

City Council Minutes – May 16, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 16, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Lee, Hill, and Gardner –9. Mayor Wagnon presided -1.

AFTER THE MEETING was called to order, prayer was offered by Councilmember Alcalá.

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

THE CONSENT AGENDA was presented as follows:

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.

A FINAL PLAT for Topeka Chamber Industrial Park Subdivision No. 3 on property located on the west side of NW Moundview Drive approximately 425 feet south of NW Lower Silver Lake Road in the City of Topeka, Kansas, was presented.

Councilmember Dunn asked that her comments made regarding the parking garage be added to last week's minutes because it reflected her vote.

Councilmember Gardner asked that his legal question regarding the "Hate" resolution be added to last week's minutes.

Minutes of the Regular Meeting of May 9, 2000, were presented.

CEREAL MALT BEVERAGE APPLICATION bearing the approval of the Chief of Police and City Inspectors was presented from The Downtowner, 119 SE 6th Street.

Councilmember Lee moved to approve the consent agenda along with the additions to last week's minutes. The motion seconded by Councilmember McClinton carried unanimously. (9-0-0)

Mayor Wagnon stated that Item 3A, a presentation regarding the Youth Summit Report would be withdrawn from the agenda and rescheduled for a later date at the request of Darryln Johnson, Director of the Abbott Community Center.

WATERTOWER 2000 Development and Disposition Agreements/Sapphire Properties, Inc. and Wallace Theaters, Inc, were presented.

Mayor Wagnon explained the concepts of the proposal.

John Arnold, Chief Administrative Officer gave the staff report.

Several developers appeared to explain their role with the project.

Councilmember Gardner moved to amend the Wallace Theatre, Developer and Disposition Agreement (DDA) to add language to page 4, Item (s), "'private improvements' shall mean at a minimum a ten screen, 32,000 square foot state of the art stadium seating facility to be constructed by the developer of the property". The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Questions were raised about how many acres were included in the project, how the area would be divided, and how the property would be developed including parking.

Councilmember Gardner challenged the ruling of the Chair to defer questions from Councilmembers to the public until they all have had an opportunity to speak.

Mayor Wagnon asked for a vote on whether to sustain the ruling of the Chair.

The ruling of the Chair was upheld. Councilmembers Gardner and Alcala voted "no". (7-2-0)

Several people appeared in support of the project and commented that the design should compliment the neighborhood and the downtown from a historic standpoint. They also commented that it would offer potential for economic growth, increase population and jobs, provide more culture and entertainment downtown, and would be beneficial to the children in the community.

Sandy Hestand appeared to present a request to include an amendment to the project that would exclude her property from the plan.

Councilmember Gardner moved to amend the Sapphire DDA to include the amendment that was submitted by Sandy Hestand. The motion seconded by Councilmember Alcala failed. Councilmembers Pomeroy, Carkhuff, McClinton, Lee and Duffy voted "no". (4-5-0) (The amendment is attached.)

Councilmember Gardner moved to extend the meeting to the end of the agenda. The motion seconded by Councilmember Hill carried. Councilmembers Carkhuff and Duffy voted "no". (7-2-0)

Councilmember Gardner moved to amend the language on page 3, Article 1, section 1.1b of the Sapphire DDA to read, "'City' shall mean the City of Topeka, a municipal corporation, acting through its Chief Administrative Officer, upon majority vote of the Council, unless Kansas law or the context provisions of this agreement require otherwise". The motion was seconded by Councilmember Dunn.

Councilmember Pomeroy made a substitute motion to amend the language on page 3, Article 1, section 1.1b of the Sapphire DDA to read, "'City' shall mean the City of Topeka, a municipal corporation, acting through its Chief Administrative Officer, unless Kansas law, City ordinance or the context provisions of this agreement require otherwise". The motion seconded by Councilmember McClinton carried. Councilmember Carkhuff voted "no". (8-1-0)

Councilmember Pomeroy moved to approve both the Sapphire and the Wallace DDA's as amended. The motion was seconded by Councilmember Duffy.

Several Councilmembers expressed concerns about the vagueness of the legal language within the DDA's.

Mayor Wagnon stated that legal language would continue to be incorporated into the document as the land is developed.

Councilmember Alcalá made a substitute motion to defer both DDA's until the legal language is cleaned up. The motion seconded by Councilmember Gardner failed. Councilmembers Pomeroy, McClinton, Carkhuff, Duffy, Lee and Hill voted "no". (3-6-0)

The original motion carried. Councilmembers Gardner and Alcalá voted "no". Councilmember Dunn "abstained". (6-2-1)

RESOLUTION NO. 7063 introduced by Mayor Joan Wagnon, relating to Watertower Place Redevelopment District, setting a public hearing to consider adoption of a redevelopment plan, was presented.

Councilmember Gardner moved to amend the resolution to be consistent with State Statute. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Councilmember Lee moved to approve the resolution as amended. The motion seconded by Councilmember Pomeroy carried. Councilmember Gardner voted "no". (8-1-0)

Mayor Wagnon withdrew Item 3D, a resolution, which adopts a relocation policy for WaterTower Place 2000 because of the late hour.

AN ORDINANCE introduced by Mayor Joan Wagnon, 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 Improvement Project No. 40879 with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40879, as defined and described in Resolution No. 6971, adopted and approved March 23, 1999, was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS:

Councilmember Pomeroy announced that the Economic Development Committee would meet Thursday, May 18, 2000 at Noon.

Councilmember Lee announced that the Public Health & Safety Committee would meet Monday, May 22, 2000 at 5:30p.m.

PRESENTATIONS BY MEMBERS OF THE COUNCIL:

Councilmember Dunn stated that the Finance, Audit and Administration Committee did not meet regarding the proposed Broadbanding pay plan. She stated that administration withdrew the proposal for now.

Councilmember Alcalá stated that there are still areas that are in violation of Environmental Code that have not been cleaned up.

Councilmember McClinton announced that the Golden City SERTOMA Club would hold a dance Friday, May 19, 2000 at the Hillcrest Community Center, from 7:00p.m. to 10:30p.m. to applaud the middle school students of Topeka for a non-violent school year.

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

Iris Walker
City Clerk