

## Council Minutes –August 17, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 17, 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, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Pastor Brenda Marney, Good Shepherd Family Church gave the invocation.

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

Mayor Bunten stated that item 5B, an ordinance attesting an increase in taxes levied for the 2011 budget year should be considered after item 6E, an ordinance adopting the 2011 Operating Budget.

Upon hearing no objections, Mayor Bunten announced that item 5B would be placed on the Council agenda under New Business as item 6F.

Councilmember Hiller moved to suspend the Council Rules and add an ordinance under First Readings concerning the sale, consumption and possession of alcoholic liquor for The Office Summer Party. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

Mayor Bunten announced the ordinance would be placed on the Council agenda under First Readings as item 7B.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of August 10, 2010 were presented.

Open After Midnight License applications for the following were presented:

Business

Johnny Poblano's

Address

520 NW Elm Row Avenue

<u>Business</u>	<u>Address</u>
Spot Tavern	2202 SW Buchanan
Kwik Shop #713	5700 SW 21 <sup>st</sup> Street
Quinton's Bar & Deli	4121 SW Huntoon
Reed's Lakeside Sports Bar & Grill	2920 SE Croco Road

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

A PROJECT BUDGET in the amount of \$1,200,000 and ORDINANCE NO. 19454 introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. T-301005.00 (HTE 302480) which provides for extension of the Landon Trail, as more specifically described herein, pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 19354 placed on first reading August 10, 2010 was again presented.

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

Andrea Patrick spoke in support of the project and stated that area nature trails are vital to the community.

Councilmember Wolgast distributed a copy of the Landon Trail maps and explained the importance of the trail to neighborhoods located near the trail.

Councilmember Preisner moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Wolgast carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

APPROVAL of Retail Cereal Malt Beverage License Applications was presented.

No Retail Cereal Malt Beverage License applications were presented.

ORDINANCE NO. 19455 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of July 26, 2010 through August 1, 2010, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

APPROVAL of the three-year Labor Agreement between the City of Topeka and the International Association of Firefighters Union Local No. 83 for 2010-2012 was presented.

*(Contract No. 40650)*

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

Councilmember Hiller commended Topeka firefighters for moving forward with positive improvements during labor negotiations; however, she is disappointed the contract did not stipulate performance-based incentives. She suggested the Council provide policy direction to the City Manager regarding performance-based labor contracts.

Councilmember Alcala concurred with Councilmember Hiller and suggested the Council draft a resolution to provide City staff direction in negotiating labor contracts.

Councilmember Preisner moved to approve the labor agreement. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

Approval of the FY2011 Consolidated Action Plan and budget was presented.

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

Councilmember Preisner moved to approve the FY2011 Consolidated Action Plan and budget. The motion seconded by Councilmember Swank carried unanimously. (9-0-0)

ORDINANCE NO. 19456 introduced by City Manager Norton N. Bonaparte, Jr., approving and adopting the operating budget for the City of Topeka, for the year 2011, and appropriating the amounts for the purpose as set forth therein was presented for first and final reading.

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

Mayor Bunten stated that it has been a tough budget year for the City due the decrease in assessed property value, lower than anticipated sales tax revenues, forced employee lay-offs and the overall economic effects of the recession.

Councilmember Swank moved to approve the 2011 Budget Committee recommendations resulting in a \$260,000 expenditure adjustment to the General Fund. The motion was seconded by Councilmember Preisner. The recommendations were as follows:

1. To reduce the appropriation for signs and markers from the Public Works General Fund by \$60,000.
2. To eliminate the \$100,000 appropriation for the Arts Fund.
3. To reduce appropriations for the Debt Service Fund by \$100,000.

Councilmember Alcala made a substitute motion to vote separately on the 2011 Budget Committee recommendations. The motion was seconded by Councilmember Ortiz.

Councilmember Swank withdrew the motion to approve the 2011 Budget Committee recommendations. The second concurred.

Councilmember Swank moved to reduce the appropriation for signs and markers from the Public Works General Fund by \$60,000. The motion seconded by Councilmember Preisner carried unanimously. Mayor Bunten voted "yes." (10-0-0)

Councilmember Swank moved to eliminate the \$100,000 appropriation for the Arts Fund. The motion seconded by Councilmember Preisner carried. Mayor Bunten voted “yes.” Councilmember Alcalá and Ortiz voted “no.” (8-2-0)

Councilmember Swank moved to reduce appropriations for the Debt Service Fund by \$100,000. The motion seconded by Councilmember Preisner carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

Councilmember Swank moved to reduce the Risk Management Reserve fund balance by \$100,000. The motion seconded by Councilmember Wolgast carried. Mayor Bunten voted “yes.” Councilmembers Hiller, Swank and Harmon voted “no.” (7-3-0)

Councilmember Swank moved to increase the Parks and Recreation and Zoo fees by \$100,000. The motion was seconded by Councilmember Preisner. The increase would be accomplished as follows:

- Increasing green fees and annual memberships for the Cypress Ridge Golf Course by 10%
- Increase Parks & Recreation shelter house reservations adding \$13,000
- Increase City pool admissions to a three tier system adding \$5,000
- Increase community center rentals adding \$7,000
- The Zoo would increase the school group admission price from \$1 to \$2 per student
- An increase of approximately \$37,500 in attendance fees to help the Zoo integrate new ideas for more students to visit the Zoo and conduct special events.

