

## City Council Minutes – October 19, 2004

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 19, 2004. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Chancler, Duffy, Nave, Haynes, Stubbs, Preisner and Muller -9. Mayor James A. McClinton presided -1.

AFTER THE MEETING was called to order, prayer was offered by Michael Jamison, Unity Church of Christianity

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

Mayor McClinton stated that he received a request to pull items 3A and 3B from the consent agenda for separate discussion.

THE CONSENT AGENDA was presented as follows:

DENIAL of claim appeal for Phyllis Walters in the amount of \$110 was presented.

A Dance Hall License application bearing the approval of the Chief of Police and City Inspectors for The Den, 1116 NW Lower Silver Lake Road, was presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for Topeka Public Golf Course, 2533 Urish Road, was presented.

An Open After Mid-Night application bearing the approval of the Chief of Police and City Inspectors for Down Under, 3810 Suite B, South Topeka Boulevard, was presented.

Minutes of the Regular Meeting of October 12, 2004, were presented.

Councilmember Preisner moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

ORDINANCE NO. 18329 introduced by Councilmember Lisa Stubbs relating to housing and neighborhood development, repealing City of Topeka Code Section 42-6, and amending City

of Topeka Code Section 42-4, as amended by City of Topeka Ordinance No. 18263 and specifically repealing said original sections placed on first reading October 12, 2004 was again presented.

Councilmember Chancler moved to amend the ordinance on line 35, “No at large member of the CAC shall serve more than two consecutive years.” The motion was seconded by Councilmember Preisner.

JoAnn Peavler thanked the Council for addressing the neighborhoods’ concerns regarding term limitations. She also stated that the main objective of the Hi-Crest Neighborhood Improvement Association is to reflect an image of “One Neighborhood, One Vote”.

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

Councilmember Duffy asked how the Citizens Advisory Council (CAC) could adequately represent a “broad community base interest” if 18 of the current 21 CAC members represent Neighborhood Improvement Associations. He stated that currently, economic development interests are not being represented fairly because each area of interest should be represented by an equal number of CAC members.

Randy Speaker, Housing and Neighborhood Development Director stated some of the CAC members represent more than one interest. He explained that the members are serving on a volunteer basis; therefore, it is difficult to cover the entire base of interests.

Discussion continued on the purpose and role of the Citizens Advisory Council.

Councilmember Chancler called the question.

Councilmember Pomeroy challenged the call.

Councilmember Chancler withdrew the call.

Councilmember Pomeroy requested a report from the Topeka Housing Authority in

regards to how they plan to implement Ordinance No. 18263 relating to housing and neighborhood development codes.

Councilmember Duffy requested that he is notified when the CAC meets on the Capital Improvement Program and any recommendations of funding.

Councilmember Stubbs stated that she is looking forward to the positive change that will result from the implementation of the CAC.

The ordinance was adopted as amended on roll call vote as follows: Ayes: Pomeroy, Alcalá, Chancler, Nave, Haynes, Duffy, Stubbs, Preisner, and Muller -9.

DENIAL of claim appeal for Nancy Burke in the amount of \$5,000 was presented.

Councilmember Duffy stated that the Committee of the Whole recommended a payment of \$2,988.

Councilmember Alcalá moved to approve payment of claim in the amount of \$2,988.

The motion seconded by Councilmember Chancler carried. Councilmembers Duffy, Stubbs and Preisner voted "no". (6-3-0)

#### 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 Tuesday, October 19, 2004, at 7:00 P.M. for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds of the 2004 budget.

APPROPRIATION ORDINANCE NO. 18330 introduced by Mayor James A. McClinton amending the adopted operating budget for the City of Topeka, for the year 2004, and appropriating the amounts for the purpose as set forth therein was presented for first and final reading.

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

Councilmember Duffy moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Pomeroy, Alcalá, Chancler, Nave, Haynes, Duffy, Stubbs, Preisner, and Muller -9.

A PROJECT BUDGET in the amount of \$135,000 and ORDINANCE NO. 18331 introduced by Mayor James A. McClinton, authorizing Park Project No. 30248-00, which provides for development of Highland Crest Park as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading October 12, 2004 was again presented.

Councilmember Nave moved to approve the project budget and adopt the ordinance. The motion was seconded by Councilmember Haynes.

Councilmember Duffy asked if the project has been presented to the CAC for recommendation.

