

Council Minutes – October 1, 2013

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 1, 2013. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Campos II, Ortiz, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Everhart -1.

AFTER THE MEETING was called to order, Councilmember Harmon asked for a moment of silent meditation.

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

A PRESENTATION from Ted Mize, Topekans Who Care (TWC) volunteer group organizer, presented the Governing Body with a jar of marbles symbolizing the number of fire hydrants that have been painted by volunteers within the city of Topeka.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Anthony Fadale to the Topeka Human Relations Commission for a term ending August 31, 2015, was presented.

BOARD APPOINTMENT recommending the re-appointment of Stephanie Mott to the Topeka Human Relations Commission for a term ending August 31, 2015, was presented.

BOARD APPOINTMENT recommending the appointment of Mike Padilla to the Topeka Human Relations Commission for an expired term ending April 30, 2015, was presented.

BOARD APPOINTMENT recommending the re-appointment of Mike Morse to the Topeka Board of Zoning Appeals for a term ending July 31, 2016, was presented.

BOARD APPOINTMENT recommending the re-appointment of Tim Carkhuff to the Topeka Board of Zoning Appeals for a term ending July 31, 2016, was presented.

BOARD APPOINTMENT recommending the re-appointment of Kevin Beck to the Topeka Planning Commission for a term ending September 30, 2016, was presented.

BOARD APPOINTMENT recommending the appointment of Carole Jordan to the Topeka Planning Commission for a term ending September 30, 2016, was presented.

MINUTES of the regular meeting of September 24, 2013, was presented.

An Open After Midnight License application for Capitol Bingo located at 2050 SE 30th Street was presented.

A Dance Hall License application for Jay Jay's located at 435 S. Kansas Avenue was presented.

Councilmember De La Isla moved to approve the consent agenda. The motion seconded by Councilmember Hiller carried unanimously. (8-0-0)

ORDINANCE NO. 19855 introduced by City Manager Jim Colson, concerning concessions and admission fees at the Topeka Zoo, amending City of Topeka Code Sections 11.35.010, 11.35.040, 11.35.050, 11.35.060 and 11.35.80 and specifically repealing said original sections, as well as, repealing Section 11.35.070 placed on first reading September 24, 2013, was again presented.

Brendan Wiley, Topeka Zoo Director, reported the Guest Service Transition Plan is a result of the 2014 budget planning process where the Council reviewed a zoo cost saving measure to contract the four guest service components to Friends of the Topeka Zoo (FOTZ). He stated approval would amend the ordinance to allow the City Manager to enter into an agreement with FOTZ to operate the admissions and concessions at the zoo and generate a savings of \$120,964 in Zoo operating expenses. He also noted the change would also allow costs

incurred in collecting admission fees to be deducted before the funds are deposited in the general fund.

Councilmember Hiller moved to adopt the ordinance. The motion was seconded by Councilmember De La Isla.

Councilmember Manspeaker asked for an explanation of the financial breakdown of the FOTZ agreement and how many full-time employee (FTE) positions would be abolished. He questioned how FOTZ would operate the concessions, as well as, the gift shop.

Brendan Wiley reported the City plans to transfer operation of concessions, admissions, event rental and custodial services (trash/restrooms/lobbies) to FOTZ. He stated the City would pay FOTZ \$25,000 to manage the custodial process, admission process, operation of the concession stand and management of event planning and FOTZ would keep 5% of the admission revenue and transfer 95% to the general fund. He reported visitors would enter the zoo through the gift shop; eliminating the need for two (2) full-time employees.

Councilmember Schwartz asked if the savings would be realized only in salaries.

Brendan Wiley stated the costs savings would be realized in salary reductions and merchandise the Zoo would normally purchase and sell.

Councilmember Campos II asked if the services for concessions would follow the Request for Proposal (RFP) process.

Brendan Wiley stated upon review, the City's Purchasing Department determined that the RFP process would not be necessary due to FOTZ being a non-profit organization already established within the zoo so they would not incorporate any additional costs and the generated revenues would be deposited directly into the General Fund.

Joseph Ledbetter referenced the 2005 Citizen Panel Review of the Topeka Zoo and noted recommendations were made at that time to allow FOTZ to operate concessions. He stated he was impressed with the current proposal made by FOTZ to participate in ways that would allow the City to save money; however, he is concerned with the City giving up operations of the admission services. He asked if the service would be handled by volunteers or staffed by employees; and if the hours of operation would remain the same or be reduced if sufficient funds are not generated. He suggested the City tighten the parameters of the agreement and make sure concession services remain open several months a year; specify what items would be sold; and establish strict cash handling procedures.

The motion to adopt the ordinance carried. Councilmember Manspeaker voted “no.”
(7-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Ortiz, De La Isla, Schwartz, Schmidt and Harmon -7. Noes: Manspeaker -1. Absent: Everhart -1.

ORDINANCE NO. 19856 introduced by City Manager Jim Colson, granting to Westar Energy, Inc., an electric franchise including the right to construct, operate and maintain electric transmission, distribution and street lighting facilities within the corporate limits of the City of Topeka, Kansas, and specifically repealing Ordinance No. 18297 placed on first reading September 24, 2013, was again presented.

Chad Sublet, City Attorney, reported Westar Energy, Inc., currently pays the City 5% of its gross receipts collected within the city for franchise fees. He stated the 20-year agreement implements the plan to increase revenues from 5% to 6% as discussed during the 2014 budget process which would generate an additional \$600,000 annually, effective November 1, 2013.

Pam Simecka, City Controller, reported the City received \$7.3 million in franchise fee revenues for FY2012; \$7 million in FY2011 and \$6.7 million in FY2010.