The motion to increase the Parks and Recreation and Zoo fees by \$100,000 carried. Mayor Bunten voted “yes.” Councilmembers Alcalá, Ortiz and Woelfel voted “no.” (7-3-0)

Councilmember Alcalá moved to eliminate the funds set aside for the 3% salary increases for support management, non-bargaining unit employees and supporting staff in the amount of \$423,624. The motion was seconded by Councilmember Ortiz.

Councilmember Hiller made a substitute motion to reduce personnel expenses in the amount of \$300,000 by October 15, 2010 with the stipulation that all other personnel cuts must be divided between bargaining and non-bargaining unit personnel, and if the reductions are not met by the October 15, 2010 deadline all positions must be cut by December 31, 2010. The motion died due to a lack of a second.

The motion to eliminate the funds set aside for the 3% salary increases for support management, non-bargaining unit employees and supporting staff in the amount of \$423,624 failed. Mayor Bunten voted “yes.” Councilmembers Hiller, Wolgast, Swank, Preisner and Harmon voted “no.” (5-5-0)

Councilmember Alcala moved to reduce the salary increase for management, non-bargaining unit employees, and supporting staff from 3% to 1.5% and reduce the general fund in the amount of \$140,936 and \$211,812 from the remaining fund balances needed to provide a 3% salary increase. The motion seconded by Councilmember Ortiz carried. Mayor Bunten voted “yes.” Councilmembers Hiller, Wolgast, Swank and Preisner voted “no.” (6-4-0)

Councilmember Alcala moved to eliminate \$320,000 from the Police Department labor incentive fund line item. The motion seconded by Councilmember Ortiz failed. Mayor Bunten voted “no.” Councilmembers Hiller, Woelfel, Wolgast, Swank, Preisner and Harmon voted “no.” (3-7-0)

Councilmember Alcala moved to allocate \$40,000 from the Transient Guest Tax fund to the Sunflower Soccer Association based on the benefit district proposal being brought forward by the Association to the Council next year for approval. The motion seconded by Councilmember Ortiz carried. Mayor Bunten voted “yes.” Councilmember Hiller voted “no.” (9-1-0)

Councilmember Alcala moved to allocate \$49,000 from the General Fund for the purpose of sustaining the Rice Community Center for 2011 with the intent to locate a different funding source for 2012. The motion seconded by Councilmember Ortiz carried. Mayor Bunten voted “yes.” Councilmembers Hiller, Wolgast, Swank and Archer voted “no.” (6-4-0)

Councilmember Harmon moved to reduce the Police and Fire Department overtime fund line items by 15% for a total reduction of \$101,002 from the General Fund. The motion was seconded by Councilmember Swank.

Councilmember Swank made a friendly amendment to reduce the call back line item for the Fire Department instead of the overtime line item.

The motion to reduce the Police Department overtime fund line item and reduce the Fire Department call back line item by 15% for a total reduction of \$129,869 from the General Fund failed. Mayor Bunten voted “no.” Councilmembers Alcala, Ortiz, Woelfel and Wolgast voted “no.” (5-5-0)

Councilmember Archer moved to reduce personnel expenses by \$525,000 preferably by implementing a furlough plan as opposed to not filling vacancies, employee lay-offs or forced retirements. The motion was seconded by Councilmember Woelfel. He stated the furlough plan would exclude Police and Fire personnel and consist of eight furlough days per year, equaling two days per quarter.

Councilmember Swank made a substitute motion to reduce personnel expenses by \$278,000 at the City Manager’s discretion with the intent of implementing a furlough plan. The motion seconded by Councilmember Harmon failed. Mayor Bunten voted “no.” Councilmembers Alcala, Ortiz, Wolgast, Swank, and Archer voted “no.” (4-6-0)

Councilmember Harmon made a substitute motion to reduce personnel expenses by \$242,000. The motion died due to a lack of a second.

