

## City Council Minutes – November 20, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 20, 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, and Hill – 8. Absent: Councilmember Price – 1. Mayor Felker presided – 1.

AFTER THE MEETING was called to order, the invocation was given by Councilmember Alcala.

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

THE CONSENT AGENDA was presented as follows:

Disposition of claim appeal of Delno C. Malmstrom in the amount of \$2,813.78 was presented.

Minutes of the Regular Meeting of November 13, 2001 were presented.

Councilmember Hill moved to approve the Consent Agenda. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

### 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, November 20, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8<sup>th</sup> Street to obtain citizen comment and review of a vacation request V01A/7 by Topeka Metropolitan Transit Authority, owner, to vacate 20-foot wide strip of north-south alley right-of-way lying between SE Quincy Street and SE Monroe Street, immediately north of SE 9<sup>th</sup> Street.

Barry Beagle of the Planning Department gave the staff report.

Ron Butts of the Metropolitan Transit Authority appeared and explained the project.

Angela Sharp, engineer was present to answer questions.

Mayor Felker gave an opportunity for anyone to speak. No one appeared.

Councilmember Alcala moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

ORDINANCE NO. 17764 introduced by Mayor Harry Felker relating to the vacation of a 20-foot wide strip of north-south right-of-way lying between SE Quincy Street and SE Monroe Street, immediately north of

SE 9<sup>th</sup> Street as dedicated by Original Town, City of Topeka, Shawnee County, Kansas, placed on first reading November 13, 2001, was again presented. (V01A/7)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, and Hill – 8. Absent: Councilmember Price – 1.

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Barry Beagle of the Planning Department gave the staff report.

Harold Hoch appeared to represent the Oakwood Hills Homeowners Association.

Mayor Felker gave an opportunity for anyone to speak. No one appeared.

Councilmember Dunn moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

ORDINANCE NO. 17765 introduced by Mayor Harry Felker relating to the vacation of the SE 43<sup>rd</sup> Terrace right-of-way extending west of SE Oakview Lane as dedicated by Oakwood Hills Subdivision, City of Topeka, Shawnee County, Kansas, placed on first reading November 13, 2001, was again presented. (V01S/4)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, and Hill – 8. Absent: Councilmember Price – 1.

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Barry Beagle of the Planning Department gave the staff report.

Mayor Felker gave an opportunity for anyone 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. (8-0-0)

ORDINANCE NO. 17766 introduced by Mayor Harry Felker relating to the vacation of an 8-foot wide public utility easement located west of SE Woodland Avenue, the centerline of which is approximately 580-feet north of SE 6<sup>th</sup> Avenue as dedicated by Williams Replat, City of Topeka, Shawnee County, Kansas, placed on first reading November 13, 2001, was again presented. (V01E/9)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, and Hill – 8. Absent: Councilmember Price – 1.

A COMMUNICATION from Mayor Harry Felker recommending the appointment of Ed Carmona and Robert Bugg to the Downtown Business Improvement District Advisory Board and the re-appointment of Jim Parrish and Gary Yager was presented.

Councilmember Duffy moved to defer the communication for two weeks. The motion seconded by Councilmember Stubbs carried unanimously. Councilmembers Alcalá and Lane voted “no.” (6-2-0)

A COMMUNICATION from Mayor Felker recommending expenditures from the Park Land Acquisition/Development Fund for Rice Community Center and Garfield Community Center was presented.

Mayor Felker explained the expenditure.

Councilmember Dunn moved to approve the communication. The motion was seconded by Councilmember Alcalá.

Discussion followed concerning the \$8,000 that was funded in the Consolidated Plan for gym lighting and installation of lights.

Councilmember Alcalá made a friendly amendment to reduce the allocation by \$8,000. Councilmember Dunn agreed to the amendment.

Discussion followed concerning the funding of the trail system and expectations of the special revenue fund.

Dave Graversen, Capital Projects Coordinator reported that two TEA-21 grants were awarded to the City of Topeka for trail improvements.

