

Council Minutes – December 11, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 11, 2012. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcalá, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray and Harmon -9. Mayor William W. Bunten presided -1.

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

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

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meetings of December 4, 2012 was presented.

Dance Hall License applications were presented for Skinny's Sports Bar & Grill located at 4016 SW Huntoon and Wild Horse Saloon located at 3249 SW Topeka Boulevard.

An Open After Midnight License application for West Ridge Lanes located at 1935 SW Westport Drive was presented.

Councilmember Wolgast moved to approve the consent agenda. The motion seconded by Councilmember Gray carried unanimously. (9-0-0)

A REVISED PROJECT BUDGET in the amount of \$4,967,000 and RESOLUTION NO. 8481 introduced by City Manager Jim Colson, authorizing Improvement Project No. T-601020.02 which provides for improvements to S. Kansas Avenue, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

Jim Colson, City Manager, distributed the revised project budget and resolution and reported the project budget has been reduced from \$8,448,032 to \$4,967,000, the amount needed to fund infrastructure repairs only. He reported the private sector has promised to commit to the

improvement project and would assist with the coordination of the design and construction of the downtown area. He discussed the financial breakdown of funding sources which would include General Obligation Bonds or any other lawfully available funds, Citywide Half-Cent Special Purpose Retailers' Sales Tax Funds and Utility Operating Funds. He stated he believes legitimate concerns have been discussed and it is his job to provide sufficient information for the Governing Body to make an informed decision.

Councilmember Manspeaker commended the City Manager for providing detailed information to the Council. He stated he appreciates the end result of the planning process, providing him with a clearer picture of the project.

Councilmember Manspeaker moved to amend the project budget and resolution as distributed by the City Manager. The motion was seconded by Councilmember Gray.

Councilmember Harmon questioned if they were following regular protocol in regards to including the revised project budget in the Capital Improvement Program and Capital Improvement Budget without any direction from the Council.

Pam Simecka, Budget and Finance Director, stated the project is already included in the Capital Improvement Program; however, the scope of improvements have changed, not the funds allocated for the project.

Jim Colson stated he has been cautious in how the project has been presented by removing areas of concern and combining current City and private funding. He reported the project has been thoroughly discussed and presented in a consistent manner throughout the process with guidance from the City Attorney's office and Finance Department. He reported an enhancement project in the amount of \$800,000 may be presented in the future if the proposed project is approved and alternative funding sources are identified.

Councilmember Gray asked for the term “any other lawfully available funds” to be defined, and if the private sector could fund the \$800,000 for the enhancements.

Pam Simecka stated the term is used in the event the City receives any additional grants or funding.

Jim Colson stated the private sector could potentially fund the \$800,000 enhancement project.

Councilmember Wolgast stated the project budget has remained consistent over the last three (3) years in the amount of \$5 million and he believes the project has come full circle. He stated he concurs with Councilmember Manspeaker that the project has been clarified and he believes it would be appropriate to move forward at this time.

Councilmember Everhart spoke in support of the project. She stated she appreciates the private funding contributions because constituents have made it clear they want private sector funds to be utilized for the project.

The motion to amend the project budget and resolution as distributed by the City Manager carried unanimously. (9-0-0)

Mayor Bunten commented on the Open House conducted December 6, 2012, for the purpose of gathering public input on the S. Kansas Avenue Project. He reported the open house was televised and provided opportunity for many discussions and informational presentations.

Anita Jones, Doug Jones, Lonnie Williams, Rob Briman, Daryl Craft, Brenden Jensen, Martin Munoz, Jerry Farley, Vince Frye, Juliann Earl, Douglas Thomas, John Hunter, Eric Benedict, Angel Romero, Shea Kirsop, Ann Adams, Zack Snethen, Anje Kearney, Scott Gales and John Dicus spoke in support of the South Kansas Avenue Improvement Project No. T-601020.02.

