City Council Minutes – April 4, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 4, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcala, McClinton, Dunn, Duffy, Lee, Hill, and Gardner –7. Temporary Chair Pomeroy presided -1. Absent: Mayor Wagnon and Councilmember Carkhuff -2.

The City Clerk called the meeting to order in the absence of the Mayor and Deputy Mayor and asked for nominations for a Temporary Chair. Councilmember McClinton moved to elect Councilmember Pomeroy as Temporary Chair. The motion seconded by Councilmember Lee carried unanimously. (8-0-0)

Temporary Chair Pomeroy stated that Mayor Wagnon was absent because she was in Washington, D.C. attending Federal Energy Regulatory Commission hearings concerning electrical rate increases and Councilmember Carkhuff would be late because he was attending a business meeting.

AFTER THE MEETING was called to order, prayers were offered by Erica Heath, an Intern at the Trinity Lutheran Church.

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 March 28, 2000, were presented.

CEREAL MALT BEVERAGE APPLICATIONS bearing the approval of the Chief of Police and City Inspectors were presented from the following:

<table>
<thead>
<tr>
<th>Restaurant</th>
<th>Address</th>
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<tbody>
<tr>
<td>Tequila's Family Mexican Restaurant</td>
<td>1525 SW Lane</td>
</tr>
<tr>
<td>New China Restaurant</td>
<td>201 SW 29th Street</td>
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Councilmember Dunn asked to defer the minutes until they have had a chance to review them.

Councilmember Dunn moved to accept the applications. The motion seconded by Councilmember Gardner carried unanimously. (8-0-0)
FUNDING RECOMMENDATIONS regarding Neighborhood Empowerment Grants, were presented. Temporary Chair Pomeroy stated that the funding recommendations were deferred last week for one week so that the Advisory Council could review the recommendations.

Betty Phillips, Chair of the CDAC reported on the CDAC recommendations.

Councilmember Dunn moved to accept the CDAC recommendations. The motion was seconded by Councilmember Alcala.

Councilmember Duffy questioned why some areas were excluded even though they are eligible to receive funds.

John Johnston explained who is eligible to receive the funds according to the income guidelines.

Councilmember McClinton made a substitute motion to accept the staff's recommendations with an amendment by taking $40,000 out of the sidewalk pool for the Friends of the Free State Capitol. The motion was seconded by Councilmember Duffy.

Councilmember Gardner stated that he was opposed to the motion because they should not remove funds from the sidewalk pool.

Councilmember Duffy stated that he supported the motion because it is a sound recommendation.

Councilmember Hill asked about CDAC members benefiting from the funds allocated to NOTOMA. Linda Jeffrey, City Attorney explained that there is no legal conflict because CDAC is only advisory. She stated that the Councilmembers are the only ones that can vote on the allocation of funds.

Councilmember Dunn called the question.

Councilmember Lee challenged the call.

The call for the vote on the question failed. Councilmembers Pomeroy, McClinton, Duffy and Lee voted "no". (4-4-0)

The substitute motion failed. Councilmembers Alcala, Dunn, Hill and Gardner voted "no". (4-4-0)

Councilmember McClinton called the question.
The original motion failed. Councilmembers Pomeroy, McClinton, Duffy and Lee voted "no". (4-4-0)

Councilmember Gardner moved to approve the communication. The motion was seconded by Councilmember Alcala.

Councilmember McClinton made a substitute motion to move the vote on the item after Agenda Item IV, New Business. The motion seconded by Councilmember Lee failed. Councilmembers Alcala, Dunn, Hill and Gardner voted "no". (4-4-0)

Councilmember Pomeroy made a substitute motion to approve staff's recommendations and amend by taking $40,000 from the Ritchie House Project for the Friends of the Free State Capital. The motion seconded by Councilmember Lee failed. Councilmembers Alcala, Dunn, Hill and Gardner voted "no". (4-4-0)

Councilmember Dunn moved to reconsider the previous vote on the motion made by Councilmember Pomeroy. The motion seconded by Councilmember Lee carried. Councilmembers Alcala, McClinton and Gardner voted "no". (5-3-0)

The motion failed again. Councilmembers Alcala, Dunn, Hill and Gardner voted "no". (4-4-0)

Councilmember Gardner withdrew his original motion and made a motion to approve staff's recommendations, and amend by taking $71,000 from the Ritchie House Project and allocating $40,000 to the Friends of the Free State Capital and $31,000 to the Topeka Cemetery. The motion was seconded by Councilmember Dunn.