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

Discussion followed concerning the need to find money to reimburse the fund at a later date.

Randy Bailes, Financial Services Director reported that the code requires allocations from the Park Land Acquisition and Development Fund to be made by resolution.

Mayor Felker stated that if the communication passed, he would bring back a resolution next week and would also bring ideas for reimbursing the fund.

The motion to accept the communication as amended carried unanimously. (8-0-0)

ORDINANCE NO. 17767 introduced by Mayor Felker relating to ambulance services within the City of Topeka, Kansas, providing a non-exclusive franchise to American Medical Response, Inc., f/k/a Medevac MidAmerican, Inc. to operate an ambulance service within the City of Topeka, Kansas placed on first reading October 23, 2001, and second reading November 13, 2001, was again presented.

Discussion followed concerning dispatching being done out of the State of Kansas.

Tuck Duncan, attorney for Medevac appeared to explain the dispatch system and other workings of Medevac.

Councilmember Lane moved to amend the contract number on section 3, lines 27 and 30 to read C1-2001. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

The ordinance as amended was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Duffy, Stubbs, and Hill – 7. Abstentions: Councilmember Hecht – 1. Absent: Councilmember Price – 1.

ORDINANCE NO. 17768 introduced by Councilmember Lisa Stubbs relating to the practice of massage therapy, amending City of Topeka Code § 30-330, Exemptions from Article, and specifically repealing said original section placed on first reading October 16, 2001, was again presented.

Maggie Kelley of the Kansas Association of Therapeutic Massage and Bodywork explained why they wanted to include “bodywork” in the ordinance.

Councilmember Dunn gave the committee report.

Councilmember Dunn moved to accept the committee report and adopt the ordinance. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, and Hill – 8. Absent: Councilmember Price – 1.

A HOME RULE ORDINANCE introduced by Councilmembers Clark Duffy, Duane Pomeroy and Gary Price establishing the Advantage Topeka Program which provides for a loan forgiveness program for eligible students enrolled at Washburn University placed on first reading November 13, 2001, was again presented.

Councilmember Duffy gave the committee report and explained the ordinance. He stated that the ordinance has three objectives: 1) give Topeka residents free education and career opportunities; 2) support Washburn University; and 3) insure existing and new businesses that Topeka has homegrown professionals.

Discussion followed concerning the commitment of the Board of Regents.

Councilmember Duffy moved to defer the ordinance until a report was received from the Board of Regents. The motion was seconded by Councilmember Alcalá.

Discussion followed concerning obtaining a commitment from GO Topeka as well.

The motion to defer the ordinance carried unanimously. (8-0-0)

ORDINANCE NO. 17769 introduced by Councilmembers Clark Duffy, Duane Pomeroy, and Gary Price, sitting as the Economic Development Committee, relating to the creation of the Entrepreneurial Venture and Small Business Loan Program and providing amendments thereto, amending City of Topeka Ordinance No.

17589, and specifically repealing said original Ordinance placed on first reading November 13, 2001, was again presented.

Councilmember Duffy explained changes made to the ordinance as suggested by the Finance Department.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, and Hill – 8. Absent: Councilmember Price – 1.

A PROJECT BUDGET in the amount of \$525,000 AND RESOLUTION NO. 7203 introduced by Mayor Felker, setting forth the City of Topeka's intention to acquire two (2) pumper trucks, pursuant to K.S.A. 12-110c was presented.

James Weaver, Deputy Fire Chief gave the staff report.

Discussion followed concerning selling the old fire trucks.

Councilmember Dunn moved to approve the project budget and resolution. The motion seconded by Councilmember Hill carried unanimously. Councilmember Hecht abstained. (7-0-1)

A PROJECT BUDGET in the amount of \$25,000 AND RESOLUTION introduced by Mayor Felker authorizing Sidewalk Improvement Project No. 24109-B, Quinton Heights Neighborhood Improvement Association, which provides for the replacement of concrete sidewalks and related appurtenances for a complete project and authorizing the same was presented.

