



# CITY OF TOPEKA

CITY COUNCIL COMMITTEE  
MEETING MINUTES

## PUBLIC INFRASTRUCTURE COMMITTEE

CITY COUNCIL  
City Hall, 215 SE 7<sup>th</sup> Street, Suite 255  
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Date: November 1, 2022

Time: 11:00 a.m.

Location: 1<sup>st</sup> Floor Conference Room; Cyrus K. Holliday Bldg 620 SE Madison (*virtual attendance option also available*)

**Committee members present:** Council members Tony Emerson (Chair) & Neil Dobler and Michael Lesser.

**City staff present:** City Manager Stephen Wade Public Works: Interim Director Braxton Copley, Deputy Director Hannah Uhrig, Robert Bidwell, Jason Tryon Planning: Director Bill Fiander, Development Services Director Richard Faulkner, Dan Warner Finance: Interim Director Rachelle Mathews Legal: City Attorney Amanda Stanley, Deputy City Attorney Mary Feighny

### Call to Order

Chairman Tony Emerson called the meeting to order at 11:00am, and Committee members introduced themselves.

### Approval of September 20, 2022 Meeting Minutes

Committee member Lesser made a motion to approve the minutes. Committee member Dobler seconded the motion. Minutes approved 3:0.

### Discussion: City Hall/TPAC HVAC Assessment

City Manager Stephen Wade noted that there had been a number of conversations over the past year and a half regarding the HVAC modification that effect both City Hall and the Topeka Performing Arts Center (TPAC). He was presenting the results of the recent HVAC system assessment to the Committee, for consideration of approval. This would be a modification to the 2023 CIP.

City Manager Wade reviewed the basics of the results that had returned. To complete the City Hall and TPAC combined project, the estimate cost will be \$22M. This is higher than initial expectations. He broke down some potential options and stated that priority levels (1 being the highest and 5 being the lowest) were listed for each aspect of the projects:

- TPAC only side could be completed for \$13.5M.
  - Of this amount, there is a component which is basically converting steam into hot water. If the choice was to do one side of the building or the other,

this would be the priority as a base-level type of upgrade. This upgrade would be about \$3.8M.

- Municipal Court is just over \$2.5M
  - The Municipal Court piece of the project was listed at a level 4 priority.
  - City Manager Wade clarified that staff is not advocating to not fix Municipal Court, however, if a prioritization level was required, this would be the lowest priority of the three proposed areas.
- City Hall would make up the balance of roughly \$5.7M

Committee member Dobler stated that, given the fact that the estimate is \$22M of funding that the City does not have, he inquired what staff recommendations would be? City Manager Wade noted the attendance of two TPAC Board members who were in attendance. Chairman Emerson invited them to provide comments.

Roger McKinley spoke to the Committee about the effects of the current aging HVAC system and the negative impacts it has been causing TPAC with regard to instrument assets, performance/event abilities, and other issues such as peeling wallpaper and sagging ceiling tiles. There have been times when shows were on the brink of being cancelled due to the inconsistent and uncontrollable nature of the HVAC system. One of the major problems with the old system is the level of humidity that is created. Mr. McKinley stated that he felt the auditorium is a crown jewel of Topeka, noting there are not many others like it around anymore.

Chairman Emerson inquired about the possibilities for energy efficiencies the City could receive as part of this system. Public Works Deputy Director Hannah Uhrig spoke on efficiencies that may be available, from an operational savings perspective. She stated that staff did not seek out an energy efficiency output during the assessment. And continued to say the loads are so variable and the system is so old, staff knows the City will receive a more efficient system. All of the systems will be technically more efficient. There is going to be a higher put-through, so in terms of operational savings, there will not be a noticeable financial savings. But, there will be an environment that is adequately heated, cooled and with the ability to control humidity, especially in the basement of TPAC. City Manager Wade added that staff was not expecting to see any return on investment from an efficiency standpoint.

Committee member Dobler inquired about the issues that would be addressed if the Governing Body chose to approve areas one through four of the prioritized list? Deputy Director Uhrig stated it would address the entire system in City Hall. She noted that the City Hall piece was called out in more specificity on the first option. That option does push through the return air ducts throughout the building as well as updating the units on top of the building, connecting it all to the existing system that is share between TPAC and City Hall. Part of that is the conversion from steam to hot water, which would need to be done congruently if not slightly before to allow for hook up to the system upon installation of the new rooftop unit.

