

City Council Minutes – February 12, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 12, 2002. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Lane, Hecht, Duffy, Stubbs, Hill and Price – 8. Mayor Felker was absent –1. Deputy Mayor Dunn presided –1.

AFTER THE MEETING was called to order, Deputy Mayor Dunn asked for a moment of silent meditation in remembrance of Nadine Burch, an advocate for the elderly, who passed away yesterday.

Councilmember Hecht read *I Know the Caged Bird Sings*, a poem by Maya Angelou, in honor of Black History Month.

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

THE CONSENT AGENDA was presented as follows:

Final Plat for England Mobile Homes Estates Subdivision No. 3 on property generally located at the southwest corner of SE 6th Street and SE Croco Road in the City of Topeka, Kansas, was presented. (P01/50)

Final Plat for Red Oaks Place Subdivision No. 2 on property located south of SW 10th Street, the centerline of which is approximately 980-feet east of SW Urish Road in the City of Topeka, Kansas, was presented. (P02/4)

Resolution No. 7215 introduced by Councilmember Clark Duffy regarding the City of Topeka's concern with the proposed downsizing of the Colmery-O'Neil Veterans Administration Medical Center in Topeka, was presented.

Minutes of the Regular Meeting of February 5, 2002, was presented.

Cereal Malt Beverage applications bearing the approval of the Chief of Police and City Inspectors for Pizza Hut #2658 at 2800 SW Fairlawn Road, and Pizza Hut #2660 at 2007 SE 29th Street, were presented.

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

PRESENTATION regarding the Topeka Performing Arts Center (TPAC), was presented.

Rick Wienckowski, Chair of Topeka Performing Arts Center Board appeared and discussed TPAC's mission, goals, activities and finances with the Council. He explained the various programs for children and programs to support the arts sponsored by TPAC. He stated that TPAC was a catalyst for downtown revitalization because of the activity it brings downtown with the jazz festival, Grape Escape, Gingerbread Holiday and other events. He acknowledged the generous support of the City and noted that TPAC has brought a lot of benefits to the City in hotels and adding to the quality of life of the community which helps attract corporate businesses. He stated that private funding for TPAC was also strong. He explained that they have done as well financially as they would like because they accept the risks for the shows they bring to Topeka. He stated that shows are expensive, with a minimum of \$50,000, and they must sell enough tickets to cover expenses. He explained that the not-for-profit structure (501 (c)3) was critical to the success of TPAC. He further explained that it would be in the best interest of the City to renew the contract because of more community involvement; continuation of private sponsorships and contributions; the facility remains affordable for community groups; more program offerings possible; city risk is minimized; and they could begin contracting for next year's performances to ensure the best selections and work toward solving the long-term funding challenges. He noted that performance objectives should be a part of the contract renewal.

A discussion followed concerning ticket prices and how TPAC can make their events more affordable to youth and people of low-income.

Councilmember Hecht stated that the City of Topeka needs an up-to-date, quality cultural entertainment arts center as well as a knowledgeable manager. She stated that in order to get an accurate idea of exactly what they are dealing with, she would like to have the following information:

- Annual budget for last ten years
- Operating revenue and operating expenses for last ten years
- Balance sheet and or statement of assets and liabilities for last ten years
- List of all debts, when they were incurred and for what purpose
- Who are the creditors and who is legally liable
- Is the City a debtor or guarantor
- Number of part-time and full-time employees for the last five years including salaries and benefits
- Groups or entity responsible for development, soliciting or obtaining events for TPAC
- How are the events selected and what is the process for determining events of community interest
- Who are the persons involved
- Why does this come to us in the eleventh hour

Mr. Wienckowski invited the council to one of their board meetings to review the information with them.

Further discussion followed concerning TPAC's assets, performance goals and ticket prices.

Councilmember Stubbs suggested that TPAC survey private citizens to determine what type of shows they would like to have them bring to Topeka.

Councilmember Hill read a statement on behalf of teachers and students from U.S.D. #501 expressing their appreciation for the cultural arts programs TPAC provides for them.

The Deputy Mayor thanked Mr. Wienckowski for his presentation.

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, February 12, 2002, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with vacation request V02E/1 by Indian Hills Land Development No. 2, to vacate a 2-foot wide strip of drainage easement on either side of SW 23rd Street and SW 23rd Court, the centerline of which is approximately 375-feet west of SW Ancaster Road.

