

Council Minutes – August 18, 2009

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 18, 2009. 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, David Grindal gave the invocation.

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

Councilmember Wolgast requested to add a resolution to the consent agenda granting Frederick Perez a noise exception.

Upon hearing no objections, Mayor Bunten stated that the resolution would be placed on the consent agenda as item 4C.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of August 11, 2009 was presented.

RESOLUTION NO. 8187 introduced by Councilmember Larry Wolgast, granting Frederick Perez an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

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

ORDINANCE NO. 19296 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of July 27, 2009, through August 2, 2009, and enumerating said expenditures herein 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 Woelfel 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 the FY 2010 Consolidated Action Plan and Budget was presented.

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

Councilmember Preisner moved to approve the FY 2010 Consolidated Action Plan and Budget. The motion seconded by Councilmember Swank carried unanimously. (9-0-0)

ORDINANCE NO. 19297 introduced by City Manager Norton N. Bonaparte, Jr., approving and adopting the operating budget for the City of Topeka, for the year 2010, and appropriating the amounts for the purpose as set forth therein was presented for first and final reading.

Councilmember Harmon reported that the Budget Committee adopted the following committee report on August 17, 2009 by a vote of 8-0-0. The following amendments to the 2010 City Manager's Proposed Budget were approved by the Committee:

- Transfer the police helicopter insurance proceeds in the amount of \$591,000 to the unappropriated fund balance.
- Reduce Information Technology Department costs by \$100,000.
- Reduce the ending fund balance by \$800,000 to \$7.3 million.
- Increase the projected franchise fee in the amount of \$650,000.
- Increase the projected sales tax growth to 2% in the amount of \$140,000.
- Increase Zoo fees 10% in the amount of \$48,000.
- Increase Parks and Recreation fees in the amount of \$97,000.
- Allocate \$100,000 for Downtown Topeka, Inc., grant program.
- Exempt the offices of the City Council and Mayor from the 4.0% salary shrinkage of \$8,301 as it relates to the \$2.6 million salary savings proposed in the 2010 City Manager's Proposed Budget.
- Allocate \$60,000 to the Rochester Cemetery; and an additional \$20,000 to the Topeka Cemetery by reducing the ending fund balance by \$80,000.

- Transfer financing of \$250,000 for the Topeka Performing Arts Center from the Transient Guest Tax fund to the General fund; and transfer an additional \$100,000 from the Transient Guest Tax fund to the General fund.
- Fund the senior services programs in the amount of \$70,671.
- Shift the unappropriated fund balance of \$150,000 in the Transient Guest Tax fund to Visit Topeka, Inc.

Councilmember Harmon moved to accept the Budget Committee Report. The motion seconded by Councilmember Preisner carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

Councilmember Preisner moved to increase funding from the Transient Guest Tax fund for the Kansas Expocentre by \$75,000; increase funding for Heartland Park of Topeka by \$350,000; and decrease funding for Visit Topeka, Inc., by \$425,000. The motion was seconded by Councilmember Alcalá.

Councilmember Wolgast noted that the allocation of funds to the Kansas Expocentre and Heartland Park of Topeka would allow the agencies to depend on a specific amount of event funding.

Councilmember Swank stated that the Council must work to establish a policy that would make certain Transient Guest Tax funds are used correctly.

Jim Langford, Budget and Finance Director stated that the Kansas Expocentre and Heartland Park of Topeka would be required to meet expenditure and performance measurement requirements.

Councilmember Alcalá made a substitute motion to transfer the Parks and Recreation Department’s portion of Transient Guest Tax funds in the amount of \$129,000 to Visit Topeka, Inc. The motion was seconded by Councilmember Wolgast.

Councilmember Alcalá stated that he is making the request to transfer funds to make certain Transient Guest Tax funds are distributed consistently through Visit Topeka, Inc.

Councilmember Woelfel asked if the Parks and Recreation Department could apply for Transient Guest Tax funds through Visit Topeka, Inc.

Norton N. Bonaparte, Jr., stated that historically City departments have not been required to apply for Transient Guest Tax funds.