Councilmembers McClinton and Lee spoke in opposition to the motion.

The motion carried. Councilmembers Pomeroy, McClinton and Lee voted "no". (5-3-0)

COMMUNICATION requesting Council review and direction to staff on the negotiation of agreements for the development of parking garages and the modification to the existing parking fine/fee structures, was presented.

AN ORDINANCE introduced by Mayor Joan Wagnon establishing a block-parking zone on Kansas Avenue from 6th Street to 10th Street, was presented for first reading.
AN ORDINANCE introduced by Mayor Joan Wagonon regarding the parking meter rates, amending City of Topeka Code § 142-381 and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagonon relating to hooded parking meter rates, amending City of Topeka Code § 142-383 and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagonon relating to fees for parking in offstreet parking garages, amending City of Topeka Code § 142-452 and specifically repealing said original section, was present for first reading.

Councilmember McClinton gave the Committee report and moved for acceptance of the Committee report. The motion seconded by Councilmember Pomeroy carried. Councilmembers Dunn and Gardner voted "no". (6-2-0)

Jeff White, Public Works Director gave the staff presentation. He explained the parking "package" and recommendations being proposed by staff. He asked for Council's direction and noted some options for them to consider.

Councilmember Alcalá asked if occupancy has declined or increased.

Jeff White stated that it has increased a minimal amount each year.

Councilmember Alcalá asked for an explanation of the H.T. Paul proposal.

Jeff White stated that cash flow would be tight from 2003-2006, and H.T. Paul offered to provide the City a bridge loan to help the City get through this period.

Councilmember Alcalá stated that he has received a call from Jim Parrish regarding the purchase of the Uptowner.

Jeff White stated that the purchase would have to go through the bid process and would go to the highest bidder. He noted that the structure is becoming more expensive to maintain.

Councilmember Gardner stated that he supports bringing meters back to Kansas Avenue. He asked if the proposed increases in meter rates are consistent with discussions that took place in 1998.
Jeff White stated that they are consistent with the model that was presented in the fall.

Councilmember Gardner suggested sharing this information with the Parking Advisory Board. He also asked how the small fee the State charges for parking would affect the City’s parking plan.

Jeff White stated that there is a concern to the success of the proposed garages. He stated that the State is considering increasing their parking rates.

Councilmember Dunn expressed concerns about not following the Walker Study. She stated that they would not want another situation like the IBM garage.

Jeff White responded to each concern expressed. He stated that there is a strong system in place, which allows them to take some risks.

Councilmember Duffy complimented staff on the parking plan. He noted that according to the Walker Study, downtown Topeka has the highest downtown parking occupancy rates in the entire U.S. He stated that they need to get "all day parkers" off the street and into parking garages.

Deputy Mayor Carkhuff entered the chambers.

Devin Sutherland, Executive Director of Downtown Topeka appeared in support of moving forward with the comprehensive parking plan. He stated that there has been a documented parking need for thirty-six years, therefore the need is not new. He stated that they need to get "long term parkers" off Kansas Avenue to free up short-term parking. He stated that they need to build for the future as well as today.

Tuck Duncan appeared and suggested including additional items in the plan. He suggested including realignment of the duration of meters to meet the need for four-hour parking, and construction of the Topeka Metropolitan Transit Authority (TMTA) garage, at least a ramp and first level. He stated that the TMTA structure improvements would provide parking for evening activities at TPAC and other activities downtown. He also suggested that design of the proposed garages include a compatible façade.

Councilmember Carkhuff suggested that Public Works consider incorporating Mr. Duncan's suggestions of increasing rates and building the TMTA garage into the plan.
Councilmember Pomeroy requested data on the revenues generated from the meters along Kansas Avenue at the current rate compared to the proposed rate. He also requested information of what the cost would be for the first two decks of the TMTA garage.

Councilmember Lee requested comparative rates with one-hour parking in the proposed garages.

