

City Council Minutes – March 26, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 26, 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, Councilmember Duffy asked for a moment of silent meditation.

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

THE CONSENT AGENDA was presented as follows:

A Communication recommending the appointment of Jack Alexander to the Topeka Metropolitan Transit Authority for a four-year term which would expire June 30, 2006, was presented.

Minutes of the Regular Meeting of March 19, 2002, were presented.

APPLICATION for a Cereal Malt Beverage License, bearing the approval of the Chief of Police and City Inspectors for Los Compadres Restaurant, 930 South Kansas Avenue, was presented.

Councilmember Lane moved to approve the consent agenda. The motion seconded by Councilmember Hill 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, March 26, 2002, at 7:00 P.M., in the Council Chamber, 214 East 8th Street regarding the granting of an exemption from ad valorem taxation pursuant to K.S.A. 79-201a Second, as amended, to Hill's Pet Nutrition Inc. in connection with certain properties located within the corporate limits of the City of Topeka, Kansas and to be improved by the expenditure of the proceeds of industrial revenue bonds of the City.

RESOLUTION NO. 7225 introduced by Mayor Harry Felker expressing the intent of the City of Topeka, Kansas, to issue its Industrial Revenue Bonds in the maximum principal amount of \$15,000,000 to both finance various improvements benefiting Hill's Pet Nutrition, Inc., and promote, stimulate and develop the economic welfare of both the City and the State of Kansas, was presented.

Councilmember Alcalá stated that he was employed by Hill's Pet Nutrition, Inc. and would not participate in discussion or voting on this issue.

Kathy Moellenberndt, Growth Organization of Topeka stated that the Industrial Revenue Bond Committee met on March 5, 2002 and recommended unanimous approval of issuance of the bonds. She stated that the project will create 30 new jobs in the first year, with an estimated total of 48 at the close of the ten year period.

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

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

AN ORDINANCE introduced by Mayor Harry Felker assessing the costs of sidewalk repair to real properties, more specifically described hereinafter, all pursuant to the authority found in Topeka City Code §§ 126-96 through 102, inclusive placed on first reading March 19, 2002, was again presented.

Mike McGee, Deputy Public Works Director answered questions pertaining to cleaning of brick sidewalks in certain areas.

Councilmember Pomeroy raised a question about curb cuts in one of the areas where there was no sidewalk.

The Deputy Mayor referred the ordinance to the Public Improvements Committee.

Councilmember Lane stated that the Public Improvements Committee would meet at 5:30 p.m., March 27, 2002 in the Council office.

ORDINANCE NO. 17808 introduced by Councilmembers Duane Pomeroy, Clark Duffy, and Gary Price, sitting as the Economic Development Committee, relating to the Topeka Public Building Commission, pursuant to and in accordance with the provisions of K.S.A. 12-1757, et seq., amending § 26-66, Created, § 26-67, Members, and § 26-68, Functions, and repealing said original sections placed on first reading January 8, 2002, was again presented.

Councilmember Alcalá moved to amend the ordinance on page 6, line 125 to add the following language: "also any projects that are tax exempt would come before the City Council". The motion was seconded by Councilmember Lane.

Councilmember Duffy stated that the amendment was considered during the committee meetings, but they chose not to go forward with it, but provide guidance to the PBC instead.

Councilmember Stubbs expressed her concern with tying the hands of an independent body.

The motion failed. Councilmembers Pomeroy, Hecht, Duffy, Stubbs, Hill and Price voted "no". (3-6-0)

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

PROJECT BUDGET in the amount of \$170,000 and ORDINANCE NO. 17809 introduced by Mayor Felker authorizing Project No. 30182-00, which provides for design and development of detailed cost estimates for construction of a new Zoo Administration Building,

as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, placed on first reading January 8, 2002, was again presented.

Mike Coker, Zoo Director appeared and responded to questions.

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

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

CONTRACT NO. 31887 between the City of Topeka and the Topeka Performing Arts Center (TPAC) providing for operation of TPAC, was presented.

Richard Wienckowski, TPAC Chair stated that he felt this was a fair contract, but they would prefer a ten-year agreement. He stated that a shorter-term contract, such as a five-year agreement could make solicitation of substantial charitable gifts very difficult. He stated that large donors are concerned that the charitable entity, which receives their gift, will have the ability to continue to apply the gift to the charitable mission over time. He further explained that it makes recruitment of qualified employees more difficult as there is an unwillingness to relocate when the possibility exists that the employer and the job may cease to exist. He stated that a five-year contract can also be problematic in negotiating a contract with an outside company to support operation and management as such companies look for a longer term opportunity to develop the local operation. He stated that management companies also have start-up costs which cannot be recovered in the near term.

Councilmember Stubbs suggested adding the language "to develop and implement" a five-year Capital Improvement Plan on Page 9, Goal #9.

Councilmember Price suggested that a better definition of "operating support" be given for Goal #1 on Page 8.

Brenden Long, City Attorney suggested the language could be changed to "operational funding" that is appropriated annually.

Councilmember Pomeroy stated that he would like to have the information that was previously requested regarding salaries of the director and staff of TPAC.

Harold Hansen, TPAC Director stated that he would get the information and distribute it this evening.

