

Council Minutes – December 14, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 14, 2010. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcalá, Woelfel, Wolgast, Swank, Preisner and Harmon -7. Mayor Bunten presided -1. Absent: Ortiz and Archer -2.

AFTER THE MEETING was called to order, Councilmember Alcalá gave the invocation.

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

A PRESENTATION on the Capital District Project Concept was presented by Neil Dobler. He stated there would be many changes as they continue through the process. He reported they must gather additional input from property owners, local businesses and the Historical Society, as well as, address the issue of access for delivery and emergency vehicles.

The proposed concept included the following:

- Significant water features and green space.
- Narrow Kansas Avenue to offer more space for amenities.
- Mirror the Kansas River as the visual concept of the project.
- Ample outdoor vendors and restaurants with heated awnings.
- Install clock towers on both sides of Kansas Avenue with video boards.
- Install additional parking on 8th street.
- Display local art.
- Include an abundance of trees and native plants.

Andrea Engstrom, Bill Moore, Rob Briman, Jeff and Linda Carson and Rick Makowski appeared in support of the downtown revitalization concept. They expressed the importance of improving quality of life for citizens and creating a place where people want to live and work.

Councilmember Harmon asked if the project would address the need for infrastructure upgrades in the downtown area.

Mayor Bunten questioned how many private developers have shown interest in locating their business downtown.

Councilmember Wolgast questioned why the concept only included a four block area.

Neil Dobler reported upgrades to power and water would be addressed; over \$100 million of private funds have been invested in the downtown area over the past 5 years; they have experienced an increased interest in smaller footprint stores for large companies such as Target; however, the bulk of downtown businesses would be local Topeka businesses willing to invest in the downtown area. He stated by concentrating efforts in a four block area it allows major companies who are willing to offer their financial support to do something significant creating a positive impact on the community's view of the project and gain continued support of the downtown revitalization concept.

Councilmember Swank spoke in support of the concept and stated she looks forward to watching the downtown area transform over the next couple of years.

Councilmember Hiller commented on the number of hours devoted by the community to arrive at this point. She stated there is a lot more work to do; however, it is exciting to see the concept take form.

Brendan Jensen appeared in support of the concept. He stated a website (capitaldistrictproject.com) has been launched for the community to utilize as an informational tool.

Councilmember Alcala stated he believes it is important to speak with residents to research the history behind what used to make downtown vital and see if it would still work. He also stated Downtown Topeka, Inc., needs community assistance to bring people downtown.

Neil Dobler expressed the importance of continued support in regards to programming, funding and maintenance of the project after it is complete.

Councilmember Hiller moved to add an ordinance authorizing the sale, consumption and possession of alcoholic liquor for The Office and Celtic Fox to the Council agenda under First Readings. The motion seconded by Councilmember Alcalá carried unanimously. (7-0-0)

Councilmember Alcalá moved to add an ordinance concerning compulsory retirement to the Council agenda under First Readings. The motion seconded by Councilmember Wolgast carried unanimously. (7-0-0)

Councilmember Swank requested to remove item 4B, a tort claim appeal for Karon Henry from the consent agenda for separate discussion.

Upon hearing no objections, Mayor Bunten announced the ordinances would be placed on the Council agenda under First Readings as items 7C and 7D respectively; and item 4B would be placed on the Council agenda under New Business as item 5D.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Lonnie Martin to the Topeka Landmarks Commission for a term ending December 31, 2013 was presented.

MINUTES of the regular meeting of December 7, 2010 were presented.

Dance Hall License applications were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
The Den	1116 NW Lower Silver Lake Road
Jeremiah Bullfrog's	4115 SW Huntoon
Kansas Expocentre	One Expocentre Drive

Councilmember Preisner moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Alcalá carried unanimously. (7-0-0)

Retail Cereal Malt Beverage License applications were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Arturo's Mexican Restaurant	105 SE 10 th Street
New China Restaurant	201 SW 29 th Street
Sav-N-Shop dba Mo's Express	810 SE 15 th Street

Councilmember Preisner moved to approve the Retail Cereal Malt Beverage License applications as presented. The motion seconded by Councilmember Alcala carried unanimously. Mayor Buntun voted "yes." (8-0-0)

APPROVAL of funding recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council for annual program and one-time grant awards in 2011 from the Special Alcohol Program Fund was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Alcala moved to approve the funding recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council. The motion seconded by Councilmember Preisner carried unanimously. Mayor Buntun voted "yes." (8-0-0)

ORDINANCE NO. 19494 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of November 15, 2010, through November 21, 2010, and enumerating said expenditures therein was presented for first and final reading.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Swank moved to adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Woelfel, Wolgast, Swank, Preisner and Harmon -7. Absent: Ortiz and Archer -2.

APPROVAL of a tort claim appeal for Karon Henry seeking reimbursement in the amount of \$303.47 was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report and stated the Legal Department recommendation is to deny the tort claim appeal.

Councilmember Preisner moved to sustain the Legal Department's recommendation to deny the tort claim appeal. The motion was seconded by Councilmember Swank.

Councilmember Alcala made a substitute motion to approve the tort claim appeal. The motion died due to a lack of a second.

Councilmember Alcala spoke in opposition of the denial. He expressed concern with the process the City follows in regards to the reporting of potholes. He stated in his opinion, because there is no policy in place it creates a liability of neglect by the City.

The motion to sustain Legal staff recommendation to deny the tort claim appeal carried. Councilmember Alcala voted "no." (6-1-0)

RESOLUTION NO. 8305 introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 18.150.030 of the Topeka Municipal Code (TMC), amending an existing Conditional Use Permit for an Automobile Service Station, Type III to allow for a 120 square foot, 26 foot tall pole sign on property currently zoned "C-3" Commercial District and located at 2081 S. Kansas Avenue in the City of Topeka, Kansas was presented. (CU05/3A)

Norton N. Bonaparte, Jr., City Manager gave the staff report.

The City Clerk asked if there were any ex parte communications. There were none declared.

Councilmember Woelfel moved to approve the resolution. The motion seconded by Councilmember Preisner carried unanimously. Mayor Bunten voted "yes." (8-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 3.40.030 establishing a service fee levy for 2011 relating to the Capital

City Downtown Business Improvement District and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending, repealing, renumbering and creating certain sections of the Code of the City of Topeka concerning water pollution control was presented for first reading.

AN ORDINANCE introduced by Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for The Office and The Celtic Fox for New Year's Eve was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning the effective date of retirement, amending City of Topeka Code Section 2.140.280 and specifically repealing said original section was presented for first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL;

Norton N. Bonaparte, Jr., City Manager invited the community to visit the new Polar Ice Cap attraction at the Topeka Zoo, a public ice-skating area.

Councilmember Alcalá asked if the construction company has exceeded the completion date for the SW 29th Street and Fairlawn Road project; and if the completion deadline is not met would there be a penalty assessed.

Norton N. Bonaparte, Jr., City Manager stated he would report back to Council the project completion dates and if a penalty would be assessed if not completed on time.

Chad Manspeaker, Lester Collier and William Beteta appeared to speak under public comment.

Councilmember Alcalá moved to adjourn the City Council meeting. The motion seconded by Councilmember Wolgast carried unanimously. (7-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:32 p.m.

Brenda Younger
City Clerk