

Council Minutes – August 14, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 14, 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 Everhart asked for a moment of silent meditation.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8451 introduced by Councilmember Larry Wolgast granting Boss Hawgs an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of July 31, 2012 were presented.

A Dance Hall License application for Mr. Lucky's located at 2335 NW Clay Street was presented.

An Open After Midnight License application for Mr. Lucky's located at 2335 NW Clay Street was presented.

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

AN ORDINANCE introduced by Interim City Manager Pamela S. Simecka, attesting to budgeting property tax revenues for budget year 2013 placed on first reading July 31, 2012 was again presented.

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

Councilmember Alcala moved to consider the ordinance after the budget is considered. The motion seconded by Councilmember Archer carried. Councilmembers Everhart and Wolgast voted “no.” (7-2-0)

A RESOLUTION introduced by Interim City Manager Pamela S. Simecka, authorizing payment of \$35,000 to the League of Kansas Municipalities as a host sponsor of the League’s 2012 annual conference to be held in the Capital City was presented.

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

Councilmember Wolgast moved to amend the resolution to allocate the funds from the 2012 Transient Guest Tax revenues instead of the general fund. The motion seconded by Councilmember Everhart carried. Councilmembers Alcala and Manspeaker voted “no.” (7-2-0)

Councilmember Wolgast stated it appears there would be more funds available this year to carry over to next year; therefore, the allocation should not be a problem.

Don Moler thanked the Governing Body for considering the expenditure and noted the League of Kansas Municipalities values the partnership and good relations with the City of Topeka. He reported the annual conference is held the first weekend in October in Topeka, Overland Park or Wichita, with Topeka hosting the event every third year. He invited the Governing Body to participate in the event, and noted they anticipate approximately 1,000 people will attend the event this year.

Councilmember Alcala asked for a financial break down of the \$35,000 expenditure.

Don Moler reported the funds would be used for providing transportation within the city for mobile workshops, spouse and guest tours, as well as, hosting the city social event.

Councilmember Manspeaker expressed concern with the process of how the resolution was presented to the Council. He stated the Transient Guest Tax Committee was established to

consider these types of proposals and he believes that it is being pushed through without hearing citizen input.

Mayor Bunten reported the expenditure was not included in the 2012 budget for unknown reasons and that is why the request was handled differently. He stated he believes the gathering of public officials would fully occupy hotels and generate revenue for the City.

Councilmember Wolgast apologized that the request did not follow the normal process of review by the Transient Guest Tax Committee because there is a deadline that must be met.

Councilmember Alcalá expressed concern with the process and how other groups would be handled if they ask for transient guest tax funds. He noted there are no receipts or breakdown listed for the amount of money requested and stated there should be accountability, even if it is estimated. He stated he would not support the resolution because he believes it is not fiscally responsible.

Councilmember Everhart spoke in support of the resolution and stated she believes the annual conference would generate revenues that far exceed the \$35,000 expenditure made by the City. She stated she agrees TGT funds should be used and encouraged the Council to support an event that is a Topeka tradition and good for the city.

Councilmember Archer stated he concurs with Councilmembers Manspeaker and Alcalá and the request should go through the regular process.

Councilmember Archer made a substitute motion to defer consideration of the resolution for two (2) weeks to send the resolution to the Transient Guest Tax Committee for review and ask the League of Kansas Municipalities to provide a list of expenditures on how the funds would be utilized. The motion seconded by Councilmember Gray carried unanimously. (9-0-0)

A Retail Cereal Malt Beverage License application for Holiday Square 66 located at 2901 SW Topeka Boulevard was presented.

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

A NOTICE OF PUBLIC HEARING

A PUBLIC HEARING to obtain input and answer questions and objections from taxpayers regarding the proposed 2013 City of Topeka Budget was presented.

APPROPRIATION ORDINANCE NO. 19751 introduced by Interim City Manager Pamela S. Simecka, approving and adopting the operating budget for the City of Topeka for the year 2013 and appropriating the amounts for the purpose as set forth therein was presented for first and final reading.

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

Mayor Bunten asked if there were citizens present that would like to speak to the 2013 Operating Budget. No one appeared to speak.

Upon hearing no objections, Mayor Bunten announced the public hearing was closed.

Councilmember Hiller distributed proposed amendments to the City Manager’s proposed budget for 2013 that would generate a net savings of \$3,383,964 and reduce the proposed 5.1 mill levy increase to 2.25 mills, with no reduction in the general fund ending balance.

Councilmember Gray requested to consider the amendments separately.

Councilmember Hiller moved to amend the budget for 2013 by reducing Council staff by 0.5 FTE (Full-Time Equivalent) position. The motion was seconded by Councilmember Archer.

Councilmember Gray stated he would not support the amendment because he believes the Council Office needs the part-time position.

