

Council Minutes – April 17, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 17, 2012. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray and Harmon -8. Mayor William W. Bunten presided -1. Absent: Councilmember Alcala -1.

AFTER THE MEETING was called to order, Councilmember Harmon asked for a moment of silent meditation.

A PRESENTATION of the Troy Scroggins Outstanding Individual Award was presented to Gary Cushinberry by Ezell Monts, Human Relations Commissioner

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

Daniel R. Stanley, Interim City Manager requested unanimous consent from the Council to withdraw item 5A from the Council agenda, a resolution expressing support for the application submitted to the Kansas Housing Resources Corporation (KHRC) for Low Income Housing Tax Credits by Pridon, L.L.C., for Victory Village Apartments development project.

Councilmember Manspeaker stated he believes the developer had good intentions; however, the project was not thoroughly researched as there are currently 220 public housing units vacant in the Topeka-Shawnee County area. He reported there are funding issues with the proposed project and the application submitted to the KHRC was insufficient. He noted individuals still interested in speaking to the issue could speak under the public comment portion of the Council agenda.

Councilmember Hiller asked if the issue was being removed from the Council agenda permanently or with the intent to consider at a later date.

Daniel R. Stanley stated the issue would be removed permanently from Council agenda.

Councilmember Everhart stated she would not object to withdrawing the item from the Council agenda; however, she would encourage the Council to recognize and help address the problem of homeless veterans.

Councilmember Gray stated the Council was misled in regards to project information and believes the development would be used for Section 8 Housing not veteran housing.

Councilmember Hiller commended neighborhood residents for taking an interest in the project and expressing their support of veteran services. She encouraged VA representatives to improve communications with neighborhood residents so they better understand how to best serve veterans.

Upon hearing no objections, Mayor Bunten announced item 5A would be withdrawn from the Council agenda.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Jennifer Turner to the Topeka/Shawnee County Public Library Board of Trustees for a term ending April 30, 2016, was presented.

MINUTES of the regular meeting of April 10, 2012 were presented.

2012 Open After Midnight License renewal applications were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
The Den	1116 NW Lower Silver Lake Road
The Dugout	1545 SW Fairlawn Road
The Dutch Goose	3203 SW 10 th Avenue
Los Charros	4111 SW Gage Center Drive
Los Portales	1116 E 6 th Avenue
McDonald's	1201 SW Gage Boulevard
McDonald's	1640 SW Wanamaker Road

BUSINESS NAME

McDonald's
McDonald's
Skivies Bar & Grill

ADDRESS

2933 SW Wanamaker Road
5525 SW 21st Street
921 S Kansas Avenue

Councilmember Wolgast moved to approve the consent agenda. The motion seconded by Councilmember Gray carried unanimously. (8-0-0)

ORDINANCE NO. 19720 introduced by Interim City Manager Daniel R. Stanley, authorizing the issuance of \$30,445,000 aggregate principal amount of General Obligation Refunding Bonds Series 2012-A of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 10-427 et seq., all as amended placed on first reading April 10, 2012 was again presented.

Daniel R. Stanley, Interim City Manager gave the staff report.

Pam Simecka, Acting Budget and Financial Services Director reported the City received six (6) bids for General Obligation Refunding Bonds Series 2012A at a present value savings of \$2.8 million or 8.8% par value refunded; and eight (8) bids were received for the Taxable General Obligation Refunding Bonds Series 2012B at a present value savings of \$104,000 or 6.4% par value refunded.

Councilmember Gray moved to adopt the ordinance. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted "yes." (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Everhart, Wolgast, Manspecker, Archer, Gray, Harmon and Mayor Bunten -9. Absent: Alcala -1.

ORDINANCE NO. 19721 introduced by Interim City Manager Daniel R. Stanley, authorizing the issuance of \$1,660,000 aggregate principal amount of Taxable General Obligation Refunding Bonds, Series 2012-B of the City of Topeka, Kansas, under the authority

of K.S.A. 10-101 to 125, inclusive, K.S.A. 10-427 et seq., all as amended placed on first reading April 10, 2012 was again presented.

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Wolgast moved to adopt the ordinance. The motion seconded by Councilmember Manspeaker carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -9. Absent: Alcala -1.

ORDINANCE NO. 19722 introduced by Interim City Manager Daniel R. Stanley, establishing a Community Improvement District (CID) located within the Holliday Square Shopping Center and levying a CID sales tax of one percent (1%) within the CID placed on first reading April 10, 2012 was again presented.

Daniel R. Stanley, Interim City Manager gave the staff report.

Jim Harpool, developer and Vern Jarboe, attorney for the developer appeared to answer questions.

Mayor Bunten reported the City has no financial responsibility for the project.

Councilmember Gray referenced language in the ordinance that outlines that the City has no project liability.

