

City Council Minutes –February 24, 2004

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 24, 2004. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcala, Pomeroy, Chancler, Nave, Haynes, Duffy, Stubbs Preisner and Price -9. Mayor James A. McClinton presided -1.

AFTER THE MEETING was called to order, prayer was offered by Reverend Dean Smith.

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

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION requesting consent to issuance of \$2,525,000 in Health Care Facility Refund Revenue Bonds, Series 2004 for Midland Hospice, Inc., issued through Shawnee County, Kansas, was presented.

RESOLUTION NO. 7445 introduced by Mayor James A. McClinton, concerning the City of Topeka's participation in the State of Kansas Municipal Investment Pool and rescinding City of Topeka Resolution No. 7336 was presented.

RESOLUTION NO. 7446 introduced by Mayor James A. McClinton naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatures and rescinding City of Topeka Resolution No. 7431 was presented.

Minutes of the Regular Meeting of February 17, 2004 were presented.

A Cereal Malt Beverage application bearing the approval of the Chief of Police and City Inspectors for In A Pinch Convenience, 706 SW Fairlawn, was presented.

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

ORDINANCE NO. 18178 introduced by Mayor James A. McClinton relating to the execution of an amendment to a loan agreement between Topeka, Kansas and the State of Kansas, for the purpose of obtaining a loan from the Kansas Water Pollution Control Revolving Fund for the purpose of financing a Wastewater Treatment Project placed on first reading February 17, 2004 was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9.

A PROJECT BUDGET in the amount of \$100,000 and ORDINANCE NO. 18179 introduced by Mayor James A. McClinton, authorizing Park Improvement Project No. 30243-00, which provides for the improvement of existing park facilities as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading February 17, 2004, was again presented.

Terry Bertels, Park Superintendent appeared for questions.

Councilmember Alcala asked for a time frame on the park drinking fountains and parking lot improvements.

In response, Terry Bertels explained that the drinking fountains would be installed as soon as weather permits and the parking lots are scheduled later in the year for repair.

Mayor McClinton noted that Community Center parking lot repairs are one of the 2005 budget priorities.

Councilmember Duffy expressed appreciation for the Central Park Community Center improvements.

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

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9.

ORDINANCE NO. 18180 introduced by Mayor James A. McClinton, pertaining to an amendment to the text and map of the Topeka Comprehensive Metropolitan Plan placed on first reading February 17, 2004, was again presented. (CPA 03/03)

David Thurbon, Planning Director highlighted elements of the Land Use and Growth Management Plan. He addressed problem statements in the plan, as well as options and policies. Items discussed included:

- Policy statement and framework
- Guide to the Capital Improvement Program
- Distribution and density of population
- Urban Sprawl
- Recommendations of the plan
- Current Trends
- Growth areas
- Cost of public services
- 2000 Population Census Statistics in relation to current City growth
- Smart Growth
- City of Topeka Annexation History

Councilmember Stubbs moved to adopt the ordinance. The motion was seconded by Councilmember Price.

Bill Yanek, Topeka Builder-Realtor Coalition stated that he supports the plan. He asked that any change to the 3-acre exemption be phased in over at least a 3-year period.

Councilmember Duffy expressed appreciation to David Thurbon and the Planning Staff for their hard work in completing the plan. He discussed the relationship between the goals and the action statements, how neighborhood schools are an important element of the plan, and why he believes annexation is the weakest element of the plan.

Councilmember Haynes moved to remand the ordinance back to the Planning Commission to consider changing the policy for the 3-acre exemption regulation.

Councilmember Haynes withdrew his motion.

Councilmember Stubbs stated that the committee thoroughly discussed the issue and believes that if the ordinance is sent back to the Planning Commission, the outcome would remain the same.

Councilmember Price encouraged staff to bring the ordinances forward to implement the plan.

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9.

A COMMUNICATION designating the "Official City Newspaper" and award of contract for publication of legal notices was presented.

Randy Bailes, Financial Director gave the staff report.

Denise Hall, Hall Publications gave a brief history of the Metro News and explained the advantages of working with a small locally owned business.

John Fish, Capital Journal explained their bid and stated that he believes that the Capital Journal would be the best choice as the "Official City Newspaper" due to the low cost, high circulation, and greater frequency.

Councilmember Alcala moved to designate the Metro News as the "Official City Newspaper" and award the contract for publication of legal notices to Hall Publications. The motion seconded by Councilmember Chancler carried. Councilmembers Pomeroy, Duffy, Stubbs and Price voted "no". (5-4-0)

Councilmember Pomeroy stated due to the concern expressed by the Councilmembers to support local businesses, he would like to reconsider item 3C, a resolution relating to the City's depositories.

