

City Council Minutes – September 25, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 25, 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, Hecht, Duffy, Stubbs, Hill, and Price – 9. Mayor Felker presided –1.

AFTER THE MEETING was called to order, a moment of silence was observed by those present in the chamber.

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

Jay Alban of Cox Communications provided a presentation concerning cable television. He reported that Cox Communications is the 5th largest provider in the United States, serving 18 states. Cox serves 105 communities in Kansas. Approximately 60% of Topeka homes have cable television.

Councilmember Stubbs asked how rate increases are determined.

Jay Alban replied that cable television is an elective, not a utility. The Federal Communication Commission (FCC) regulates all aspects of cable television, including rates. Programming costs have increased 18% in the last two years. Other costs have also increased as in all businesses. As costs increase annually, they are passed on to customers.

Channel line-ups change due to programming contractual stipulations.

FCC requires black outs of out-of-town broadcasts if the local broadcaster requests it when both broadcasters are providing the same program at the same time.

Competition to cable television is found in systems such as Direct TV. This competition is the primary reason for Cox Communications increasing their programming. Additional competition could be provided by any other cable television system that would like to provide service since Kansas law prohibits exclusive cable television franchises.

Councilmember Stubbs asked why cable television prices increase when VCR's and televisions are decreasing in prices. Additionally, she asked if Topekans are supporting the venture to provide service to Shawnee County.

Jay Alban replied that consumer electronics, such as VCR's and televisions are a completely different item than cable television equipment. He also indicated that Cox Communications is striving to standardize prices across Kansas, but did not charge Topeka customers for providing service to other areas.

Councilmember Price asked if Cox Communications had lower rates for senior citizens.

Jay Alban replied that Cox is cognizant of those on fixed incomes, and have provided a limited basic package at a reasonable cost as a response to those individuals.

Councilmember Lane asked if Cox Communications had the capability to close caption the City Council meetings.

Jay Alban replied that the FCC has designated that cities are to manage their own channels. He also indicated that specialized firms exist to provide closed captioning.

Councilmember Duffy asked why sports events get changed without notice, even after being advertised.

Jay Alban replied that the local cable company is required to carry the feed provided to them.

Councilmember Pomeroy asked why the Kansas City public broadcasting station was no longer provided.

Jay Alban replied that in standardizing the limited tier products across the state, channel space was limited, and only the local PBS station was carried.

Councilmember Stubbs asked for a contact person with Cox Communications.

Jay Alban suggested Becky Sullivan, the Regional Customer Care Manager, and Colleen Mullin, Director of Government Affairs, be contacted at the local station.

Councilmember Alcala commented that he would like to see Cox Communications develop an affordable program for seniors before negotiations begin for the next franchise agreement.

Jay Alban thanked the Mayor and City Council for allowing them to make a presentation to the City of Topeka. He also announced that all computers in the K-12 schools of Topeka that already have cable television can be hooked up to free internet service by Cox Communication.

THE CONSENT AGENDA was presented as follows:

FINAL PLAT for Christ the King Subdivision on property located on the southeast corner of SW Wanamaker Road and SW 25th Street in the City of Topeka, Kansas was presented.

A COMMUNICATION requesting authorization for the Mayor to execute deed to tract of real property which was previously transferred to the City as part of an industrial revenue bond issue, conveying property to Jancy C. Pettit was presented.

Minutes of the Regular Meeting of September 18, 2001 were presented.

Councilmember Hill corrected the minutes to reflect that she made the motion to approve the Project Budget for Improvement Project No. 15058, Phase I, and adopt Resolution No. 7185.

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

A PROJECT BUDGET in the amount of \$153,457 AND ORDINANCE NO. 17722 introduced by Mayor Felker, authorizing Project No. 14096-00, which provides for the installation of an upgraded traffic signal system at S.E. 4th Street and S.E. Monroe Street as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, placed on first reading September 18, 2001, was again presented.

Councilmember Alcala moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

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

LABOR CONTRACT NO. 31408 between the City of Topeka and the Fraternal Order of Police, Lodge 3 for 2002, 2003, and 2004, which provides for wage adjustments and other terms and conditions of employment was presented.

Rod Armstrong, Labor Relations Director explained the provisions of the contract.

Discussion followed concerning having two major labor contracts negotiated in the same year as well as negotiating contracts before Council budget discussions.

Rod Armstrong suggested terminating one contract in 2004 and renegotiating a 3-4 year contract. The other contract would have the 2004 wage reopener and renegotiate the contract the following year.

Discussion followed concerning compensating bilingual officers for translation abilities.

Jerry Stanley, President of FOP appeared to answer questions.

Discussion followed concerning officers taking police cars home and encouraging officers to live in the City.