Committee member Dobler inquired if there was currently return air through hallways and windows? Deputy Director Uhrig responded that there was air return through occupied space.

Committee member Dobler inquired if areas three and four would address TPAC? Deputy Director Uhrig confirmed and stated it would address the main auditorium and the main basement auditorium area, which is also used as an event space.

Deputy Director Uhrig stated staff had tried to show, on the color-coordinated map presented, the areas where the TPAC systems impact the correlating sections of building.

Committee member Lesser inquired about the number of employees the City of Topeka has currently? City Manager Wade stated there were about 1,000 currently employed, with about 1,150 positions that have been budgeted for.

Committee member Lesser inquired as to how many employees utilize the wellness center that is located at City Hall? And suggested looking into a possible opportunity to partner with local gyms to provide newer machines for a similar price to the City, and that it would quickly alleviate \$400,000 for the use of replacing the HVAC into the current gym area.

Committee member Lesser inquired if TPAC receives any funds from Visit Topeka, Inc.? The TPAC Board members noted TPAC did not. Committee member Lesser stated he felt there would be an additional opportunity to have Visit Topeka or the Greater Topeka Partnership provide part of the contribution toward the cost that is effecting TPAC's side, as TPAC is a tourism attraction.

Committee member Dobler noted that City Manager Wade had originally mentioned \$13.5M listed for TPAC, and inquired as to the corresponding item numbers. City Manager Wade responded numbers two through six.

Committee member Dobler inquired as to what areas were part of item five? Deputy Director Uhrig stated it was the fan coil and exterior of the first floor of TPAC. This would include the entry way, and the smaller side-meeting rooms.

Chairman Emerson reviewed some of the options that were suggested. He agreed that there may be a better use for the space that currently is housing the City's wellness center.

City Manager Wade noted that staff was seeking to have discussion and approval from the Committee to move the full portion to the Governing Body for consideration.

Committee member Dobler stated that, according to the study, item five states "equipment with limited useful life remaining, direct impact on occupants..."

“...serving spaces which have a limited or occasional occupancy”. He inquired as to what effect that would have on TPAC if that piece of the project was not funded? Mr. McKinley stated the green areas are highly utilized. The highlighted areas are meeting rooms that are rented out and used by staff for meetings. The lower right-hand corner of the section are occupied offices utilized by about six staff members daily. The area that runs along the bottom side is the concessions food storage and another office for a staff member. It also entails all of the hallways and corridors as well.

Deputy Director Uhrig noted that within all of the space, some of the return air challenges can be mitigated by opening windows. While is it highly utilized on a daily basis, from a corridor perspective, the vast majority of the utilization of this building for its intended use is within the auditorium area. These areas are still important, but when trying to prioritize the impact to the public and to the functionality of TPAC, these factors were what put it at a level five on the priorities.

Mr. McKinley stated that the corridors, entry and the vestibule area are part of the performance areas. It is through these areas where attendees access the main auditorium. The vast majority of people who attend events at TPAC are Topekans. And TPAC serves as a priority of an event center for local theater, the Jazz festival, Topeka Symphony, etc.

Committee member Dobler skipped over to the City Hall side of the assessment, and stated that there are a number of office buildings that are City owned. He inquired if there would be an opportunity to utilize those areas to consolidate space and remove the need for continued HVAC usage? City Manager Wade stated those conversations had been happening over the past couple of months. He referenced a study that was done in 2019 that looked at mothballing portions of City Hall, with a recommendation being to add floors to the Cyrus K. Holliday building. He was not making that recommendation, and asked for additional time to take another look internally at how much consolidation the City could do, either at Holliday or other facilities.

MOTION: [Detailed conversation regarding this motion are below] To move this item to the Governing Body for consideration to approve Options 2, 3, 4, and 5 was approved by the Committee 3-0-0.

