

City Council Minutes – July 16, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 16, 2002. 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, prayer was offered by Don Miller, Topeka Housing Authority.

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

THE CONSENT AGENDA was presented as follows:

Minutes of the regular meeting of July 9, 2002, were presented.

Councilmember Dunn requested that the minutes be pulled for discussion. She stated that it was her intent that the salary for the newly appointed Administrative Municipal Court Judge would be brought back before the Council for approval.

The City Attorney stated that the Council votes on the appointment, but the salary is set by Administration.

Councilmember Pomeroy moved to add a presentation by the Concerned Citizens of Topeka to the agenda under Unfinished Business. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

Councilmember Price moved to remove two resolutions concerning Topeka City Council Rules of Procedure from committee for the July 23, 2002 agenda. The motion was seconded by Councilmember Duffy.

Councilmember Alcala moved to object to the consideration. The motion was seconded by Councilmember Dunn.

Councilmember Duffy challenged the ruling of the parliamentarian that Councilmember Alcala's motion was in order.

Mayor Felker asked for a vote on if the ruling of the parliamentarian should be upheld. The ruling was not sustained. Councilmembers Pomeroy, Hecht, Duffy, Stubbs and Price voted "no" (4-5-0)

The motion to remove the resolutions from committee carried. Councilmembers Alcala, Lane, Dunn and Price voted "no". (5-4-0)

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, July 16, 2002, at 7:00 P.M., in the Council Chamber, 214 East 8th Street regarding the proposed issuance by the City of its Housing and Health Care Revenue Bonds (Brewster Place Project), Series 2002 (the "Series 2002 Bonds"), in a principal amount of \$2, 225,000 for the purpose of providing funds to finance the rehabilitation, remodeling, furnishing and equipping of certain elderly housing and health care facilities (collectively, the "Facility") located at 1205 SW 29th Street, Topeka, Kansas, and pay certain expenses associated with the issuance of the Series 2002 Bonds.

RESOLUTION NO. 7245 introduced by Mayor Harry Felker expressing the intent of the City of Topeka, Kansas, to issue its Housing and Health Care Revenue Bonds in the maximum principal amount of \$2,225,000 to both finance various improvements benefiting the Congregational Home, Inc., and promote, stimulate and develop the economic welfare of both the City and the State of Kansas, was presented.

Phil Wolfe, Bond Counsel appeared for questions.

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 Dunn carried unanimously. (9-0-0)

A PRESENTATION by the Concerned Citizens of Topeka was presented.

Dr. Roy Menninger submitted a report for Council review relating to an amendment to the Human Relations Commission Ordinance that would include sexual orientation, gender identity or expression as a protected class in their policy of discrimination.

Pedro Irigonegaray, Counsel for the Concerned Citizens of Topeka explained their proposal and encouraged the Council to sponsor the amendment so that it could be discussed and voted on.

Following the presentation, the Deputy Mayor referred the proposal to the Committee of the Whole.

ORDINANCE NO. 17868 introduced by Mayor Harry Felker abolishing the committee of bids and contracts by repealing City of Topeka Code Section 2-426, amending City of Topeka Code Section 2-429 and 2-430 and specifically repealing said original sections, also amending City of Topeka Code Section 2-387 Competitive Bids, City of Topeka Code Section 2-388. Awarding of bids and contracts and specifically repealing said original sections placed on first reading June 18, 2002 was again presented.

Councilmember Hill moved to accept the committee report and adopt the ordinance. The motion seconded by Councilmember Alcalá carried. Councilmember Pomeroy voted "no" (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, Hill and Price -8. Councilmember Pomeroy voted "no" -1.

CONTRACT NO. 32246 between the City and the Topeka Water Pollution Control Division Local Union, providing for a three-year labor agreement 2002, 2003, and 2004, was presented.

Kim Austin-Smith, Human Resource Director and Bob Sample, Water Pollution Control Plant Operations Manager explained the contract. A limited market review was used to base the salaries and a Competency Based Pay Plan will be used to determine each individual employee pay rate. A skill base movement method will be used to advance employees within their position therefore, eliminating automatic advancement and concentrating on individual skill and time invested on the job. The contract provides for a three percent salary adjustment plus steps for each year of the contract.

Councilmember Duffy inquired on why the cost of living is three percent for the Water Pollution Control Division compared to six percent for the Topeka Fire and Police Departments. He stated that the cost of living should be the same for all employees.