Councilmember Alcalá stated that the Council should strive for consistency when establishing a policy for the use of Transient Guest Tax funds.

Councilmember Swank stated that she would not support a reduction in funding for the Parks & Recreation Department. She noted that small steps must be taken in regards to a change in the procedure until the Transient Guest Tax fund policy is reviewed in detail.

Councilmember Woelfel expressed concern with the elimination of the Topeka Tourism Development Grant line item in the budget. He questioned how Visit Topeka, Inc., would distribute Topeka Tourism Development grants to area agencies.

Olivia Simmons, Visit Topeka, Inc., Director stated that in the past, the Agency has been provided with 10% of the annual funding allocations after the Transient Guest Tax funds have been distributed. She also stated that approval of a \$1.35 million operating budget as requested, would provide \$150,000 for the Tourism Development fund.

Councilmember Hiller expressed concern with the Transient Guest Tax fund use regulations. She noted that marketing strategies need to be coordinated with community and individual event organizers.

Councilmember Preisner stated that he agrees a shift is needed in the Transient Guest Tax fund policy; however, the Council should be mindful that they are eliminating funds that some organizations depend on. He noted that by taking small steps organizations are able to adjust to gradual funding cuts.

Councilmember Alcalá stated that by transferring all of the Transient Guest Tax funds to Visit Topeka, Inc., it requires all event organizers, including City departments, to follow the same procedure.

Councilmember Preisner requested that the substitute motion be included in the original motion as a friendly amendment.

Councilmember Alcalá stated that he would prefer that the substitute motion be considered separately because he has another proposed amendment relating to the transfer of Transient Guest Tax funds.

Councilmember Alcalá withdrew the substitute motion to transfer the Parks and Recreation Department's portion of the Transient Guest Tax funds in the amount of \$129,000 to Visit Topeka, Inc. The second concurred.

The motion to increase funding for the Kansas Expo Centre by \$75,000; increase funding for Heartland Park of Topeka by \$350,000; and decrease funding for Visit Topeka, Inc., by \$425,000 carried unanimously. Mayor Buntén voted "yes." (10-0-0)

Councilmember Alcalá moved to transfer the Parks and Recreation Department's portion of Transient Guest Tax funds in the amount of \$129,000 to Visit Topeka, Inc. The motion seconded by Councilmember Wolgast carried. Councilmembers Hiller, Swank, Archer and Harmon voted "no." (6-4-0)

Councilmember Alcalá moved to transfer the Zoo's portion of Transient Guest Tax funds in the amount of \$48,500 to Visit Topeka, Inc. The motion seconded by Councilmember Preisner failed. Councilmembers Hiller, Wolgast, Swank, Archer, Harmon and Mayor Buntén voted "no." (4-6-0)

Mayor Bunten asked how much the budget must be reduced to reach a zero mill levy increase.

Jim Langford reported that the budget must be reduced by \$480,000.

Mayor Bunten moved to eliminate the operation of the Topeka Police Department Helicopter Unit in the amount of \$520,000. The motion was seconded by Councilmember Archer.

Councilmember Preisner made a substitute motion to eliminate the Topeka Police Department Helicopter Unit in the amount of \$520,702; and the police helicopter mechanic position in the amount of \$64,178. The motion was seconded by Councilmember Archer.

Councilmember Swank stated that she would not support the elimination of the Helicopter Unit because the helicopter is an important crime-fighting tool for the Police Department. She also stated that other law enforcement agencies have offered their assistance in keeping the program operational. She noted that other funding cuts could be made to accommodate a zero mill levy increase.

Councilmember Woelfel spoke in opposition of eliminating the Helicopter Unit. He stated that it is a great tool for police officers, as well as, a benefit to the community.

Councilmember Wolgast spoke in opposition to the elimination of the Helicopter Unit and stated that there are many citizens who support the program.