The following highlights are the views expressed by those who spoke in support of the project:

- The importance of repairing infrastructure before any other improvement is made in the downtown area.
- Revitalizing the downtown in such a manner that it becomes a center for activity, a place for families to gather, and an area the community can be proud of.
- The important role quality of life plays in a thriving city and the need to have a vital downtown to encourage economic development.
- The importance of communicating with businesses during the construction phase and the affect it will have on downtown businesses and foot traffic.
- Encouraged the City Council to unite the city and make the best possible decision for all citizens by taking the responsibility of reinvesting in the community and continuing to encourage public/private partnerships in the revitalization efforts.
- Made reference to the 1999 North Topeka Historic Preservation Plan and the belief that downtown could thrive in the same manner as the NOTO Art District if the infrastructure project is approved.
- How downtown revitalization would make Topeka a unique city and inspire Washburn University students to remain in the community.

Ted Mize spoke in opposition of the proposal and stated he believes it is poorly planned and will not work.

Councilmember Gray commended City Manager, Jim Colson, for being proactive in communicating with business owners along SW 21st Street and Urish Road regarding the upcoming street improvements. He stated he would support this project because he believes it will be handled in the same manner as the SW 21st Street and Urish Road project; the City is only paying for the essentials; and he trusts the project will move forward exactly as presented.

Councilmember Manspeaker commended Martin Munoz for his hard work in making his downtown business a success and using private funds to improve the store front. He stated he believes community leaders have failed to provide the Council and citizens with the essential information to make an informed decision on the project and the need to repair infrastructure.

Councilmember Alcalá asked how many businesses were located along South Kansas Avenue between SE 6th Street and SE 10th Street.

Vince Frye, DTI, Inc., President and Chief Executive Officer, reported there were 64 businesses located between SE 6th and SE 10th Streets.

Councilmember Hiller reported there were 16 properties downtown for sale with a contract pending on three (3) properties, active listings on six (6) properties, as well as, activity on many side street properties. She stated it is an exciting time for the downtown area to pull together and other businesses to take an interest in the area.

Councilmember Alcala commented on the differences in the 1999 North Topeka Historic Preservation Plan and the South Kansas Avenue Project Plan and noted the North Topeka Project was created by staff and based strictly on infrastructure repair, unlike the South Kansas Avenue Project. He stated he has not yet received the financial breakdown of how the City plans to spend the funds being requested.

Councilmember Manspeaker asked what the final project cost was for the North Topeka Plan.

John Hunter, NOTO Art District, stated the overall cost of the North Topeka Project was \$65 million; however, he does not have the financial breakdown of detailed costs associated with the project.

Councilmember Manspeaker stated he believes the North Topeka Historic Preservation Plan is virtually what is being presented to the Council at this time; however, it was his understanding the Plan was approved without any difficulty because it was presented in a different manner.

Councilmember Ortiz expressed concern with not having the funding available to construct curbs, gutters and sidewalks in Council District No. 3. She stated it is vital the City

spends taxpayer dollars on the necessities. She noted it would be difficult to support the proposal because many of her constituents have expressed opposition to the project.

Councilmember Manspeaker stated it was his understanding the project would not resolve the standing water issues or prevent water from backing up in basements located along South Kansas Avenue.

Councilmember Hiller thanked John Dicus, Capital Federal Savings Bank, for their leadership in the community and the improvements they have made to their downtown location.

Councilmember Wolgast moved to approve the project budget and resolution as amended. The motion was seconded by Councilmember Everhart.

Councilmember Manspeaker questioned the need to widen the sidewalks because he believes it would change the integrity of downtown. He also asked if the plan would change after approved.

Jim Colson reported the sidewalks would be widened as proposed in the design plan; however, this may change if the design affects public safety in regards to vehicle and pedestrian circulation. He stated the required procurement process (request for proposal) would be adhered to for all phases of the project insuring the City remains in control of the project.

Councilmember Wolgast stated he supports the plan as presented because he believes it is a good plan that feels like Kansas and only approves the necessary funding for infrastructure repairs.

Councilmember Harmon stated many of his constituents have asked if the proposal could be brought to a public vote.

Dave Starkey, City Attorney, stated Kansas State statutes do not require a municipality to require a public vote on this type of project; however, the Council has the authority to submit an issue to the community for an advisory vote but it would not be binding.

