

City Council Minutes – August 22, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 22, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, McClinton, Dunn, Carkhuff, Duffy, Lee, Hill, and Gardner –9. Mayor Wagnon presided -1.

AFTER THE MEETING was called to order, prayer was offered by Councilmember Carkhuff.

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

THE CONSENT AGENDA was presented as follows:

AN ORDINANCE introduced by Councilmember Clark Duffy relating to prohibited nuisances and the removal of graffiti, amending City of Topeka Code § 66-28, specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala, creating a fund for the removal of graffiti and setting forth the fund purpose, was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala authorizing the Committee for the Mexican Independence Day Celebration to hold events, was presented for first reading.

MINUTES of the Regular Meeting of August 15, 2000, were presented.

Councilmember Dunn requested that the minutes be removed from the consent agenda and included in the next Council meeting so they could have an opportunity to review them.

Mayor Wagnon withdrew the minutes and stated that there is no action required on the consent agenda.

APPROPRIATION ORDINANCE NO. 17536 introduced by Mayor Joan Wagnon approving and adopting the Operating Budget for the City of Topeka, for the year 2001, and appropriating the amounts for the purpose as set forth therein, was presented for first and final reading.

A COMMUNICATION recommending the addition of pedestrian and school zone flashers, a Fire Department replacement vehicle, and TEA-21 match for Swygart Street Bridge projects to the 2000 Capital Improvement Budget, was presented.

RESOLUTION NO. 7080 introduced by Mayor Joan Wagnon, adopting an amended 2000 Capital Budget for the City of Topeka, Kansas, and specifically rescinding City of Topeka Resolution No. 7079, was presented.

RESOLUTION NO. 7081 introduced by Mayor Joan Wagnon adopting the 2001-2002 Capital Budget for the City of Topeka, Kansas, was presented.

RESOLUTION NO. 7082 introduced by Mayor Joan Wagnon authorizing and adopting the 2003-2006 Capital Improvement Program for the City of Topeka, Kansas, was presented.

Councilmember Carkhuff moved to approve the budget as published and may be amended this evening. The motion was seconded by Councilmember McClinton.

Mayor Wagnon stated that the motion gives the Council a starting point and amendments are in order.

Councilmember Duffy moved to: 1) eliminate Swygart St. Bridge, Gage/10th-12th, and 10th St. Bridge General Obligation Bonded projects for FY 2002 for a total savings of \$1,508,020; 2) shift and add funding for ADA compliance from \$500,000 for FY02 from GIF to \$600,000 for FY02 from GO Bonds; 3) shift and add funding for patrol cars from \$480,000 from FY01 General Fund to \$500,000 from FY02 GIF; and, 4) add the following to General Fund for FY01:

A. Social Service projects	\$235,848
B. Topeka Arts Council	43,000
C. TPAC	100,000
D. Washburn-Lane Parkway	100,000
Total	\$478,848

The motion was seconded by Councilmember Lee.

Councilmember Duffy explained the rationale for his motion. He stated that the Swagart Street Bridge project was already funded in FY2000, and the Gage Street Project 10th-12th and the 10th Street Bridge are not current priorities and could be done later. He noted that \$600,000 of the amount of total savings would be spent in item two for a savings of \$908,020 or .2 mills for twenty years. He further explained that under the Capital

Improvement Program process \$300,000 could be spent in FY01 and FY02 and General Improvement fund dollars would be spent in item three. Under Capital Improvement Program process project budgets would be in FY01; General Fund dollars would be spent in item four. He explained that the increases in item four would restore all of those projects to FY2000 expenditure levels.

Councilmember Dunn stated that she was opposed to voting on all four items at once and asked that the question be divided.

Councilmember Duffy explained that the entire motion had to be approved at the same time so they would not exceed the cap on funds as published, which would put them in violation of state law.

Mayor Wagnon ruled that the motion cannot be divided because the mover of the motion stated that there is a relationship among the items.

Councilmember McClinton clarified that item four would restore the pool of money to the Social Services programs.

Councilmember Duffy stated that was correct.

Councilmember Gardner asked what the property tax amount would be if the motion passed.

Councilmember Duffy stated that it would be the same mill levy amount as the published budget with a reduction in General Obligation bonded projects of .2 mills for twenty years. He said the General Improvement fund would stay the same.

Councilmember Gardner asked that some of the department heads answer questions on the impact of the motion to their department.

Mayor Wagnon stated that John Arnold, CAO would respond to questions and she preferred to keep the discussion among the council.

Councilmember Gardner challenged the rule of the Chair to allow department heads to answer questions.

Mayor Wagnon asked the Council to vote on if the ruling of the Chair should be upheld.

The motion failed. Councilmembers Alcala, McClinton, Dunn, Carkhuff, Hill and Gardner voted “no”.

(3-6-0)

Jeff White, Public Works Director responded to questions about the GO Bonded projects the motion proposed to eliminate for FY02.

Police Chief Forster responded to questions about delaying the purchase of police vehicles.