ORDINANCE NO. 17790 introduced by Mayor Felker relating to the vacation of a 2-foot wide strip of drainage easement located on either side of SW 23rd Street and SW 23rd Court, the centerline of which is approximately 375-feet west of SW Ancaster Road as dedicated by West Indian Hills Subdivision No. 11, City of Topeka, Shawnee County, Kansas, placed on first reading February 5, 2002, was again presented. (V02E/1)

Barry Beagle gave the staff report.

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

Councilmember Hill expressed her concerns about possible future drainage problems on the nearby lots because of reducing the size of the drainage easement.

Councilmember Stubbs expressed her concerns that there could be problems lot by lot later.

Barry Beagle explained that the Engineering Division reviewed this request and it is consistent with design standards.

Councilmember Hill moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Lane 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.

FINAL PLAT for Indian Creek Meadows Subdivision No. 2 on property located on the north side of NE 46th Street, the centerline of which is approximately 1,500 feet west of NE Indian Creek Road within unincorporated Shawnee County, Kansas, was presented. (P01/41)

Barry Beagle gave the staff report.

Councilmember Duffy asked if this plat would be limited to one residence, and what type of agriculture would be produced on the land.

Barry Beagle said that there would only be one residence and he believed that the land was mostly timber and pasture land.

Councilmember Duffy moved to accept the public dedication. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

RESOLUTION NO. 7216 introduced by Mayor Felker relating to a housing tax credit application by Topeka City Homes for the development of affordable rental housing at 1243 Western, was presented. This was deferred from the meeting of February 5, 2002.

Dave Perkins, Executive Director of Topeka City Homes appeared and stated that the project would consist of 36 units and \$930,000 tax credit sales.

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

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA
ORDINANCE NO. 17791 introduced by Mayor Felker pertaining to an amendment to the text and map of the Topeka-Shawnee County Comprehensive Metropolitan Plan placed on first reading January 8, 2002, was again presented. (CPA01/03)

Councilmember Duffy stated that the Economic Development Committee met and thoroughly reviewed the plan and changes suggested by the Planning Commission. He stated

that even though the language differed in some cases from the changes he had submitted, there were no significant differences in intent. He stated that the changes suggested by Lazione Grays were also included in the plan. He reiterated that those listed in the acknowledgements should show their support of the document in writing.

Councilmember Duffy moved to accept the committee report and adopt the ordinance. The motion seconded by Councilmember Alcalá 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

ORDINANCE NO. 17792 introduced by Mayor Felker relating to the inspection of taximeters, amending City of Topeka Code § 154-128, and specifically repealing said original section, placed on first reading February 5, 2002, was again presented.

Brenden Long, City Attorney explained that the amendment changes the procedure for inspection of taximeters so that arrangements for inspections and collection of fees are made through the City Clerk because the City no longer has a Weights and Measures Division.

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

ORDINANCE NO. 17793 introduced by Mayor Felker relating to the licensing of taxicabs, amending City of Topeka Code §154-66, and specifically repealing said original section, placed on first reading February 5, 2002, was again presented.

Brenden Long, City Attorney explained that the amendment adds seat belts to the equipment required in taxicabs, and removes the requirement that taxicabs be inspected at an official state inspection station that is no longer required unless a vehicle is from out of state.

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

ORDINANCE NO. 17794 introduced by Mayor Felker relating to taxicab insurance, amending City of Topeka Code § 154-88, and specifically repealing said original section, placed on first reading February 5, 2005, was again presented.

Brenden Long, City Attorney explained that the amendment requires an insurance policy to be filed and deposited with the City Clerk before a taxicab business license may be issued.

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

A PROJECT BUDGET in the amount of \$197,960 AND ORDINANCE introduced by Mayor Felker, authorizing security improvements to the City Hall Municipal Building, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, placed on first reading February 5, 2002, was again presented.

Councilmember Duffy stated that the Economic Development Committee reviewed the proposal for security in City Hall and moved to accept the committee report. The motion was seconded by Councilmember Price.

Mayor Felker entered the room.

Following a discussion on the possibility of finding less expensive options for securing City Hall, Councilmember Pomeroy made a substitute motion to refer the project budget and ordinance to the Public Health and Safety Committee. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

A COMMUNICATION recommending contract award to Hall Publications and designating The Topeka Metro News as the official City newspaper, was presented.

Randy Bailes, Finance Director gave the staff report and stated that they reviewed the bids and recommended awarding the contract to Hall Publications, the low bid meeting specifications.

