

Council Minutes – March 19, 2013

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 19, 2013. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Brown, Ortiz, Everhart, Wolgast, Collazo, Gray and Harmon -8. Mayor William W. Bunten presided -1. Absent: Councilmember Manspeaker -1.

AFTER THE MEETING was called to order, Pastor Ken Powell, Oakland Christian Church, gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of March 12, 2013, was presented.

Open After Midnight License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
20's West, L.L.C.	901 SW Fairlawn Road
Blind Tiger	417 SW 37 th Street
Burger Stand at College Hill	1601 SW Lane Street
CG's Lounge	501 NW Lyman Road
Gage Center Bowl	4200 SW Huntoon Street
Goose Again	5630 SW 29 th Street
Kansas VIP, Inc.	5217 SW 28 th Court
Kelly Express	1001 SW Wanamaker Road
Kickstart Saloon	2521 N Kansas Avenue
Los Charros	4111 SW Gage Center Drive
Mr. Lucky's	2335 NW Clay Street
Skinny's Sports Bar & Grill	4016 SW Huntoon Street
Terry's Bar & Grill	522 SW 6 th Avenue
The 20's	2910 SW Oakley Avenue
United Outlets, L.L.C.	2315 NW Topeka Boulevard
United Outlets, L.L.C.	4732 SW Topeka Boulevard

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

A NOTICE OF PUBLIC HEARING

A PUBLIC HEARING to consider vacation request V12A/5 for Dillon Real Estate Company, Inc., requesting to vacate two public alleys located in the southeast quadrant of SW Washburn Avenue and SW 12th Street, with one alley running south from SW 12th Street for approximately 260 feet and the other alley running east from SW Washburn Avenue for about 180 feet located in the City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 19805 introduced by City Manager Jim Colson, relating to the vacation of two public alleys located in the southeast quadrant of SW Washburn Avenue and SW 12th Street, with one alley running south from SW 12th Street for approximately 260 feet and the other alley running east from SW Washburn Avenue for about 180 feet located in the City of Topeka, Shawnee County, Kansas, placed on first reading March 12, 2013, was again presented. (V12A/5)

Bill Fiander, Planning Department Director, reported the Tennessee Town Neighborhood Improvement Association was approved for a Community Development Block Grant (CDBG) Empowerment Project to make improvements at the Aaron Douglas Art Park site. He stated the improvements would include a new sidewalk along the south side of SW 12th Street from SW Washburn Avenue to SW Lane Street and another from the memorial to the new sidewalk; remove pavement in the alleyway located directly west of the park and replace with fill dirt and grass; and install curb and gutter along the south side of SW 12th Street. He noted the sidewalk would allow the art park to expand and be more pedestrian-friendly. He stated the Planning Department recommends approval of the vacation request.

Councilmember Ortiz asked if the vacation request has been presented to the Council in the past.

Councilmember Hiller stated the area was discussed approximately three years ago by the City Council. She reported the section of the alley that is being removed would have cost

\$72,000 to repair, and approval of the vacation would allow the funds to be used to make other needed alley repairs.

Mayor Bunten opened the public hearing and asked if there was anyone present that would like to speak to the matter. No one appeared.

Mayor Bunten closed the public hearing.

Councilmember Hiller 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, Brown, Ortiz, Everhart, Wolgast, Collazo, Gray, Harmon and Mayor Bunten -9. Absent: Manspeaker -1.

A PROJECT BUDGET in the amount of \$2,500,000, NOTICE OF INTENTION and AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281060.00, which provides for water main replacement work in various locations citywide, which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto placed on first reading March 12, 2013, was again presented.

Councilmember Gray reported that he has been working with Councilmember Manspeaker and they believe they have found an alternate funding source to pay for the needed improvements.

Councilmember Gray moved to defer the project budget, ordinance and notice of intention for one week. The motion was seconded by Councilmember Ortiz.

Jim Colson, City Manager, stated City staff has no issue with deferring the matter for one week.

The motion to defer the project budget, ordinance and notice of intention for one week carried unanimously. Mayor Buntun voted “yes.” (9-0-0)

ORDINANCE NO. 19806 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of February 2, 2013, through March 1, 2013, and enumerating said expenditures therein was presented for first and final reading.

Jim Colson, City Manager, stated approval would authorize expenditures in the amount of \$16,918,968.54.

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

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

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

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

Councilmember Ortiz stated the Topeka Metropolitan Transit Authority (TMTA) is offering free rides during the week of March 18, 2013, to local families. She commended Susan Duffy, TMTA General Manager, for thinking outside the box to increase ridership in the community.

Councilmember Wolgast reported many of the Council Committees have not been active due to changes in Council members; however, due to the urgency of the subject matter, a Policy and Finance Committee has been scheduled on March 25, 2013, at 4:00 p.m. in the Executive

Conference Room, 3rd Floor, City Hall. He noted Councilmember Collazo would not be able to attend the meeting due to prior commitments.

Councilmember Gray commended the volunteers assisting with the St. Patrick's Day festivities. He expressed concern with an incident involving the Take Back Topeka group members and the Westboro Baptist Church members picketing at SE 6th Street and SE Quincy Street during the parade. He asked Police Chief Ron Miller to comment on the situation and to clarify picketing regulations on City streets.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:24 p.m.

Brenda Younger
City Clerk