

City Council Minutes – January 22, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 22, 2002. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcalá, Lane, Hecht, Duffy, Stubbs, Hill and Price – 7. Deputy Mayor Dunn presided – 1. Absent: Councilmember Pomeroy and Mayor Felker –2.

AFTER THE MEETING was called to order, the invocation was given by Reverend Ed Kirtdoll, St. Luke Missionary Baptist Church.

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

Deputy Mayor Dunn reminded the Council that Councilmember Pomeroy and Mayor Felker were in Russia and she wished them a safe return trip home.

THE CONSENT AGENDA was presented as follows:

Communication requesting approval of a Worker's Compensation settlement agreement with Evan Tom Watson in the amount of \$16,894 was presented.

Minutes of the Regular Meeting of January 15, 2002, were presented.

Councilmember Price moved to approve the consent agenda. The motion seconded by Councilmember Lane carried. Councilmembers Duffy and Stubbs voted "no". (6-2-0)

SUBSTANTIAL AMENDMENT to the 2001 Consolidated Plan, allocating \$210,000 in CDBG funds to the rehabilitation of the Highland Crest shopping center near 29th and Adams for Council approval, was presented.

Councilmember Duffy stated that this issue was not technically in committee but it was discussed in the Economic Development Committee, and the committee voted to direct staff to prepare an amendment to the 2001 Consolidated Plan.

Councilmember Duffy moved to accept the committee report. The motion was seconded by Councilmember Price.

Councilmember Alcala noted that this issue was not referred to committee by a vote of the Council or the Deputy Mayor so it may not be appropriate to take action on the committee report.

Councilmember Duffy withdrew his motion. The second concurred.

Jeff White, Interim Director of Housing and Neighborhood Development gave the staff report. He explained the process for a substantial amendment as outlined in the Consolidated Plan, that includes keeping the citizens apprised through notification published in the legal newspaper, and providing a thirty-day comment period. He stated that if adopted the amendment would allow them to proceed with the proposed project with the Botwin Company on the redevelopment of the HiCrest Shopping Center near 29th and Adams. He stated that he provided the Council with additional information about the Botwin Company that was distributed in the Council mailboxes, and the company's due diligence report shows that they are a credible company with a good record. He explained that this was not a grant, but it is a low-interest loan payable ten years after the construction period. He further explained that if the amendment were approved they would enter into a development agreement with the developer. He stated that the developer/owner and architect were present to answer questions.

Betty Phillips, Clara Simmons, David Price, Lance Chatham, and Joseph Ledbetter appeared in support of the amendment and the investment being made to redevelop the HiCrest area.

Eugene Bunch, Sr., Albert Roy, Bonnie Good, Yvonne May, and Wanda Bean appeared in opposition to the project and expressed their concerns about the loss of jobs because

remaining tenants of the shopping center would be displaced, and how the owners had allowed the shopping center to deteriorate.

Diane Alpert, owner of HiCrest Shopping Center appeared and stated that she will invest her money and effort into the community, and she is willing to implement goals of the City of Topeka. She explained that the loan represents seven percent of their budget. She explained that Senne Construction, a local contractor will build the project and it will provide local jobs. She further explained that the shopping center is not viable, and none of the tenants currently have leases, so they would not be there regardless of whether or not the project is approved.

Councilmember Alcalá noted that the Botwin Company is investing \$3.1 million in the project and asked if the developer would not be able to do the project if they are not allocated the \$210,000.

Diane Alpert stated that the \$210,000 would fill the gap they need for the financing of the project, and without it they would probably have to scale back on the project and maybe not do it at all.

Gerry Munn, Executive Vice President of Senne Company stated that they looked at several scenarios for this project and planned what was good for the City, neighbors and economy when creating the project. He stated that the lenders would not approve retail for the area. He explained that a lot of research has gone into this project, and it will be an asset to the community. He further explained that they will hire all local people and as many as 100 jobs will be created at an hourly rate of \$12 and higher.

Councilmember Stubbs commended the developer for using local contractors and thanked everyone for coming out to speak.

Councilmember Hecht stated that she had some misgivings about the shape of the shopping center and qualms about storage in that area. She stated that she would prefer retail. She stated that she would support the project, but she does want the Botwin Company to be good stewards.

Councilmember Lane asked about the possibility of relocating displaced businesses.

Jeff White stated that they are working with the Department of Housing and Urban Development (HUD) on who will qualify, and they will fully comply with the provisions of the Uniform Relocation Act (URA). He noted that Mrs. Alpert has been actively working with two tenants on relocation.

Councilmember Duffy noted that this area is identified as an intensive care neighborhood and it is difficult to find private investors for neighborhoods so identified.

