

## City Council Minutes – August 22, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 22, 2006. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn and Preisner -8. Mayor Bunten presided. -1. Absent: Councilmember Harmon -1.

AFTER THE MEETING was called to order, Councilmember Nave, gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 7848 introduced by Councilmember Clark Duffy granting Washburn University an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

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A COMMUNICATION recommending the appointment of Charles Karlan, 2442 Brookhaven Lane, to the Downtown Business Improvement District Advisory Board for a two-year term that would expire on August 31, 2008, was presented.

RESOLUTION NO. 7850 introduced by Councilmember John Alcalá, granting Ronnie Pummill, Jr., an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

Minutes of the regular meeting of August 15, 2006 were presented.

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

Norton N. Bonaparte, Jr., City Manager requested that the following items be pulled from the agenda per the developer's request; item 4A, a public hearing, public improvement petition, project budget and resolution relating to Sanitary Sewer Improvement Project No. 40936-01; and item 4B, a public hearing, public improvement petition, project budget and resolution relating to Street Improvement Project No. 60619-00, located in the Horseshoe Bend Subdivision.

A PROJECT BUDGET in the amount of \$500,000 and ORDINANCE NO. 18700 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Repair Improvement Project No. 84340, which provides for construction of handicapped accessible curb cuts and sidewalk ramps at selected intersections throughout the City, to meet requirements of the Americans with Disabilities Act in accordance with the City's sidewalk ramps – transition plan, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading July 11, 2006 was again presented. The project budget and ordinance was deferred from the meeting of July 18, 2006.

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

Councilmember Preisner moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn and Preisner -8. Absent: Harmon -1.

ORDINANCE NO. 18701 introduced by City Manager Norton N. Bonaparte, Jr. annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, generally located at 2025 SW Urish Road within unincorporated Shawnee County, Kansas and contiguous to the City of Topeka corporate limits, and said land being annexed for all City purposes placed on first reading July 18, 2006 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 Ortiz carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn and Preisner -8. Absent: Harmon -1.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to court ordered costs and fees, witness fees, contempt powers, warrants, arrest procedures, sentencing procedures and parole, repealing City of Topeka Code Sections 50-47, 50-49 and 50-50, amending City of Topeka Code Sections 50-26, 50-41, 50-54, 50-60, 50-64, 50-99 and 50-101, and repealing said original sections, placed on first reading July 11, 2006 was again presented.

Brenden Long, City Attorney explained that the ordinance was originally deferred to allow the Legal Department time to draft a companion ordinance that would develop a Police Department Equipment fund. He stated that the companion ordinance has been completed and placed on the agenda under First Readings, as item 7A. He suggested that the Council defer the ordinance for one week to allow both ordinances to be considered at the same time.

Councilmember Blackburn moved to defer the ordinance for one week. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

AN ORDINANCE introduced by Councilmember John Nave concerning the Topeka Human Relations Commission amending City of Topeka Code, Sections 86-1, 86-2, 86-51, 86-53, 86-68, 86-79 and 86-112 and specifically repealing said original sections, placed on first reading July 11, 2006 was again presented. The ordinance was deferred from the meeting of July 18, 2006.

Councilmember Nave asked if all of the laws and regulations that are required by the State are included in the ordinance.

Brenden Long, City Attorney stated that he distributed a memorandum to the Council and the Mayor outlining the required State Statues. He also stated that Al Martin, Human Relations Commission Director provided a copy of the KHRC Rules and Regulations to the Council to help clarify the issue.

Councilmember Alcala suggested that the ordinance be referred to a committee or deferred until the budget is finalized. He stated that if the HRC restructuring budget proposal passes then it would be necessary to meet with State and local agencies to insure all rules and regulations are in place.

Councilmember Alcala moved to refer the ordinance to the Policy and Finance Committee. The motion was seconded by Councilmember Blackburn.

Councilmember Harmon entered the room.

The motion to refer the ordinance to the Policy and Finance Committee carried unanimously. (9-0-0)

ORDINANCE NO. 18702 introduced by John Alcala repealing the enforcement of City building codes outside of the City and within the City's municipal services area, amending Topeka City Code Sections 26-58, 26-116, 26-139.1.5. and 26-298, and repealing said original sections placed on first reading August 15, 2006 was again presented.

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

RESOLUTION NO. 7851 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the transfer and expenditure of general fund monies for the replacement of a police helicopter for the Topeka Police Department, was presented. The resolution was tabled for 30 days from the meeting of July 25, 2006, and then pulled from being tabled for placement on the agenda of August 22, 2006, from the meeting of August 15, 2006.

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

Councilmember Haynes asked how the helicopter would be funded.

Jim Langford, Budget and Finance Director explained the financial breakdown of the cost of the helicopter in the amount of \$675,960. The following funding sources were proposed:

- \$48,000 from the Police Department's Operating Budget
- \$220,000 from the CIP fund that was scheduled to be used for the purchase of a thermal energy camera for the helicopter
- \$343,102.75 from insurance proceeds that was received for replacement costs
- \$64,858 transferred from the existing contingency fund to the Police Department Operating Budget

Councilmember Haynes moved to consider the transfer at the same time as the 2007 Operating Budget. The motion was seconded by Councilmember Preisner.

