



# CITY OF TOPEKA

CITY COUNCIL COMMITTEE  
MEETING MINUTES

## PUBLIC WORKS INFRASTRUCTURE SPECIAL COMMITTEE

CITY COUNCIL  
City Hall, 215 SE 7<sup>th</sup> Street, Suite 255  
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Date: August 16, 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, Michael Lesser

**City staff present:** Interim City Manager Bill Cochran, Utilities Director/Interim Public Works Director Braxton Copley; Public Works: Hannah Uhrig, Jason Tryon, Mark Schreiner, Planning: Director Bill Fiander, Finance: Deputy Director Rachelle Mathews, Josh McAnarney Legal: Deputy City Attorney Mary Feighny; Communications: Director Gretchen Spiker; Mayor Michael Padilla

### Call to Order

Chairman Tony Emerson called the meeting to order at 11:00am.

### Approval of June 27, 2022 Meeting Minutes

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

### Discussion: Uptowner Parking Garage

Interim City Manager Bill Cochran introduced the item and stated that after speaking to the architect and staff, he would like to suggest a recommendation for the Committee to approve and move to the Governing Body approval to approve upwards of \$400,000 to address the immediate life safety issues of that parking garage. With that, the City should be able to keep the parking garage open until the Governing Body makes a decision for the future of that garage structure as a whole.

Committee member Dobler asked if City Manger could review what the \$400,000 would cover. Interim Public Works Director Braxton Copley provided the information. Items included in the cost were:

- Fire protection sprinkler hose standpipes
- Ventilation system in the basement
- Fire alarm system and other miscellaneous electrical system upgrades

Director Copley reminded that the report came out in 2021, at that time, the estimated cost was \$360,000. The current proposal is seeking \$400,000 to account

for the 10% cost of construction. Director Copley suggested the Committee consider adding an additional 15%-20% to the \$400K to provide a buffer for the cost of inflation.

Committee member Lesser suggested changing the amount to state “up to \$500,000” for the life safety upgrades listed on page four of the Bartlett & West 2021 study.

Chairman Emerson stated he felt lighting improvements would also fall under a safety aspect that should be included as well. City Manager Cochran agreed and felt some of the lighting could be upgraded within the scope of the other requested work.

Committee member Lesser inquired what hose stand pipes were. Director Copley stated it was a pipe that was vertical that would allow water to come out in addition to the standard ceiling sprinkler heads to aid in fire protection.

Committee member Lesser inquired about the current sprinkler system. Deputy Director Hannah Uhrig stated upgrades were needed to address the current sprinkler system, as it had not been properly checked or maintained over the years. A sprinkler system is particularly important for this garage as it has an underground piece which creates an additional hazard.

Committee member Lesser inquired if any of the listed life safety items would have to later be removed to accomplish some of the other things that would be necessary for future upgrades? Deputy Director Uhrig stated she did not believe that to be the case, but that she would complete a site review to confirm.

Deputy Director Uhrig noted that the largest safety concern for changing the lights would be from the actual changes in different lighting intensity. She explained that the change in how pupils dilate when transitioning from natural lighting to garage lighting and from garage to natural, is what causes the greatest risk to drivers and pedestrians within garages. She cautioned to change out all of the sections throughout the garage to avoid causing unintentional issues. This would likely be closer to the \$100,000 mark to upgrade these fixtures to LED. Director Copley referenced page 22 of the study and stated the estimate for the LED light fixtures in the parking garage office waiting area and toilets was between \$100K-\$130K, with design costs being an additional \$12K-\$16K. He suggested those estimates would provide some guidance as to what the actual cost would be for making those upgrades.

Chairman Emerson referenced the changes Evergy made to their parking garage with the lighting, and that the upgrades made a noticeable change to the feel of the garage with regard to personal safety, as well as being more energy efficient. He inquired if the City maintains the current lighting? Deputy Director Uhrig stated the City did not currently maintain that in the Uptowner Garage, but does for the

other parking garages. Chairman Emerson then asked if the City pays the energy bill for the Uptowner Garage? Deputy Director Uhrig stated the City is not currently paying for electric currently within the Uptowner. The Lessee is.

