

Council Minutes – July 10, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 10, 2012. 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, Everhart, Wolgast, Manspeaker, Archer, Gray and Harmon -9. Mayor William W. Bunten presided -1.

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

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

A PRESENTATION of the City of Topeka Neighborhood Revitalization Program was provided by Bill Fiander, Deputy Planning Director. He distributed a handout outlining program statistics ranging from 1995 to present and reported the Neighborhood Revitalization Program (NRP) offers property tax rebates for improvements made in specified areas of the City; all taxing entities must participate through inter-local agreements; the State of Kansas was the first to adopt a local program in 1995; and applications must be renewed every three (3) years with the program expiring in 2012.

Councilmember Harmon asked how the Neighborhood Revitalization Program relates to the Community Development Block Grants (CDBG) program; will the City submit an application to renew the program when it expires at the end of 2012; and have other taxing entities been asked their opinion about the program.

Bill Fiander stated the NRP area may overlap the CDBG areas; however, the NRP and CDBG programs have no direct relation to one another. He noted he would present a draft of the NRP program for renewal to the Council in the near future.

Councilmember Gray asked staff to provide documentation of private investments and if businesses could participate in the program if they already participate in property tax abatement.

Bill Fiander reported the total amount of private funding for the Neighborhood Revitalization Program is \$251 million. He stated properties that are allowed a tax exemption are not allowed to participate in the program.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Beverly Hall to the Topeka Metropolitan Transit Authority Board for a term ending June 30, 2014 was presented.

MINUTES of the regular meeting of June 26, 2012 were presented.

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

CHARTER ORDINANCE NO. 108 introduced by Deputy Mayor Larry Wolgast increasing the transient guest tax from six percent to seven percent through December 31, 2015, and seven percent to six percent from January 1, 2016 through December 31, 2032, and amending Section A15-17 and repealing the original section placed on first reading June 19, 2012 was again presented.

Pamela S. Simecka, Interim City Manager gave the staff report.

Bill Michaud, Parrish Hotel Corporation Finance Director spoke in support of increasing the Transient Guest Tax which would allow for 16 full-size soccer fields in the Topeka-Shawnee County area. He reported the improvements would attract tourists which could generate revenue and potentially bring an additional 350 soccer teams to the area.

Carrie Ogonowski, Sunflower Soccer Association Director spoke in support of increasing the Transient Guest Tax and stated she believes it would bring new people to town and support local businesses.

Ron Schneider, Kansas Youth Soccer Association spoke in support of the increase and stated the main reason the numbers have been decreasing at the soccer facility is because they do not have permanent bathroom facilities and a sufficient entrance and exit for vehicles.

Kurt Young, Topeka Lodging Association spoke in support of the effort to improve the Sunflower Soccer complex and dedicating the full 1% increase to the upgrades of the facility. He stated the facility would include 16 soccer fields made of real grass which would be a huge asset and correspond to an increase in sales tax revenues.

Councilmember Gray asked if there is sufficient lodging available in Topeka to accommodate the increase in visitors.

Kurt Young stated the Topeka-Shawnee County area has sufficient facilities to accommodate the increase of tourism as a result of the new soccer facility.

Danita Hill, Kansas Youth Soccer Association spoke in support of the increase and reported youth development organizations consist of 27,000 members state-wide. She stated the upgrades would increase soccer participation across the State of Kansas and the City would benefit economically from the improvements.

Russell Yarnell, Bartlett & West Engineers appeared to answer questions relating to the sewer extension to the new soccer facility.

Tathiana Woolery, Treanor Architects appeared to answer questions relating to the concession facility improvements to the soccer complex.

Councilmember Wolgast moved to adopt the charter ordinance. The motion was seconded by Councilmember Everhart.

Councilmember Gray asked if the construction project bids would be open to the public.

Carrie Ogonowski stated the request for proposal process would be handled by the City.

Councilmember Manspeaker asked how the soccer facility property rights would be handled.

Councilmember Wolgast stated the City of Topeka and Sunflower Soccer Association would have an agreement for operation, as well as, the property deed would be given to the City.

Councilmember Harmon inquired on the maintenance costs of the facility.

Carrie Ogonowski stated all maintenance costs would be handled by the Sunflower Soccer Association.