Councilmember Blackburn made a substitute motion to adopt the ordinance. The motion was seconded by Councilmember Preisner.

Patrick Salmon, K-9 Unit Police Officer explained the importance of the helicopter in apprehending criminals. He stated that the helicopter benefits the officers, as well as, the citizens of the City.

Discussion continued regarding the different funding possibilities of the helicopter.

Councilmember Alcalá inquired on receiving revenue if the helicopter leaves Shawnee County limits.

Councilmember Blackburn stated that the calls requesting service outside the County's limits are currently being reviewed, however the amount is very minimal.

Councilmember Kennedy asked the City Manager to speak with the Shawnee County Sheriff's Office to see if they would be willing to use some of the drug forfeiture money to assist with the purchase of the helicopter.

The motion to adopt the ordinance carried. Councilmember Haynes voted "no". (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Duffy, Blackburn, Preisner and Harmon -8. Noes: Haynes -1.

THE FY 2007 CONSOLIDATED ACTION PLAN and budget was presented for approval.

Randy Speaker, Housing and Neighborhood Director stated that the annual consolidation action plan must be submitted to receive federal funding. He explained that there are three elements to the plan; Youth and Social Service Grants, Empowerment Grants, and Emergency Shelter Grants. He also stated that the Council would need to approve Option A, funding for the elderly; or Option B, which would eliminate the funding for the elderly, however, it was his understanding that the County would provide the funding, if Option B is approved.

The motion to approve the 2007 Consolidated Action Plan carried unanimously. (9-0-0)

Councilmember Preisner moved to approve Option A of the 2007 Consolidated Action Plan. The motion was seconded by Councilmember Alcala.

Councilmember Haynes made a substitute motion to accept Option A with the understanding that the additional \$23,000 would be appropriated from the operating budget. The motion seconded by Councilmember Alcala.

Councilmember Haynes moved to defer action on the options until after the discussion on the operating budget. The motion seconded by Councilmember Alcalá carried. Councilmembers Nave and Preisner voted “no”. (7-2-0)

ORDINANCE NO. 18703 introduced by City Manager Norton N. Bonaparte, Jr., approving and adopting the operating budget for the City of Topeka, for the year 2007, 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. He gave an overview of his proposed reductions to the budget that totaled slightly over \$800,000 as requested by the Council. *(See Attachment A)*

Councilmember Preisner gave the Committee report on the Transient Guest Tax funds. He noted that the Transient Guest Tax funds would be set aside until staff could generate a contract to distribute the funds, with the exception of the Parks and Recreation fund transfer of \$115,000; the General fund transfer of \$60,000; and the Great Overland Station contractual obligation of \$200,000. *(See Attachment B)*

Councilmember Preisner moved to adopt the committee report. The motion seconded by Councilmember Kennedy carried. Councilmembers Alcalá and Ortiz voted “no”. (7-2-0)

Councilmember Preisner moved to adopt the committee report of the City Manager’s proposal containing items 1 through 18, consisting of \$800,000 in additional revenue, and \$2,000,000 in cuts and other adjustments. The motion seconded by Councilmember Nave carried. Councilmember Alcalá voted “no”. (8-1-0)

Councilmember Kennedy moved to add \$160,000 for the Mayor’s Neighborhood Clean Up Program, \$50,000 for the Mayor’s Administrative Assistant position, and reduce funding for

the Topeka Performing Arts Center (TPAC) by \$210,000. The motion was seconded by Councilmember Blackburn.

Councilmember Alcalá stated that he would oppose the motion because TPAC plays a vital role in providing culture and art for the community.

Councilmember Kennedy stated that if the City allocates \$340,000 to TPAC then she believes the City Manager should oversee the management of the facility instead of the Board of Directors. She also stated that she believes that the City should consider managing TPAC next year.

Councilmember Blackburn asked the Council to review how TPAC is supported by the private sector.

Councilmember Haynes stated that he supports the premise of the motion but the City should still continue to support TPAC.

Councilmember Kennedy's motion to amend failed. Councilmembers Alcalá, Ortiz, Nave, Haynes, Duffy, Preisner and Harmon voted "no". (2-7-0)

Councilmember Alcalá moved to allocate \$40,000 of the Transient Guest Tax funds that were set aside to TPAC. The motion seconded by Councilmember Haynes carried.

Councilmembers Kennedy, Duffy, Blackburn and Preisner voted "no". (5-4-0)

Councilmember Alcalá moved to eliminate \$300,000 from the "Protect with Honor Program" and allocate \$22,352 to Senior Services. The motion was seconded by Councilmember Duffy.

Councilmember Blackburn stated that he would oppose the motion because he believes the Protect with Honor Program would improve public relations with the community.



Councilmember Preisner made a substitute motion to cut the Protect with Honor Program funds by \$300,000 and fund the following line items.

- An Administrative Assistant position to the Planner in the amount of \$3,600
- The Mayor's Clean Up Initiative Program funding in the amount of \$160,000
- Community Resources Council funding in the amount of \$2,371
- The Topeka Cemetery funding in the amount of \$20,000
- The Youth & Social Services Program funding in the amount of \$57,677
- Senior Services in the amount of \$22,352
- An ADA Coordinator position in the amount of \$34,000

The motion was seconded by Councilmember Duffy.