Councilmember Alcalá stated he believes the position is very important and distributed a detailed breakdown of the Office Assistant III position duties and responsibilities.

Councilmember Alcalá made a substitute motion to retain the 0.5 FTE position, reduce the City Council material (Education/Travel) line item fund by \$3,920 and implement a grandfather clause for the remaining funds being used by Councilmembers, and the remaining \$22,750 needed to fund the 0.5 FTE position from the same funding source as last year. The motion was seconded by Councilmember Gray.

Councilmember Archer stated he would not support the substitute motion because he believes the Council Office needs to set the example in making reductions to their budget.

Councilmember Wolgast stated he concurs with Councilmember Archer and believes it is important for the Council to deal with the same staffing difficulties as other departments.

Councilmember Ortiz stated she would not support eliminating the 0.5 FTE position because it was already reduced from a full-time position last year. She stated she supports a reduction in their material line item budget and would rather eliminate cell phones, laptop computers and the farewell/welcome election dinner before losing the part-time position in the Council Office.

Councilmember Alcalá stated in his opinion, the Council Office has contributed to budget reductions, as their budget has been reduced consistently every year.

Councilmember Hiller stated she believes the Council Office was able to function adequately when there was only one full-time employee and the City Clerk's office staff was used for additional support when needed.

Councilmember Alcalá reported they tried to staff the Council Office with only one full-time position and it did not work. He encouraged the Council to consider keeping the part-time position as it is vital in the operations of the Council Office and to the citizens of Topeka.

Councilmember Manspeaker called the question.

The substitute motion to retain the 0.5 FTE position, reduce the City Council material (Education/Travel) line item fund by \$3,920 and implement a grandfather clause for the remaining funds being used by Councilmembers, and the remaining \$22,750 needed to fund the 0.5 FTE position from the same funding source as last year carried. Mayor Bunten voted “yes.” Councilmembers Hiller, Wolgast, Archer and Harmon voted “no.” (6-4-0)

Councilmember Hiller moved to fund social services in the amount of \$479,076 equivalent to the 2012 budget allocation or requested 2013 funding level whichever is less. The motion was seconded by Councilmember Harmon.

Councilmember Everhart asked staff to list the social service agencies that requested less funding for 2013.

Stacey Harden, Budget and Research Analyst reported Jayhawk Area Agency on Aging and the Family Resource Center Kansas Children Services League requested less funding than the 2012 level.

Pamela S. Simecka stated she built in a cushion of \$61,000 for the social service agencies; therefore, Councilmember Hiller’s motion would not have an affect on social service agency funding.

The motion to fund social services in the amount of \$479,076 equivalent to the 2012 budget allocation or requested 2013 funding level whichever is less carried. Mayor Bunten voted “yes.” Councilmember Alcalá voted “no.” (9-1-0)

Councilmember Alcala stated he voted in opposition because there always seems to be an issue relating to social service agency funding after the budget has been adopted; therefore, the additional funds are needed as a safety measure.

Councilmember Hiller moved to provide a 1% (\$338,000) earned increase for non-bargaining agreement employees. The motion was seconded by Councilmember Wolgast.

Councilmember Alcala made a substitute motion to provide a 3% (\$1.14 million) earned increase for employee wage and salary enhancements to cover all employees including bargaining units. The motion seconded by Councilmember Manspeaker failed.

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

Councilmember Hiller stated she voted in opposition to a 3% increase at this time because it is too early in budget deliberations to know for certain if the funds will be available. She suggested the Council revisit the motion at the end of budget deliberations if funds are still available.

Councilmember Wolgast spoke in support of the increase and stated he believes it would be a good tool for the City Manager in future negotiations with labor unions.

Councilmember Manspeaker asked Councilmember Hiller to clarify her intent because the motion is different than the amendment language outlined in the handout she distributed.

Mayor Bunten asked the City Attorney to provide amended language.

Dave Starkey, City Attorney stated the Council should clarify the allocation of \$338,000 for negotiation purposes; however, it would not apply to the two (2) unions currently in negotiations and only apply to the five (5) remaining union contracts to be negotiated, in addition to non-bargaining personnel.

Councilmember Hiller stated she would amend the language of her motion as stated by the City Attorney. The second concurred.

Councilmember Alcalá suggested using the language, “1% for wage and salary enhancements to cover every employee.”