Councilmember Gardner asked Ron Butts, Director of TMTA if he was sitting on his project waiting for the City.

Ron Butts stated that he was interested in moving forward and he would like to know what the City is proposing as soon as possible. He stated that the objective is to start construction this fall. He stated that it was important to get buses off of Kansas Avenue as soon as possible for safety and security purposes.

Jeff White explained why the TMTA garage was not recommended. He stated that they could not guarantee occupancy like the other two proposals.

Jack Crocker, MBI stood for questions. He stated that the top floor of the garage would be office space. He stated that the ingress/egress would be on 9th Street.

Deputy Mayor Carkhuff stated that they should consider sending the package back to the Public Improvements Committee to consider additional options.

Councilmember Duffy stated that he would like to know the sense of the Council for general guidance purposes.

Councilmember McClinton requested that this come back to Council in two weeks provided that staff furnish the additional information next week to the Public Improvements Committee.

Deputy Mayor Carkhuff referred the parking package back to the Public Improvements Committee.

Councilmember McClinton announced that the Public Improvements Committee would meet on Wednesday, April 12, 2000 at 5:15p.m. at 515 Kansas Avenue.

Councilmember Duffy stated that they need to be sensitive with the partners during negotiations.
PROJECT BUDGET AND RESOLUTION NO. 7055 introduced by Mayor Joan Wagnon, authorizing Deer Creek East Sanitary Sewer Project No. 29057, Phase 3 located generally in the vicinity of Lake Shawnee, Aquarius Acres Subdivision, Croco Road and Walnut View Subdivision, were presented.

Councilmember McClintion gave the Committee report and moved to accept the report. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

Tim Green, Engineering Department gave the staff report.

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

PROJECT BUDGET for Trafficway Improvement Project No. 70179 to reconstruct Huntoon Street 350' east of Fairlawn Road to McAlister Street, was presented.

Jeff White gave the staff report.

Councilmember Duffy expressed concern that there are other higher priority projects not being considered. He stated that they will have to consider an increase in the mill levy for next year to maintain the same level of service, and this is $900,000 that could be applied to the budget.

Jeff White stated that the project would be bonded and explained that it would affect the 2001 budget by $65,000 for bonded indebtedness.

Councilmember McClintion gave the Committee report and moved to accept the report. The motion seconded by Councilmember Duffy carried. Councilmember Gardner voted "no". (8-1-0)

Councilmember McClintion moved to disapprove the project budget and ordinance. The motion was seconded by Councilmember Duffy.

Councilmember Pomeroy stated that Huntoon Street needs some improvements, but not sure it needs five lanes. He asked if a scaled project could be brought back.
Jeff White explained that if they use federal funds they are required to have a transportation plan for KDOT. He stated that the CIP fits into the plan. He stated that if the project is not approved they probably would not lose the funds, but would have to present another project that fits the plan according to KDOT.

Councilmember Gardner suggested delaying the project so that it would give the McFarland property an opportunity to participate in the project.

Councilmember Hill stated that she was opposed to the motion because Huntoon needs to be improved.

Councilmember Carkhuff stated that he supported the project because Huntoon has been a "bottle neck" for as long as he can remember. He expressed appreciation for Councilmember Duffy's concerns.

Councilmember Gardner made a substitute motion to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Hill carried. Councilmembers Pomeroy and Duffy voted "no". (6-2-0)

Councilmember Alcala moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Pomeroy carried. Councilmembers McClinton, Carkhuff and Duffy voted "no". (6-3-0)

ORDINANCE NO. 17487 introduced by Mayor Joan Wagnon designating and establishing Trafficway Improvement Project No. 70179 of the City of Topeka and authorizing the improvement of said trafficway located at Huntoon Street from 300 feet east of Fairlawn Road to McAlister Street, hereinafter known as Trafficway Improvement Project No. 70179, all under the authority of K.S.A. 12-685 et seq., placed on first reading March 7, 2000, was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Alcala, McClinton, Carkhuff, Dunn, Lee, Hill and Gardner -7. Noes: Councilmembers Pomeroy and Duffy -2.