Councilmember Haynes questioned the funding of a new ADA Coordinator because the HRC Director has not requested the position and there is not a backlog of ADA cases.

Councilmember Alcala stated that the position is being proposed to help the City come into compliance with ADA issues.

Councilmember Kennedy moved to divide the question because she was not informed of the new ADA Coordinator position. The motion was seconded by Councilmember Blackburn.

Councilmember Duffy stated that he would oppose dividing the question because the substitute motion accomplishes the same thing.

Councilmember Kennedy withdrew the motion to divide the question. The second concurred.

Councilmember Blackburn moved to make a friendly amendment to eliminate the Planner III position, and use the \$70,000 to fund the Protect with Honor Program.

Mayor Bunten ruled the motion out of order.

Councilmember Duffy stated that he was disappointed they would not continue the Protect with Honor Program in the Police Department. He also expressed his support for the program funding recommendations that total \$300,000.

Councilmember Haynes stated that the Protect with Honor Program is a one-time funding issue and the other funding proposals would have to continue to be funded annually.

Councilmember Duffy stated that the Planning Department's Administrative Assistant position and the ADA Coordinator are the only two proposed items that are on-going.

Councilmember Preisner's motion to cut funding for the Protect with Honor Program by \$300,000 and fund the items as listed previously carried. Councilmembers Kennedy, Blackburn and Harmon vote "no". (6-3-0)

Councilmember Ortiz asked the Municipal Court Judge to explain the request for the court appointed attorney and protective services.

Judge Ebberts explained that the request to add an additional officer is for the security of Municipal Court and Council meetings.

Councilmember Ortiz stated that security of Council meetings should not be deducted from the Municipal Court Departmental Budget.

Councilmember Ortiz moved to increase the vacancy credit from 1.15% to 1.5% to allocate \$32,800 to the Fire Department, \$3,900 to fund as many Fire Department radio walkie-talkies as possible, and fund the following items for Municipal Court.

- Court Appointed Lawyers in the amount of \$6,900
- Protective Services in the amount of \$40,848
- Pro-tem Administrative Judges in the amount of \$25,000
- A New Finger Print Machine in the amount of \$15,800

The motion seconded by Councilmember Duffy.

Jim Langford, Budget and Finance Director stated that the items total \$88,548, and in order to generate that amount the vacancy credit would need to increase approximately 0.18%.

Councilmember Ortiz's motion carried unanimously. (9-0-0)

Councilmember Nave moved to approve lines 19E through 40E of the City Manager's recommendations. The motion was seconded by Councilmember Preisner. (*Attachment B*)

Councilmember Haynes made a substitute motion to restore the following items to the budget, with total appropriations and commodities being the basis for the total funding amount of \$221,398.

- \$44,398 to the City Manager's proposed budget
- \$85,000 to the Safe Streets Program
- \$42,000 to the Weed and Seed Program
- \$50,000 for the Mayor's Administrative Assistant

The motion was seconded by Councilmember Alcalá.

Several Councilmembers stated that they would oppose the substitute motion because they would prefer to consider each line item of the City Manager's proposed cuts separately.

Councilmember Kennedy noted that the City Manager's recommendations were based on recommendations made by City Staff.

Councilmember Haynes withdrew the substitute motion. The second concurred.

Councilmember Nave withdrew his motion to approve items 19E through 40E. The second concurred.

Councilmember Haynes moved to restore \$46,437 for the Mayor's administrative assistant position to be funded by a cut of .008% from contractual services from all departments across the board. The motion was seconded by Councilmember Alcalá.

Councilmember Alcalá recommended a friendly amendment to add "after approval of the City Manager's budget".

The motion to restore \$46,437 to fund the administrative assistant for the Mayor failed. Councilmembers Nave, Duffy, Blackburn and Preisner voted "no". Councilmember Kennedy abstained. (4-4-1)

Councilmember Blackburn moved to reduce Information Technology (IT) Department's budget by 5% across the board, totaling \$177,111. The motion was seconded by Councilmember Preisner.

Norton N. Bonaparte, Jr., asked the Budget and Finance Director to explain the impact the motion would have on the IT Department's Operating Budget.

Jim Langford stated that last year \$600,000 had to be added to IT's budget because it was operating in the red.

The motion to reduce IT's budget by \$177,111 failed. Councilmembers Alcala, Ortiz, Nave, Haynes, Duffy, Harmon voted "no". (3-6-0)

Councilmember Blackburn moved to cut the City Council's budget by \$8,000 in discretionary funds. The motion seconded by Councilmember Haynes carried. Councilmembers Alcala, Nave and Preisner voted "no". (6-3-0)

Councilmember Blackburn moved to eliminate \$60,861 for the ERP Manager position, and add \$20,000 for training. The motion seconded by Councilmember Preisner failed. Councilmembers Alcala, Ortiz, Nave, Haynes, Duffy, Preisner and Harmon voted "no". (2-7-0)

Councilmember Blackburn moved to cut Human Resources training by \$40,000 to an increase of \$30,000. The motion was seconded by Councilmember Preisner.

Councilmember Alcala stated that he would oppose the motion because he believes they need to improve training.