The motion to allocate \$338,000 for negotiation purposes; however, it would not apply to the two (2) unions currently in negotiations and only apply to the five (5) remaining union contracts to be negotiated, in addition to non-bargaining personnel failed. Councilmembers Manspeaker, Archer, Gray, Harmon and Mayor Bunten voted “no.” (5-5-0)

Councilmember Hiller moved to add one (1) FTE for a Bike/Transit Coordinator position at no cost to the 2013 budget. The motion seconded by Councilmember Harmon carried. Councilmembers Alcalá, Ortiz, Manspeaker and Archer voted “no.” Mayor Bunten voted “yes.” (6-4-0)

Councilmember Hiller moved to add one (1) Information Technology FTE position at no cost to the 2013 budget. The motion seconded by Councilmember Ortiz carried. Councilmembers Wolgast and Manspeaker voted “no.” Mayor Bunten voted “yes.” (8-2-0)

Councilmember Hiller moved to eliminate \$80,000 from the budget for the Franchise Fee Rebate Program to free up the 0.5 FTE position in the City Manager’s office for other duties. The motion was seconded by Councilmember Archer.

Councilmember Alcalá stated he would not support the motion because he believes the program is implemented for a reason as the City and utility companies continue to increase utility costs. He noted this is a small amount in the budget used for approximately 3,200 residents who qualify for the Federal Homestead Act Program.

Councilmember Wolgast asked what the average franchise fee refund amount is per resident.

Pamela S. Simecka reported it is approximately \$5 to \$100 per person and noted this rebate applies to Westar Energy and Kansas Gas Service rebates only, not City water services.

Councilmember Harmon suggested staff explore the possibility of partnering with area universities to provide the service through an internship.

Councilmember Hiller stated she wants to help the population the program serves; however, she suggested researching a way to retool the program due to the City's administrative cost of nearly \$120,000 annually, which would not include the administrative costs associated with other agencies needed to assist with the program.

Councilmember Manspeaker stated he would not support discontinuing the program because he believes it has a huge effect on the community.

The motion to eliminate \$80,000 from the budget for the Franchise Fee Rebate program to free up the 0.5 FTE position in the City Manager's office for other duties failed.

Councilmembers Alcalá, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Harmon and Mayor Buntten voted "no." (2-8-0)

Councilmember Hiller moved to implement the E-ticketing program in the amount of \$300,000. The motion was seconded by Councilmember Alcalá.

Councilmember Gray asked what the savings or return investment would be for the City.

Councilmember Alcalá asked Chief Miller to comment on the E-ticketing program.

Ronald Miller, Police Chief reported the E-ticketing program is a joint proposal from Municipal Court and the Police Department to aid in the processing of tickets; shorten contact with citizens, as well as, reduce data entry time for officers and Municipal Court staff.

Councilmember Ortiz stated she would support the E-ticketing program because there is a need to improve the process.

The motion to implement the E-ticketing program in the amount of \$300,000 carried. Councilmembers Archer, Gray and Harmon voted “no.” Mayor Buntun voted “yes.” (7-3-0)

Councilmember Hiller moved to reduce the Zoo budget by \$100,000 from the general fund. The motion was seconded by Councilmember Harmon.

Pamela S. Simecka stated the Zoo budget was increased by \$100,000 to encourage growth in Zoo operations.

Councilmember Wolgast stated he believes TGT funds should be used to bring visitors to the city.

The motion to reduce the Zoo budget by \$100,000 from the general fund failed. Councilmembers Alcala, Everhart, Wolgast, Manspeaker and Gray voted “no.” Mayor Buntun voted “yes.” (5-5-0)

Councilmember Hiller moved to increase the Police Department budget by \$4.017 million instead of the City Manager’s proposed \$6.271 million. The motion was seconded by Councilmember Archer. The proposed amendments to the Police Department budget were as follows:

- Increase the amount allocated for benefits by \$1.5 million
- Increase the amount allocated for Information Technology by \$400,000
- Increase the amount allocated for Facilities by \$277,000
- Increase the amount allocated for Fleet by \$18,000
- Increase the amount allocated for medical by \$22,000
- Allocate \$1 million to fund 12 FTE positions over 2012 actual (sets full staffing at 285)
- Allocate \$200,000 for other increases
- Allocate \$60,000 for new vehicles

Councilmember Everhart stated she would not support the amendment in any form because the Council's number one priority is public safety. She asked Chief Miller to clarify how the reduction would impact the grant funded positions in the Police Department.

Chief Miller reported the federal government authorized the Police Department to carry 14 vacant positions in 2010 because staffing reductions were made across the City. He stated he believes reducing the Police Department to 285 FTE positions would jeopardize federal grant monies.

Pamela S. Simecka stated the proposed motion would cap full-time police officer positions at 285.

Councilmember Wolgast asked if there is a way to bridge the requested 300 FTE positions and use vacancy credits generated in the budget in the amount of \$300,000 to establish a line item to purchase vehicles.

Chief Miller stated the Police Department would always be able to generate salary savings or vacancy credits because the department is never fully staffed. He noted it would be nearly impossible to fund more than 285 FTE positions at any given time.

Councilmember Alcalá called the question.

