

City Council Minutes – March 16, 2004

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 16, 2004. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcalá, Pomeroy, Chancler, Haynes, Duffy, Stubbs, Preisner and Price -8. Absent: Nave -1 and Mayor James A. McClinton -1.

AFTER THE MEETING was called to order, prayer was offered by Assistant Pastor Ward Ackward, Mount Carmel Missionary Baptist Church

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

Councilmember Alcalá requested to pull item 3B, a communication from Michael Francis requesting payment of legal fees for separate discussion.

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION recommending the re-appointment of Helen Crow and Mark Burenheide to the Topeka/Shawnee County Landmarks Commission for a three-year term that expires December 31, 2006, was presented.

Minutes of the Regular Meeting of March 9, 2004 were presented.

An Open After Mid-Night application bearing the approval of the Chief of Police and City Inspectors for Anytime Fitness, 1919 SW Gage Boulevard, was presented.

Councilmember Preisner moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Price carried unanimously. (8-0-0)

A COMMUNICATION from Michael Francis requesting legal fees incurred for representation of ouster proceedings for former Mayor Butch Felker in the amount of \$2012.50 was presented.

Councilmember Alcalá explained the financial break down of the request and stated that

he believes that it is a fair amount for the City to pay.

Councilmember Preisner moved to approve the communication. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

A RESOLUTION introduced by Mayor Felker setting forth the City of Topeka's policy regarding the undertaking of street improvement projects and repealing City of Topeka Resolution No. 6846 was presented.

Neil Dobler, Public Works Director gave the staff report and requested to postpone the resolution for three weeks. He stated that they would prefer to discuss this policy in conjunction with the benefit district policy, water and wastewater impact fee policy, and the transportation impact fee policy, all of which are in the process of being restructured.

Councilmember Stubbs moved to defer the resolution until April 6, 2004. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

CONTRACT between the City of Topeka and the International Association of Firefighters, Local 83 providing for an amendment to the 2002-2004 labor agreement was presented.

Councilmember Haynes left the room due to a potential conflict of interest.

Kim Austin-Smith, Human Resources Director gave the staff report.

Councilmember Price gave the committee report and stated that the committee recommended a "Do Not Pass".

Councilmember Stubbs stated that she would not support the contract because the Council has to approve or disapprove the contract without the option of making amendments.

Councilmember Stubbs moved to approve the contract. The motion was seconded by Councilmember Price.

Ron Hufford, President of the Firefighters Association stated that they worked on the contract for a long time and will continue to do their job regardless of the outcome.

Councilmember Alcalá stated that he agrees with Councilmember Stubbs and would not support the contract. He expressed concern with the need for consistency of negotiating labor contracts, and asked if this contract was treated the same as the Police Department's labor contract.

Councilmember Pomeroy stated that he would not approve the contract, and expressed the importance of consistency with labor negotiation contracts.

The motion to approve failed. Councilmembers Duffy, Stubbs, Preisner and Price voted "no". (3-4-0)

A RESOLUTION introduced by Councilmember Clark Duffy relating to the implementation of a code of ethics for the City of Topeka, its elected officials and its employees, was presented.

Councilmember Stubbs stated that she believes the resolution is a positive step that is long overdue, however, she does have several questions concerning the content of the document.

Councilmember Stubbs moved to refer the resolution to the Policy and Finance Committee. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

A CHARTER ORDINANCE introduced by Councilmember Jeff Preisner, amending City of Topeka Charter Ordinance A2-16 concerning the filing fee and petition requirements for filling a vacancy in the offices of Mayor or District Councilmember, and repealing the original of said Charter Ordinance was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee

County, Kansas, for the improvement of Lateral Sanitary Sewer District No. 40583-H, Phase 2, with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer District No. 40583-H, Phase 2, as defined and described in Resolution No. 7189, adopted and approved October 3, 2001 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Lateral Sanitary Sewer District No. 40596-H, Phase 3, with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer District No. 40596-H, Phase 3, as defined and described in Resolution No. 7073, adopted and approved July 19, 2000 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Lateral Sanitary Sewer District No. 40901, Phase 1, with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer District No. 40901, Phase 1, as defined and described in Resolution No. 7228, adopted and approved April 10, 2002 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Lateral Sanitary Sewer District No. 40904, Phase 1, with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer District No. 40904, Phase 1, as defined and described in Resolution No. 7237, adopted and approved June 7, 2002 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, apportioning and levying

a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60389-H, Phase 2, with pavement, curb and gutter, and all other contingencies needed to complete Street Improvement Project No. 60389-H, Phase 2 as defined and described in Resolution No. 7074, adopted and approved July 19, 2000 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60468, Phase 3, with pavement, curb and gutter, and all other contingencies needed to complete Street Improvement Project No. 60468, Phase 3 as defined and described in Resolution No. 7190, adopted and approved October 3, 2001 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 84289 with pavement, curb and gutter, and all other contingencies needed to complete Street Improvement Project No. 84289 as defined and described in Resolution No. 7137, adopted and approved March 21, 2001 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a 30-foot wide platted building setback as dedicated by Bergersons Subdivision, City of Topeka, Shawnee County, Kansas, was presented for first reading. *(V04SB/1)*

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a 30-foot wide platted building setback as dedicated by Eveningside Subdivision, City of Topeka, Shawnee County, Kansas, was presented for first reading. *(V04SB/3)*

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a portion of an ingress/egress and utility easement on property located at the northwest corner of SW 30th Street and SW Eveningside Drive, as dedicated by the plat of Eveningside Subdivision, City of Topeka, Shawnee County, Kansas, was presented for first reading. (V04E/3)

AN ORDINANCE introduced by Mayor James A. McClinton relating to Housing and Neighborhood Development, repealing City of Topeka Code Section 42-8, amending City of Topeka Code Sections 42-1, 42-2, 42-3, 42-4, 42-5, 42-6, 42-7, 42-8, 42-9, 42-10, 42-11, 42-12, 42-61, 42-62, 42-63, 42-64, 42-65, and 42-66 and specifically repealing said original sections was presented for first reading.

Councilmember Alcalá stated that he has several questions that were not answered in the work session concerning the ordinance.

Councilmember Alcalá moved to refer the ordinance to the Public, Health and Safety Committee. The motion seconded by Councilmember Haynes carried. Councilmembers Duffy and Price voted "no". (6-2-0)

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Preisner encouraged everyone to participate in the St. Patrick's Day festivities.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen gave distributed the weekly Legislative report.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Haynes asked about the procedure concerning collective bargaining.

Brenden Long, City Attorney stated that the Mayor designates the Human Resource Director or her designee as the lead negotiator, and negotiations consist of a representative from the Human Resource Department, a Department Head and the Union.

Kim Austin-Smith, Human Resource Director stated that there is a Labor Relations Director, however, when this position is vacant she assumes the responsibilities with guidelines from administration.

Sonny Scroggins, Jerry Hall, JoAnn Peavler, Michael Bell, David Price, and Jenny Prichard appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:28 p.m.

Iris Walker
City Clerk