Quinton Heights NIA for FY2001; \$20,000 increase to Stardusters for FY2001; and \$33,750 to Constitution Hall for FY2001; and reduce Ward Meade NIA by \$50,000 for FY2001; Elmhurst NIA Washburn/Lane lighting project by \$25,000; Historical Holliday Park Fountain by \$11,710 for FY2001; and spread \$25,000 from \$112,000 for FY2001. The motion was seconded by Councilmember Alcalá.

Discussion followed concerning staff recommendations and qualifications and the grant process.

Councilmember Dunn made a motion to table the communication until they had additional information. The motion seconded by Councilmember Alcalá carried. Councilmembers Pomeroy, Duffy, and Price voted “no.” (6-3-0)

Deputy Mayor Dunn agreed to coordinate a committee consisting of one appointee from each councilmember to review the projects and bring recommendations back for council consideration.

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of the north one-half of SE 12th Street public right-of-way as dedicated by Ritchie’s Addition, City of Topeka, Shawnee County,

Kansas, on property located at the northeast corner of SE 12th Street and SE Madison Street in the City of Topeka, Kansas, was presented for first reading. (V01S/5)

AN ORDINANCE 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 about the south side of NE Burgess Avenue, the centerline of which is approximately 400 feet west of NE Grantville Road in the City of Topeka, Kansas from “R-1” Single-Family Dwelling District to “O&I-2” Office and Institutional District AND “I-1” Light Industrial District, was presented for first reading. (Z01/10)

AN ORDINANCE 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 1035 and 1039 SW Wanamaker Road in the City of Topeka, Kansas, from “C-2” Commercial District to “C-4” Commercial District, was presented for first reading. (Z01/11)

AN ORDINANCE 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 about the east side of SW Burlingame Road between SW 45th Street (extended) and SW 49th Street in the City of Topeka, Kansas from “R-1” Single-Family Dwelling District to “C-4” Commercial District, was presented for first reading. (Z00/52)

Barry Beagle of Planning Department reported that a formal protest has been filed on Z00/52. The ordinance will require a super majority vote and all councilmembers to be present.

Councilmember Price announced that he would not be at the council meeting on August 28, 2001.

Mayor Felker stated that the final reading for the ordinance would be on September 4, 2001.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:

John Arnold, Chief Administrative Officer distributed a memorandum concerning zoo accreditation. Mr. Dennis Pate, an accreditation expert, visited the zoo and noted several improvements in elephant care.

In addition, he distributed a memorandum concerning Moody's evaluation of the City's financial soundness. Items that were highlighted in the report included the Fund Balance, Water Enterprise Fund, and the Topeka Boulevard Bridge.

John Arnold reported on the Garfield and Golf Park sidewalks.

PRESENTATIONS BY MEMBERS OF THE COUNCIL:

Councilmember Alcala presented a plaque from the BMX Group.

Councilmember Alcala asked the status of the house in the 500 block of Twiss.

Mayor Felker reported that meetings are being conducted regarding the house and they will progress.

Councilmember Duffy suggested reviewing the Housing and Neighborhood Development budget in its entirety next year.

PUBLIC COMMUNICATIONS AND COMMENTS:

Charles Criqui and Shawn Leisinger appeared to speak for Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 12:25 a.m. by unanimous consent.

Iris Walker, City Clerk