The motion to increase the Police Department budget by \$4.017 million instead of the proposed \$6.271 million as outlined by Councilmember Hiller failed. Councilmember Alcalá, Ortiz, Everhart, Wolgast, Manspeaker and Mayor Bunten voted "no." (4-6-0)

Councilmember Hiller moved to reduce other personnel costs by \$1 million and designate the new City Manager to work with departments to make reductions from salaries and wages, various other pay and benefits, temporary staff and contracted services. The motion was seconded by Councilmember Archer.

Councilmember Hiller reported the \$1 million figure was extracted from a study received from the Finance Department that excluded the public safety areas. She stated the study outlined the detail of increases in salary lines, additional overtime, callback pay, leave pay, holiday pay and related benefits, as well as, temporary staff and contracted services.

Stacey Harden stated the correct amount is \$439,000 not \$1 million in savings, excluding the public safety focus areas.

Councilmember Hiller stated she wanted to achieve the savings with non-public safety areas.

Councilmember Alcalá asked where exactly cuts would be made or what specific services would be eliminated. He noted in the past, when the Council did not specify where they want reductions to be made there were bad consequences to vital services.

Councilmember Manspeaker stated there are no isolating factors in the language and requested clarification. He noted the proposed language is too broad and would allow the new City Manager to make cuts to the budget anywhere in the budget.

Councilmember Hiller stated she believes the Council is not informed enough to make \$1 million worth of line item cuts to the budget.

Councilmember Alcalá asked what departments would be considered part of public safety areas and would be exempt from the reduction.

Stacey Harden reported the public safety focus areas consist of the Police Department, Fire Department, Development Services and Municipal Court Divisions.

Councilmember Hiller stated she would amend her motion to reduce the 2013 Operating Budget by \$1 million at the City Manager's discretion with consent from the second. The second concurred.

Mayor Bunten noted the Police and Fire Department budgets total \$58 million of the general fund budget.

Councilmember Gray stated he would not support the reduction of \$1 million because the Council would not have the option to approve the cuts made by the City Manager.

The motion to reduce the 2013 Operating Budget by \$1 million at the City Manager's discretion failed. Councilmembers Alcalá, Ortiz, Everhart, Wolgast, Manspecker, Gray and Mayor Bunten voted "no." (3-7-0)

Councilmember Hiller moved to reduce the Special Liability fund by \$700,000. The motion seconded by Councilmember Everhart carried unanimously. Mayor Bunten voted "yes." (10-0-0)

Councilmember Harmon moved to adopt the Budget Committee Report dated August 11, 2012, increasing the City Manager's Department budget by \$54,000. The motion seconded by Councilmember Wolgast carried. Councilmembers Alcalá, Ortiz, Archer and Gray voted "no." Mayor Bunten voted "yes." (6-4-0)

Councilmember Wolgast moved to fund 300 FTE positions (police officers) and use the \$300,000 generated from vacancy credits to create a line item to purchase Police Department vehicles. The motion seconded by Councilmember Everhart carried. Mayor Bunten voted "yes." Councilmembers Hiller and Gray voted "no." (8-2-0)

Stacey Harden announced the mill levy is currently at 3.961 if the Council reduces the general fund ending balance by \$1.5 million; however, if the ending balance is not reduced the mill levy would be 5.458 and the Council has to meet the ordinance requirement which set the mill levy cap at 5.166.

Mayor Bunten stated a 3/10 mill levy increase would not have an effect on property owners due to the decrease in assessed property tax valuations. He proposed reducing the mill levy by one (1) mill by reducing callback pay for the Fire Department by \$100,000; increasing the Combined Water PILOT (Payment In Lieu Of Taxes) funds by \$200,000 each for a total increase of \$600,000; reduce Police and Fire Department line item appropriations for Commodities/Contracts/Capital Improvements/Others by \$250,000 each for a total reduction of \$500,000, as well as, reducing the general fund ending balance by \$600,000 to achieve the City Manager's proposed 2013 budget.

Stacey Harden announced the Mayor's proposed amendments would generate a 2.758 mill levy rate increase with a \$1.5 million reduction in the general fund ending balance. She reported if the general fund ending balance is not reduced it would result in an approximate 4.2 mill levy increase.

Pamela S. Simecka requested increasing the administrative fees for the Combined Water Utility funds instead of adjusting the PILOT funds, which are structured formula based fees.

Councilmember Everhart stated she would prefer to vote on the Mayor's amendments separately.

Mayor Bunten moved to reduce the Fire Department callback pay budget by \$100,000. The motion was seconded by Councilmember Harmon.

Councilmember Everhart suggested reducing the Topeka Performing Arts Center (TPAC) allocation by \$93,000 instead of the Fire Department's callback budget, an essential service to City operations.

Councilmember Everhart made a substitute motion to reduce TPAC's funding allocation by \$93,000 in 2013, the amount needed to fund TPAC's electric and natural gas utility fees. The motion was seconded by Councilmember Ortiz.