AN ORDINANCE introduced by Mayor Joan Wagnon authorizing initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Storm Sewer Improvement Project No. 50095, Phase 2, in the area of Southeast 32nd Street and Southeast Illinois Avenue, was presented for first reading.
AN ORDINANCE introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located about the southeast corner of SE 2nd Street and SE California Avenue in the City of Topeka, Kansas, was presented for first reading. (Z71/11)

Deputy Mayor Carkhuff referred the ordinance to the Community Development Committee.

AN ORDINANCE introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located on either side of SE 44th Terrace and SE Minnesota Avenue in the City of Topeka, Kansas, from "PUD" Planned Unit Development District (commercial usage) to "M-1" Two Family Dwelling District, was presented for first reading. (Z90/21)

AN ORDINANCE introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located on the west side of NW Taylor Street, approximately 155-feet north of NW Morse Street in the City of Topeka, Kansas, from "I-1" Light Industrial District to "R-4" Single Family Dwelling District, was presented for first reading. (Z00/05)

AN ORDINANCE introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the northeast corner of SW 6th Avenue and SW Buchanan Street in the City of Topeka, Kansas, from "M-2" Multiple Family Dwelling District and "C-4" Commercial District all to "PUD" Planned Unit Development District, was presented for first reading. (Z00/08)

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the vacation of the alley between the South property line of Buchanan Street, Lot 168 and North of 6th Avenue, West, Lots 158, 160, 162, 166, and 168 (Horne's Addition), City of Topeka, was presented for first reading. (V00A/02)
AN ORDINANCE introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the northwest corner of US Hwy 24 and NW Rochester Road in the City of Topeka, Kansas, from "R-1" Single-Family Dwelling District and "I-1" Light Industrial District all to "PUD" Planned Unit Development, was presented for first reading. (Z00/09)

AN ORDINANCE introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the southwest corner of SW 8th Avenue and SW Garfield Street in the City of Topeka, Kansas, from "M-1" Two-Family Dwelling District to "M-S" Medical Services District, was presented for first reading. (Z00/10)

AN ORDINANCE introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 824 SW Washburn Avenue in the City of Topeka, Kansas, from "M-1" Two-Family Dwelling District to "M-S" Medical Services District, was presented for first reading. (Z00/11)

AN ORDINANCE introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 926 SW Lane Street and 1313 SW 10th Street in the City of Topeka, Kansas, from "M-1" Two-Family Dwelling District and "O&I-2" Office and Institutional District to "M-S" Medical Services District, was presented for first reading. (Z00/12)

AN ORDINANCE introduced by Mayor Joan Wagnon amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property within the Historic North Topeka neighborhoods of the City of Topeka, Kansas, requesting to amend the District Zoning Classification from "I-2" Heavy Industrial District, "I-1" Light
Industrial District, "C-4" Commercial District, "C-2" Commercial District, "M-2" Multiple Family District, and "M-1" Two Family District all to "R-2" Single Family District, was presented for first reading. (Z00/13)

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the vacation of a 5-foot wide public right-of-way as dedicated by Seabrook's Subdivision, on property located at 3915 SW 19th Street, City of Topeka, Kansas, was presented for first reading. (V00S/3)

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Pomeroy announced that the Economic Development Committee would meet Thursday, April 6, 2000 to discuss the smoking ordinance. He also announced that the Committee would meet April 12 and 13, 2000 at Noon to review the economic development packages.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcala stated that he has been working with the community regarding a legal matter. He stated that an issue arose regarding an instance in which City staff may have reacted unprofessional towards an individual who spoke at public comment. He asked Linda Jeffrey to review the details of this allegation and report back to him.

Councilmember Gardner stated that he previously asked if there was a shared leave policy. He stated that he was told by Human Resources that there was a draft version but he has not received a copy. He also requested a copy of the emergency leave policy.

Linda Jeffrey stated that she would forward a copy of the information to him.

Councilmember Dunn requested the status of the ordinance regarding the City Manager form of government.

Linda Jeffrey stated that it should be ready soon.
Councilmember Gardner stated that he has asked the Police Chief to provide Council with a status of the computer problems at Municipal Court. He stated that it is imperative that these problems are fixed so that City traffic records can be maintained accurately and false information is not given out.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent.

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Iris Walker
City Clerk