The motion failed. Councilmembers Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy and Harmon. (2-7-0)

Councilmember Blackburn moved to eliminate the Human Resources Manager position in the amount of \$63,621. The motion was seconded by Councilmember Preisner.

Councilmember Haynes made a substitute motion to cut the Human Resources Manager position and the funds be used to fund the administrative assistant to the Mayor. The motion seconded by Councilmember Alcala.

Councilmember Kennedy made a friendly amendment to fund the position at a base pay of \$50,000.

Councilmember Alcala withdrew the second.

Councilmember Kennedy withdrew the friendly amendment.

The substitute motion seconded again by Councilmember Alcala carried.

Councilmembers Duffy, Blackburn and Preisner voted “no”. (6-3-0)

Councilmember Nave moved to reconsider the motion to cut the Human Resources Manager position and fund the Administrative Assistant to the Mayor position. The motion seconded by Councilmember Duffy carried. Councilmembers Alcala, Ortiz, Haynes and Harmon voted “no”. (5-4-0)

Councilmember Haynes made a substitute motion to eliminate the Human Resource Manager vacant position and use the \$63,624 to fund the administrative assistant to the Mayor at a base salary of \$46,437. The motion seconded by Councilmember Alcala carried.

Councilmembers Nave, Duffy, Blackburn and Preisner vote “no”. (5-4-0)

Councilmember Blackburn moved to cut \$90,000 from the Public Works budget by eliminating two positions; the Engineer Technician III and Engineer Technician II. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

Councilmember Blackburn moved to eliminate the Water Pollution Control Horticultural Specialist at \$36,866. The motion seconded by Councilmember Preisner failed.

Councilmembers Alcala, Kennedy, Ortiz, Nave, Haynes and Harmon voted “no”. (3-6-0)

Councilmember Blackburn moved to increase park fees by 10% to increase revenue by \$107,000. The motion seconded by Councilmember Preisner failed. Councilmembers Alcala, Kennedy, Ortiz, Nave, Haynes and Duffy. (3-6-0)

Councilmember Blackburn moved to eliminate the Parks and Recreation Department Director's position in the amount of \$75,000 and enhance the salary of the Superintendent of Parks position by \$10,000. The motion seconded by Councilmember Kennedy carried. Councilmembers Haynes, Preisner and Harmon voted "no". (6-3-0)

Councilmember Haynes moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Ortiz carried. Councilmember Duffy voted "no" carried. (8-1-0)

Councilmember Blackburn moved to eliminate the arborist position in the amount of \$36,000. The motion seconded by Councilmember Preisner failed. Councilmembers Alcala, Kennedy, Ortiz, Nave, Duffy, Preisner and Harmon voted "no". Councilmember Haynes abstained. (1-7-1)

Councilmember Blackburn moved to cut \$20,000 from the Fire Department Budget for sports equipment. The motion seconded by Councilmember Preisner carried. Councilmembers Alcala and Ortiz voted "no". (7-2-0)

Councilmember Blackburn moved to eliminate \$35,000 from the Fire Department Budget for call back expenses. The motion seconded by Councilmember Preisner failed. Councilmembers Kennedy, Alcala, Ortiz, Nave and Harmon voted "no". (4-5-0)

Councilmember Blackburn moved to eliminate the funding for law clerks in the Legal Department in the amount of \$10,000. The motion seconded by Councilmember Preisner carried. Councilmembers Alcala, Ortiz and Duffy voted "no". (6-3-0)

Councilmember Blackburn moved to eliminate \$25,000 for the Office Assistant II position in Police records. The motion was seconded by Councilmember Preisner.

Councilmember Blackburn withdrew his motion.

Councilmember Blackburn moved to reduce Downtown Topeka Incorporated grants by \$125,000. The motion was seconded by Councilmember Ortiz.

Councilmember Haynes made a substitute motion to add \$125,000 to the Downtown Topeka Incorporated Budget.

Mayor Bunten ruled the substitute motion out of order.

Councilmembers Alcala and Duffy stated that they would oppose the motion because improvement of the downtown area is vital to the City of Topeka.

The motion to reduce DTI's budget by \$125,000 failed. Councilmembers Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Preisner and Harmon voted "no". (1-8-0)

Councilmember Blackburn moved to cut the Topeka Performing Arts Center funding by \$100,000. The motion seconded by Councilmember Kennedy failed. Councilmembers Alcala, Ortiz, Nave, Haynes, Duffy, Preisner and Harmon voted "no". (2-7-0)

Councilmember Blackburn moved to reduce the Contingency fund by 10% or \$679,165. The motion was seconded by Councilmember Ortiz.

Jim Langford stated if the motion passes the budget would be out of balance.

Councilmember Harmon asked if passage of the reduction would impair the City's bond rating.

Jim Langford stated that in his opinion it would way heavy on the City's bond ratings.

The motion to reduce the Contingency fund by 10% or \$679,165 failed.

Councilmembers Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon voted “no”. (0-9-0)

Councilmember Preisner asked for an update on the budget.

Jim Langford stated that currently there is a property tax reduction of .22 mills, and they need to increase administrative fees by \$800,000.