Councilmember Ortiz stated she concurs with Councilmember Everhart and noted TPAC representatives have proclaimed they would become self-sufficient for many years.

Councilmember Wolgast stated TPAC would continue to receive funding from the City as outlined in the operating agreement.

Councilmember Hiller noted Fire Department callback pay has increased almost eight (8) times since 2009 and the Council should discuss the issue even if it has to do with public safety.

Councilmember Alcala stated he believes callback pay funding is important and used in place of hiring additional full-time employees to save money in the long-term. He suggested TPAC consider consolidating with the Kansa Expo Centre to reduce operating costs.

Councilmember Ortiz asked Chief Bailey to comment on the importance of callback pay. She expressed concern with the absence of a fire station in Council District No. 9 and believes firefighters do the best they can with the resources they have available to them.

Greg Bailey, Fire Chief reported callback pay is utilized by the Fire Department to make certain the required minimum amount of firefighters are on an apparatus so they can work safely; fire investigators are called to scenes as soon as possible; and essential training is conducted. He also reported the callback pay amount has increased because the Fire Department has been planning over the past several years for vehicle replacement and staffing new stations. He stated the Department is operating at a par level with a limited budget of \$21 million, and if that amount is reduced, there is great possibility the Fire Department will become a sub par operation.

Mayor Bunten stated he appreciates Chief Bailey's comments; however, a reduction in spending has to be made from the general fund and the Fire Department must consider any possible reductions that they could absorb and still operate sufficiently.

The substitute motion to reduce TPAC's funding allocation by \$93,000 in 2013, the amount needed to fund TPAC's electric and natural gas utility fees failed. Councilmembers Wolgast, Manspeaker, Archer, Harmon and Mayor Bunten voted "no." Councilmember Gray abstained. (4-5-1)

Councilmember Everhart stated she would not support reducing the Fire Department's callback pay funding and believes callback pay economizes the Fire Department and allows firefighters the opportunity to go home if there is no work to perform.

The motion to reduce the Fire Department callback pay budget by \$100,000 failed. Councilmembers Hiller, Alcalá, Ortiz, Everhart, Wolgast, Manspeaker, Archer and Gray voted "no." Mayor Bunten voted "yes." (2-8-0)

Mayor Bunten moved to increase each Combined Utility fund (Water, Stormwater and Wastewater) by \$300,000 for a total of \$900,000. The motion was seconded by Councilmember Archer.

Councilmember Archer asked if there is rationale to the fees being charged.

Pamela S. Simecka stated the current level of funding for department administrative fees paid to the general fund is \$2.5 million. She reported she does not have a financial breakdown of the fees.

Councilmember Hiller stated she would not support the increase because many citizens have expressed their opposition to using water revenue to fund the general fund instead of making water infrastructure repairs.

The motion to increase each Combined Utilities fund fees (Water, Stormwater and Wastewater) by \$300,000 for a total of increase of \$900,000 failed. Councilmembers Hiller, Alcalá, Ortiz, Everhart, Wolgast, Manspeaker and Archer voted “no.” Mayor Bunten voted “yes.” (3-7-0)

Stacey Harden announced the current mill levy increase would be 3.954 with the approved amendments and a \$1.5 million reduction in the general fund ending balance totaling \$6,385,175.

Pamela S. Simecka reported the bond review rating held the same at AA2; however, they are concerned with the reduction in the general fund ending balance. She stated staff could address the bond rating issue when needed and reminded the Governing Body if the ending balance is at 7% or below it may result in a negative watch or change in the City’s bond rating.

Mayor Bunten moved to approve the City of Topeka 2013 budget as amended. The motion was seconded by Councilmember Gray.

Mayor Bunten made a substitute motion to add four (4) Code Compliance FTE positions (3 officers and 1 office staff) and fund the positions by increasing the three (3) Combined Utility funds by \$75,000 each totaling \$225,000. The motion seconded by Councilmember Wolgast failed. Councilmembers Hiller, Alcalá, Ortiz, Everhart, Manspeaker, Archer, Gray and Harmon voted “no.” Mayor Bunten voted “yes.” (2-8-0)

Councilmember Ortiz stated she would support adding two (2) FTE positions to the Code Compliance Division. She reported she met with staff members and discussed the issue and it was determined that ten (10) FTE positions would be sufficient.

Councilmember Ortiz made a substitute motion to add two (2) FTE positions to the Code Compliance Division with the funding source to be determined by the City Manager. The

motion seconded by Councilmember Everhart failed. Mayor Bunten voted “yes.”

Councilmembers Hiller, Alcalá, Manspeaker, Archer, Gray and Harmon voted “no.” (4-6-0)

Councilmember Archer made a substitute motion to reduce education and travel expenses across the board by \$100,000. The motion was seconded by Councilmember Gray.