Councilmember Pomeroy moved to reconsider item 3C, to include that all City depositories be locally owned banks. The motion was seconded by Councilmember Alcalá.

Councilmember Price asked how much it would cost to transfer to local businesses.

Randy Bailes stated that all of the City's depositories have locally owned branches.

Councilmember Stubbs stated that before a decision is made to eliminate the "free market system" it needs to be researched by the policy committee because of the effect it would have on the local businesses.

Councilmember Duffy stated that he does not support "isolationism", however, they do need to look at all of the factors involved before making a decision.

Councilmember Alcalá stated that he would not support the motion because of the trickle down effect it may have on local businesses.

The motion to reconsider failed. Councilmembers Alcalá, Chancler, Nave, Stubbs, Preisner and Price voted "no". (3-6-0)

A COMMUNICATION authorizing the Mayor to execute an agreement between the City of Topeka, the Metropolitan Transit Authority, and the Kansas Department of Transportation was presented.

David Thurbon gave the staff report.

Councilmember Pomeroy stated that it was his understanding that the County did not want to participate in the agreement.

Councilmember Alcalá asked why there is not more County Commissioners on the Board.

In response, David Thurbon confirmed that the County does not want to participate in the agreement because they would like a more equal representation of the separate government

entities. He continued to explain that if an additional County Commissioner would be allowed to become a board member it would create a quorum.

Councilmember Stubbs moved to approve the communication. The motion was seconded by Councilmember Preisner.

Councilmember Alcalá moved to make an amendment to add an additional County Commissioner member to the Policy Board. The motion died due to lack of second.

The motion to approve carried. Councilmember Alcalá voted "no". (8-1-0)

A COMMUNICATION requesting approval of the real estate report and disposal of City of Topeka surplus property located at 1502 SE Quincy was presented.

Kevin Rooney, Housing and Neighborhood Department gave the staff report.

Councilmember Nave moved to approve the communication. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

RESOLUTION NO. 7447 introduced by Mayor James A. McClinton authorizing the Mayor to execute deeds and any other necessary documents for the transfer of title to certain real estate involved in the Historic Monroe School area infill housing project was presented.

Kevin Rooney gave the staff report.

Councilmember Haynes moved to amend the language of the resolution to include the specific addresses of the properties. The motion was seconded by Councilmember Stubbs.

John Reb requested that they include specific addresses in the resolution.

Fred Sanders, President of the Monroe NIA stated that they would appreciate prior notification of any neighborhood improvements in the Monroe area.

Mayor McClinton noted that the City usually contacts the Neighborhood Improvement Association prior to starting a project. However, this particular project is an exception because

of the time sensitivity, and it is crucial that it is completed before the 150th Year Celebration deadline.

The motion to amend carried unanimously. (9-0-0)

Councilmember Preisner moved to approve the resolution as amended. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

RESOLUTION NO. 7448 introduced by Mayor James A. McClinton authorizing initiation of condemnation proceedings for Hi-Crest Park Project No. 302480, was presented.

Kevin Rooney gave the staff report.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Nave carried. Councilmembers Duffy and Price voted "no". (7-2-0)

A PROJECT BUDGET in the amount of \$75,600 and RESOLUTION NO. 7449 introduced by Mayor James A. McClinton, describing Street Improvement Project No. 60597-B which provides for the replacement of pavement in the alley bound by SW 12th Street and Munson Avenue between Buchanan Street and Clay Street and authorizing the same was presented.

Mike McGee, Public Works Deputy Director gave the staff report.

Councilmember Alcala moved to approve the project budget and resolution. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor James A. McClinton relating to the zoo, amending City of Topeka Code Sections 2-328, 102-304, 102-305, 102-306, 102-307, and 102-308 and specifically repealing said original sections was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen distributed the weekly Legislative report.

Councilmember Duffy asked for a status report on the removal of the City of Topeka Mayor from the Capitol Plaza Area Authority Board.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Stubbs requested a financial break down on funds for the Monroe area improvements.

Councilmember Duffy thanked David Thurbon for the memorandum providing facts relating to the copying of files for the Shawnee County Commission.

Councilmember Price asked for an update on the City's position on the Topeka Civic Theatre and NOTOMA.

Councilmember Haynes questioned why he was not allowed to withdraw an ordinance from the agenda two weeks ago.

Brenden Long gave a brief overview of the proper procedure to withdraw an item from the agenda.

Councilmember Alcala inquired on the status of the Dillon's Store sales tax law suit with the City of Topeka, and asked why the ostrich at the Topeka Zoo died.

Brenden Long stated that they have notified the Department of Revenue concerning the matter.

Councilmember Preisner requested an update on the 2003 rental fees that have been paid by the Shawnee County Health Department concerning the satellite offices.

Greg Inkmann appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:10 p.m.

Iris Walker
City Clerk