Committee member Dobler stated he would be supportive of increasing to \$600,000 as long as Staff could be sure the process would only need to be done one time and not torn out later.

**MOTION:** To authorize Staff to spend up to \$600,000 to perform the life safety upgrades, including lighting, to the Governing Body with a recommendation for approval. Motion made by Committee member Dobler and seconded by Committee member Lesser. Approved 3-0-0. Committee member Lesser added that he wanted assurance that Staff could validate the work prior to it occurring with regard to how it might impact other pieces of the garage work that will need to be addressed in the future. Deputy Director Uhrig confirmed that Staff will validate the scope of the work with the design and build teams prior to work being done.

Committee member Lesser inquired if there were any Code or Ordinance law issues with the garage that would need to be addressed, particularly in the electrical and lighting scope, before proceeding? Director Copley confirmed that the proposed projects listed in the major life safety suite correspond with bringing the garage up to fire, electrical and mechanical code standards. Director Copley added that he also understood the concern of the committee and was on the same page.

Chairman Emerson inquired when this item would go before the Governing Body. City Manager Cochran stated it was possible it could go on the September 6<sup>th</sup> meeting.

### **Other Items**

City Manager requested that the PI Committee move forward with the Townsite Parking Garage conversation to decide whether to sell this asset off or maintain it. This parking garage was removed from the original parking conversation that had occurred several months back, with a request to address Townsite separately. There has been \$1.2M has been approved for Capital Repairs, at that parking garage and it has not yet been spent. Following the completion of a study, City Manager Cochran stated the next step was for the Governing Body to assist with direction to Staff on what should be done. There is a Right of First Refusal by the interested party of that garage. They have made a monetary offer for that garage. Staff feels that the Townsite Parking Garage generates revenue and should be kept in the inventory. He felt the conversation should be had at the full Governing Body level, since the garage was removed out of the CIP conversation. City Manager Cochran requested that the Committee make a motion to move forward with presenting the Townsite Parking Garage conversation to the Governing Body as a discussion item.

Committee member Dobler inquired about the ownership structure for the garage. Division Director Jason Tryon stated the City owns the garage. The garage and buildings above were built at the same time, with the ownership structure being that the City would own the garage and the real estate developer would own the structure above the garage. Committee member Dobler inquired if the Right of First Refusal was referencing that the current owner of the building above the garage would have the right to buy it, if the City chose to sell it? City Manager Cochran stated he would have the City Attorney's office review that information to confirm. It is his understanding that the City has a lease on the garage, and does not actually own it. Division Director Tryon stated that the understanding he had from the City's legal team was that the City could sell it, however the current building owner would have the right to make a reasonable offer at any time, if the City chose to sell it. He continued to say there are provisions stating the owner of the building above could match or make an offer if the City chose to sell. Deputy Director Uhlrig stated there were also additional provisions that stipulate a committee would be created to help assess a fair market value and some of the other pieces that were written into that original agreement. The current owner of the building has the first right of refusal. Deputy Director Uhlrig stated Staff would have to meet with Legal to confirm exactly where the bounds are, in terms of how we describe it, and repeated that the City could sell the asset as long as proper procedure is followed.

Deputy City Attorney Mary Feighny stated that the City does not own the underlying property where the garage sits. Townsite Plaza Development Inc. is the fee owner. The City only has an easement to operate the garage. If the City wanted to lease the garage or retain somebody to manage it, Townsite has the first right to do so. If the City does not use the property as a garage, Townsite has the right to assume operations and control of the garage and pay the revenues to the City. If the City decides to stop operating the garage, Townsite has the option to purchase it for fair market value. If the City and Townsite are not able to agree on the price of fair market value, then a board of three real estate appraisers will be formed to decide that price.