Councilmember Manspeaker asked if the City separates education expenses from travel expenses. He expressed concern with the Governing Body making cuts without knowing the consequences. He stated in his opinion, educating employees is very important.

Councilmember Wolgast stated he concurs with Councilmember Manspeaker and believes employee development is vital to the organization.

Councilmember Hiller stated the education and travel funds are used for many things like accreditation, certifications and grants.

The substitute motion to reduce education and travel expenses across the board by \$100,000 failed. Councilmembers Hiller, Alcalá, Ortiz, Everhart, Wolgast and Manspeaker voted “no.” Mayor Bunten voted “yes.” (4-6-0)

Councilmember Archer questioned why the workers compensation allocation amount seemed so high.

Pamela S. Simecka reported she increased the amount by \$1 million because there has been a pattern of overspending in the Workers’ Compensation fund for the past two years.

Councilmember Archer asked City administration to research the issue.

Councilmember Manspeaker stated the City has to spend money to put safety policies in place and the Governing Body must realize they have to invest in safety if they want to reduce certain costs.

Councilmember Archer made a substitute motion to add funding to the Fire Department budget in the amount of \$300,000 for labor negotiations. The motion seconded by Councilmember Alcalá carried. Councilmembers Hiller, Wolgast, Harmon and Mayor Bunten voted “no.” (6-4-0)

David Starkey, City Attorney stated the City is currently in negotiations with five (5) labor unions, and the City’s position has been, “that there is no money available unless there is a savings” as directed by the Council. He stated the amendment could be considered bad faith bargaining by treating one union different from other unions, which is not appropriate. He stated in his opinion, the funds must be allocated for all labor negotiations across the board.

Councilmember Archer moved to reconsider the motion to add funding to the Fire Department budget in the amount of \$300,000 for labor negotiations. The motion seconded by Councilmember Alcalá carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

Councilmember Alcalá made a substitute motion to allocate \$300,000 for employee wages and salary enhancements across the board as recommended by the City Attorney. The motion seconded by Councilmember Ortiz carried. Councilmember Harmon and Mayor Bunten voted “no.” (8-2-0)

Stacey Harden announced if the general fund ending balance was reduced by \$1.5 million the mill levy increase would be 4.255.

Councilmember Everhart stated the Inmate Work Program is not a core function of City operations and suggested eliminating the program funding in the amount of \$136,163.92.

Councilmember Harmon made a substitute motion to extend the Council meeting past 10:00 p.m. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

Mayor Bunten stated he would not support eliminating the Inmate Work program because he believes it is a good program to help beautify the City.

Councilmember Everhart reported it was her understanding the State was not implementing work programs due to budget constraints at this time. She stated her suggestion was not related to the service the program provides, it only relates to eliminating funding for functions that are not vital to City operations.

Councilmember Ortiz stated she would not support the elimination because she believes it is an essential program for the community.

Councilmember Hiller stated the elimination of the program would set a good example of how to manage funds according to the new Balanced Score Card budget process.

Councilmember Manspeaker called the question.

Councilmember Everhart made a substitute motion to eliminate the Inmate Work program in the amount of \$136,163.92. The motion seconded by Councilmember Gray carried. Councilmembers Alcala, Ortiz and Mayor Bunten voted “no.” (7-3-0)

Stacey Harden announced the current mill levy increase would be 4.119 with a \$1.5 million reduction in the general fund ending balance.

Councilmember Harmon made a substitute motion to adopt the City of Topeka 2013 budget as amended with a mill levy increase of 4.119 and reduce the general fund ending balance by \$1.5 million. The motion seconded by Councilmember Wolgast failed. Councilmembers Alcala, Ortiz, Archer, Gray and Harmon voted “no.” Mayor Bunten voted “yes.” (5-5-0)

Upon hearing no objections, Mayor Bunten announced they would consider the next item on the agenda.

A NOTICE OF PUBLIC HEARING

A PUBLIC HEARING for the purpose of obtaining public input on the 2013 City of Topeka Consolidated Action Plan was presented.

APPROVAL of the City of Topeka 2013 Consolidated Action Plan Budget was presented.

Brad Reiff, HND Deputy Director gave the staff report.

Mayor Bunten asked if there were any citizens present that would like to speak to the 2013 City of Topeka Consolidated Action Plan Budget. No one appeared to speak.