Neil Dobler, Public Works Director gave the staff report.

Discussion followed concerning the CDAC approval process.

Councilmember Alcalá moved to defer the project budget and resolution for further information. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

LABOR CONTRACT NO. 31540 between the City of Topeka and the Street Section Teamsters Union for 2001, 2002, and 2003 which reflects adjustments to the wage article was presented.

Neil Dobler, Public Works Director gave the staff report. He noted that the WPC/Street union has been split, and this is the first contract with the new Street Section Teamsters union.

Councilmember Dunn moved to approve the labor contract. The motion was seconded by Councilmember Hill.

Doug Stuewe of the Teamsters Union appeared to answer questions.

The motion to approve the labor contract carried unanimously. (8-0-0)

AMENDMENT TO LABOR CONTRACT NO. 31143 between the City of Topeka and the Water/AFSCME Union for 2001, 2002, and 2003 which reflects adjustments to the safety, uniforms and protective clothing, personal safety equipment, and wage articles was presented.

Neil Dobler, Public Works Director gave the staff report.

Councilmember Dunn moved to approve the labor contract amendment. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

A RESOLUTION introduced by Mayor Felker authorizing and adopting the 2004-2008 Capital Improvement Program for the City of Topeka, Kansas was presented.

Councilmember Lane asked to have the resolution referred to the Public Improvements Committee.

Councilmember Pomeroy requested a report from the Parks and Recreation Advisory Board regarding requirements to host the Sunflower State Games.

Deputy Mayor referred the resolution to the Public Improvements Committee.

#### REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:

John Arnold, Chief Administrative Officer, distributed the quarterly financial report, and suggested that a Council committee might like to review it.

Councilmember Alcalá requested a presentation on the financial report at a work session so all Councilmembers could hear the information.

John Arnold distributed a memorandum answering Council questions about the CDBG programs.

John Arnold reported that Housing and Neighborhood Development has relocated to the New Century Building. He stated that parking slips of visitors would be validated at HNDD.

John Arnold commented on prosecution of drug cases.

Mayor Felker reported that he has been discussing the situation with the District Attorney.

Councilmember Hecht reported that the District Attorney's Office is prosecuting drug cases and are currently seeking grants to create a drug court.

Discussion followed concerning the need for more space for city offices.

Councilmember Dunn questioned why payment of water bills by mail are sent to Kansas City.

Randy Bailes reported that the UMB Bank of Kansas City was awarded the bid for lockbox services for processing water bills.

Mayor Felker stated that Randy Bailes would provide a report on the lockbox services.

#### REPORTS OF COMMITTEES AND OFFICERS:

None were given.

#### PRESENTATIONS BY MEMBERS OF THE COUNCIL:

Councilmember Alcala asked that the request for proposal for audit services go through the Council committee.

Councilmember Hecht stated that she had participated in the planning meeting for a program similar to Youth as Resources.

Councilmember Duffy submitted an ordinance for placement on a future agenda.

Councilmember Pomeroy stated that he attended the Public Building Commission's hearing for naming of the Signature Building. He asked that all interested individuals contact the Public Building Commission to lobby for naming it after former Vice-President Charles Curtis. The Commission did not have a quorum, so it will have to vote at a later date. Councilmember Pomeroy suggested that this lobbying effort might be the first order of business for the new lobbying firm.

Discussion followed concerning the composition of the Public Building Commission.

#### PUBLIC COMMUNICATIONS AND COMMENTS:

Joel Stottlemire, Jason Chaika, Ellen Ross, and Mark Schreiner appeared to speak for Public Comments.

#### EXECUTIVE SESSION:



Councilmember Stubbs moved to adjourn into executive session to discuss a personnel matter for 30 minutes. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

The Council met for 30 minutes and returned to open session at 10:12 p.m. No decisions were made.

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

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Iris Walker  
City Clerk