

City Council Minutes – February 19, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 19, 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, Dunn, Hecht, Duffy, Stubbs, Hill and Price – 9. Mayor Felker presided –1.

AFTER THE MEETING was called to order, Faye Wilson read the poem , *I Dream A World*, by Langton Hughes in honor of Black History Month, and offered a prayer.

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

THE CONSENT AGENDA was presented as follows:

Final Plat for Gardner Estates Subdivision No. 2 on property located at the northeast corner of SE Cuvier Street and SE Weekley Court within unincorporated Shawnee County, Kansas, was presented. (P01/44)

Workers' Compensation settlement agreement for Kevin Blocker in the amount of \$17,130.44 was presented.

Workers' Compensation settlement agreement for David Hertlein in the amount of \$12,229.19 was presented.

Minutes of the Regular Meeting of February 12, 2002, were presented.

Councilmember Duffy requested to remove Item A, the final plat from the consent agenda for separate discussion.

Councilmember Stubbs requested to remove Items B and C, the workers' compensation settlement agreements from the consent agenda for separate discussion.

Councilmember Hill moved to approve the consent agenda except for Items A, B, and C. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Final Plat for Gardner Estates Subdivision No. 2 on property located at the northeast corner of SE Cuvier Street and SE Weekley Court within unincorporated Shawnee County, Kansas, was presented. (P01/44)

Councilmember Duffy asked what the sewage disposal would be for this property.

Neil Dobler, Interim Planning Director stated that it would be served by a septic system and lateral field.

Councilmember Duffy asked if there was a consent to annex agreement for this property, and stated that he would like to have a sense of what the development would be for that area.

Councilmember Stubbs stated that she would like to know which category the street they are allowing access to falls in. She noted they could not tell from the map if it was a residential or major arterial.

Councilmember Duffy moved to defer action on the final plat for one week for additional information. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Workers' Compensation settlement agreement for Kevin Blocker in the amount of \$17,130.44 was presented

Councilmember Dunn moved to approve the settlement agreement. The motion seconded by Councilmember Lane carried. Councilmembers Hecht, Duffy, Stubbs and Hill voted "no". (5-4-0)

Workers' Compensation settlement agreement for David Hertlein in the amount of \$12,229.19 was presented.

Councilmember Dunn moved to approve the settlement agreement. The motion seconded by Councilmember Lane carried. Councilmembers Hecht and Duffy voted "no". (7-2-0)

PRESENTATION by SMG regarding operation of the Topeka Performing Arts Center (TPAC) was presented.

Joseph Briglia, Sr. Vice President, Development of SMG presented information on how they would like to share services for the Topeka Performing Arts Center (TPAC). He introduced Robert Johnson, SMG Regional Vice President, H.R. Cook, General Manager, Kansas Expocentre, Linda Wisner, Controller, Kansas Expocentre, and Shannon Reilly, Director of Marketing, Kansas Expocentre who were present to answer questions.

Mr. Briglia explained how they could maximize the booking and operating potential of TPAC, improve its bottom line and leverage fiscal efficiencies for TPAC. He explained that they would report to the TPAC Board, and TPAC would continue its development programs. He further explained how they could initiate marketing campaign and booking strategies to increase event days at TPAC. He distributed examples of event booking activity at Peoria and Reading, Pennsylvania theaters and a sample offer sheet for Sawyer Brown. He stated that SMG would be sensitive to the needs of the Performing Arts tenants.

Discussion followed regarding what type of impact a private management organization might have on current and future private donations, and sponsors of TPAC events. The need to continue TPAC's programs for the youth, maintain diversity in their event scheduling, and make ticket pricing affordable to the entire community was also discussed.

COMMUNICATION regarding negotiation of contract with TPAC, was presented.

Councilmember Alcala moved to accept the communication. The motion died for lack of a second.

Councilmember Duffy stated that he was looking for direction on how to proceed.

Mayor Felker suggested they renew the contract with TPAC, allow them to sub-contract with SMG or some other private management company and include the performance objectives and other items outlined in the communication.

Councilmember Duffy discussed some business concerns that were raised and stated that he would like TPAC to have a discussion with SMG or some other private management organization before the City would finalize a contract with TPAC.

Councilmember Pomeroy asked that the TPAC Board consider opportunities to partner with other local theatres for joint ventures.