Councilmember Hiller moved to close the public hearing and adopt the 2013 Consolidated Action Plan Budget. The motion seconded by Councilmember Manspeaker carried unanimously. (9-0-0)

AN ORDINANCE introduced by Interim City Manager Pamela S. Simecka, repealing Ordinance No. 19151 which designated Deputy City Manager Randy Speaker to act as City Manager and execute contracts on behalf of the City during any temporary absence or disability of the City Manager 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 northwest corner of SW 21st Street and SW Arvon Place from "RR-1" Residential Reserve District TO "PUD" Planned Unit Development District ("C-1" uses, including residential above the ground floor) was presented for first reading. (*PUD12/4*)

AN ORDINANCE introduced by Interim City Manager Pamela S. Simecka, relating to the vacation of platted alley public rights-of-way on property extending from NW Topeka

Boulevard to NW Harrison Street and located between properties at 1106 and 1114 NW Topeka Boulevard, City of Topeka, Shawnee County, Kansas was presented for first reading. (VI2A/2)

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 on the south side of SW 37th Street approximately 400 feet west of SW Burlingame Road from “R-1” Single-Family Dwelling District TO “C-2” Commercial District was presented for first reading. (Z12/8)

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

Councilmember Ortiz reminded citizens to slow down and be cautious of school children. She thanked Braxton Copley, Office of Utilities and Transportation Division Director for installing a pedestrian light flasher on Adams Street for school children.

Councilmember Archer welcomed Menards to the community.

Mayor Bunten reported he attended the Menards Grand Opening event and stated all their inventory is produced in the United States.

Councilmember Gray moved to adopt the City of Topeka 2013 Operating Budget as amended. The motion seconded by Councilmember Everhart failed. Councilmembers Alcalá, Ortiz, Archer, Gray and Harmon voted “no.” Mayor Bunten voted “yes.” (5-5-0)

Councilmember Wolgast moved to reconsider the motion to implement the E-ticketing program in the amount of \$300,000. The motion seconded by Councilmember Everhart carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

Councilmember Wolgast made a substitute motion to eliminate the \$300,000 allocated to implement the E-ticketing program. The motion seconded by Councilmember Everhart carried. Councilmembers Alcalá and Ortiz voted “no.” Mayor Bunten voted “yes.” (8-2-0)

Councilmember Manspeaker moved to reconsider the motion to reduce TPAC funding by \$93,000. The motion seconded by Councilmember Alcalá carried. Councilmember Archer and Harmon voted “no.” Mayor Bunten voted “yes.” (8-2-0)

Councilmember Manspeaker made a substitute motion to reduce TPAC funding by \$93,000. The motion seconded by Councilmember Everhart carried. Councilmembers Archer and Harmon voted “no.” Mayor Bunten voted “yes.” Councilmember Gray abstained. (7-2-1)

Stacey Harden reported the mill levy increase would be 3.725 with a \$1.5 million reduction in the general fund ending balance.

Councilmember Manspeaker moved to approve the City of Topeka 2013 Operating Budget as amended with a 3.725 mill levy increase. The motion seconded by Councilmember Everhart failed. Councilmembers Alcalá, Ortiz, Archer, Gray and Harmon voted “no.” Mayor Bunten voted “yes.” (5-5-0)

Councilmember Alcalá asked how a reduction in Water revenue funds would affect the operations of the Water Division.

Braxton Copley, Office of Utilities and Transportation Director stated he believes a reduction in Water revenue funds may have an affect on the City’s bond ratings to fund construction of projects.

Mayor Bunten moved to reduce \$100,000 each from the Police Department and Fire Department Contracts and Commodities line item for a total reduction of \$200,000. The motion

seconded by Councilmember Harmon carried. Councilmembers Alcala, Ortiz and Manspeaker voted “no.” Mayor Bunten voted “yes.” (7-3-0)

Councilmember Manspeaker moved to adopt the City of Topeka 2013 Operating Budget as amended. The motion seconded by Councilmember Everhart failed. Councilmembers Alcala, Ortiz, Archer, Gray and Harmon voted “no.” Mayor Bunten voted “yes.” (5-5-0)

Councilmember Everhart moved to reconsider the motion to reduce the Police Department and Fire Department Contracts and Commodities line item by \$100,000 each totaling \$200,000. The motion seconded by Councilmember Manspeaker carried.

Councilmembers Archer and Gray voted “no.” Mayor Bunten voted “yes.” (8-2-0)

Councilmember Everhart made a substitute motion to reinstate \$100,000 to the Police Department’s Contracts and Commodities line item, as well as, \$100,000 to the Fire Department’s Contracts and Commodities line item. The motion seconded by Councilmember Manspeaker carried. Councilmember Harmon and Mayor Bunten voted “no.” (8-2-0)

Councilmember Alcala questioned how many traffic signals are slated to be replaced next year; what are the age of the signals being replaced; and what would the \$100,000 earmarked in the budget for traffic signals be used for.

Braxton Copley reported the money would only be used for replacement parts for current traffic signals. He stated replacement of traffic signals would be a Capital Improvement expense that would have to be bonded and the cost would not come from the Division’s operating budget.

