

COUNCIL COMMITTEE
December 5, 2011
6:00 P.M.
Council Chambers

AGENDA

DALE BECKERMAN, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

COU2011-58 Consider approval of the 2012 Joint City/County Legislative Agenda
Chris Engel

COU2011-59 Consider Project Design Agreement with Affinis Corporation for the
design of the 2011 Bond Project, the 2012 Paving Program and the 2012
CARS Project.
Keith Bredehoeft

Discussion regarding parks funding and special sales tax initiative

Report from the neighborhood event committee and discussion
Michael Kelly & Andrew Wang

Executive Session

COUNCIL COMMITTEE OF THE WHOLE
December 5, 2011

The Council Committee of the Whole met on Monday, December 5, 2011 at 6:00 p.m. The meeting was called to order by Council President Dale Beckerman with the following members present: Al Herrera, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz. Steve Noll, Andrew Wang, David Morrison and Mayor Ron Shaffer arrived late. Staff Members present: Wes Jordan, Chief of Police; Bruce McNabb, Director of Public Works; Keith Bredehoeft, Project Manager for Public Works, Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director, Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

COU2011-58 Consider Approval of the 2012 Joint City/County Legislative Agenda

Chris Engel stated that each year the Council develops and adopts a legislative program that establishes the City's legislative priorities for the upcoming state legislative session. The past few years the Council has adopted a joint City/County platform to assert our common positions with all of our state representatives. The County is requesting this be done for 2012. In October, County officials and city managers met to consider changes to the 2011 platform for 2012.

Mr. Engel noted the following items were removed as they were considered either nonstarter issues this session or resulted in successful legislation during the 2011 legislative session: Local Option for Public Employee Relations Act, 911 Funding Authorizations, Community Improvement Districts, Burden of Proof in Appraisal Hearings.

The recommended changes include an updated statement on KPERS Funding adding new language to strongly urge the State to carefully consider a variety of options to ensure the current unfunded actuarial liability of the plan can be paid. The following two issues are being added:

Tax Policy - To include a statement opposing additional exemptions, support continued funding of existing programs, opposition to a sales tax on professional services or any tax that would threaten our competitiveness with Missouri.

Official Publications on Internet - To include a statement supporting the option of publishing some official publications on the city website instead of paying to publish everything in print.

Dale Warman stressed the importance of letting the legislators know the city's needs and priorities. Chris Engel reminded the Council of the Legislative Breakfast with the legislators and noted the date should be finalized soon.

Ruth Hopkins made the following motion, which was seconded by Dale Warman and passed unanimously:

**MOVE THE GOVERNING BODY ADOPT THE 2012 JOINT
CITY/COUNTY LEGISLATIVE PLATFORM
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2011-59 Consider Project Design Agreement with Affinis Corporation for the design of the 2011 Bond Project, the 2012 Paving Program and the 2012 CARS Project.

Keith Bredehoeft stated Affinis Corporation is the City's current design consultant presented the agreement for the design of the 2011 Bond Project, the 2012 Paving program, and the 2012 CARS Project. Affinis has recently performed design for our 2010 and 2011 projects. Affinis has performed very well and with the addition of the 2011 Bond Project and the timeframes associated with it having their familiarity with our process will be advantageous. Their hourly rates are being held at their previous contract levels. Mr. Bredehoeft noted that next year the City will again request proposals for our design consultant.

Budgeted costs for the above projects is as follows-

2011 Bond Project-	\$3,600,000
2012 Paving Program-	\$1,240,000
2012 CARS Project-	\$1,047,000
Total-	\$5,887,000

The 2012 Paving Program and the 2012 CARS Project are a part of the approved 2012 CIP. The 2011 Bond Project was recently approved by Council and will allow for an additional \$3,600,000 to be spent on streets beginning in 2012.

Mr. Bredehoeft noted the contract lists the street locations included in these three projects. Construction is anticipated to begin in late Spring 2012. Funds for this design contract is available in the related 2011 Bond Project, the 2012 Paving Program, and the 2012 CARS project accounts.

Dale Beckerman asked if Affinis would be considered when services were bid next year. Mr. Bredehoeft stated he would expect Affinis to submit a proposal for consideration to continue to provide design services for the City.

Ruth Hopkins made the following motion, which was seconded by Al Herrera and passed unanimously:

MOVE THE GOVERNING BODY APPROVE THE DESIGN AGREEMENT WITH AFFINIS CORPORATION FOR THE DESIGN OF THE 2011 BOND PROJECT, THE 2012 PAVING PROGRAM AND THE 2012 CARS PROJECT IN AN AMOUNT NOT TO EXCEED \$251,410.00

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

Discussion regarding parks funding a special sales tax initiative

On November 21st the City Council directed staff to prepare language for a possible parks sales tax ballot initiative. Quinn Bennion introduced the language prepared by staff in conjunction with the city attorney noting that the language was drafted in the broadest description of uses with the intent that Council would modify the language. Staff referred to ballot language prepared by other cities for similar elections in recent years.

