

City Council Minutes – September 24, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 24, 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, prayer was offered by Reverend Joyce Iwig, East Topeka Methodist Church.

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

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION from the Police Department requesting approval of a license for JSC Systems to Operate an Alarm Installation & Service Company within the Topeka City limits as per City ordinance Article XI Sec. 30-396 through Sec. 30-427 was presented.

Minutes of the Regular Meeting of September 17, 2002, were presented.

APPLICATION for a Cereal Malt Beverage License, bearing the approval of the Chief of Police and City Inspectors for The Spot Tavern, 2202 Buchanan, was presented.

Councilmember Hill stated that the minutes need to be corrected so that they reflect that the September 10, 2002 minutes were approved last week.

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

PRESENTATION by the Topeka Builder - Realtor Coalition, was presented.

Bill Yanek, Director of Governmental Relations for the Topeka Common Ground Coalition appeared and stated that this program promotes affordable housing, sensible land use

regulation, reasonable government and city regulations, expand housing opportunities and economic development in Topeka and it's surrounding counties.

Mike Myers, Builder and Brady Robb, Realtor appeared and stated that they were interested in public policy issues, and their goal is to open lines of communication with staff.

AN AMENDMENT to the contract between the City of Topeka and the Topeka City Employees, Local 1294, Missouri/Kansas State Council 72, American Federation of State, County and Municipal Employees was presented.

Randy Helt, Labor Relations, Human Resources Department gave the staff report.

Councilmember Duffy stated that members of the Public, Health and Safety Committee would like to become more educated and involved on this issue.

Councilmember Duffy moved to refer the amendment to the Public, Health and Safety Committee. The motion was seconded by Councilmember Hecht.

Councilmember Dunn stated that she opposes sending the amendment to committee because this has not been the normal procedure that has been followed in the past concerning labor negotiations.

Councilmember Alcalá made a substitute motion to refer the amendment to the Policy and Finance Committee. The motion seconded by Councilmember Lane failed.

Councilmembers Pomeroy, Hecht, Stubbs, Hill and Price voted "no". Councilmember Duffy abstained. (3-5-1)

Arlene Clayton expressed her concerns with Workers Compensation issues.

The motion to defer to the Public, Health and Safety Committee carried.

Councilmembers Alcalá, Lane, Dunn and Hill voted "no". (5-4-0)

ORDINANCE NO. 17897 introduced by Mayor Harry Felker authorizing the City of Topeka, Kansas, to issue its taxable Industrial Revenue Bonds, Series A2002, (Payless Shoesource, Inc., project in the principal amount of \$14,000,000 for the purpose of purchasing, acquiring, constructing, reconstructing, improving, remodeling, equipping and installing certain facilities; authorizing execution of a first supplemental indenture by and between the City and UMB Bank, N.A., in the City of Kansas City, Missouri, as trustee; authorizing the city to lease said project to Payless Shoesource, Inc., and authorizing execution of a first supplemental lease agreement by and between said City and Payless Shoesource, Inc., placed on first reading September 17, 2002 was again presented.

Phil Wolfe, Bond Counsel appeared for questions, explained the project and gave a brief history of the Payless Shoesource organization.

Councilmember Dunn expressed her appreciation of the contributions Payless Shoesource, Inc., has contributed to the East Topeka community.

Councilmember Stubbs declared that she would abstain from the vote due to conflict of interest because her husband is employed at Payless Shoesource, Inc.

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

A CHARTER ORDINANCE introduced by Councilmembers Clark Duffy, Gary Price, Duane Pomeroy, John Alcalá and Harold Lane increasing the transient guest tax from five percent to six percent through December 31, 2015 and amending Charter Ordinance Section A15-17 and repealing original said section was presented.

John Glassman appeared in support of the ordinance.

Senator David Jackson appeared in support of the ordinance.

Jim Parish spoke in opposition and requested that this item be deferred for one week so that the hotel industry can make their presentation, and the Council would have an opportunity to make an informed decision on the issue.

Mayor Felker stated that Mr. Randy Goldsmith, President of the Lodging Association appeared in opposition and suggested that he may organize a petition drive.

In response, Jim Parish stated that he spoke with several of the business owners in the hotel industry and they feel that a petition is not the best action to take at this time. They are more interested in presenting the overall effect it will have on the industry, not just the funding that is involved.

Councilmember Dunn stated that there has not been an increase in the bed tax since 1987, and the hotel industry should have expected an increase due to the financial status of the country.

Discussion continued on the economic effect on the hotel industry and the community as a whole.

Councilmember Alcalá stated that he would not support the motion to defer because there was a special meeting set up for the hotel industry to voice their opinions on the matter.