Councilmember Gray moved to adopt the City of Topeka 2013 Operating Budget at the City of Topeka 2012 Operating Budget funding level. The motion was seconded by Councilmember Archer.

Pamela S. Simecka, Interim City Manager stated the 2012 funding level would not sufficiently fund City operations.

Several Councilmembers expressed concern with how the 2012 funding level would affect public safety focus areas.

Councilmember Gray withdrew the motion to adopt the City of Topeka 2013 Operating Budget at the City of Topeka 2012 Operating Budget funding level. The second concurred.

Councilmember Harmon stated he would not support more than a three (3) mill increase because he believes there is room in the budget to make additional reductions.

Councilmember Gray stated he would support directing the City Manager to make \$1 million in cuts to the budget if all cuts are approved through the Council.

Councilmember Harmon moved to reduce \$100,000 from the Zoo budget as proposed by Councilmember Hiller; reduce the Fire Department and Police Department Contracts and Commodities line items by \$150,000 each for a total reduction of \$300,000 as proposed by Mayor Bunten; reduce the Education and Travel line item by \$100,000 across the board as proposed by Councilmember Archer; and give the City Manager the authority to reduce other personnel budget items by \$300,000 as proposed by Councilmember Hiller. The motion seconded by Councilmember Gray carried. Mayor Bunten voted “yes.” Councilmembers Alcalá, Ortiz, Everhart and Manspeaker voted “no.” (6-4-0)

Councilmember Harmon moved to adopt the 2013 Operating Budget as amended. The motion seconded by Councilmember Archer failed. Councilmembers Alcalá, Ortiz, Manspeaker, Archer and Gray voted “no.” Mayor Bunten voted “yes.” (5-5-0)

Stacey Harden reported the current mill levy increase is 2.923 with a \$1.5 million reduction in the general fund ending balance.

Councilmember Wolgast moved to reconsider the motion to reduce \$100,000 from the Zoo budget; reduce the Fire Department and Police Department Contracts and Commodities line items by \$150,000 each for a total reduction of \$300,000; reduce the Education and Travel line item by \$100,000 across the board; and give the City Manager the authority to reduce other personnel budget items by \$300,000. The motion seconded by Councilmember Hiller carried. Councilmember Archer voted “no.” Mayor Bunten voted “yes.” (9-1-0)

Councilmember Wolgast made a substitute motion to reduce \$100,000 from the Zoo budget; reduce \$100,000 from the Education and Travel line item; reduce the Police Department and Fire Department Contract and Commodities line items by \$100,000 each; and reduce the general fund ending balance by \$400,000 for a total overall budget reduction of \$800,000. The motion was seconded by Councilmember Manspeaker.

Stacey Harden reported the current mill levy increase is 3.123 with a \$1.7 million reduction in the general fund ending balance. She stated the general fund ending balance would be \$6,185,175 or 7.4% of revenues.

The substitute motion to reduce \$100,000 from the Zoo budget; reduce \$100,000 from the Education and Travel line item; reduce the Police Department and Fire Department Contract and Commodities line items by \$100,000 each; and reduce the general fund ending balance by \$400,000 for a total overall budget reduction of \$800,000 failed. Councilmember Hiller, Alcalá, Ortiz, Archer and Harmon voted “no.” Mayor Bunten voted “yes.” (5-5-0)

Councilmember Harmon made a substitute motion to reduce \$100,000 from Zoo budget; reduce \$100,000 from Education and Travel line item; reduce \$150,000 each from the Police Department and Fire Department Contract and Commodities line item for a total reduction of \$300,000; reduce employee enhancements from \$300,000 to \$150,000; increase each of the

Combined Utility fund fees (Water, Wastewater and Stormwater) by \$50,000 each for a total reduction of \$150,000; with a total overall budget reduction of \$800,000. The motion seconded by Councilmember Gray failed. Councilmembers Hiller, Alcalá, Ortiz, Everhart, Wolgast, Manspeaker and Archer voted “no.” Mayor Buntén voted “yes.” (3-7-0)

Councilmember Harmon moved to adopt the 2013 Operating Budget as amended to include a \$1.5 million reduction in the general fund ending balance and approving a 2.9 mill levy increase. The motion seconded by Councilmember Hiller carried. Councilmembers Alcalá, Ortiz and Archer voted “no.” Mayor Buntén voted “yes.” (7-3-0)

ORDINANCE NO. 19752 introduced by Interim City Manager Pamela S. Simecka, attesting to budgeting property tax revenues for budget year 2013 placed on first reading July 31, 2012 was again presented.

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

Councilmember Wolgast moved to adopt ordinance. The motion seconded by Councilmember Hiller carried. Mayor Buntén voted “yes.” Councilmember Alcalá voted “no.” (9-1-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 1:09 a.m.

Brenda Younger
City Clerk