Councilmember Campos II spoke in opposition to the increase due to the impact it would have on those living on modest incomes, as well as, the significant need for electrical infrastructure upgrades in east Topeka and the Oakland area.

Kelsey Williams, Westar Energy, Inc., reported the 1% increase in franchise fees was requested by the City and not Westar Energy representatives and would be given directly to the City. She noted the agreement would also allow Westar Energy to avoid a delay in service by removing permit requirements in regards to replacement of electric poles during weather emergencies.

Councilmember Campos II requested an update of the electrical grid for the entire city.

Councilmember De La Isla reported approval would implement a fee increase of approximately \$0.15 per month to each customer.

Councilmember Schwartz spoke in opposition of the ordinance and stated she believes Topeka residents could not afford another increase.

Councilmember Hiller thanked Westar Energy for their cooperation and fast response to the City's request for an increase.

Joseph Ledbetter spoke in opposition of the ordinance and stated citizens could not absorb another increase. He stated he believes the Governing Body needs to control costs and stop raising taxes. He suggested the term of the agreement be 10 years to allow future Councilmembers the choice to lower franchise fees.

Mayor Wolgast noted franchise fees are paid by governmental entities for consumption of power.

Councilmember Manspeaker noted Westar Energy is planning \$150 million in infrastructure improvements in the Topeka area.

Councilmember Harmon moved to adopt the ordinance. The motion seconded by Councilmember Schmidt carried. Mayor Wolgast voted “yes.” Councilmembers Campos II and Schwartz voted “no.” (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, De La Isla, Manspeaker, Schmidt, Harmon and Mayor Wolgast -7. Noes: Campos II and Schwartz -2. Absent: Everhart -1.

ADOPTION of the Committee Report from the Economic and Community Development Committee meeting of September 23, 2013, concerning the review and allocation recommendations for 2014 Youth and Social Service Grants was presented.

Councilmember Hiller distributed an updated list of allocations. She reported the Economic and Community Development Committee on September 23, 2013, recommended the 2014 General Fund and CDBG Youth and Social Service Grants be allocated at the same levels as 2013, in the amount of \$204,428, by a vote of 3-0-0.

Councilmember Hiller moved to adopt the Committee Report. The motion seconded by Councilmember Schmidt carried unanimously. (8-0-0)

ORDINANCE NO. 19857 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of July 27, 2013, through August 30, 2013, and enumerating said expenditures therein was presented for first and final reading.

Jim Colson, City Manager, reported approval would authorize City expenditures in the amount of \$17,722,736.84.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Schwartz carried. Councilmember Campos II voted “no.” (7-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -7. Noes: Campos II -1. Absent: Everhart -1.

NO Retail Cereal Malt Beverage License applications were presented.

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

Jim Colson, City Manager, announced Darin Scott, Assistant to the City Manager for Neighborhood Relations, has started in his new position and brings a unique set of skills to the City Manager’s office to address Code Compliance issues and improve relations with neighborhoods. He reported they would present a plan outlining how the issues will be addressed to the Council in the upcoming weeks.

Mayor Wolgast reported he attended the Fargo/West Fargo, North Dakota and Moorhead, Minnesota, 2013 Inter-City Benchmarking Exchange trip on September 26-28, 2013. He stated he was impressed with the neighborhood and entrepreneurial programs implemented by the City of Fargo and commended them on their forward-thinking approach in these areas.

Councilmember Hiller reported there has been an increase of street, alley and sidewalk issues brought forward by constituents and she appreciates City staff’s assistance in working through most of the issues in a timely manner. She stated she co-presented the Bikeways Development Program with Julie Anderson, Bikeways Coordinator, at the Build Environment and Outdoors Conference held in Topeka over the past week and noted other cities bikeway plans are far more advanced than Topeka’s. She stated she was honored to participate in a recent float trip lead by Governor Sam Brownback promoting the construction of new boat ramps along

the Kansas River in an effort to draw more people to the waterway and increase its recreational use. She thanked Councilmember Schwartz for inviting her to participate in the Coffee and Commentary event held on September 26, 2013, and noted it was a great opportunity to communicate with constituents.

Councilmember Campos II reported that he also participated in the float trip lead by Governor Sam Brownback and encouraged citizens to utilize the Kansas River for recreational purposes. He asked the community to work together in changing public perception of the river and promote it as a vital recreational asset to the community. He announced the next Movies on the Capitol Lawn event and Kids Night at the Garfield Community Center would be held on October 5, 2013.

Councilmember Ortiz reported many families participated in the first Movies on the Capitol Lawn event and she hopes the event will continue to be a success.

Councilmember Manspeaker expressed concern with Topeka Fire Department management employees continuing to receive overtime pay.

Councilmember Schwartz stated she would be participating in the Read for the Record event on October 3, 2013, at Bishop Elementary School and encouraged other Councilmembers to participate in the event. She announced the 34th Annual Apple Festival would take place on October 6, 2013, at Old Prairie Town located at 124 NW Fillmore Street from 10:00 a.m. to 5:00 p.m.

Councilmember Schmidt stated he is participating in the Read for the Record event at Wanamaker Elementary School. He commended Zoo staff members for hosting the Topeka Zoobilee and noted the event was a great success. He reported that he attended the Fargo/West Fargo, North Dakota and Moorhead, Minnesota, 2013 Inter-City Benchmarking Exchange trip on

September 26-28, 2013. He commended the Fargo community for their successful public/private partnerships; understanding the importance of livability in relation to a thriving downtown; and making sure there is a balance of community and civic pride in regards to a successful economic environment.

David Gonzales, Ted Mize and Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:21p.m.

Brenda Younger
City Clerk