

## **Council Minutes – November 19, 2013**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 19, 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, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Father John Pilcher, Mater Dei Parish Catholic Church gave the invocation.

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

A PRESENTATION on the 2013 Budget Amendments was given by Jeff White, City of Topeka Financial Advisor. He distributed an update on the FY2013 Budget and reported staff continues to track progress on the budget closely, especially in the General Fund and the City currently expects to end the fiscal year in surplus pertaining to revenues and expenditures. He stated typically staff has asked the Council to adopt budget revisions for changes that have occurred during the year that would cause a fund to fall outside the budget parameters. He referenced Council agenda item 6A, a notice of public hearing for 2013 Budget Amendments, and reported staff is requesting the Council to authorize a public hearing date of December 10, 2013, to approve of changes to the Business Improvement District Fund in the amount of \$166,217 (finance downtown holiday lighting); Separation Fund in the amount of \$600,000 (new fund created with issuance of bonds following adoption of FY2014 budget); KP&F Equalization Fund in the amount of \$200,000 (covers KP&F penalties charged for retirements of a certain cohort of Police and Fire sworn personnel); and Holliday Square Community Improvement District (CID) in the amount of \$80,000 (permits the reimbursement of qualified development costs from proceeds of the CID). He stated staff would distribute the October 2013 Monthly

Report this week and encourages feedback from the Governing Body on the quality of the report. He reported staff is actively finalizing the FY2014 budget for production for public use both printed and online and plan to present the City Manager directed cuts to the Council in the coming days. He also stated staff is actively working on the building blocks for the FY2015 City budget and reworking the personnel budgeting process to make it more robust and accurate which should translate into better costs and higher quality budget forecasts.

Mayor Wolgast requested to add sales tax receipts, as well as, a comparison of where the City was a year ago at this time and explanations of fund types to the new monthly report. He asked when the Governing Body would receive the 2014 Capital Improvement Program (CIP) overview as it is an important step in upcoming budget decisions.

Jeff White stated the 2014 CIP has not changed since it was adopted by the Governing Body; however, detailed project budgets would be presented in January 2014.

Councilmember Hiller asked for more detailed information on the funds in regards to how they are combined. She requested a briefing of the 2014 CIP projects to allow staff time to prepare and clarify information or research questions prior to the presentation in January.

A PRESENTATION on the Proposed Utility Increase Offset Program (Franchise Fee Refund Program) was given by Jeff White, City of Topeka Financial Advisor. He provided a general overview of the current fiscal challenges of administering the program; the purpose of the program and proposed approach; qualifications; flat rebate per household by utility (based on previous averages); the proposed process for administering the program; verification of applicant eligibility; and the program cost breakdown.

Councilmember Campos II stated he believes restructuring the program would have devastating effects on the community and the City should ensure it is marketed correctly so it is understood by citizens.

Councilmember Ortiz asked if the proposed revision would eliminate the possibility of getting assistance from more than one non-profit organization and how would it be handled so applicants would not lose assistance eligibility.

Jeff White stated the City has not been conducting such verifications under the existing program; however, the funding would be distributed through the non-profit agency by the City of Topeka.

Councilmember Everhart stated she understands the concern expressed by Councilmember Ortiz; however, she does not believe it would be an issue because the funding would come from the City to be dispersed by the non-profit organization.

Councilmember De La Isla stated federal requirements mandate people who receive federal funding through MAACLink, a database utilized by non-profit organizations restricting people from duplicating services; however, because the City of Topeka is issuing the funds, the only restraints of the program would be those set by the City.

Councilmember Schmidt concurred with Councilmember De La Isla and noted that because the funds are specified by the City and not federal funds; he believes the funds would not show up as a disqualifying amount to applicants with non-profit agencies.

Councilmember Hiller reported many of her constituents could not get funding assistance due to the fast rate it is depleted; therefore, she would like to be part of the process to make sure it is more streamlined for applicants. She expressed her appreciation to the Community Resources Council for collaborating with the City to assist low-income households.

Mayor Wolgast stated he believes it is an important program for the community; however, it has become very expensive to administer the program through the City.

Jeff White stated the existing program was created by an ordinance and the revised program would be presented to the Council in December with the intent to implement the program in January 2014.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Joyce Grigsby to the Topeka Human Relations Commission for a term ending December 31, 2015, was presented.