Committee member Dobler made a motion to complete the projects in phases. Completing Phase 1 and Phase 2 would benefit the entire building, and Phase 3 would allow TPAC to continue functioning as an auditorium. Committee member Dobler stated the information for Phase 5 was still not clear regarding the options to put TPAC personnel in other space within the City. He would include Phase 4 and 5 in the motion as well, as it would take care of TPAC as well as the conversion from steam to hot water. Completing the work in phases will allow some of the work to be done on the TPAC side while additional assessments are completed to address the standing questions about the City Hall side. City Manager Wade stated it would

roughly be an 18 month process to reach finalization of any progress; and that, depending on what the lead-time is, each item would be a 12-16 month process. He felt the assessment could be completed quickly to answer to questions about additional space within the City buildings. Chairman Emerson sought clarification to Committee member Dobler's motion, asking it if would be to select Option 2 in the amount of roughly \$3.7M; Option 3 in the amount of roughly \$3,2M; Option 4 in the amount of roughly \$3M; and Option 5 in the amount of roughly \$3.1M. The total for these Options would cost roughly \$13M. Committee member Dobler stated another consideration could be to move Municipal Court to the Holliday building. City Manager Wade stated this would be something that would take him some additional time to review and bring information back to the Committee with. City Manager Wade noted that there was \$5M currently in the CIP for this project, so the request is looking to add \$8M to it. Chairman Emerson seconded the motion. Committee member Lesser urged the City Manager to reevaluate the future of the City Hall side needs, and to remember that just because something is old does not mean it is historic.

### **Elevation Parkway**

City Manager Wade stated that the Elevation Parkway, US-24/Frontage Road and KTA Toll could be addressed somewhat together, as they are all economic development opportunities.

The Elevation Parkway is a plan that has been on the books for about 25-30 years and is in the Southwest quadrant of Topeka. In its full envisioning, it would connect Gage Blvd to Wanamaker Rd on the southern end. Three developers have approached the City with the assertion that, if the City were to do Phase 1 (Gage to Fairlawn), with some extensions of both Gage and Fairlawn themselves. That would open the corridor to a significant amount of development; which could include housing, office, parks, light retail, but currently no specific plans.

The US-24/Frontage Road project is a component to the Polk-Quincy Viaduct project. Because of having to reroute traffic, there is some work that needs to be done on Highway 24, located at the Northeast end of Topeka. The City's funding portion of that is not to exceed \$1.7M.

The Kansas Turnpike Authority (KTA) study is in the Southeast part of the city and includes the conversation about connecting the turnpike to the area near 29<sup>th</sup> and California. The KTA study is roughly a \$20M project, as it exists currently. There is still work that needs to be done to firm up that number and firm up the plans. City Manager Wade stated that what he is asking the Committee to consider, for this project, is to amend the CIP for an amount not to exceed \$120,000. That is to pay for half of the study, to firm up those plans to develop that area around 29<sup>th</sup> & California, in regard to a turnpike exit.

The Elevation Parkway side is about \$21.5M and is basically connecting 37<sup>th</sup> & Gage down and around to Fairlawn, extending Fairlawn & Gage to open all of that up.

Chairman Emerson noted the \$21.5M would also include taking Fairlawn all the way to 53<sup>rd</sup> street. City Manager Wade stated this would be a 3-lane arterial. Some conversation has been had regarding whether or not that would be a Parkway, with vegetation and whatnot in the center, or if it would be a separate turn-lane. Details such as those are yet to be finalized.

Chairman Emerson inquired if all that was being asked for today was the money to update and finish the plans? City Manager Wade confirmed that staff was seeking approval to spend \$120K for the KTA study, \$1.7M for the US-24 Highway/Frontage Road, and then an estimated amount of \$21.5M to proceed with flushing on Elevation Parkway.

City Manager Wade noted that each of those three projects would be amendments to the 2023 CIP

Chairman Emerson inquired if the money for Elevation Parkway was the full amount needed? City Manager Wade clarified that the \$21.5M requested is the total cost for Phase 1 of the project, and that it does not include the envisioning of future connections from Fairlawn to Wanamaker. That would be a separate phase.

City Manager Wade stated that the original envision for Elevation Parkway included connections of Gage to Fairlawn, and on over to Wanamaker. But the connection of Fairlawn to Wanamaker was not part of the \$21.5M. City Manager Wade clarified that the original \$12M was the initial estimate but that the estimate was completed a number of years ago, and that prices have since risen much higher. The \$21.5M includes concrete for the road, and moving some utilities to activate that entire area. Chairman Emerson recognized that, but stated it would be expected now that a developer would go in and develop anything, they would pay for a certain thing. Such as when a housing developer goes in, they put in a two-lane road with concrete curb & gutter, storm sewer and a sidewalk; so in his opinion, Chairman Emerson felt the City should be looking at the delta between what the developer would have to do already and what the City wants, in making it an arterial. Chairman Emerson stated it was important to note that the \$21.5M requested would be what the total was if the City were paying for everything. City Manager Wade confirmed, and stated that any offset expense to developers would be a reduction of that fee.