Councilmember Hiller spoke in support of the increase and commended the organization for their hard work in building the complex through the years and their continued vision of the facility.

The motion to adopt the charter ordinance carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

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

RESOLUTION NO. 8442 introduced by Deputy Mayor Larry Wolgast to provide funding to pay the costs for a restroom/concession facility and other public infrastructure improvements at the Sunflower Soccer Association grounds by increasing the Transient Guest Tax by 1% was presented. (*Contract No. 42249*)

Pamela S. Simecka, Interim City Manager gave the staff report.

Councilmember Wolgast moved to approve the resolution. The motion seconded by Councilmember Gray carried unanimously. (9-0-0)

A PETITION, A PROJECT BUDGET in the amount of \$3,583,485 and RESOLUTION NO. 8443 OF ADVISABILITY AND AUTHORIZATION introduced by Interim City Manager Pamela S. Simecka, authorizing Improvement Project T-131022.00 which provides for a

restroom and concession facility located in the Sunflower Soccer Association Subdivision, as more specifically described herein was presented.

Pamela S. Simecka, Interim City Manager gave the staff report.

Councilmember Wolgast moved to approve the petition, project budget and resolution. The motion seconded by Councilmember Harmon carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

A PETITION, A PROJECT BUDGET in the amount of \$612,438 and RESOLUTION NO. 8444 OF ADVISABILITY AND AUTHORIZATION introduced by Interim City Manager Pamela S. Simecka, authorizing Sanitary Sewer Improvement Project T-401034.00 which provides for connection to the City’s sewer system for property located at 4829 NW 17th Street, as more specifically described herein was presented.

Pamela S. Simecka, Interim City Manager gave the staff report.

Councilmember Alcalá moved to approve the petition, project budget and resolution. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

RESOLUTION NO. 8445 introduced by Councilmember Denise Everhart authorizing the City Manager to appropriate the sum of \$381,000 from the General Fund balance to hire and begin training an additional 20 sworn police officers in September 2012 was presented.

Councilmember Everhart gave the staff report.

Councilmember Everhart moved to approve the resolution. The motion was seconded by Councilmember Gray.

Councilmember Alcalá expressed concern with the impact the appropriation could have on the General Fund ending balance. He stated he believes there may be another option and asked what the General Fund balance would be including the appropriation; what date the next

class would begin training; and what impact the class would have on Police operations if it started in January 2013. He also asked if vacancy credits could be utilized as they become available if classes started in January, and if those types of dollars would be available at that time of year instead of using General Funds. He recommended the class start in January to generate the funds needed from vacancy credits and still get a positive result.

Pamela S. Simecka stated the appropriation would bring the General Fund ending balance down to \$8.4 million which would still be within what is considered the “safe zone.” She reported the expenditure would be a factor in the 2013 budget and if the class was postponed it would delay the process by four (4) months. She stated the class would start September 18, 2012 if the Council approves the appropriation and noted the vacancy credits would supplement the general fund because it would offset some of the expenses for the Police Department.

Councilmember Harmon stated he supports public safety; however, he is concerned with decreasing the General Fund ending balance because it would not be fiscally prudent at this time.

Councilmember Wolgast stated it is a major task to recruit officers which they are in the process of doing at this time; however, it is difficult to obtain enough people to fill a class and if the Council delays it another four (4) months those interested may not wait. He noted the General Fund balance is for emergencies and constituents have expressed the desire to make more police officers available to fight crime within the City. He spoke in support of the resolution and noted there are no vacancies in the Fire Department; however, there are 35 vacancies in the Police Department so the Council should seriously consider what constituents want concerning public safety.

Councilmember Manspeaker stated public safety is necessary and he believes if the Council defers it further the City would be in the same situation as last summer regarding violent crime. He noted the appropriation would not jeopardize the City’s General Fund balance.

Councilmember Hiller asked if all current positions within the Police Department are fully funded in the 2013 proposed City budget and if overages could be absorbed. She clarified the General Fund balance would actually be a total of \$7.4 million to cover 2012 overages for the Police Department (\$800,000 to \$900,000) and the Fire Department (\$200,000).

Pamela S. Simecka stated all positions within the Police Department are included in the 2013 proposed budget; however, it would be difficult to cover the \$800,000-\$900,000 in expenses within the timeframe left.