Councilmember Alcalá made a substitute motion to reduce the Information Technology Depreciation fund line item by \$250,000 and reduce the Information Technology fees from the Police and Fire Departments by a total of \$250,000. The motion seconded by Councilmember Hiller failed. Mayor Bunten voted “yes.” Councilmembers Hiller, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon voted “no.” (2-8-0)

The motion to reduce personnel expenses by \$525,000 preferably by implementing a furlough plan as opposed to not filling vacancies, employee lay-offs or forced retirements failed. Mayor Bunten voted “no.” Councilmembers Hiller, Wolgast, Swank, Preisner and Harmon voted “no.” (4-6-0)

Councilmember Archer moved to restore 10% of the funds cut from social service agencies from the estimated 2010 amount instead of the 25% as proposed by the City Manager. The motion died due to a lack of a second.

Councilmember Preisner moved to reduce the Visit Topeka, Inc., fund line item by \$350,000 and shift that amount (\$350,000) to Heartland Park Topeka. The motion was seconded by Councilmember Alcalá.

Councilmember Swank made a substitute motion to reduce the Visit Topeka, Inc., fund line item by \$300,000. The motion seconded by Councilmember Alcalá carried. Mayor Bunten voted “yes.” Councilmembers Hiller, Wolgast and Preisner voted “no.” (7-3-0)

Councilmember Preisner moved to allocate \$50,000 to the Kansas Expo Centre from the Visit Topeka, Inc., fund line item. The motion was seconded by Councilmember Alcalá.

Councilmember Hiller made a substitute motion to allocate \$135,000 to the Visit Topeka, Inc., bid fund. The motion seconded by Councilmember Wolgast failed. Mayor Bunten voted “yes.” Councilmembers Woelfel, Wolgast, Swank, Archer and Preisner voted “no.” (5-5-0)

The motion to allocate \$50,000 to the Kansas Expo Centre from the Visit Topeka, Inc., fund line item carried. Mayor Bunten voted “yes.” Councilmembers Hiller and Woelfel voted “no.” (8-2-0)

Councilmember Preisner moved to approve the 2011 City of Topeka Operating Budget as amended and adopt the ordinance. The motion was seconded by Councilmember Swank.

Councilmember Alcalá made a substitute motion to reduce City travel expenditures by \$174,886 and shift that amount (\$174,886) to the General Fund with the stipulation that all 2011 travel plans are placed on the consent agenda for Council approval to identify all necessary travel expenditures in 2011. The motion seconded by Councilmember Ortiz failed. Mayor Bunten voted “yes.” Councilmembers Hiller, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon voted “no.” (3-7-0)

Councilmember Woelfel made a substitute motion to reduce the Topeka Metropolitan Transit Authority (TMTA) mill levy by 0.28 mills. The motion was seconded by Councilmember Archer.

Councilmember Hiller made a friendly amendment to reduce the TMTA mill levy by 0.20 mills and reduce the General Fund by \$80,000 at the City Manager’s discretion.

The substitute motion to reduce the Topeka Metropolitan Transit Authority (TMTA) mill levy by 0.20 mills and reduce the General Fund by \$80,000 at the City Manager’s discretion carried. Mayor Bunten voted “yes.” Councilmembers Wolgast, Swank and Preisner voted “no.” (7-3-0)

Councilmember Woelfel made a substitute motion to allocate \$15,000 to Keep America Beautiful. The motion seconded by Councilmember Ortiz failed. Mayor Bunten voted “yes.” Councilmembers Hiller, Alcalá, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon voted “no.” (2-8-0)

The motion to approve the 2011 City of Topeka Operating Budget as amended and adopt the ordinance carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner, Harmon and Mayor Bunten -10.

ORDINANCE NO. 19457 introduced by City Manager Norton N. Bonaparte, Jr., attesting to the increase in taxes levied for budget year 2011 necessary to finance public services for the City of Topeka placed on first reading August 10, 2010 was again presented.

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

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Archer carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner, Harmon and Mayor Bunten -10.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$1,005,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds –Direct Pay To Issuer) Series 2010-A, \$9,360,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B, and \$155,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C of

the City of Topeka, Kansas, under the authority of K.S.A. 10-1201 et seq., and all amendments thereto 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 on August 28, 2010 was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager commended the City Council for their work on the City of Topeka 2011 Operating Budget.

Councilmember Hiller thanked the Council, City staff and public for providing input during the budget process. She announced there are many opportunities and innovative ideas occurring throughout the City providing people the opportunity to volunteer.

Councilmember Alcalá thanked Deputy Mayor Swank for organizing productive budget meetings.

Councilmember Harmon thanked City staff for helping Council through the budget process and each Councilmember for making valued decisions.

Councilmember Alcalá moved to adjourn the City Council meeting. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:52 p.m.

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Brenda Younger  
City Clerk