Chairman Emerson stated it would be his recommendation, or his interpretation of what is fair, that to the extent the City is getting something that functions as an arterial that benefits the City, but the initial access really helps the developer. And he feels it should be their responsibility to take it from that point through an undeveloped area.

Committee member Dobler added that the additional piece could be a benefit district that covers the development area as well, and that in essence the City would be financing but would not be paying for that outright. City Manager Wade stated there had been that conversation and noted the other piece would not only be simply economic development, although that is the driving factor for this, but that

it would also take the pressure off of 29<sup>th</sup> & Fairlawn. There are more traffic issues there, and some challenges with emergency response times just because of how that area is laid out. It is difficult to get from Gage to Fairlawn without using 29<sup>th</sup> street.

Committee member Dobler noted that \$21.5M was for the total project, but asked what the City Manager was seeking approval for right now? City Manager Wade responded that an additional \$3M as part of the 2023 CIP would allow staff to make some progress, firm up some of the plans, and show intentions and initiative on behalf of the City, toward developers, in that the City is looking to move forward.

Motion: To recommend, for consideration by the Governing Body, an amendment of the 2023 CIP to spend up to an additional \$3M for plans and work on the Elevation Parkway. Motion made by Committee member Dobler and seconded by Committee member Lesser. Approved 3-0-0.

Motion: To recommend, for consideration by the Governing Body, an amendment of the 2023 CIP to spend an additional amount, not to exceed \$1.7M for the City's portion of the US-24/Frontage Rd project. Chairman Emerson made the motion, which was seconded by Committee member Lesser. Approved 3-0-0.

Motion: To recommend, for consideration by the Governing Body, an amendment of the 2023 CIP to spend an additional amount of \$120K for the City's portion of the KTA study to firm up the plans concerning the exit at 29<sup>th</sup> & California. Motion made by Chairman Emerson and seconded by Committee member Dobler. Approved 3-0-0.

### **FIRM Program Memo**

City Manager Wade inquired with the Committee as to the amount of oversight the Committee wanted to have with regard to FIRM repair projects. City Manager Wade referenced a situation that has occurred within City Hall in which a power panel is failing and causing some issues with City4's ability to operate effectively. City Manager Wade stated it was his interpretation, from former conversations, that the Public Infrastructure Committee wanted to have full oversight of any expenditures, when it comes to City buildings and infrastructure. He is seeking clarification from the Committee as to the level of oversight they would like to have with this regard. Chairman Emerson stated it was his opinion that, within certain parameters, the City Manager would have the ability to make decisions. And to perhaps bring it to the Governing Body after the fact to justify the need.

City Manager Wade stated that from a legal aspect and financial aspect, both would be more comfortable if the parameters were at least loosely defined to provide an understanding of the scope of authority. He referenced that the Finance Department "gets a little squishy" when efforts are made to spend money where clear authority may not have been given to spend. Chairman Emerson inquired with City Manager Wade and the Committee as to the amount that could be included within parameters to provide staff with the flexibility to do their jobs but also satisfy Finance without completely letting go of the reins. City Manager Wade suggested that having

spending authority of up to \$25K, on an incident-basis, would be what Finance is comfortable with allowing. This would allow staff to proceed efficiently, without bogging down the Committee. A report would be made to the Committee after the fact to assist with justifying the need, and answer to any questions.

MOTION To recommend for approval by the Governing Body the allowance of staff of up to \$25K in spending authority, without prior authorization by the Public Infrastructure Committee, with the caveat that staff provide an expenditure report to the Committee afterward. Motion made by Chairman Emerson, seconded by Committee member Lesser. Approved 3-0-0.

### **Other Item**

Committee member Lesser made a motion, that with the amount of projects being moved forward, that the Public Infrastructure Committee begin meeting on a weekly basis at 4:30pm on Friday afternoons to ensure all proper attention is given to each and every project. With no second to the motion, the motion failed.

Chairman Emerson recognized Councilmember Michael Lesser, noting that this meeting served as the last item during his term in office. Councilman Lesser provided closing comments. Committee member Dobler voiced well wishes.

### **Adjourn**

Chairman Emerson adjourned the meeting at 11:50am.

This meeting can be viewed online at: <https://youtu.be/IbhnQAHPTsY>