Mr. Bennion noted the following issues need to be addressed by the Council:

- What is the appropriate percentage increase for the sales tax? = ½% equals \$1M in new annual revenue.
- Will the special sales tax be for a specific purpose which requires a sunset or a general sales which does not require a sunset?
- If a sunset is desired, Mr. Bennion noted a special sales tax allows up to 10 years before a sunset; a general sales tax does not require a sunset but it is allowed.
- Will the question be placed on an election ballot or will a special mail-in ballot be prepared?

Mr. Bennion stated staff talked with the Johnson County Election Office regarding their time requirements. 2012 election dates are April 3 with a March 5th deadline for placement on the ballot and November 6 with August 31st deadline for placement on the ballot. A mail-in ballot can occur anytime but wording needs to be submitted to the County no later than 12 weeks prior. However, the election staff does not believe it could do a mail-in ballot in 2012 due the number and size the general elections during 2012. The cost for a mail-in ballot or placement on the April 3rd election ballot would be approximately \$50,000. There would be no cost to the City to place the question on the November ballot.

Diana Ewy Sharp asked staff for their perspective on sunsets. Mr. Bennion stated he has been involved with four or five ballots. All were for specific projects and therefore had sunsets. If the sales tax would cover general on-going costs, a sunset is optional. The Finance Committee felt there would be higher voter support if there were a sunset.

Ruth Hopkins stated that if the city were to go forward it should wait until November when it would have a better idea of what action the state legislators would be taking regarding taxes and funding.

Charles Clark stated he favored the broad description with one half of the money collected funding on-going large CIP park related costs and one-half funding the parks master plan. He noted the parks master plan's estimated cost is \$14 million which would require 28 years to fund. He stated park infrastructure has not been adequately funded and he feels this needs to be addressed before funding additional park improvements.

Laura Wassmer stated she is in full support of placing the question on a ballot for the residents to decide. She is not comfortable with raising the mill levy or taxes for park improvements without a vote of the people.

Steve Noll stated he is not an advocate of increasing sales taxes, but recognizes the City has minimal resources. He would support a sunset of 10 years. At that time, if desired, the question could again be placed before the residents.

Dale Beckerman asked if language could be built into the ballot language to accommodate a renewal. City Attorney Katie Logan responded she did not believe so that the City would need to start a new ballot process to reconsider the question.

Dale Warman stated he was more alarmed by the lack of funding for major on-going maintenance of park infrastructure than the desire to complete the parks master plan. He supports the funding going toward park infrastructure maintenance projects with any remaining funds directed to park improvements. He agrees with Mrs. Hopkins that the City should wait until November when more will be known about what the state will do with sales taxes and other funding. Dale Beckerman noted the legislature ends in May which would provide sufficient time for placement on the November ballot.

Michael Kelly stated he did not understand the Council's hurry and felt no action should be taken until after the City's budget has been set. He asked if the Park & Recreation committee has had any formal discussions on raising the sales tax. He also has concerns on how it would be administered and projects approved

Charles Clark responded that one-half of the funding would go towards maintenance with the remaining funds going toward implementation of the parks master plan.

David Belz clarified his earlier comments regarding an increase in the mill levy for infrastructure maintenance. This would be to address streets. He does not feel the mill levy should be increased for parks but would like to have the people address the funding of park improvements through their vote on a sales tax increase. He agrees with Mr. Clark that funding should first go towards park maintenance and then any remaining funds toward the implementation of the parks master plan. The Finance Committee felt that by starting the process early recognizing that any tax initiative can be looked upon very negatively and therefore, time is needed to educate the public on the need. Mr.

Belz felt the Council could vote to start the process and then back out if economic conditions worsened.

Katie Logan advised that the action to place the question on the ballot is taken through the adoption of a resolution. If the Council takes action and later decides it does not want to pursue the question it would require a 2/3rds vote of the Governing Body to repeal the resolution.

Michael Kelly felt it would be better to wait until after budget when there will be a clearer financial picture. David Belz responded the Finance Committee felt it would be best to start as soon as possible. Dale Beckerman added this has been discussed for a few year. Laura Wassmer noted she did not expect the budget picture to get any better and doesn't see any advantage in waiting.

Steve Noll agreed that the city does not have the funds for significant improvements in parks and minimal funds for park maintenance. He questioned if the city was limiting itself by saying ½ the sales tax goes toward the parks master plan and also questioned how viable that plan will be ten years from now.

Diana Ewy Sharp stated there is a five year Park CIP prepared each year for park maintenance which would determine how that portion of the sales tax would be spent. The parks master plan administration would come from a recommendation from the Park and Recreation Committee. She noted the parks master plan was created with a 10-15 year window and does not feel it will be outdated.

Charles Clark stated he felt the CIP replacement and maintenance needs to be addressed before any funds are spent on implementation of the parks master plan. He noted in the next 10 to 15 years the city will need to replace its entire pool complex which is over 30 years old.

Michael Kelly asked where the community center fit into the picture.

David Belz responded the community center committee has not decided on its recommendation and does not know what its recommendation will be. They are to address the question of whether or not Prairie Village should build a new community center. He does not feel this process should be delayed for that recommendation.

Mr. Kelly responded he feels the whole picture needs to be considered and its implications as far as increases in mill levy or additional funding needs.