Rogers Brazier, Parks and Recreation Director stated that they have not met with the CAC. He stated that they have met with the Hi-Crest Neighborhood Improvement Association and they support the project.

Councilmember Duffy moved to defer the proposal to the CAC for recommendation. The motion died due to lack of a second.

Bill Riphahn, Parks and Recreation Department gave the staff report.

Councilmember Muller asked if the CAC would be consulted before starting the project.

Randy Speaker stated that it is not necessary to consult the CAC because the project is being funded through the park improvement fund. He also stated that the CAC only gives recommendations of general categories of activities listed in the Consolidated Plan.

Betty Phillips distributed comments and spoke in support of the project.

The motion to approve the project budget and adopt the ordinance carried unanimously.

(9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Pomeroy, Alcalá, Chancler, Nave, Haynes, Duffy, Stubbs, Preisner, and Muller -9.

A RESOLUTION introduced by Councilmember John Alcalá relating to the removal of parking meters in front of Constantino's Italian Restaurant located at 1003 SE Quincy in Downtown Topeka was presented.

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

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

Councilmember Pomeroy stated that he did not know what kind of precedent this would set because there are other restaurants in the area. He suggested that each business pay a fee ranging from \$500 to \$1000 for removal of parking meters to supplement lost parking meter revenue.

Mayor McClinton noted that if they start removing parking meters from the downtown area it could affect the financial model that has been put into place to help pay for the parking garages.

Councilmember Haynes expressed concern with the problems they would face if they approve the resolution.

Councilmember Alcalá stated that business owners have invested personal dollars in downtown businesses, and the Council must decide if the revenue from the parking meters outweigh keeping businesses in the downtown area. He stated that he does not believe that the

removal of parking meters with such a low range of revenue, \$267 to \$1000 is worth losing a business in the downtown area.

Councilmember Nave stated that he believes they would be inundated with similar requests from downtown businesses.

Councilmember Duffy stated that if they approve this resolution they could be faced with several requests to remove all parking meters located in the downtown area.

Councilmember Pomeroy suggested that they consider reducing parking meter fines instead of removing parking meters.

Councilmember Chancler stated that she agrees with Councilmember Pomeroy. She also stated that she has received several complaints regarding parking meter fines and believes that the fines discourage business in the downtown area.

Councilmember Stubbs stated that she believes they need to leave the downtown parking issues alone for a while, allowing an opportunity for the parking plan to work.

Councilmember Alcalá stated that he does not understand why they do not accommodate the businesses owners in downtown instead of making it more difficult for them.

Mr. Constantino, business owner appeared and stated that he has lost a lot of money in his restaurant due to customer parking meter costs, and increased parking fines. He stated that the businesses on Quincy Street should have the same advantages as the businesses on Kansas Avenue. He suggested that they remove the parking meters and allow a two-hour parking limit. He stated that if the parking meters are not removed than he would not renew his lease in September 2005.

The motion to approve failed. Councilmembers Pomeroy, Duffy, Nave, Haynes, Stubbs, Preisner and Muller voted "no". (2-7-0)

AN ORDINANCE introduced by Mayor James A. McClinton authorizing the issuance of \$6,875,000 aggregate principal amount of General Obligation Bonds, Series 2004-C, of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-685 *et seq.*, K.S.A. 12-6a01 *et seq.*, the home rule authority granted to the cities of the State of Kansas by Section 5, Article 12 of the Kansas Constitution, and Charter Ordinance Nos. 68 and 89 of the City, all as amended placed on first reading.

REPORTS OF COMMITTEES AND OFFICERS, was presented.

Councilmember Nave announced that there would be a Policy and Finance Committee meeting held on October 25, 2004 at 5:15 p.m. in the City Council Office.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Brenden Long stated that the City of Topeka was granted by the District Court, the right to use the excess sales tax proceeds.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, was presented.

Councilmember Preisner stated for the record regarding parking meters, "Pore Richards Restaurant was located on Quincy Street for nine years."

Councilmember Pomeroy expressed concern with the Highland Crest Neighborhood Improvement Association Newsletter in regards to violating city policy and government regulations. He stated that the person who wrote the newsletter commented on how he would vote on political candidates and since the newsletter is funded by government funds that appears to be a violation of City policy. He asked the City Attorney to review the issue.

JoAnn Peavler, David Owen and Greg DeBacker appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:47 p.m.

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Iris Walker  
City Clerk