Councilmember Stubbs stated that a standardized method needs to be considered for all city employees regardless of where they work.

Several Councilmembers continued the discussion on the importance of developing a base standard when renegotiating pay increases for city employees, and the need to develop a clear definition of the cost of living.

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

RESOLUTION NO. 7246 introduced by Councilmembers Harold Lane and John Alcala, amending Article II, Section 5 "Residency Requirement" of the City of Topeka Personnel Rules and Regulations was presented.

Councilmember Lane and Alcala explained the resolution and the advantages it would generate for the City of Topeka. Required residency for department heads would set a good example for their employees, display a vested interest in the city, contribute to revenue and

property taxes, and also serve as a future incentive for department heads to live within the city limits.

Councilmember Lane moved to approve the resolution. The motion seconded by Councilmember Alcalá.

Councilmember Price stated that he opposes the resolution because it penalizes the people that are already in these positions. He stated that if the city would speed up the process of annexation it would help eliminate this problem in the future.

Joe Ledbetter appeared in support of the resolution.

Councilmember Pomeroy moved to amend the resolution to state that current employees who live on property outside of the city limits would be required to sign a consent to annex their property or their salary will be froze at the current rate. The motion seconded by Councilmember Dunn failed. Councilmembers Dunn, Hecht, Duffy, Stubbs, Hill and Price voted "no". (3-6-0)

Several Councilmembers continued discussing the pros and cons of a residency requirement.

Councilmember Dunn made a substitute motion to adopt the resolution and grandfather in the department heads that are currently living outside the city limits.

Following further discussion, Councilmember Dunn withdrew the substitute motion.

Councilmember Alcalá called the question.

Councilmember Dunn challenged the call to the question.

Mayor Felker asked for a vote on if the question should be called. The challenge was sustained. Councilmembers Pomeroy, Alcalá, Lane, Duffy and Hill voted "no" (4-5-0)

Councilmember Dunn made a substitute motion to include an amendment that the "Residency Requirement" would be effective from the date the resolution is adopted. The motion seconded by Councilmember Pomeroy failed. Councilmembers Alcalá, Lane, Hecht, Stubbs and Price voted "no". (4-5-0)

The original motion to approve the resolution as presented carried. Councilmembers Hecht, Stubbs, Hill and Price voted "no". (5-4-0)

Following a brief break, Councilmember Duffy moved to reconsider the previous action. The motion seconded by Councilmember Dunn carried. Councilmembers Hecht and Stubbs voted "no". (7-2-0)

Councilmember Pomeroy moved to amend the resolution to allow department heads living outside the city limits that sign a consent to annexation on their property to be treated as those living in the city limits. The motion seconded by Councilmember Dunn carried. Councilmember Duffy voted "no". (8-1-0)

Councilmember Dunn moved to adopt the resolution as amended. The motion seconded by Councilmember Hill carried. Councilmembers Alcalá, Lane, Hecht and Price voted "no". (5-4-0)

AN ORDINANCE introduced by Mayor Harry Felker relating to animals; amending the provisions of Sections 18-1, 18-2, 18-8, 18-90 and 18-157, relating to vicious animals and Pit Bull dogs, and repealing the original Sections was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graverson distributed the 2002 Demolition 2nd Quarter Report.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Duffy announced the Economic Development Meeting held on July 19, 2002 at 7:10 a.m. in the City Council Conference Room.

Councilmember Pomeroy announced the Community Development Meeting on July 23, 2002 at 5:00 p.m. in the City Council Conference Room concerning the ordinance on illegal placement of signs.

Mayor Felker distributed a report on the executive pay plan.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Stubbs announced that a meeting will be held at the Crestview Center Craft Room on August 7, 2002 at 6:30 p.m. concerning the mowing of certain areas of Burnett's Mound.

Councilmember Lane stated that he has received several telephone calls from his constituents concerning the traffic sign that is down at 7th and Lake.

Councilmember Pomeroy inquired on the installation of a 4-way stop at the intersection of Belle Street and Lower Silver Lake Road, and he also inquired on the Shorey Estates report that he requested several weeks ago.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Joe Ledbetter, Patricia Noel, Ellen Ross, Dr. Roy Menninger, Steven Drain, Timothy Phelps, Karl Hockenbarger, Fred Phelps Sr., Fred Phelps Jr., Jason Chaika, Samantha Snyder, Becky Neeley and JoAnn Donnell appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 10:33 p.m.

Iris Walker
City Clerk

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