Al Herrera noted that Mr. Kelly was assuming the recommendation of the community center would be to move forward with the community center. He reminded the Council the issue is whether to place the question before the public.

Ruth Hopkins stated her biggest fear is that the people will not see the big picture with the potential for raising the mill levy for street infrastructure and again potentially down

the road for pool or community center improvement/replacement. She is concerned that the residents understand the entire situation when voting.

David Morrison stated at a recent League of Municipalities conference he attended a session on sales tax initiatives and was advised that these usually get approved in Kansas. He feels the city should wait until November to place the question on the ballot so residents will have a clearer picture of the ramifications of any state actions to increase taxes. Mr. Morrison reminded the Council of his past support of having questions related to the increase of taxes be taken to a vote of the people.

Laura Wassmer stressed the need for educating the residents on the true financial picture for the City. She believes the residents think park improvements will continue to happen because they have in the past. The residents need to be educated on the economic challenges faced by the city. She does not see any other way to continue to provide these services and feels it is important that the resident know if they desire to continue to want these improvements there needs to be a dedicated revenue source available for funding the improvements and on-going maintenance.

Diana Ewy Sharp noted none of the Council wants to raise taxes. The Park & Recreation Committee appreciates the investment the city has made with the improvements to Franklin and Weltner Parks, but stated the city has been doing a disservice to park maintenance. A dedicated revenue source is needed to address the upcoming and on-going large scale maintenance costs related to the parks. She noted the expectation has been set that each park in the city will be improved. She added that one of the options for possible funding identified by the parks master plan was a dedicated sales tax. She feels this needs to be taken to the residents for them to decide how they want their money spent.

Dale Warman expressed concern that voters perceive the ballot question as being endorsed by the Council. He would be more supportive of the increase if it included maintenance instead of just funding of the parks master plan improvements.

Dale Beckerman stated he felt the Council needs to clarify what is meant by "maintenance" i.e. is this simply capital maintenance or items of high dollar cost that cannot be covered within the public works budget. He does not feel they necessarily need to be identified specifically, but perhaps categorized.

Laura Wassmer asked if it would make sense to send this back to the Parks and Recreation Committee to put together a proposal with assistance from the Public Works Director.

Diana Ewy Sharp responded no formal vote has been taken by the committee however, she noted this has been discussed since September 2009. She felt the Council needs to address the issues raised by staff and then if they wanted to send it to the committee she would support that.

Charles Clark noted there are too many questions to be answered and they would be better addressed if there was a specific recommendation from the Parks & Recreation Committee. Therefore, he moved the council committee direct the Parks and Recreation Committee to prepare a specific recommendation regarding possible parks funding and sales tax initiative for consideration by the Governing Body. The motion was seconded by Laura Wassmer.

Dale Beckerman recognized former Mayor Sue Weltner and asked for her comments.

Mrs. Weltner thanked the Council for its work and for the approval of the recent improvements to Franklin and Weltner Park. She advised the Council to take into consider the present economy in making its decision. There needs to be maintenance funds for the parks; however, she does not like sales tax increases and particularly those with dedicated funds. The budget should determine what projects are completed each year. She would rather see a mill levy increase than a sales tax increase which impacts all people and noted the city's sales tax rate is getting fairly high. She urged the Council to look at the matter very carefully.

The motion to request a recommendation from the Parks & Recreation committee with a specific proposal for consideration by the Council was voted on and passed by a vote of 9 to 2 with Michael Kelly and Andrew Wang voting in opposition. Ruth Hopkins did not vote.

Report from the neighborhood event committee and discussion

Michael Kelly reported that he and Andrew Wang have met with staff to discuss several possible options but they did not have anything definite to report at this time.

Executive Session

Charles Clark moved pursuant to KSA 74-4319 (b) (2) that the Governing Body, recess into Executive Session in the Council Chamber for a period not to exceed 10 minutes for the purpose of consulting with the City Attorney on matters which are privileged in the attorney-client relationship. Present will be the City Council, City Administrator, Assistant City Administrator, Chief of Police and City Attorney. The motion was seconded by Andrew Wang and passed unanimously.

Charles Clark moved to reconvene the Council Committee of the Whole. The motion was seconded by Andrew Wang and passed unanimously.

STAFF REPORTS

Public Safety

- Chief Jordan reported on a recent Kansas City, KS vehicle pursuit that ended in Prairie Village with the suspect hitting a tree.

- Chief complimented Jay Senter on a recent article on the PV Post regarding vehicle break-ins and an increase in crime during the holidays.
- Shop with a Cop will take place next Wednesday, December 14th. Sufficient donations have been received to allow the police to take seven Prairie Village children shopping followed by pizza back at the station.

Public Works

- Bruce McNabb reported the Tomahawk Trail is under construction with the trail being paved last week.
- WaterOne will be removing the water tower at McCrum in mid-January. Last Friday they removed some trees surrounding the tower. There is a public meeting on January 4th regarding the project.

Adjournment

With no further business to come before the Committee, Council President Dale Beckerman adjourned the Council Committee of the Whole meeting at 7:27 p.m.

Dale Beckerman
Council President