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

Councilmember Stubbs asked how police officers that are called into military service will affect the Police Department.

Chief Ed Klumpp responded that five officers have been called up for state call-up, which is limited to 30 days. Twenty-six officers are in the National Guard or Reserves. He stated that they have a plan in place should all officers get called up.

Mayor Felker announced that five new officers were sworn in recently and will be on the street in a few weeks. Another academy will begin the second week of December with thirteen openings.

A COMMUNICATION regarding application for an additional loan amount under the Kansas Water Pollution Control Revolving Loan Assistance Project was presented.

RESOLUTION NO. 7187 introduced by Mayor Felker authorizing the filing of additional necessary documents with the Kansas Department of Health and Environment (KDHE) for an additional loan amount under the Kansas Water Pollution Control Revolving Loan Assistance Project; K.S.A. 65-3321 through 65-3329 was presented.

Neil Dobler, Public Works Director gave the staff report.

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

PROJECT BUDGET in the amount of \$9.411 million, and RESOLUTION NO. 7188 introduced by Mayor Felker relating to Water Pollution Control Project No. 29091-4-1A, which provides for rehabilitation of the Oakland Wastewater Treatment Plant and authorizing the same was presented.

Neil Dobler gave the staff report.

Councilmember Alcala moved to approve the communication and adopt the resolution. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

A PETITION, PROJECT BUDGET in the amount of \$117,800, and RESOLUTION NO. 7189 introduced by Mayor Felker authorizing Lateral Sanitary Sewer, Project No. 40583-H, Phase 2, located at approximately SE 43rd Street and SE 43rd Terrace between SE Illinois and SE Indiana Ave, as more specifically described herein was presented.

Neil Dobler gave the staff report.

Councilmember Dunn moved to approve the communication and adopt the resolution. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

A PETITION, PROJECT BUDGET in the amount of \$200,600, and RESOLUTION NO. 7190 introduced by Mayor Felker authorizing Street Improvement Project No. 60468-H Ph III, paving a portion of S.E. 43rd Street and S.E. 43rd Terrace between S.E. Illinois Avenue and S.E. Indiana Avenue, as more specifically described herein was presented.

Neil Dobler gave the staff report.

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

AN ORDINANCE introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, and constituting the west 25-feet of SW Arvon Place right-of-way extending north of SW 21st Street, and, said land being annexed for all City purposes, is hereby assigned to a specific City Council District in accordance with Section A2-18 of the Code of the City of Topeka, Kansas was presented for first reading. (A01/05)

Barry Beagle of the Planning Department gave the staff report.

AN ORDINANCE introduced by Mayor Felker, instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for sewage collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-631k was presented for first reading.

Neil Dobler gave the staff report.

AN ORDINANCE introduced by Mayor Felker authorizing initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Interceptor Sewer Improvement Project No. 29057-04 in the area of Deer Creek Interceptor Pumping Station at NE Strait Street and Doran Street, to SE 10th Street at Deer Creek was presented by first reading.

Neil Dobler gave the staff report.

AN ORDINANCE introduced by Mayor Harry Felker regulating traffic within the corporate limits of the City of Topeka, Kansas, incorporating by reference the “Standard Traffic Ordinance for Kansas Cities” edition of 2001, with certain omissions, changes and additions; amending and repealing said original Section 142-151 of the Code of the City of Topeka, also repealing Ordinance No. 17696 was presented for first reading.

AN ORDINANCE introduced by Mayor Felker, authorizing Project No. 70150-05 which provides for the design only of an electronic traffic signal and creating a left-hand turn lane at 3rd Street and Topeka Boulevard, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

Neil Dobler gave the staff report. He reported that the project was a design only project because the project planning fund did not have sufficient funding to cover as many projects as required.

Randy Bailes, Director of Financial Services, stated that financing design separately is not a preferred method of funding the planning for projects, but it is the only means of financing available at this time.

AN ORDINANCE introduced by Mayor Felker designating and establishing Trafficway Improvement Project No. 70183-00 of the City of Topeka and providing for the design of said trafficway located at approximately S. Kansas Avenue from 37th Street to the I-470/S. Topeka Boulevard intersection, hereinafter known as Trafficway Improvement Project No. 70183-00, all under the authority of K.S.A. 12-685 et seq. was presented for first reading.

Neil Dobler gave the staff report.

AN ORDINANCE introduced by Mayor Felker designating and establishing Trafficway Improvement Project No. 70192-00 of the City of Topeka and providing for the design of said trafficway located at approximately S.W. 6th Street from MacVicar Street to Oakley Street, hereinafter known as Trafficway Improvement Project No. 70192-00, all under the authority of K.S.A. 12-685 et seq. was presented for first reading.