Councilmember Alcala spoke in opposition to the proposal and asked for the line items to include more financial detail. He stated he does not agree with widening the sidewalks and reducing the number of street lanes. He suggested constructing a design plan that would provide more details.

Councilmember Harmon thanked those individuals involved in the process of downtown development; however, he believes the downtown footprint is much larger than what is being considered. He reported public expectation is that this project will transform the downtown area and it will only fix the infrastructure. He stated he believes the City of Topeka needs to follow the lead of other cities and utilize economic development tools that have been put into place by the Legislature, including Sales Tax Revenue (STAR) Bonds and Tax Increment Financing (TIF) Districts to spur development. He also stated he fears if the project is approved the efforts to revitalize downtown will come to a halt.

Councilmember Hiller stated she agrees they need to look at the entire downtown district. She stated she believes they have economic development tools in place and a downtown with many opportunities; however, good infrastructure is the core piece to economic development. She stated she would support the project because the plan reflects the input of the community.

Councilmember Wolgast called the question.

Mayor Bunten commented on the work involved in the project.

Councilmember Alcala raised a point of order. He stated the question has been called and deliberation should cease.

The motion to approve the project budget and resolution as amended carried.

Councilmembers Alcalá, Ortiz and Harmon voted “no.” (6-3-0)

RESOLUTION NO. 8482 introduced by City Manager Jim Colson, supporting the Joint Economic Development Organization to direct the Growth Organization of Topeka/Shawnee County to provide funding on behalf of the City of Topeka in support of the Heartland Visioning Project was presented.

Jim Colson, City Manager, reported approval would allocate \$30,000 of Growth Organization (GO) Topeka funds to support the Heartland Visioning Project on behalf of the City of Topeka.

Councilmember Wolgast moved to approve the resolution. The motion seconded by Councilmember Hiller carried. Councilmembers Manspeaker, Archer and Gray voted “no.” (6-3-0)

RESOLUTION NO. 8483 introduced by City Manager Jim Colson, approving the 2013 Legislative agenda was presented.

Jim Colson, City Manager, stated approval would adopt the City of Topeka’s 2013 Legislative agenda.

Councilmember Wolgast reported the legislative agenda has been presented to the Shawnee County delegation and there were several good discussions on the issues being presented by the Governing Body.

Councilmember Wolgast moved to approve the resolution. The motion was seconded by Councilmember Gray.

Mayor Buntin stated the City Attorney has assured him that there is language in the resolution that is all encompassing regarding the Heartland Park Sales Tax Revenue (STAR)

Bond issue and the proposal to implement a tax lid on the amount of delinquent property taxes owed.

The motion to approve the resolution carried unanimously. (9-0-0)

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

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Glory Days Pizza	1033 SW Gage Boulevard
New China Restaurant	201 SW 29 th Street

Councilmember Ortiz moved to approve the retail cereal malt beverage license applications as presented. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

AN ORDINANCE introduced by City Manager Jim Colson, concerning possession of a firearm during certain misdemeanors, creating City of Topeka Code Section 9.40.045 was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, concerning the prohibition of smoking in public places, amending City of Topeka Code Section 8.20.020, 8.20.030, 8.20.070, 8.20.080, 8.20.110, 8.20.120 and 8.20.130 and specifically repealing said original sections, as well as, repealing in its entirety Section 8.20.140 was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 5.05.090 concerning business licenses and real estate taxes and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 2.15.090, concerning redistricting and specifically repealing said original section and Ordinance No. 19779 was presented for first reading.

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

Councilmember Hiller thanked all those involved in the South Kansas Avenue Project. She stated the decision making process has improved over time and strengthened public/private partnerships.

Councilmember Gray commended Jim Colson, City Manager, for answering questions regarding the South Kansas Avenue Project and allowing him to make an informed decision on the project while keeping his core values intact.

Councilmember Harmon thanked Zack Snethen for his hard work on the downtown project and visioning process. He stated he respects Mr. Snethen's forward thinking and great ideas as an architect and citizen of Topeka.

Mayor Bunten stated he is pleased with the outcome of the South Kansas Avenue Project and hopes that he will get to experience a thriving and vital downtown.

Ted Mize appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:59 p.m.

Brenda Younger
City Clerk