

**City Council Minutes – April 18, 2000**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 18, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Dunn, Duffy, Lee, Hill, and Gardner –7. Mayor Wagnon presided -1. Absent: Councilmember Carkhuff and McClinton -2.

AFTER THE MEETING was called to order, prayer was offered by Reverend Dean Schmidt, North Topeka Wesleyan Church.

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

Mayor Wagnon stated that Councilmember Carkhuff would be late because he was attending a business meeting and Councilmember McClinton was ill.

THE CONSENT AGENDA was presented as follows:

COMMUNICATION recommending the appointment of Ned Nusbaum to the Topeka/Shawnee County Planning Commission for the unexpired term of Tawanna Morris, was presented.

COMMUNICATION recommending the appointment of Frank Ybarra to a 4-year term on the Topeka/Shawnee County Public Library Board of Directors, was presented.

Minutes of the Regular Meeting of April 11, 2000, were presented.

Councilmember Lee moved to approve the consent agenda. The motion seconded by Councilmember Hill carried unanimously. (7-0-0)

Councilmember Carkhuff entered the room.

A FINAL PLAT for Drakes Farm Subdivision on property located about the southeast corner of the intersection of NE Lyman Road and NE Monroe Street in the City of Topeka, Kansas, was presented.

Councilmember Duffy spoke in opposition to both of the final plats.

Leo Connors and Tim Deusch, residents appeared in opposition to the final plat. They expressed concerns that the drainage area fills up without completely draining. Mr. Connors also stated that the drainage area causes a problem with mosquitoes.

Councilmember Lee noted that in the past ten years no one in the City has addressed abatement of insects and mosquitoes. She suggested the City look into a possible solution.

Councilmember Duffy stated that there were 21 acres, 30 lots and no amenities. He stated that the final plat was premature because they were unsure if it was in compliance with the Wastewater Plan and there are concerns with the drainage.

Councilmember Alcalá moved to refer the final plat to the Economic Development Committee for two weeks. The motion was seconded by Councilmember Dunn.

Barry Beagle, Planning Department responded to the drainage concerns expressed. He explained the drainage report.

Councilmember Duffy requested a copy of the drainage report.

Councilmember Carkhuff suggested referring the final plat back to the Planning Commission so that they can review the concerns with drainage since they did not see the drainage report.

Councilmember Alcalá withdrew his motion and made a motion to send it back to the Planning Commission. The motion was seconded by Councilmember Duffy.

Councilmember Pomeroy noted that it could delay the final plat six to eight weeks if it goes back to the Planning Commission.

Councilmember Carkhuff made a substitute motion to refer the final plat to the Community Development Committee and bring it back within two weeks. The motion was seconded by Councilmember Pomeroy.

Mayor Wagnon suggested bringing the item back next week because of the multitude of items scheduled for future meetings.

The motion carried. Councilmembers Alcala, Duffy and Gardner voted "no". (5-3-0)

A FINAL PLAT for Gruber Subdivision on property located at 2641 SE Shawnee Heights Road in unincorporated Shawnee County, Kansas, was presented.

Councilmember Carkhuff moved to accept the public dedication. The motion was seconded by Councilmember Pomeroy.

Councilmember Duffy spoke in opposition because there was no drainage report. He also expressed concerns regarding the sewage disposal system because it works against the City's policy to eliminate on-sight septic systems.

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

A PRESENTATION regarding the Watertower Redevelopment Plan, was presented.

John Arnold, CAO presented a draft about the Watertower 2000 redevelopment plan. He explained that the plan included: a \$2.9 million multipurpose private indoor athletic facility; two hotels totaling \$14 million in investment; a \$3.2 million, state-of-the-art multi-screen movie cinema; more than \$19 million in retail and office space; and \$15.2 million in public infrastructure. He explained the proposed project schedule and asked for feedback and concerns from the Council. He gave a brief overview of the financial feasibility and potential opportunities for changes. He introduced several people who were present to give brief presentations relating to the proposed Redevelopment Plan.

Bill Costello, Sapphire Development stated that he felt strongly about the potential to develop downtown. He explained the layout of the redevelopment and how it would benefit the downtown area. He explained the concepts of development with the urban, retail and office environment.