Neil Dobler gave the staff report.

Mayor Felker stated that this project has been moved forward to coordinate with the new sports complex that USD 501 is building.

AN ORDINANCE introduced by Mayor Felker, authorizing Project No. 14101, traffic signal controller upgrades, which provides for the upgrade of traffic signal controllers at various locations within the City of Topeka as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

Neil Dobler gave the staff report. He stated that the 2001 CIP has money remaining, and this project would be funded with that money.

AN ORDINANCE introduced by Mayor Felker designating and establishing S.W. Fairlawn Road from S.W. 34th Street to I-470 Bypass as a main trafficway in the City of Topeka and authorizing the improvement of said trafficway, hereinafter known as Trafficway/Street Improvement Project No. 60487, all under the authority of K.S.A. 12-685 et seq. was presented for first reading.

Neil Dobler gave the staff report. He explained why this project had been rejected by the City Council in 1991.

Discussion followed concerning current safety conditions as well as traffic during construction.

AN ORDINANCE introduced by Mayor Felker designating and establishing Trafficway Improvement Project No. 70167-04 of the City of Topeka and authorizing the improvement of said trafficway located at approximately, S.W. Huntoon Street from Fairlawn Road to Glendale Street thereinafter known as Trafficway Improvement Project No. 70167-04 all under the authority of K.S.A. 12-685 et seq. was presented for first reading.

Neil Dobler gave the staff report.

AN ORDINANCE introduced by Mayor Felker, authorizing Project No. 12042-00, which provides for the removal and replacement of the W. 2nd Street Bridge over Ward Creek, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

Neil Dobler gave the staff report.

AN ORDINANCE introduced by Mayor Felker, authorizing Project No. 12027-02, which provides for the construction of a new pedestrian bridge structure north of E. 4th and Market, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

Neil Dobler gave the staff report.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:

Mayor Felker announced that John Arnold, Chief Administrative Officer was attending the national conference.

Neil Dobler provided an update on Topeka Boulevard Bridge project. He reported that the repair project was on schedule and should be completed by the middle of October, 2001. He further reported that the consultant study was on-going concerning bridge replacement.

Discussion followed concerning the public involvement plan and information to be provided the public.

Tom Flanagan, City Engineer appeared to answer questions. He stated that no design options have been developed yet, and cannot be developed until the Transportation Plan is completed.

Mayor Felker reported that the State and Federal participants are working to complete the Transportation Plan by Christmas, 2001.

REPORTS OF COMMITTEES AND OFFICERS:

Councilmember Hill reported that the Public Health and Safety Committee will meet October 1, 2001 at 4:00 p.m.

Councilmember Dunn introduced the new Legislative and Policy Analyst, Margaret "Peggy" White.

Deputy Mayor Dunn announced that Councilmember Hecht will be assigned to the Policy Committee and Community Development Committee.

PRESENTATIONS BY MEMBERS OF THE COUNCIL:

Councilmember Alcalá announced Councilmember Dunn's birthday.

Councilmember Alcalá reported that there has been a bad smell in the 500 block of Twiss which needs attention.

Councilmember Alcalá requested an update on the Memorial Hospital project.

Councilmember Dunn thanked the Mayor for the light on 10th Street.

Mayor Felker distributed draft copies of the Municipal Policy of the governing body of the League of Kansas Municipalities. He suggested they discuss the policy next week. The pressing issues include lobbying issues, sentencing guidelines, and the right of way compromise.

Councilmember Stubbs reported that one issue she was concerned with was the push to allow areas to be able to incorporate outside the city limits with a majority vote rather than an unanimous vote.

Councilmember Price stated that issues concerning purchasing abandoned properties need to be addressed.

PUBLIC COMMUNICATIONS AND COMMENTS:

Vic Miller and Jerry Lee appeared to speak for Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:37 p.m. by unanimous consent.

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 25, 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, Duffy, Hecht, 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, September 25, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to obtain citizen comment and review of a vacation request V01A/4 by Robert Scrinopskie et al., owners, to vacate a 1-foot wide strip of alley, the west line of which is coincident with the east line of Lots 242, 244 and 246 on S. Kansas Avenue and commonly known as 724, 726 and 728 S. Kansas Avenue, Topeka, Kansas.

Mayor Felker gave an opportunity for anyone to speak concerning the vacation request. No one appeared.

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

ORDINANCE NO. 17721 introduced by Mayor Harry Felker relating to the vacation of a 1 foot wide strip of alley right-of-way adjacent to 724, 726 and 728 S. Kansas Avenue as dedicated by Original Town Subdivision, City of Topeka, Shawnee County, Kansas, placed on first reading on September 18, 2001 was again presented. (V01A/4)

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

Iris Walker
City Clerk