BOARD APPOINTMENT recommending the appointment of Jean Darbyshire to the Topeka Human Relations Commission to fill an unexpired term ending December 13, 2013, followed by a two-year term ending December 31, 2015, was presented.

BOARD APPOINTMENT recommending the appointment of Nelda Gaito to the Topeka Landmarks Commission for a term ending December 31, 2016, was presented.

BOARD APPOINTMENT recommending the appointment of Scott Tummons to the Topeka Metropolitan Transit Authority for an unexpired term ending April 30, 2014, was presented.

RESOLUTION NO. 8565 introduced by City Manager Jim Colson, naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatories and rescinding City of Topeka Resolution No. 8465, was presented.

RESOLUTION NO. 8566 introduced by City Manager Jim Colson, concerning the City of Topeka's participation in the State of Kansas Municipal Investment Pool and rescinding City of Topeka Resolution No. 8466, was presented.

MINUTES of the regular meeting of November 12, 2013, were presented.

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

A PROJECT BUDGET in the amount of \$899,458, ORDINANCE NO. 19861 and A NOTICE OF INTENTION introduced by City Manager Jim Colson, authorizing Improvement Project No. T-151003.01, which provides for drainage improvements to SW Woodbury South Court, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvement which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto placed on first reading November 12, 2013, was again presented.

Don Rankin, Director of Utilities Infrastructure, reported approval would authorize \$899,458 which includes a \$400,000 increase to the original project budget for drainage improvements to SW Woodbury South Court. He stated the project was authorized by the Council in 2011; however, during the design phase it was determined that SW Woodbury South Court drainage channel is located over a stream; therefore, it must be designed to carry stream flows and meet the requirements of the U.S. Army Corps of Engineers to handle a 100-year storm event to prevent future flooding. He noted all residents of the area are in favor of the proposal.

Mayor Wolgast stated the area has major flooding issues and an improvement project is desperately needed to prevent further flooding and damage to the residential properties in the community.

Councilmember Harmon stated the amount of water that floods area yards during a heavy rain is alarming and he supports the staff recommendation of an aggressive approach to resolve the issues in the area.

Councilmember Hiller questioned the project budget increase; how the project would fit in the Capital Improvement Program (CIP); and how it compares in terms of priority to other projects in the CIP.

Don Rankin stated funding from another sewer project would be shifted and utilized for the SW Woodbury South Court project due to the high priority of the project. He reported water and wastewater plans are operating well in the area; however, staff is drafting a plan that would replicate stream-like conditions such as natural ground infiltration, minimization of erosion opportunities and aesthetically pleasing attributes for the neighboring community. He noted flood data is limited at this time; however, recreating and realigning the natural stream channel features that existed prior to development in this area would eliminate localized flooding from the stream flows.

Councilmember Hiller expressed concern with the project because it was not included in the CIP.

Jim Colson, City Manager, stated staff continues to research and make adjustments to the CIP process as needed.

Don Rankin noted there are storm water correction projects that occur every year; however, they usually require less funding.

Councilmember Ortiz spoke in support of the project and stated there are severe drainage issues in the area that need addressed.

Councilmember Campos II asked if the initial project fund amount has been bonded.

Don Rankin stated the entire project budget amount would be paid with cash.

Councilmember Harmon moved to approve the project budget and notice of intention and adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -10.

ORDINANCE NO. 19862 introduced by City Manager Jim Colson, amending City of Topeka Code Section 10.15.010 and 10.15.020, specifically repealing said original sections, as well as, creating Section 10.20.230, all concerning the adoption of the Standard Traffic Ordinance and amendments placed on first reading November 12, 2013, was again presented.

Chad Sublet, City Attorney, stated approval would adopt the 2013 Edition of the Standard Traffic Ordinances. He reported the most notable change relates to habitual violators driving while a license is canceled, suspended or revoked in relation to operation of a motor vehicle. He stated in previous years, 3<sup>rd</sup> offenses have been omitted due to the costs associated with the mandatory 90-day jail sentence; however, approval of the ordinance would authorize the City to prosecute 1<sup>st</sup> and 2<sup>nd</sup> offenders and the Shawnee County District Attorney’s office has agreed to prosecute the 3<sup>rd</sup> offenses and absorbing the cost to implement the mandatory 90-day jail sentence.

Councilmember Everhart asked how many cases exist on file with the City and why people repeatedly get away with driving on suspended licenses.