Becky Goodman, Block & Company stated that they are a Real Estate and Brokerage Company. She stated that they have worked with these types of redevelopment in Kansas City and are involved with a TIF project in Olathe. She explained that once the entertainment piece is in place other development would follow. She stated that they have had contact with hotels and restaurants and there is interest. She asked for their

thoughts about what would work for this area and what they would like to see for Topeka. She stated that Sapphire Group hired them as a marketing agent.

Councilmember Dunn asked if she could give names of possible restaurants or hotels.

Becky Goodman stated that she could not because they are still being negotiated.

Larry Steele, President of the Hoops USA stated that Hoops USA is a recreational sports industry. He explained that the facility would be a training and educational center for soccer, basketball, gymnastics, volleyball, indoor hockey and other types of sports. He stated that there would also be rooms for parties and families to gather. He explained that it was important to them to form partnerships with the YMCA, Parks and Recreation, Churches and other community groups.

Councilmember Pomeroy stated that it would be a good facility to have next to a hotel for sports tournaments.

Councilmember Dunn asked if the center would also be affordable for the low to moderate income.

Larry Steele stated that the center would accommodate all social and economic groups.

Councilmember Gardner asked if they have been involved in other developments.

Larry Steele stated that they have developed facilities in San Antonio, TX, Palm Desert, CA, Bakersfield and have many other in the planning stages. He noted that the project cost is \$4.5 million and stated that it is a component of the rest of the redevelopment project because they are dependent upon each other.

Councilmember Alcalá asked about the cost of membership fees.

Larry Steele explained the types of fees associated with the center. He also explained that scholarships have been established that are based upon criteria worked out with the City.

John Arnold stated that this is an informal presentation. He stated that if a formal presentation would come back if approved by the Planning Commission, which meets on April 24, 2000. He stated that they would look at design element and compatibility with the Comprehensive Plan.

Councilmember Gardner commented that they should provide complete information to the Planning Commission. He requested a status regarding any agreements with the Wallace Group, and a copy of complete documents and agreements for review in a reasonable amount of time. He also stated that he was not interested in issuing General Obligation Bonds or selling the land without firm developer agreements.

John Arnold stated that it is being proposed that the City will purchase the land and then sell the assembled land to the developers. He explained that there are commitments from various developers but no firm agreements could be made until the land is ready for development.

Councilmember Dunn expressed concern regarding the use of CDBG funds. She asked if the project could be on referendum.

Councilmember Pomeroy noted that there is a process in place for the citizens to put the question on the ballot if they desire. He stated that he hoped the Council would move forward with the dynamics of the project.

Councilmember Hill questioned the size of the hotel. She suggested that a study be performed on occupancy.

Councilmember Alcala asked if there would be good faith deposits from the developers.

John Arnold explained what would be required from the developers.

Councilmember Gardner suggested that there be a work session before May 2, 2000 with HUD officials. He asked what the criteria is for assembling the land and who is the major landholder in the area.

Mayor Wagnon explained the different variables and timing of the project and stated that there would be a public hearing and opportunity to gather additional information later on.

A COMMUNICATION requesting that the Council provide policy direction regarding the sale of existing assets, the construction of new parking facilities, and changes to the fine/fee structure used in the parking system, was presented.

Jeff White, Director of Public Works gave a brief summary of the parking information. He explained that the assumptions have changed since the last presentation.

Councilmember Duffy shared information he received from a letter that was sent by Dan Stanley, Secretary of Administration. He stated that he concurred with the information that they received regarding the MBI parking facility located at 9<sup>th</sup> and Kansas Avenue. He stated that they should compare the original parking analysis with the updated one. He asked Jeff White to describe the timing of the garages.

Jeff White explained the differences with the analysis that was performed.

Councilmember Carkhuff gave the committee report. He stated that the committee vote was 2-0 to pass to full Council without recommendation.

Councilmember Carkhuff moved to accept the committee report. The motion seconded by Councilmember Duffy carried. Councilmembers Dunn and Gardner voted "no". (6-2-0)

Ron Butts, Topeka Metropolitan Transit Authority (TMTA) stated that he has been directed by the Board to issue an order to proceed with the Architects for their project.

Tuck Duncan appeared and stated that there is a great deal of logic in the sequencing of the updated plan. He stated that they need to consider selling the garage at 7<sup>th</sup> and Topeka Boulevard at some point.