Councilmember Preisner moved to take the .22 mill levy reduction to zero and reduce the administrative fees from \$800,000 to \$580,000. The motion was seconded by Councilmember Nave.

Councilmember Haynes stated that the City Manager has given them the vehicle to make cuts and not increase administrative fees, and he believes they are ignoring what is being proposed.

Councilmember Haynes made a substitute motion to accept all of the recommendations made by the City Manager, except those that have already been considered by the Council. The motion was seconded by Councilmember Kennedy.

Councilmember Kennedy made a friendly amendment to consider 18E through 30E, 33E, and 35E through 39E.

Councilmember Haynes reminded the Council that City employees COLA and step increases have not yet been considered, and they have already established a way to fund the 2007 budget without increasing administrative fees.

The substitute motion to accept all of the recommendations made by the City Manager, except those that have already been considered by the Council failed. Councilmembers Alcalá, Ortiz, Nave, Duffy, Blackburn, Preisner and Harmon vote “no”. (2-7-0)



Councilmember Preisner's motion to take the .22 mill levy reduction to zero and reduce the administrative fees from \$800,000 to \$580,000 carried. Councilmembers Kennedy, Ortiz, Haynes and Blackburn voted "no". (5-4-0)

Councilmember Preisner moved to adopt the 2007 Operating Budget as amended. The motion was seconded by Councilmember Duffy.

Councilmember Preisner called the question. The motion was seconded by Councilmember Kennedy.

Councilmember Blackburn challenged the call.

The motion on if the question shall be called failed. Councilmembers Kennedy, Alcala, Ortiz, Blackburn and Harmon voted "no". (4-5-0)

Councilmember Kennedy asked for support of three enhancements for the Fire Department in the amount of \$90,000 to be funded from the elimination of the Public Works Department Engineering Technician positions. The enhancements include radio walkie-talkies, thermo imaging cameras and positive pressure fans.

Jim Langford stated that Councilmember Kennedy's proposal would not be possible unless the motion to reduce the mill levy to zero is reconsidered.

Councilmember Blackburn made a substitute motion to reduce the Mayor's Clean Up Initiative Program by \$52,600 and allocate it to the Fire Department Budget. The motion was seconded by Councilmember Haynes.

Councilmember Kennedy made a friendly amendment to approve items 20E, Temporary Services and 29E, Finance Audits of the City Manager's recommended cuts.

Councilmember Blackburn accepted the friendly amendment.

Councilmember Duffy noted that the items were not included in the Fire Department budget, but sports equipment was, and he believes that this indicates what the Fire Department's priorities are.

The motion to reduce the cleanup budget by \$52,600 to add to the Fire Department budget carried. Councilmembers Nave, Duffy, Preisner and Harmon voted "no". (5-4-0)

Councilmember Preisner moved to adopt the 2007 Operating budget as amended. The motion seconded by Councilmember Harmon failed. Councilmember Kennedy, Alcala, Ortiz, Haynes and Blackburn voted "no". (4-5-0)

Councilmember Preisner moved to zero out the mill levy decrease and reduce administrative fees by \$13,827. The motion seconded by Councilmember Harmon carried. Councilmember Kennedy and Haynes voted "no". (7-2-0)

Councilmember Preisner moved to adopt the 2007 Operating Budget as amended. The motion seconded by Councilmember Harmon failed. Councilmembers Kennedy, Alcala, Ortiz, Haynes and Blackburn voted "no". (4-5-0)

Councilmember Preisner moved to eliminate Fire Engine Company No. 3 for a savings of over \$800,000. The motion was seconded by Councilmember Duffy.

Councilmember Alcala asked how the elimination of Fire Company No. 3 would affect the Fire Department overall.

Chief Giles stated that overlap of fire service does exist for the area where the station is located, however, he does not support eliminating the Fire Company because of the travel time involved with the majority of their calls.

Councilmember Harmon inquired on the \$400,000 to be used for City Hall renovations and if the funds have already been spent.

Norton N. Bonaparte, Jr., stated that the bulk of the money has not been spent. He noted that it is included in the 2006 Operating Budget.

Jim Langford stated that if the money was carried over from the 2006 budget the 2007 Operating budget would be out of balance by \$400,000.

Councilmember Harmon made a substitute motion to eliminate the transfer of the Workers Compensation fund to the Risk Management fund, and reduce administrative fees by \$225,421 transferring the money to the general fund. The motion seconded by Councilmember Haynes carried. Councilmembers Haynes and Preisner voted “no”. (7-2-0)

Councilmember Harmon moved to reduce Contractual Services in the general fund by \$325,000. The motion was seconded by Councilmember Alcala.

Councilmember Harmon withdrew his motion. The second concurred.

Councilmember Preisner moved to eliminate Fire Engine No. 3 from the Fire Department’s Budget. The motion was seconded by Councilmember Duffy.

Councilmember Harmon made a substitute motion to adopt the 2007 Operating Budget as amended. The motion seconded by Councilmember Preisner failed. Councilmembers Kennedy, Alcala, Ortiz, Haynes and Blackburn voted “no”. (4-5-0)

Councilmember Preisner called the question.