Chad Sublet stated there are many reasons why a person would drive on a revoked, suspended or canceled license. He reported it would be hard to gauge how many cases with 3 or more offenses are on file because the ordinance has omitted this type of offense for several years.

Vic Miller, Municipal Court Judge, reported there have been 2,406 citations (drivers with no license) issued in 2013 thus far.

Mike Sly spoke in support of the ordinance and stated he believes the City has the responsibility to protect citizens and send a clear message to violators of the law. He described an event that happened on June 12, 2013, involving his child who was the victim of a hit-and-run accident by a driver who was driving on a suspended license at the time. He stated the stricter laws would hopefully eliminate repeat offenders from being on the streets.

Councilmember Schmidt moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -10.

AUTHORIZING a public hearing for December 10, 2013, for the purpose of hearing and answering objections of taxpayers relating to the proposed amendments to the 2013 Operating Budget was presented.

Jeff White, City of Topeka Financial Advisor, reported approval would authorize the publication date of November 25, 2013, of the Notice of Public Hearing date on December 10, 2013, in the Topeka Metro Newspaper. He stated the amendment would increase the expenditure level of the adopted 2013 Budget by \$910,000 and listed the proposed amendments as follows:

Downtown Business Improvement District Fund	\$30,000
Employee Separation Fund	\$600,000
KP&F Equalization Fund	\$200,000
Community Involvement District Fund	\$80,000

Councilmember Schwartz asked if the City has the funds to pay for the requested increase in expenditures.

Jeff White stated the additional expenses would be paid for by additional revenue collected or by the fund balance.

Councilmember Hiller moved to authorize the public hearing date of December 10, 2013. The motion seconded by Councilmember Schmidt carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

A Retail Cereal Malt Beverage License application for Walgreens #15601 located at 2101 NW Topeka Boulevard, was presented.

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

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

Jim Colson, City Manager, recognized a Topeka Capital Journal newspaper article featuring Topeka Zoo inspections conducted by the U.S. Department of Agriculture and the leadership of Brendan Wiley, Topeka Zoo Director. He stated Mr. Wiley was given challenges to overcome when he was hired and he has done a remarkable job. He noted the Governing Body took a courageous move to better the Zoo and it has paid off. He announced there would be no City Council meeting on November 26, 2013.

Mayor Wolgast commented on the series of maps distributed to the Governing Body listing the various improvement projects and noted the maps will be very helpful in the upcoming months. He requested a brief review of the 2013 improvement projects including utility projects that have been completed. He stated most improvement projects have been completed on time with the exception of SW 5<sup>th</sup> Street and SW Washburn Avenue and noted he believes the City owes residents in that area an apology because the area will be shut down during the winter season. He requested an update on the implementation of the Code Compliance Study; when it would be implemented; how the plan would move forward and when would they see improvements.

Councilmember Hiller commented on the SW 5<sup>th</sup> Street and SW Washburn Avenue improvement project and noted many businesses have been seriously affected. She encouraged citizens to shop local businesses on November 29, 2013 (Black Friday).

Councilmember Ortiz encouraged citizens and community leaders to volunteer to serve at the Community Thanksgiving Dinner on November 28, 2013, from 12:00 p.m. to 3:00 p.m. at the Kansas Expocenter Ag Hall located at SW 17<sup>th</sup> Street and SW Topeka Boulevard.

Councilmember De La Isla thanked Jeff White, City Financial Advisor, for providing comprehensive reports on the 2013 Budget Amendments and the City's Franchise Fee Refund Program. She also thanked City staff for their progressive thinking in regards to the proposed changes to the Franchise Fee Refund Program.

Councilmember Schwartz reported she served as Principal for a Day at a local school and it was a great experience. She also reported she attended the Lauren's Bay Homeowners Association meeting and commended Doug Whitacre, Public Works Director, and Shawn Bruns, City Engineer, for attending and clarifying information regarding the subdivision. She

announced the Lincolnshire Link Neighborhood Association meeting is scheduled this week and noted the Community Officer for the area was invited.

At 7:12 p.m., Councilmember Ortiz moved to recess into executive session to include the Governing Body, City Manager and City Attorney to discuss non-elected personnel for a time period not to exceed 20 minutes. The motion seconded by Councilmember Campos II carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

At 7:35 p.m., the Governing Body reconvened into open session and Deputy Mayor Ortiz announced no action had been taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:35 p.m.

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Brenda Younger  
City Clerk