The substitute motion to eliminate the Topeka Police Department Helicopter Unit in the amount of \$520,702; and the police helicopter mechanic position in the amount of \$64,178 carried. Councilmembers Woelfel, Swank and Preisner voted “no.” (7-3-0)

Jim Langford reported that the budget currently reflects a -0.114 mill levy increase saving property owners approximately \$1.31 per \$100,000; and the General fund ending balance is 8.7% of revenue.

Councilmember Preisner moved to increase the mill levy for the Topeka Metropolitan Transit Authority by 1.4 mills. The motion was seconded by Councilmember Hiller.

Councilmember Ortiz spoke in opposition of the proposed increase. She stated that the Topeka Metropolitan Transit Authority requested a 1.84 mill levy increase to allow them to operate at the existing service level for one year.

Councilmember Ortiz made a substitute motion to increase the mill levy for the Topeka Metropolitan Transit Authority by 1.84 mills. The motion seconded by Councilmember Alcalá failed. Councilmembers Hiller, Woelfel, Wolgast, Swank, Archer, Harmon and Mayor Buntun voted “no.” (3-7-0)

Councilmember Hiller questioned if Metropolitan Topeka Planning Organization funds could be used for consulting services; and to conduct a customer service survey for the Transit Authority.

David Thurbon, Planning Department Director noted that Metropolitan Topeka Planning Organization funds could be used; however, the Transit Authority would be required to match 20% of the total cost of services.

Councilmember Hiller made a substitute motion to authorize a 1.45 mill levy increase with the stipulation that a portion of the funds be allocated for consulting services, and to conduct a customer service survey to help improve operations. The motion was seconded by Councilmember Preisner.

Councilmember Ortiz stated that she would not support the proposed increase of 1.45 mills because the Transit Authority would not be able to maintain the same service level.

The substitute motion to authorize a 1.45 mill levy increase with the stipulation that a portion of the funds be allocated for consulting services, and to conduct a customer service survey

to help improve operations failed. Councilmembers Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Harmon and Mayor Bunten voted “no.” (2-8-0)

The motion to increase the mill levy for the Topeka Metropolitan Transit Authority by 1.4 mills carried. Councilmembers Ortiz, Woelfel, Archer and Harmon voted “no.” Mayor Bunten voted “yes.” (6-4-0)

Councilmember Preisner moved to adopt the 2010 City of Topeka Operating Budget as amended. The motion seconded by Councilmember Wolgast carried. Councilmembers Woelfel and Harmon voted “no.” (8-2-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Shadywood Subdivision with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40949-01, as defined and described in Resolution No. 7973, adopted and approved June 26, 2007 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Hofmann Acres Subdivision with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. T-401006.00 (HTE 409620), as defined and described in Resolution No. 8094, adopted and approved August 26, 2008 was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager reported that a City of Topeka water customer reported that an imposter claiming to be a water division employee sought to enter a home to check the water meter. He reminded citizens that all City field personnel are required to carry identification and drive vehicles with a City seal and an identification number on the front fender.

Councilmember Hiller thanked the community and City staff for their assistance in achieving an operating budget with a zero mill levy increase.

Councilmember Ortiz stated that she did not agree with some of the amendments that were made to the 2010 operating budget specifically, the mill levy increase for the Topeka Metropolitan Transit Authority.

Councilmember Ortiz moved to reconsider the motion to adopt the 2010 City of Topeka Operating Budget as amended. The motion seconded by Councilmember Alcalá carried.

Councilmembers Hiller, Archer, Preisner and Mayor Bunten voted “no.” (6-4-0)

Councilmember Ortiz moved to adopt the 2010 City of Topeka Operating Budget as amended. The motion seconded by Councilmember Preisner carried. Councilmembers Ortiz, Woelfel and Harmon voted “no.” (7-3-0)

Councilmember Swank stated that although a zero mill levy increase was achieved, she is concerned with the additional funding cuts that had to be made to departmental operations.

Councilmember Preisner thanked fellow Councilmembers for their professionalism in adopting the City of Topeka 2010 operating budget.

Mayor Bunten thanked those who were involved in adopting the 2010 operating budget and stated that he is pleased they were able to approve a budget with a zero mill levy increase.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:41 p.m.

Brenda Younger
City Clerk