The motion on if the question shall be called failed. Councilmembers Kennedy, Alcala, Ortiz, Nave, Haynes and Blackburn voted “no”. (3-6-0)

Councilmember Harmon moved to increase vacancy credits by \$340,000 across the board. The motion seconded by Councilmember Nave carried. Councilmembers Kennedy, Haynes, Duffy and Blackburn voted “no”. (5-4-0)

Councilmember Preisner moved to adopt the 2007 Operating Budget as amended. The motion seconded by Councilmember Harmon carried. Councilmember Blackburn voted “no”. (8-1-0)

Councilmember Preisner moved to approve Option A of the Consolidated Action Plan. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

ORDINANCE NO. 18704 introduced by City Manager Norton N. Bonaparte, Jr., attesting to the increase in taxes levied for budget year 2007 necessary to finance public services for the City of Topeka placed on first reading August 15, 2006 was again presented.

Councilmember Duffy made a conceptual amendment to add language that the City funded \$71,000 for the cost of the Juvenile Intake Program due to the State not fulfilling their funding responsibilities. The motion seconded by Councilmember Preisner carried. Councilmember Harmon voted “no”. (8-1-0)

Councilmember Preisner moved to adopt the ordinance as amended. The motion seconded by Councilmember Ortiz carried. Councilmember Blackburn voted “no”. (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Preisner and Harmon -8. Noes: Blackburn -1.

ORDINANCE NO. 18705 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of July 31, 2006, through August 6, 2006, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Nave carried. Councilmember Alcalá voted “no”. (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -8. Noes: Alcalá -1.

AN ORDINANCE introduced by Councilmember Brett Blackburn amending City of Topeka Code Section 2-336 by establishing a police department equipment fund was presented for first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE CITY COUNCIL, were presented.

Councilmember Haynes thanked everyone for their hard work on the budget.

NO FURTHER BUSINESS appearing the meeting was adjourned at 12:32 a.m.

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Iris Walker  
City Clerk

## Explanation of Adjustments to City Manager's Recommended Budget

The table is arranged with columns representing funds and the itemized adjustments in the rows. The TARGET Row reflects the necessary reduction in property tax revenue from the first six funds, which are the property tax funds, and the four enterprise funds affected by the changes from the original City Manager Budget Recommendation to the Proposed Published Budget.

The first four are revenue adjustments:

1. Reduce Court Revenue for Driving While Suspended (DWS): This is the estimated loss of revenue to the General Fund from fines and court costs that will not be assessed on DWS convictions.
2. Increased Fee Revenue: Represents projected fee increases for Park and Recreation and Zoo programs.
3. Administrative Fees: An \$800,000 increase in the amount of administrative fees paid from the Water, Stormwater, and WPC Funds to the General Fund. The \$800,000 is based on overall utility bills going up in 2007 the same percentage amount as they increased in 2006, but further adjustment may be necessary.
4. Worker Compensation Transfer: The City Manager recommended a transfer of \$500,000 of excess fund balance from the Workers Compensation Fund to the Risk Management Reserve Fund. This would reduce that transfer by \$274,579 by redirecting \$210,081 to the General Fund; \$50,466 to the Parks and Recreation Fund; and \$14,032 to the Zoo Fund.

Items 5 through 18 are expenditure adjustments or a combination of expenditure and revenue.

5. Vacancy Credits plus 1.15 percent: Increases the amount of expected salary savings from the General Fund, Parks and Recreation Fund and Zoo Fund by 1.15 percent. This will require the affected Departments to hold positions open an extended period of time to generate savings.
6. Reduce 2007 Jail Costs for DWS: Related to number 1. Reflects projected savings from not prosecuting DWS offenses.
7. COLA at 2.0 percent plus step: Reduces COLA from 2.5 percent to 2.0 percent. Total reduction in property tax funds of \$272,397.
8. Eliminate Deputy City Manager for Administration, the support Office Assistant position and associated other operating costs; but retain \$20,000 for flexibility in possible reorganization. Reduces a total of \$138,618 from the General Fund.

9. Reduce funding for Economic Development Specialist, but retain FTE position: The \$76,420 of funding is removed.
10. Eliminate Management Analyst: Reduces \$58,759 and position from Financial Services.
11. Eliminate Executive Assistant I position in Mayor's Office: Reduces \$46,437 and position from the Mayor's Office.
12. Eliminate New Protective Services Officer and Other Operating Expenses: Reduces \$40,848 and position from Municipal Court.
13. TPAC Capital Enhancement: TPAC's funding recommendation included \$40,000 to make some capital purchases and repairs. Removing these dollars would leave a total of \$440,000 (\$300,000 General Fund; \$140,000 Transient Guest Tax).
14. Eliminate a vacant Office Assistant I position in Public Works Engineering: Results in reduction of \$30,960.
15. Shift Funding of Police Cars: Reduces the \$200,000 for police car purchases from the General Improvement Fund: The \$200,000 will be paid from the General Fund from additional carry forward monies resulting from 2006 reductions in jail costs.
16. Add Court Office Equipment: \$6,500 would be added to the \$3,000 in the Municipal Court budget to provide a total of \$9,500 for the purchase of new office furniture and equipment.
17. Salary Enhancement: Provides \$9,300 to increase the Assistant to the City Council's salary from to \$60,000 in 2007.
18. Transfer : \$681,892 from the General Fund will need to be transferred to the Parks and Recreation Fund (\$562,662) and Zoo Fund (\$119,230) to offset the remaining loss of property tax revenue to those funds.