Councilmember Stubbs moved to defer for one week. The motion seconded by Councilmember Hill carried. Councilmembers Pomeroy, Alcalá, Lane and Price voted "no". (5-4-0)

RESOLUTION NO. 7270 introduced by Mayor Harry Felker relating to a grant application for the Hi-Crest Neighborhood Plan was presented.

A COMMUNICATION and request to fund planning study was presented.

David Thurbon, Planning Director gave the staff report.

Randy Speaker, Housing and Neighborhood Development Director explained why the communication was on the agenda and why they were not recommending approval.

Several Councilmembers discussed the financial implications and the effect this project would have on the community and the importance of following through on a project of this magnitude.

Randy Speaker stated that he understands the importance of the project and keeping a good business relationship with the company, however he cannot support this communication because he feels that authorizing the funds for phase II does not fully utilize HND funds. The problem is the amount of money invested in the planning and development process of this project, not the working relationship with Botwin & Company.

Several Councilmembers expressed their appreciation for the efforts that Mr. Speaker has made towards correcting the problems within the HND Department. However, they were also concerned for Botwin & Company and the financial position it would leave them in if the City of Topeka would withdraw from the agreement. They felt that every effort should be made to accommodate the developer and that this is an opportunity that the City of Topeka should not pass up.

Mayor Felker stated that every effort would be made to help implement this business agreement in an ethical and correct manner.

Betty Phillips, Hi-Crest resident appeared in support of the communication and distributed comments from neighborhood residents.

Joseph Ledbetter, Hi-Crest resident appeared in support of the communication.

Diane Alpert, owner and operator of Botwin & Company explained her position regarding the grant application and financial investments that are involved with this agreement. She stated that at this point the City of Topeka must agree to the basic terms of the agreement or Botwin & Company will not proceed with the development. She currently has approximately \$15,000 invested in the planning and developing of this property and has not seen any reimbursement of funds from the city, and does not understand why the city would not want to benefit from conducting a feasibility study.

Josh Sheldon, architect of the applicant explained the feasibility study.

Councilmember Alcalá moved to vote on the communication and the resolution separately. The motion was seconded by Councilmember Lane.

Councilmember Alcalá withdrew his motion after the Mayor stated that the items were listed separately on the agenda.

Councilmember Dunn made a motion to direct staff to come up with \$35,000 from whatever source is necessary for this project. The motion was seconded by Councilmember Duffy.

Following a lengthy discussion the Councilmembers decided the project could be funded by using \$20,000 from the Capital Improvement Program fund and the remaining \$15,000 from the general fund.

Councilmember Alcalá made a substitute motion to use \$15,000 from the general fund and re-negotiate the original agreement. The motion was seconded by Councilmember Lane.

Randy Speaker stated that he would like the new agreement to include all of the stipulations involved in this process and clarification of the language.

Councilmember Duffy moved to make a friendly amendment to the new agreement to stay within the terms and guidelines of the March 27, 2002 agreement.

Councilmember Lane called the question.

Councilmember Stubbs challenged the call.

Mayor Felker asked the Council to vote on if the question should be called.

The challenge failed. Councilmembers Stubbs and Hill voted "no". (7-2-0)

The motion to use \$15,000 from the general fund and re-negotiate the original agreement carried unanimously. (9-0-0)

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

A RESOLUTION introduced by Mayor Harry Felker amending the adopted 2003-2004 Capital Budget for the City of Topeka, Kansas, and rescinding City of Topeka Resolution No. 7255 was presented.

Councilmember Duffy stated that both items presented are very important issues but there are still some concerns with the process that have not been resolved.

Councilmember Lane stated that he understands his concerns but the reason these two items were brought before the Council is because they are time sensitive and the state would cover ninety percent of the cost on the projects.

Dave Graverson, acting Chief Administrative Officer explained that the projects were presented and reviewed by the committee to help alleviate any questions the Council might have, and because there is not an official procedure to follow when placing projects back into the City's CIB fund.

Councilmember Hill moved to defer the resolution one week. The motion seconded by Councilmember Dunn carried. Councilmembers Stubbs and Price voted "no". (7-2-0)

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project No. 30223-00, which provides for the installation of a new roof over the gymnasium at Central Park Community Center as more 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 Harry Felker, authorizing Improvement Project No. 30224-00, which provides for the replacement of roofs at Ward-Meade's Pauline Depot, Fillmore House, and Children's Party House in Gage Park as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Dunn announced that there would be a Policy Committee meeting on September 30, 2002, at 12:00 p.m. in the City Council Office.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcalá requested police enforcement of parking on the southeast corner of Sardou and Chester Avenue.

Councilmember Lane inquired on the status of the fire hydrant at 1304 Brady. He also received a call from a constituent about a residence located between 902 and 906 Gilmore that this person releases five dogs at night when they know animal control is not working.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Bob Sherebourne, Ted Mize and Dr. Bert Opara appeared to speak under public comment

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent
at 10:53 p.m.

Iris Walker
City Clerk