Committee member Dobler sought clarification as to whether or not the City owns the parking garage structure. Deputy City Attorney Feighny confirmed the parking garage was part of what was considered to be the "easement".

City Manager Cochran restated that Staff was seeking direction from the Committee as to if they would like to see this conversation move forward to the Governing Body. The conversation with the Governing Body would be to seek direction as to whether to keep the garage in the current inventory or to move forward with reviewing options for removing it from the inventory. He noted that additional information would be shared with all of the Governing Body members, but felt that the focus on parking was approaching again, and that the RFP for third-party management closes at the end of August. Townsite was broken out separately several months back as an independent conversation, and he did not want to lose sight of it.

Committee member Lesser stated he felt the conversation related to Townsite needed to move forward way or another. That the City needed to decide whether to move forward and make repairs to the garage because of the condition of it, and because of the safety concerns of the garage, or to sell the garage.

**MOTION:** To request Interim City Manager Cochran to add the Townsite Parking Garage as a discussion item to the Governing Body agenda, to include information on both the cost of keeping it in the City's inventory and complete the necessary repairs, and a proposed range for what could be expected for fair market value. Committee member Lesser made the motion. Committee member Dobler seconded. Motion approved 3-0-0.

City Manager Cochran clarified that the vertical parking garage was separate and was not asked to be considered in this discussion. It would only include the underground parking garage.

Committee member Lesser stated he was unable to attend a public meeting to discuss the Danbury project, he asked if Director Copley was able to attend? Director Copley confirmed that he was. He stated he felt it went well overall. Staff was present for about an hour and were able to answer all of the questions asked. The first question that came up referenced the numerous pot holes where the AB3 material was used. This is temporary filling for duration of waterline project. The contractor is trying to go by once or twice weekly to ensure the temporary AB3 filling is in place. Director Copley stated he had encouraged participants to call the 785-368-3111 number if they need to identify a pothole that should be addressed. The contractor has also been directed to come back in with a four-inch temporary concrete cap on all of the areas, knowing that the project will have to be winterized this season and the real street work started in the spring of 2023. The temporary capping process is expected to begin within the week or following week. This process will take a bit of time, as to avoid having to do a full road closure. Additionally, Director Copley stated Staff explained that the stormwater work for this project would begin in September and will go until early November. The vast majority of the work will be the removal and replacement of the concrete and will last the entire construction season of 2023. It was explained that the project will be split into two halves to allow for one lane of traffic to remain open at all times. Access roads will be provided for residents. There will be a one-way on Yorkshire and Danbury all around the circle. Once the first half of the construction is complete, the access road will then be changed to be a one-way the other direction. He noted that another public meeting will be held in the early Spring of 2023, prior to starting as a refresh on the scope of the work. Details that would be important for Staff to know from residents would be if a resident was handicapped. If so, access to the driveway could be accommodated for. The expectation would otherwise be for able-bodied people to park in the street and walk in during the period of time when their drive approach was being removed/replaced. Driveway approaches will be completed last. Following the street repairs the curbing,

guttering pavement first followed by the drive approaches. Staff will walk through the timing on that with residents. This process typically takes 20 days from start to finish once begun.

Committee member Lesser noted that Director Copley had been very complimentary of his staff since he has taken over the additional duties as the Interim Public Works Director, he also felt Director Copley had been doing a great job himself in the role.

Committee member Dobler stated he would like to request having a review of the City's current process for development opportunities and how they are handled, for the September committee meeting agenda. The goal would be to understand the obstacles and possibly come to a better understanding of how to streamline some of the concerns that had come up. Some details to include for the discussion would be some background from Staff regarding what the process looks like currently, and to invite the private sector developer community to the table as well to see if a resolution could be made.

City Manager Cochran thanked staff for their quick work with addressing the street closure for the 45<sup>th</sup> street project. They were able to get the work completed quickly.

### **Adjourn**

Chairman Emerson adjourned the meeting at 11:35am.

This meeting can be viewed online at: <https://youtu.be/smrYGLib1wg>