Jack Crocker appeared to answer questions. He stated that there is a demand for parking at 9<sup>th</sup> and Kansas Avenue.

Councilmember Dunn stated that the Walker study indicated that there was no need for additional parking. She requested a copy of the Walker study. She also expressed concern regarding some of the issues that were included in the letter from Secretary Dan Stanley.

Councilmember Alcala expressed concern regarding the increase in fee from \$10 to \$25 that was indicated in the letter from Dan Stanley. He stated that the garage at the TMTA was less of a risk because of the grant money. He asked what the evaluation process was for an RFP.

Councilmember Pomeroy stated that he would like to see some parking in conjunction with a bus station. He stated that he would also like to see parking meters put back along Kansas Avenue.

Councilmember Gardner expressed concern that the City would not greatly benefit from the H.T. Paul garage. He asked what the affect would be due to people relocating from the Mills Building to the Signature Building.

Jack Crocker explained how parking demands because of people relocating are addressed.

Jeff White responded to the concerns expressed.

Councilmember Alcala moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Gardner carried. Councilmember Carkhuff was out of the room. (7-1-0)

Councilmember Duffy stated that in order to get all day parkers off the street they have to provide alternatives. He stated that they have an 80% occupancy guarantee from the H.T. Paul and the MBA garages, which would help meet the alternative parking demands.

Councilmember Duffy moved to adopt, as a framework for negotiations, the original recommendations presented on April 4, 2000 with the addition of the third paragraph of the memo dated April 18, 2000 from Downtown Topeka, Inc. and a first floor to the TMTA garage. The motion seconded by Councilmember Pomeroy failed. Councilmembers Alcala, Dunn, Hill and Gardner voted "no". (4-4-0)

Councilmember Dunn and Gardner spoke in opposition to the parking proposal because parking demands have not been established.

Councilmember Gardner moved to drop the proposal because the parking needs of downtown are currently being met. The motion was seconded by Councilmember Alcala.

Councilmember Duffy asked Councilmember Gardner for a description of his basis for indicating that the parking needs in downtown have been met.

Councilmember Gardner asked for clarification of the question.

Councilmember Duffy asked what information he had that indicated the parking needs are being met.

Councilmember Gardner said the Walker Study.

The motion failed. Councilmembers Pomeroy, Carkhuff, Duffy and Lee voted "no". (4-4-0)

Councilmember Carkhuff referred the communication to the Public Improvements Committee.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmembers Carkhuff and Lee left the meeting.

Councilmember Alcala stated that nothing has happened with his request to enforce the code regarding the pile of bricks located at the Levin property. He stated that playground structures and lighting for Garfield Park have not been installed. He stated that the East Topeka NIA held a cleanup within their neighborhood but no trash trucks came after scheduling was confirmed by HNDD. He asked why TV cameras were no longer allowed behind the Councilmembers. He stated that there are approximately forty-six code violations within the East Topeka NIA that are not being enforced. He spoke in opposition to last week's amendments for the Summer Job Programs and the Tool Lending Library not being incorporated into the CDBG funding that was approved on Friday. He also asked for a status regarding the allegation that a City employee acted unprofessional towards an individual who spoke at public comment during a previous meeting.

Linda Jeffrey, City Attorney stated that the allegation was still being investigated.

Councilmember Dunn expressed her concern that the amendments approved at last week's meeting for the Consolidated Plan were not approved at the Friday, April 14, 2000 meeting. She asked for a status regarding the \$17,000 that was approved for the Topeka Cemetery fence.

Linda Jeffrey stated that the Attorney General does not act on non-legal local matters.

John Arnold explained that the City is working with the cemetery to better assist them.

Councilmember Gardner also expressed concern that the media was told they would no longer be allowed behind the Councilmembers. He spoke in opposition to the amendments not being included in the Consolidated Plan adopted on Friday, April 14. He asked that the Parliamentarian be prepared to respond to questions about Council rules during the Council meetings.



Councilmember Pomeroy stated that he did not have a problem with the media being positioned behind them. He stated that they should all share the blame for the actions at the special called meeting. He stated that they wanted to get the plan passed in a short time. He said they just need to move forward.

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

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Iris Walker  
City Clerk