Councilmember Wolgast stated he believes establishing the Community Improvement District sets a good example of what citizens want for the community and provides much needed improvements to the area.

Councilmember Wolgast moved to adopt the ordinance. The motion seconded by Councilmember Everhart carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -9. Absent: Alcala -1.

RESOLUTION NO. 8413 introduced by Interim City Manager Daniel R. Stanley, prescribing the form and details of General Obligation Improvement and Refunding Bonds Series 2012-A of the City of Topeka, Kansas, in the aggregate principal amount of \$30,445,000 the issuance of which were authorized by the city pursuant to its ordinance adopted and approved April 17, 2012; and authorizing certain other documents and actions in connection with the issuance of the bonds was presented.

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Archer moved to approve the resolution. The motion seconded by Councilmember Gray carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

RESOLUTION NO. 8414 introduced by Interim City Manager Daniel R. Stanley, prescribing the form and details of General Obligation Improvement and Refunding Bonds Series 2012-B of the City of Topeka, Kansas, in the aggregate principal amount of \$1,660,000 the issuance of which were authorized by the city pursuant to its ordinance adopted and approved April 17, 2012; and authorizing certain other documents and actions in connection with the issuance of the bonds was presented.

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Wolgast moved to approve the resolution. The motion seconded by Councilmember Everhart carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

A PROJECT BUDGET in the amount of \$250,000 and RESOLUTION NO. 8415 introduced by Interim City Manager Daniel R. Stanley, relating to and authorizing Project No. T-

841020.00 which provides for the maintenance and improvement of existing alleys at various locations throughout the City, as more specifically described herein was presented.

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Manspeaker asked what criteria was used to determine which alleys would be repaired. He questioned the alley repair located on the 1600 block of Randolph and High Streets located behind the elementary school. He reported 50 to 60 cars utilize the alley daily and he believes concrete would provide a better more permanent fix, extending the useful lifespan of the alley.

Braxton Copley, Office of Utilities and Transportation Director stated staff inspects alleys annually to determine if there are any defects or hazards to traffic, as well as, citizen complaints are considered when drafting the alley repair list. He noted two (2) alley repairs, located in the 900 block of SW Fillmore and Clay; and the 1600 block of SW Medford and High Streets, were substituted for the alley repair slated near the Dillon's Store located on the 1200 block of SW Washburn and Lane Streets.

Councilmember Hiller commended staff for making the decision not to repair the Dillon's Store alley allowing for two additional alleys to be repaired for the cost of one.

Councilmember Ortiz asked if there would be funding set aside for emergency alley repairs. She reported the alley located between SE Van Buren and Jackson Streets from 4th to 5th Streets needs to be repaired.

Braxton Copley reported in emergency situations street crews immediately grade or lay temporary asphalt on alleys to make them passable until the alley advances to the top of the repair list for permanent repairs.

Councilmember Hiller moved to approve the project budget and resolution. The motion seconded by Councilmember Gray carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

A PROJECT BUDGET in the amount of \$500,000 and RESOLUTION NO. 8416 introduced by Interim City Manager Daniel R. Stanley, relating to and authorizing Project No. T-841021.00 which provides for the maintenance and repair of existing curbs and gutters at various locations throughout the City, as more specifically described herein was presented.

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Archer moved to approve the project budget and resolution. The motion seconded by Councilmember Everhart carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

ORDINANCE NO. 19723 introduced by Interim City Manager Daniel R. Stanley, allowing and approving City expenditures for the period of March 24, 2012, through March 30, 2012, and enumerating said expenditures therein was presented for first and final reading.

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Wolgast moved to adopt the ordinance. The motion seconded by Councilmember Archer carried unanimously. (8-0-0)

The ordinance was adopted on roll call voted as follows: Ayes: Hiller, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray and Harmon -8. Absent: Alcala -1.

APPROVAL of a one-year Labor Agreement between the City of Topeka and the Water Pollution Control Division Local Union was presented. (*Contract No. 42064*)

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Hiller acknowledged that she is aware staff has been working hard to be consistent in how labor negotiations are handled; however, she wants to make certain they are on

track in regards to the budget. She asked the Interim City Manager if he is comfortable with the agreement as presented.

Daniel R. Stanley stated at this time, he is comfortable with the agreement as presented.

Councilmember Everhart moved to approve the labor agreement. The motion seconded by Councilmember Gray carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

RESOLUTION NO. 8417 introduced by Interim City Manager Daniel R. Stanley, requesting cancellation of unclaimed warrants pursuant to K.S.A. 10-816 with all balances reverting to the fund upon which the warrants were drawn was presented.

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Wolgast moved to approve the resolution. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

NO Retail Cereal Malt Beverage License applications or Scrap Metal Dealers License applications were presented.