Discussion followed regarding TPAC's business plan, having a budget to address different components of the operation, how the City's funds are used, discount rates and who owns equipment used at TPAC.

Councilmember Price moved to amend the agreement on Page 8, Section C-1 to add "operating support provided by the City". The motion was seconded by Councilmember Lane.

Councilmember Duffy stated that TPAC should double the amount of the City's contribution, because to match it would require less than what they have done in the past.

Richard Wienckowski, stated that their intent is to raise as much funding as possible so they can receive less funding from the City. He said they are trying not to put things in the contract that could create events of default.

The motion carried. Councilmember Dunn voted "no". (8-1-0)

Harold Hansen, TPAC Director distributed their organization chart with salary ranges and job descriptions.

Councilmember Stubbs moved to insert "and implement" on Goal #9 after the word "develop". The motion seconded by Councilmember Price carried. Councilmembers Alcalá, Lane and Dunn voted "no". (6-3-0)

Councilmember Alcalá moved to amend the term of the contract extension to a ten-year term, and remove the renewal options. The motion seconded by Councilmember Hill failed. Councilmembers Lane, Dunn, Hecht, Duffy and Price voted "no". (4-5-0)

Discussion followed regarding the membership of the TPAC Board.

Councilmember Price moved to amend the contract on Page 19, to read, "may" be a sitting member of the City Council. The motion seconded by Councilmember Lane carried. Councilmembers Pomeroy, Alcalá and Dunn voted "no". (6-3-0)

David Price appeared in opposition to the contract.

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

RESOLUTION NO. 7226 introduced by Mayor Felker which provides for the renovation of the horse shoe complex located in Gage Park and authorizing the same, was presented.

Rogers Brazier, Parks and Recreation Director gave the staff report and stated that they were requesting approval of \$20,000 in Transient Guest Tax funds for improvements at the horseshoe complex in Gage Park. He stated that they would be hosting the Sunflower Games this summer.

Terry Cuthbertson, President of the Horseshoe Club appeared in support of the resolution.

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

AN ORDINANCE introduced by Mayor Harry Felker authorizing the City of Topeka, Kansas, to issue its taxable Industrial Revenue Bonds, Series A2002 (SBL Project) in the maximum principal amount of \$50,000,000 for the purpose of purchasing, acquiring, constructing, improving, equipping and installing certain facilities; authorizing execution of a Trust Indenture by and between the City and Commerce Bank & Trust, in the City of Topeka, Kansas, as Trustee; authorizing the City to lease said project to the Federal Home Loan Bank of Topeka; and authorizing execution of a lease by and between said City and the Federal Home Loan Bank of Topeka, was presented for first reading.

AN ORDINANCE introduced by Mayor Felker, authorizing Improvement Project No. 13129-00, which provides for the remodeling of the Fire Administration Building to provide accessibility to disabled individuals, including the design, construction, and construction observation services and all contingencies needed for a complete project, specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, was presented for first reading.

AN ORDINANCE introduced by Mayor Felker designating and establishing Trafficway Improvement Project No. 70196-01 of the City of Topeka and authorizing the improvement of said trafficway located at the MacVicar Avenue eastbound I-70 off ramp to a point 900 lineal feet south, hereinafter known as Trafficway Improvement Project No. 70196-01, all under the authority of K.S.A. 12-685, et seq., was presented for first reading.

Councilmember Duffy asked if the project was in the current Capital Improvement Plan.

Neil Dobler, Public Works Director stated that it was in the CIP for 2005.

Councilmember Duffy asked why the urgency and if there was a commitment for the project.

Neil Dobler explained that they were approached by the State of Kansas and asked to advance this project. He stated that the State and the developer would make a presentation on this project.

Councilmember Duffy requested that it be determined what the property tax increase would be for this project. He also asked that GO Topeka be contacted about this project as well.

The Deputy Mayor referred the ordinance to the Public Improvements Committee.

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Project No. 12053-03, which provides for Part B of the bridge design and intersection improvements to Topeka Boulevard Bridge over the Kansas River as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, was presented for first reading.

Councilmember Duffy asked if the design costs could be broken out for the cost of removal, cost of replacement, and cost for construction of detours.

Neil Dobler stated that they would provide that information as well as answers to questions previously raised last week.

PRESENTATIONS BY THE CHIEF ADMINISTRATIVE OFFICER:

Dave Graversen, Acting CAO distributed information to the Council from Gary Middleton, Shawnee County Emergency Management regarding the Integrated Emergency Management course. He explained that this is a week-long disaster preparation exercise, and is an excellent opportunity for the City and individuals to participate.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Pomeroy stated that the Community Development Committee started their process on the Housing and Neighborhood Development and have asked for a list of all CDBG dollars and projects so they could track them.

Councilmember Stubbs extended appreciation and thanks from one of her constituents to Rogers Brazier, David Kimball and the Park staff for a concern about lights, signage and graffiti on the jogging trail that received prompt attention.

Councilmember Stubbs also expressed appreciation for the pamphlet that she received in her water bill showing how others could contribute toward the water bills of those unable to pay their bills.

PUBLIC COMMUNICATIONS AND COMMENTS:

Vic Miller, Clara Simmons and Joe Ledbetter appeared to speak for public comments.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 9:03 p.m.

Iris Walker
City Clerk