Following further discussion and clarification of information, Councilmember Hill moved to accept the communication with added direction to the Mayor to direct SMG and TPAC to enter into negotiations for a joint venture and report back in two weeks, and also that TPAC review alternatives for the term of their contract with the City. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

ORDINANCE NO. 17795 introduced by Mayor Felker relating to delivery vehicles, making provisions for the issuance of delivery vehicle permits, restrictions thereof, and annual fees, placed on first reading November 6, 2001, was again presented. (This was referred to the Public Improvements Committee on November 13, 2001. The Committee recommended “do pass” with an amendment by a vote of 2-0-0).

Neil Dobler gave the staff report. He stated that when they created the block zones on Kansas Avenue with a two-hour parking limit they received complaints from businesses that make deliveries downtown because they needed more than the two-hour limit. He stated that the ordinance addresses that problem by issuance of annual vehicle delivery permits.

Councilmember Lane gave the committee report and stated that the committee recommended an amendment that would exclude trucks weighing over 5500 pounds from parking in stalls made for smaller vehicles.

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

Councilmember Duffy stated that he continues to receive numerous complaints about lack of parking downtown, and the block zone time limits did not solve the problem of all day parkers downtown.

The ordinance as amended was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Lane, Dunn, Stubbs, Hill and Price –7. Noes: Councilmembers Hecht and Duffy –2.

RESOLUTION NO. 7217 introduced by Mayor Harry Felker and Councilmember Vanessa Hill relating to a housing tax credit for a proposed housing development project located at approximately 6100 SW Huntoon, Topeka, Kansas, was presented.

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

RESOLUTION NO. 7218 introduced by Mayor Harry Felker and Councilmembers Lisa Hecht and Clark Duffy relating to housing tax credits for rental housing projects through Commercial Group, Inc., was presented.

This project involves the rehabilitation of 129 units at the Brookwood Terrace Apartments at 3200 SW 29th Street Terrace, and 114 units at the Mt. Vernon Apartments at 2125 SW Potomac Drive.

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

A COMMUNICATION requesting approval of the Real Estate Officer's report to dispose of City of Topeka surplus real property by the procedure described in the report, was presented.

RESOLUTION NO. 7219 introduced by Mayor Felker authorizing the Mayor to execute deeds and any other necessary documents for the transfer of title to certain real estate involved in the Tennessee Town NIA infill-housing project, was presented.

Kevin Rooney, Real Estate Officer stated that these properties will be utilized for an infill housing project in conjunction with implementation of the Tennessee Town Neighborhood Plan, an element of the Comprehensive Metropolitan Plan 2005. The properties are located at 1235 SW Buchanan, 1208 SW Lincoln, 1200 SW Lincoln, 1201 SW Lincoln and 1232 SW Lincoln.

Councilmember Dunn asked if the units would be ADA accessible.

Kevin Rooney stated that some of the units would be accessible.

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

Councilmember Price moved to reconsider the action taken on Item 3B, a workers' compensation settlement agreement for Kevin Blocker. The motion seconded by Councilmember Duffy carried. Councilmembers Pomeroy and Dunn voted "no".

A Workers' compensation settlement agreement for Kevin Blocker in the amount of \$17,130.44, was presented.

Councilmember Price moved to approve the settlement agreement. The motion seconded by Councilmember Stubbs failed. Councilmembers Hecht, Duffy, Stubbs, Hill and Price voted "no". Councilmember Dunn abstained. (3-5-1)

AN ORDINANCE introduced by Councilmembers Vanessa Hill, Lisa Stubbs, and Clark Duffy relating to establishing a Crime Prevention Fund, was presented for first reading.

AN ORDINANCE introduced by Councilmembers Vanessa Hill, Lisa Stubbs, and Clark Duffy relating to municipal court assessments amending City of Topeka Code § 50-50, Municipal court assessments, and specifically repealing said original section, was presented for first reading.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane asked for an update on the report he requested on the gas pipeline noise on east 6th Street.

Councilmember Pomeroy noted that the County did not pass the landscape ordinance and asked that staff prepare a landscape ordinance that would apply to development in the city only.

PUBLIC COMMUNICATIONS AND COMMENTS:

Joseph Ledbetter, Hans Heinemann and Bob Sherbourne appeared to speak for public comments.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 10:39 p.m.

Iris Walker
City Clerk