Councilmember Alcalá spoke in opposition to the project and expressed his concern about possible loss of jobs. He stated that there are also no incentives for current businesses and he believes retail would enhance the area. He also stated that the Botwin Company allowed the shopping center to deteriorate and because it is the same people, the problem will continue.

Councilmember Lane moved to approve the amendment. The motion was seconded by Councilmember Price.

Councilmember Duffy stated that the Botwin Company has a solid reputation and solid finances. He noted that the Dunn and Bradstreet report rated them a one in the financial stress test, which is lowest risk. He explained that it has been noted that the market will not bear retail for that area. He stated that as far as the potential loss of jobs, each company should represent themselves, and he believes there is opportunity for relocation. He stated that the micro loan program is not operational, and this money will come back to be used in that program.

The motion carried. Councilmember Alcalá voted “no”. (7-1-0)

AN ORDINANCE introduced by Mayor Harry Felker relating to the Capital City Downtown Business Improvement District, establishing the method of raising revenue, amending City of Topeka § 42-38 and specifically repealing said original section, was presented for first reading.

The Deputy Mayor referred the ordinance to the Policy Committee.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:

John Arnold, Chief Administrative Officer reminded the Council that Thursday, January 24, 2002 is “City Hall” day at the Capitol, sponsored by the League of Kansas Municipalities. He stated that he had nothing to report but has asked Chief Klumpp to report on crime statistics.

Police Chief Klumpp reported that the City had a 3% reduction in crime since last year, and 20.1% reduction in the last five years. He noted that they are doing better in crime index and property crime, but worse in violent crime. He stated that 15 of the 18 homicide victims were either somehow related or knew each other. He also reported on the City’s crime statistics compared to national statistics. He stated that they are working with the KBI and FBI to make sure they are reporting crime accurately, and he will report back with any changes.

REPORTS OF COMMITTEES AND OFFICERS:

Councilmember Dunn announced that the Policy Committee would meet at 4:00 p.m., Thursday, January 24, 2002 in the Council Office to consider the ordinance relating to the Business Improvement District.

Councilmember Duffy announced that there would not be an Economic Development Committee meeting on Friday, January 25, 2002.

PRESENTATIONS BY MEMBERS OF THE COUNCIL:

Councilmember Lane thanked Councilmember Hecht for the letter she wrote in response to a newspaper article concerning disrupted parking around the Capitol Building and an individual's comments about having to park around the YWCA area.

Councilmember Duffy stated that it was his understanding that the Joint Economic Development Organization (JEDO) Board has scheduled a meeting for Wednesday, January 23, 2002. He stated that he sent the Council a memo explaining why he would not be attending those meetings but wanted to inquire about the position of Topeka relating to approval of their contract. He suggested that the contract be modified to include performance measures. He stated that there has been a lack of discussion concerning revitalization of Downtown and Uptown Topeka, and wanted to know if some of the quarter cent sales tax would be used for that purpose. He further stated that as part of the contract it should be the responsibility of GO Topeka to attract private dollars for economic development. He stated that he hoped these suggestions would be discussed at the JEDO Board meeting.

Councilmember Price stated that he would be unable to attend the JEDO meeting because he will be out of town tomorrow. He stated that he does agree with Councilmember Duffy's suggestions.

Councilmember Hecht commented on the traffic accident at 37th and Humboldt involving the Clark family and stated that the City will install a flashing light at that location. She expressed her appreciation for the Public Works Director's responsiveness to their concern.

Councilmember Hecht expressed her concerns about the loss of approximately 100 jobs at Burlington Northern Santa Fe to Nebraska, and asked what activities the City is engaged in with management at Santa Fe to assist in keeping those jobs here in Topeka.

John Arnold, Chief Administrative Officer stated that he has discussed this with the Mayor and he indicated that he would make contact upon his return.

Councilmember Duffy stated that under the previous administration of GO Topeka, it was a contractual requirement of GO Topeka to proactively work with the top twenty-five organizations in Topeka and keep the Council informed of their status. He stated that this should also be put on the list to discuss with the JEDO Board.

Councilmember Dunn stated that she met with some businesses at KAW Area Technical School and Goodyear was also present. She stated that was a good training program and will be good for the community.

Councilmember Stubbs reiterated the importance of having performance measures in place in the contract with GO Topeka so they are meeting the City's needs in all areas, especially in working with businesses.

PUBLIC COMMUNICATIONS AND COMMENTS:

Bob Sherburne, Michael Bell and Yvonne May appeared to speak for Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:20 p.m. by unanimous consent.

Iris Walker
City Clerk