Councilmember Alcalá questioned when the officers would graduate and be working on the street.

Pamela S. Simecka stated the new officers would be working by June 2013 with a training officer.

Councilmember Everhart clarified that public safety is the Council's number one concern and it is a serious issue in Council District No. 4. She noted the hiring of a new class was already in motion until the funding issues were brought forward which is not the Police Department's fault because there were changes with the Kansas Police and Firefighters (KP&F) fund which she believes should be the City's responsibility. She expressed concern with citizen safety being at risk if the class is delayed any longer and encouraged the Council to support the resolution.

Mayor Bunten stated he understands a General Fund ending balance of approximately 10% of the City's expenditures is desired by most cities; however, it is difficult to achieve in these tough economic times. He stated this is a good place to start to let the public know that public safety is the Governing Body's primary concern.

The motion to approve the resolution carried. Councilmember Harmon voted "no."
(8-1-0)

RESOLUTION NO. 8446 introduced by Interim City Manager Pamela S. Simecka, pursuant to City of Topeka Code Section 12.35.060 concerning sidewalk repairs at locations throughout the City as more specifically described hereinafter was presented.

Pamela S. Simecka, Interim City Manager gave the staff report.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Archer carried unanimously. (9-0-0)

APPROVAL of a Real Estate Report concerning real property located at 2111 NW Topeka Boulevard and specifically authorizing the Mayor to execute all documents necessary to dispose of the property was presented. (*Contract No.42250*)

Pamela S. Simecka, Interim City Manager gave the staff report.

Councilmember Alcalá moved to approve the real estate report. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

Retail Cereal Malt Beverage License applications for Fast Lane located at 512 SW Topeka Boulevard and In A Pinch located at 706 SW Fairlawn Road, were presented.

Pamela S. Simecka, Interim City Manager gave the staff report.

Councilmember Ortiz moved to approve the retail cereal malt beverage license applications as presented. The motion seconded by Councilmember Alcalá carried unanimously. Mayor Buntin voted “yes.” (10-0-0)

AN ORDINANCE introduced by Interim City Manager Pamela S. Simecka, amending Code Sections 9.15.020 and 11.10.010 of City of Topeka Code and specifically repealing said original section, as well as, repealing in their entirety Section 11.10.020 through 11.10.210, and Chapters 11.15, 11.20 and 11.30 all concerning parks regulations and other provisions related to the former City Parks and Recreation Department was presented for first reading.

AN ORDINANCE introduced by Interim City Manager Pamela S. Simecka, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by providing for certain changes in zoning on property located at the southeast corner of SW Huntoon Street and SW Hillsdale Street, from “O&I-2” Office and Institutional District ALL TO “C-2” Commercial District was presented for first reading.

(Z12/7)

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

Pamela S. Simecka, Interim City Manager reported the Information Technology Department has boosted the City’s wireless network; however, it is an unsecured connection and the Council should be cautious when utilizing the network.

Councilmember Hiller commented on the Fiesta Mexicana parade and noted it was well attended by the community.

Councilmember Alcala reported there are residents living in a home located in the 1100 block of N. Jackson causing problems and threatening residents. He requested the Police Department provide him with an update on the situation and how they plan to resolve the problem.

Councilmember Ortiz encouraged Councilmembers and their families to attend the Fiesta Mexicana event July 10-14, 2012 in North Topeka. She stated she believes the Police Department should continue to provide security for the event because the crowd increases annually and the City should help provide a safe environment for families.

Councilmember Manspeaker stated it appeared the majority of citizens in his neighborhood followed the new firework regulations; however, he believes the changes will have a negative effect on the sales tax revenues for 2012. He stated he does not agree with reducing

law enforcement at large events in the City and requested staff review the Fire Department's budget and determine if there are funds available to provide fire prevention education to the public in 2013. He stated he supports the Sunflower Soccer Association project; however, he is disappointed there are no bus routes to provide public transportation to the fields.

Councilmember Gray encouraged the community to attend the Fiesta Mexicana events.

Councilmember Harmon expressed his appreciation to City staff and the Transient Guest Tax Committee for their leadership in implementing the Sunflower Soccer Association projects.

Patrick Mullen appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:34 p.m.

Brenda Younger
City Clerk