Councilmember Gardner stated that he opposed the motion because they had already spent \$50,000 on the Gage project and a majority of the Council voted for the project. He stated that Police Department vehicles should be funded next year because they were already put off for one year. He stated that he agreed with the funding priorities, but not with how Mr. Duffy was getting there.

Councilmember McClinton stated that he supports the motion because Social Service programs outweigh streets and bridges.

Councilmember Alcala spoke in opposition to the motion because he supports the projects in the 2002 Capital Improvement Program and buying Police Department vehicles. He stated that he also supports Social Service funding, but they could find funds for that later.

Councilmember Duffy stated that he believed his motion reflected priorities heard at the public hearing and he felt it was time to set priorities.

The motion seconded by Councilmember Lee carried. Councilmembers Alcala, Hill and Gardner voted "no". Councilmember Dunn abstained. (5-3-1)

Councilmember Dunn stated that she abstained because she felt this was a motion to lock them in to either accepting the bridges or not, or sacrificing social services or the police cars.

Councilmember McClinton moved to add \$15,000 to Heartland Park from the Transient Guest Tax fund (p. 167).

The motion seconded by Councilmember Duffy carried. Councilmembers Alcala and Gardner voted "no". (7-2-0)

Councilmember Hill moved to delete \$50,000 from TPAC and add it to the Expocentre.

Councilmember Duffy opposed the motion because he stated that they should not supplement the Expocentre's shortfall when the County reduced their allocation by \$100,000.

The motion seconded by Councilmember Gardner carried. Councilmembers Pomeroy, Carkhuff, Duffy and Lee voted "no". (5-4-0)

Councilmember Pomeroy moved to delete \$12,500 from the Convention and Visitor's Bureau and allocate it to the Combat Air Museum.

The motion seconded by Councilmember Hill carried. Councilmembers Duffy and Gardner voted "no". (7-2-0)

Councilmember Dunn moved to delete \$20,000 from "Contributions to other agencies" (JJA, pg. 19) and allocate it to the YWCA/Girls to Girls program.

The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

Councilmember Dunn moved to delete \$55,000 from the Children & Family Resource Center and \$25,000 from the Topeka Cemetery, reallocate \$80,000 to Rice Community Center for programs and build those deleted amounts for the Resource Center and Cemetery into the CDBG budget.

The motion seconded by Councilmember Alcala failed. Councilmembers Pomeroy, McClinton, Carkhuff, Duffy, Lee and Hill voted "no". (3-6-0)

Councilmember Hill moved to allocate \$15,000 to the 190th Air Refueling for the Air Show from the Transient Guest Tax fund (p.167).

Councilmember Duffy stated that he opposed the motion because the request was made by another taxing entity.

Councilmember Dunn stated that she supports the motion because the Air Show will bring business to Topeka.

Councilmember Carkhuff suggested that they request the funds from the CVB.

The motion seconded by Councilmember Gardner failed. Councilmembers Alcalá, McClinton, Carkhuff, Duffy and Lee voted "no". (4-5-0)

Councilmember Hill moved to allocate \$22,000 to the Promote Topeka fund from the Transient Guest Tax fund using the City Council application process.

The motion seconded by Councilmember Alcalá failed. Councilmembers McClinton, Dunn, Carkhuff, Duffy, Lee and Gardner voted "no". (3-6-0)

Councilmember Hill moved to allocate \$22,000 to Promote Topeka fund from the Transient Guest Tax fund to be distributed by the Convention and Visitor's Bureau.

The motion seconded by Councilmember McClinton failed. Councilmembers Pomeroy, Alcalá, Carkhuff, Duffy and Lee voted "no". (4-5-0)

Councilmember Alcalá moved to amend the Food and Meeting Expense line item across the board except \$13,275 for Parks & Recreation, \$4,500 for Mayor's office and \$6,000 for Fire Administration, with all other departments/divisions capped at \$500. He stated that any amount budgeted under \$500 would remain the same.

The motion seconded by Councilmember Dunn carried. Councilmembers McClinton, Carkhuff, Duffy and Lee voted "no". (5-4-0)

Councilmember Carkhuff moved to delete \$22,000 from the Transient Guest Tax fund, reduce the allocation to the ExpoCentre by \$7,000 and add \$29,000 to TPAC.

The motion seconded by Councilmember Duffy carried. Councilmembers Alcalá, Dunn, Hill and Gardner voted "no". (5-4-0)

Councilmember Duffy noted that if adopted, the budget would reduce 50 positions and 5.5 are filled at this time. He asked that administration do all they can to avoid lay-offs.

Councilmember Lee asked for a report back on the status of those employees who might lose their jobs.

Councilmember Duffy moved the allocation for Go! Topeka be set aside and not allocated until after the November election on the sales tax question.

The motion seconded by Councilmember Lee carried. Councilmembers Carkhuff and Gardner voted "no". (7-2-0)

Councilmember Gardner moved to delete \$50,000 from the \$100,000 general fund expenditure for Go! Topeka and add it to the Topeka Cemetery.