Also attached is a General Fund Planning Report comparing these changes with the City Manager's Recommended Budget. You will note that the General Fund is in balance, and that it maintains a slightly higher than 10.0 percent balance.

	General Fund	GIF	Spec liab	P&R	Zoo	Bond & Int	Parking	Water	Stormwater	WPC
TARGET	{1,628,897}	{186,173}	-	(773,087)	(206,987)	-	190,638	1,330,978	220,809	1,073,308
ADJUSTMENTS										
Revenue										
1 R Reduce Court Revenue for DWS	(375,000)									
2R Increased Fee Revenue				60,000	50,000					
3R Administrative Fees	800,000			-	-			(405,617)	(67,292)	{327,091}
4 R Worker Comp Transfer	210,081	-	-	50,466	14,032					
Expenditure										
5 E Vacancy Credits plus 1.15%	{621,716}	-	-	(71,914)	(17,123)					
6E Reduce 2007 Jail Costs for OWS	(400,000)									
7E COLA at 2.0% plus step	(237,750)		-	(28,045)	(6,602)		(3,420)	(30,231)	(4,227)	(17,890)
BE Eliminate Dpty. CM for Admin; OA III and OOE. Add \$20,000 for flexibility in possible reorganization	(138,618)									
9E Reduce funding for Eco Dev Spec. but retain FTE position	(76,420)									
10 E Eliminate Management Analyst	(58,759)									
11 E Eliminate Exec Asst I in Mayor Office	(46,437)									
12 E Eliminate New Protective Serv Officer and Other Operating Expenses	(40,848)									
13 E TPAC Capital Enhancement	(40,000)									
14 E Eliminate Vacant QA I in Public Works Engineering	(30,960)									
15 E Shift funding of Police Cars ( \$200,000 increase in 2006 carry forward)	-	(20,000)								
16 E Add Court Office Equipment	6,500									
17 E Council Assistant Salary Enhancement	9,300									
18 E/R Transfers	681,892	-		(562,662)	(119,230)					
Subtotal	(1,628,897)	(200,000)		(773,087)	(206,987)		(3,420)	(435,848)	(71,519)	(344,981)
Combined Subtotal	-	13,827		-	-		194,058	1,766,826	292,328	1,418,289
Combined TARGET to Subtotal					(2,808,971)					
					13,827					
Expenditure Adjustments	(993,816)	(200,000)		(99,959)	(23,725)		(3,420)	(435,848)	(71,519)	(344,981)
Revenue Adjustments	635,081			673,128	183,262					



	2006 Adopted	2006 Estimate	2007 Qty Manager Recommendation	2007 Proposed Budget August	Difference
Beginning Balance	10,151,612	10,872,736	7,391,659	7,591,659	200,000
Revenue					
Other Revenue	53,964,880	54,799,795	54,966,391	54,966,391	-
Property Tax	10,291,650	10,291,650	12,701,600	10,960,297	(1,741,303)
Loss of DWS Revenue				(375,000)	(375,000)
Admin Fees				800,000	800,000
Transfer from Planning				112,406	112,406
Transfer from Worker Comp Fund				210,081	210,081
Necessary Revenue for Balanced Budget	-	-	-	..	-
Necessary Revenue for additional 1 percent	-	-	-	..	-
Revenue Total	<u>64,256,530</u>	<u>65,091,445</u>	<u>67,667,991</u>	<u>66,674,175</u>	<u>(993,816)</u>
Total Available	74,408,142	75,964,181	75,059,650	74,265,834	(793,816)
Expenditures					
Expenditures	65,280,909	65,154,943	67,667,991	67,667,991	..
Mgmt Analyst	..	-		(58,759)	(58,759)
Vacancy Credits plus 1.15%				(621,716)	(621,716)
Add Court Office Equipment				6,500	6,500
Burghart Salary Enhancement				9,300	9,300
Eliminate Exec Asst I in Mayor Office				(46,437)	(46,437)
Eliminate Dep CM for Admin; OA III and OOE. Add \$20,000 for flexibility in possible reorganization				(138,618)	(138,618)
Reduce funding for Eco Dev Spec, but retain FTE position	..	..		(76,420)	(76,420)
New Protective Serv Officer and OOE	-	..		(40,848)	(40,848)
TPAC Capital Enhancement	-	..		(40,000)	(40,000)
COLA at 2.0% plus step	-	..		(237,750)	(237,750)
Transfer Outs	-	..		(30,960)	(30,960)
Vacant OA I	..			681,892	681,892
Helicopter Police		<b>411,000</b>	..	..	-
Jail Costs	-	300,000	..	(400,000)	(400,000)
DWS Jail Cost Impact	-	(200,000)	..	..	..
Subtotal Expenditures	<u>65,280,909</u>	<u>65,665,943</u>	<u>67,667,991</u>	<u>66,674,175</u>	<u>(993,816)</u>
Debt Reduction & capital Improvement	<u>2,306,579</u>	<u>2,706,579</u>	<b>600,000</b>	<b>800,000</b>	<b>200,000</b>
TOTAL EXPENDITURES	67,587,488	68,372,522	68,267,991	67,474,175	(793,816)
Ending Balance	6,820,654	7,591,659	6,791,659	6,791,659	-
As Percent of Expenditures	10.1%	11.1%	9.9%	10.1%	0.1%
As Percent of Revenue	10.6%	11.7%	10.0%	10.2%	0.1%
Revenue Over(Under) Expenditure	(1,024,379)	(574,498)	-	-	..
Total Expenditure % change	9.2%	10.8%	0.2%	1.3%	-1.2%
Revenues % change	1.0%	2.3%	4.0%	2.4%	-1.5%