John Fish, Publisher for the Topeka Capital Journal appeared and stated that their paper reaches all groups of people. He stated that they also have C-J on-line and all people deserve access to the City's legal notices.

Cliff Hall, Publisher for Topeka Metro News stated that they are the official paper for the county and the courts as well. He stated that people have access to the Metro News at the library and on the web. He explained that they will distribute a free issue starting in March that will carry the city and county legal notices without the legal descriptions. He stated that they were the only competition the Capital Journal has, and he needs the support of the City.

Councilmember Stubbs stated that since the bids were so close, price was a non-issue. She stated that it was more of a big paper versus small paper issue, and she was concerned that the City was not getting the best possible exposure on their requests for bids.

Councilmember Alcalá moved to approve the staff recommendation to award the contract to Hall Publications and designate the Topeka Metro News as the official City newspaper. The motion seconded by Councilmember Lane carried. Councilmember Stubbs voted "no". (8-1-0)

A COMMUNICATION requesting approval of the Real Estate Purchase Agreement No. 31717 for property adjacent to the North Topeka Wastewater Treatment Plant, was presented.

Neil Dobler, Public Works Director explained that the owner wanted to sell the property and acquisition of the property would provide vacant land for future plant expansion at current appraised market value and minimal closing costs.

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

A COMMUNICATION requesting approval for disposal of seven real properties and authorization of the Mayor to execute the deeds, was presented.

Kevin Rooney, Real Estate Officer gave the staff report. He stated that the request for bids was advertised in both local newspapers and the adjoining property owners were also notified.

Julie Ingoli, Administrator of the Victory Christ Apostolic Temple at 1835 SW Fillmore appeared and stated that the Church was interested in the property at 1832 SW Fillmore. She stated that they submitted the highest bid for the property but the recommendation was to award it to the adjacent property owner.

Jay Oyler, Contracts and Procurement Director stated that the selection committee consisting of staff from several departments recommended awarding this property to the next highest bidder because it was most consistent with the neighborhood.

Debbie Volle, the next highest bidder stated that they have lived adjacent to the property for thirteen years and she wanted to purchase it to enlarge their yard for her children.

Councilmember Dunn moved to separate the question and vote on the property at 1832 SW Fillmore separately. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

Councilmember Dunn moved to approve disposal of all the properties as presented by staff except the property at 1832 SW Fillmore. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

Councilmember Lane moved to approve disposal of 1832 SW Fillmore as presented by staff. The motion seconded by Councilmember Pomeroy carried. Councilmember Dunn abstained. (8-0-1)

Councilmember Dunn stated that she abstained because of the deviation from accepting the highest bid and because they did not have enough information.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:

Mayor Felker reported that John Arnold, CAO retired effectively immediately and after visiting with the Council, they will start a process shortly on his replacement.

REPORTS OF COMMITTEES AND OFFICERS:

Councilmember Pomeroy reported on the status of four items in the Community Development Committee. He stated that three of the items pertain to the new uniform development code, and they have had some preliminary discussions on them. He stated that the fourth item is the ordinance introduced by Councilmember Duffy regarding the Planning Commission. He asked that the Councilmembers contact him with any concerns about these documents.

Councilmember Duffy stated that until the County is willing to adopt the ordinance he sees no reason for further council discussion on the ordinance because it is a joint document.

Councilmember Dunn asked Councilmember Duffy the status of the employee retirement ordinance that he introduced. Councilmember Duffy stated that he still supports the ordinance, but he would defer to the other members of the Council because it had been sent to committee twice.

Councilmember Hill announced a Public Health and Safety Committee meeting scheduled for Monday, March 4, 2002 at 4:10 p.m. on the security improvements for City Hall.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane stated that he and Mr. Kensinger met with an energy efficient home designer and builder regarding infill houses. He distributed copies of plans of the energy efficient homes and stated that they are designed to fit on narrow lots. He asked that the Council review the material and provide input.

Councilmember Alcalá announced a fund raiser for a woman who is active at the Oakland Community Center who had fire damage to her home. He stated that the event is scheduled for Saturday, February 16, 2002 at the Oakland Community Center, and urged everyone to come out and show their support.

Councilmember Hecht commended the Fire Department for their work during the fatality fire at 11th and Mulvane. She asked that everyone keep the family in their thoughts.

Councilmember Dunn moved to adjourn into executive session for a period not to exceed fifteen minutes for discussion of a personnel matter. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

The Council reconvened in open session after fifteen minutes had passed. No action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at by unanimous consent at 10:55 p.m.

Iris Walker
City Clerk