Councilmember McClinton stated that he supports funding for the cemetery but he would like to see how the \$25,000 is spent next year before allocating additional funds. He stated that he believed that funding for Go! Topeka is appropriate.

Councilmember Carkhuff stated that other cities spend millions for economic development and he opposes any cuts to Go! Topeka.

The motion seconded by Councilmember Dunn failed. Councilmembers Pomeroy, McClinton, Carkhuff, Duffy and Lee voted "no". (4-5-0)

Councilmember Dunn moved to delete \$21,000 from Go! Topeka and add it to TPAC in the general fund.

The motion seconded by Councilmember Gardner failed. Councilmembers Pomeroy, McClinton, Carkhuff, Duffy and Lee voted "no". (4-5-0)

Councilmember Alcalá moved to delete \$18,990 from Food and Meeting expense line items in the General Fund and allocate it to programs for Rice Community Center.

The motion seconded by Councilmember Dunn carried. Councilmember Carkhuff voted "no". (8-1-0)

Councilmember Dunn moved to delete \$10,000 from Council travel and add it to the programs for Rice Community Center.

The motion seconded by Councilmember Alcalá failed. Councilmembers Pomeroy, McClinton, Carkhuff, Duffy, Lee and Gardner voted "no". (3-6-0)

Councilmember Alcala moved to delete salaries and benefits for all employees of Neighborhood Services except the Neighborhood Services Director and the Neighborhood Services Specialist II positions, or \$831,912 and add that amount to the Development Services program in the Planning Department.

The motion seconded by Councilmember Dunn carried. Councilmembers McClinton, Carkhuff and Lee voted "no". (6-3-0)

Councilmember Dunn moved to delete \$10,000 out of the council travel and reduce the budget by that amount.

The motion seconded by Councilmember Alcala carried. Councilmembers Pomeroy, McClinton, Carkhuff and Lee voted "no". (5-4-0)

Councilmember Duffy moved to add \$10,000 to the Mayor's office for official hospitality. He stated that he was important for the Mayor to entertain guests to the City.

The motion seconded by Councilmember McClinton failed. Councilmembers Pomeroy, Alcala, Dunn, Hill and Gardner voted "no". (4-5-0)

Councilmember Pomeroy noted that it was nearly 11:00 p.m. and moved to extend the meeting until the end of Item 3B. The motion was seconded by Councilmember McClinton.

Councilmember Alcala made a substitute motion to extend the meeting until the end of the agenda.

The motion seconded by Councilmember Dunn failed. Councilmembers Pomeroy, McClinton, Carkhuff, Duffy and Lee voted "no". (4-5-0)

The motion to extend the meeting until the end of Item 3B carried. Councilmembers Alcala and Gardner voted "no". Councilmember Dunn abstained. (6-2-1)

Councilmember Alcala moved to add \$10,000 deleted from council travel to the Topeka Cemetery.

The motion seconded by Councilmember Dunn carried. Councilmembers Pomeroy, McClinton, Duffy and Lee "no". (5-4-0)

Mayor Wagnon stated that hearing no further amendments they were now on the original motion made by Councilmember Carkhuff to approve the budget as amended.

Councilmember Gardner stated that he would vote no on the budget because he was not comfortable raising property tax by \$2 million.

Councilmember Dunn stated that she opposed the motion because of the increase in the budget.

Councilmember Duffy stated that this was not a budget in the management style he would care to use but he would support it because he believes it holds the line. He noted that he attempted to bring some changes before the Council but they were rejected.

The motion carried. Councilmembers Alcala, Hill and Gardner voted "no". Councilmember Dunn abstained. (5-3-1)

The Appropriation Ordinance approving and adopting the budget was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, McClinton, Carkhuff, Duffy, Lee and Hill –7. Noes: Councilmember Gardner –1. Councilmember Dunn abstained –1.

Councilmember McClinton moved to approve the communication adding three projects to the 2000 Capital Budget and adopt the Resolution amending the 2000 Capital Budget.

The motion seconded by Councilmember Lee carried. Councilmembers Alcala and Gardner voted "no". (7-2-0)

Councilmember McClinton moved to approve the Resolutions adopting the 2001-2002 Capital Budget and the 2003-2006 Capital Improvement Program.

The motion seconded by Councilmember Carkhuff carried. Councilmembers Alcala and Gardner voted "no". Councilmember Dunn abstained. (6-2-0)

ORDINANCE NO. 17537 introduced by Mayor Joan Wagnon, attesting to the increase in taxes levied for budget year 2001 necessary to finance public services for the City of Topeka placed on first reading August 15, 2000, was again presented.

Councilmember Gardner again noted that the budget increased taxes by nearly \$2 million.

Councilmember Duffy reiterated that the budget holds the line and reduces .2 mills for twenty years starting with FY02.

Councilmember Dunn stated that she would abstain because of the increase in the budget.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, McClinton, Carkhuff, Duffy and Lee –5. Noes: Councilmembers Alcalá, Hill and Gardner –3. Councilmember Dunn abstained –1.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent.

Iris Walker
City Clerk