**Committee of the Whole Report - August 21, 2006**

1) Duffy moved to adopt the adjustments to the City Manager's recommended budget (attached).

Motion approved by a majority vote

2) Blackburn moved to defer budget disbursements of Transient Guest Tax Funds until allocation criteria is established

Excluding:

- a) Parks and Recreation Fund Transfer of \$115,000;
- b) General Fund Transfer of \$60,000; and
- c) Great Overland Station contractual obligation of \$200,000

Motion approved 9-0

	Gen<d Fund	GIF	Speci.iab	P R	Zoo	Bond & Int	Pa00ng	Wa ter	StOfil'Nater	WPC
ADJUSTMENTS	TARGET (1,628.897)	(.1 )		(773.087)	(206.967)		190,636	1.330.978	220.009	, 1 07, 3 306
Revenue										
1 R Reduce Covst Rcvne 10, OWS	(375,000)									
2R 11'1prtasedFeGRovenuc				60.000	50.000					
3" R Adminislrali veFees										
4" R WOtker CompTransfer	210,061			50.466	14 03 2					
Ex.ponditv,e										
SE vooaneyC<ediil\$plU\$ 1.1 %	(621,716)			{71.91'}	(17. 123)					
GE R001.10C2007 Jail Costs r' o ws	( 400 ,000)									
7E COLA at ?.0%plus step	(237,750)			{28,045}	{6,602}		(3,420)	{30,231}	(4.227)	(17,890)
BE ElimnateOpty. CM ro, Admin: OA III a,'ld OOE. Add \$20.000ror file:libiltyIn' pc,ssble reorgani1.alion	(138,6 18)									
9E Aeduoe lu lo, EcoOev Spec, but ret.)in FTEPOSilion	(7,6 .20)									
10 E El imina te M.anagemenAnalysl	(S8.7S9)									
11 E EliminateExc<:AsstI in M.):y'OrOrtloe	(46,4 37)									
1Z E Elimina te NewPro&e ive ServOffice, dQ Other Operatng Eq)On Se\$	(40,848)									
13 e TPAC Capital Enh'IC(Inet1	(40,000)									
14 E E'"" -re V&caJ OAI in Pvollic 1/1,0rks En9ineeing	(30,960)									
15 E \$hut fundingot Poti(e Cars ( S200.000 inc,eascin 2006carry lorwa,d)		(200.000)								
16 E Add Court Office Equipment	6.500									
17 E Council /l& istanl \$3131\Enhancement	9.300									
18 E Summe, Youth Employment Progtams	(44,396)			(99,494)						
19 E Ellmlna OTI Grants	(t2S.000)									
20 E Temp Setvcosin Misc Non Oopt	(20.000 )									
21 E Reduce Tr. nsfer lo Unsafe Sln,Clures Fund	(50,000)									
22 e P&R+>TempEmployees				{16,105}						
23 E Zoo--OfficeEquil)(e(I					(2,000)					
24 Zoo--Purehas. animals to \$10.000					(10,000)					
25 Zoo--Eliminate Capilal Outlay					(12,500)					
26 E PW Bridge Repalt.s	(50,000)									
21 E P lanring(OAI10 OAI \$3.300: Contr;,cts \$3.000)	{6,300}									
23 E Hvm.t-nResources-T,ainino	(20,000)									
29 E Fl.nano-e-Audals	(25.000 }									
30 E HRC	{2,700}									
31 E Fi1e--SpoltsEquipment	(20,000)									
32 E Fl1e-Ca11b.lek	(35,000)									
33 E FitO·Ed: M3lfff)\$Ses: Unilonns: 8ackg1oondChecks	(32,800)									
34 E Legal-L wClefles andothe.- temps	(10,000)									
35 E PoliCC*S3fe SlOOts	(85,000)									
36 E PoliCC*WOed nd See<JCoordinalOt	{42,000 }									
37 e Polioe-T,aining	{18,000}									
38 E Potice..Soltw.tie Licenses	(25,700)									
39 e Vacancy Ciedits	(6\$.530)									
40 EIR TrM sfc1s	559,320			'447.063\	'94,730'					
\$ut,101a1	(1.628.8	(200.000)		(773,0	(206,937)		(3,420)	(30.231)	(4.227)	(17,890)

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Combined Subtotal					2,808,971					
Combined TARGET to Subtotal					<u>&gt;1,312</u>					
Expenditure Adjustments	(993,816)	(200,000)		(99,959)	(23,725)		(3,420)	(435,848)	(71,519)	(344,981)
Revenue Adjustments	635,081			673,128	183,262					