ORDINANCE NO. 19724 introduced by Interim City Manager Daniel R. Stanley, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by providing for certain changes in zoning on property located at 1001 SE 21st Street (Area A), 1015 SE 21st Street (Area B), and 2110 SE Virginia Avenue (Area C), from “C-2” Commercial District TO “PUD” Planned Unit Development District placed on first reading April 10, 2012 was again presented. (*PUD10/12*)

Daniel R. Stanley, Interim City Manager gave the staff report.

Exparte communications were declared by Councilmembers Ortiz and Everhart.

Councilmember Everhart moved to adopt the ordinance. The motion seconded by Councilmember Manspeaker carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -9. Absent: Alcala -1.

ORDINANCE NO. 19725 introduced by Interim City Manager Daniel R. Stanley, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by providing for certain changes in zoning on property located at 206 NW Norris Street from “X-3” Mixed Use District with a Conditional Use Permit for warehousing TO “X-2” Mixed Use District placed on first reading April 10, 2012 was again presented. (Z12/5)

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Ortiz moved to adopt the ordinance. The motion was seconded by Councilmember Manspeaker.

Councilmember Ortiz commended the Topeka Rescue Mission for the services they provide to the homeless, the general public and the citizens living in Council District No. 3.

Councilmember Manspeaker spoke in support of the zoning change. He stated approval would support a huge step in accomplishing positive solutions for the community and the services the Mission provides to the public.

Exparte communications were declared by Councilmembers Hiller, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten.

The motion to adopt the ordinance carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -9. Absent: Alcala -1.

RESOLUTION NO. 8418 introduced by Interim City Manager Daniel R. Stanley, in accordance with Section 18.185.050(b)(4) of the Topeka Municipal Code approving a Conditional Use Permit to allow for a crisis center, type II, on property zoned “X-2” Mixed Use District and located at 206 NW Norris Street in the City of Topeka, Shawnee County, Kansas was presented. *(CUI2/1)*

Daniel R. Stanley, Interim City Manager gave the staff report.

Exparte communications were declared by Councilmembers Hiller, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Wolgast carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, concerning an amendment to the International Building Code regarding certificates of occupancy and sidewalks, amending City of Topeka Code Section 14.20.060 and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, amending City of Topeka Code Sections 14.55.010 and 14.55.060 through 14.55.270 concerning the adoption of and the amendments to the 2009 International Residential Code and specifically repealing said original sections, as well as, creating new Sections 14.55.280 through 14.55.620 was presented for first reading.

A CHARTER ORDINANCE introduced by the City Council Policy and Finance Committee amending City of Topeka Code Section A9-2 and repealing said original section concerning the Topeka Metropolitan Transit Authority was presented for first reading.

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

Daniel R. Stanley, Interim City Manager reported the 2012 Take Over/Make Over events are complete and noted 20 Neighborhood Improvement Associations in collaboration with the Housing and Neighborhood Development Department removed 169 tons of trash and debris and 127 tires from neighborhoods. He commended Councilmember Alcalá for his recent heroic act in saving a citizen; and noted Councilmember Alcalá was unable to attend the Council meeting due to doctor's orders.

Councilmember Hiller commended Councilmember Alcalá for his recent heroic efforts in saving a citizen.

Councilmember Ortiz announced on April 18, 2012, Bridgestone's One Team One Planet Program would host a tire recycling collection for Shawnee County residents at Expert Tire located at 3701 S. Topeka Boulevard from 7:00 a.m. to 6:00 p.m. She reported the recycling team would accept four (4) tires per household, residential do-it-yourself oil, car batteries and anti-freeze. She reported Councilmember Alcalá plans to attend the April 24, 2012, Council meeting.

Councilmember Wolgast reported he would be requesting the Council's input on the redistricting process scheduled to begin July 2012.

Councilmember Manspeaker commended volunteers for their clean up efforts in Central Park and noted the park's appearance has improved greatly.

Councilmember Gray stated he attended the ReThink Topeka event on April 14, 2012, and stated he was impressed with the outcome of the event. He commended the Community Bike Sharing Program for raising private funds to support program efforts.

Mayor Bunten commented on the increased community awareness of keeping neighborhoods clean and believes it is due to the Take Over/Make Over events that have been conducted over the past several years. He announced that Keep America Beautiful plans to coordinate over 1,200 volunteers to continue working on city-wide clean-up efforts April 21 and 22, 2012.

Ronald Lassiter, Jr., Chantel Lassiter, Sandra Lassiter, Cindy O'Neal, Curtis Brown, James Gliesberg, Marie Fey, Randy Crandall, Laura Snow, John Bostwick, Heather David, Jay Dee Thowe and Pam Muckenthaler appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:06 p.m.

Brenda Younger
City Clerk