



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

PUBLIC WORKS INFRASTRUCTURE SPECIAL COMMITTEE

CITY COUNCIL
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Date: January 25, 2021

Time: 2:00 p.m.

Location: This meeting was entirely virtual via Zoom.

Committee members present: Deputy Mayor Tony Emerson, Councilmembers Michael Padilla, Neil Dobler, and Michael Lesser

City staff present: City Manager Brent Trout, Finance: Jessica Lamendola, Stephen Wade, Adam Vaughn, Josh McAnarney; Legal: Lisa Robertson, Mary Feighny; Planning: Bill Fiander, Taylor Wolfe Public Works/Engineering: Brian Faust, Hannah Uhrig, Jaci Vogel, Robert Bidwell, Jehan Zeb, Tony Trower, Brian Bigenwalt, Michelle Neiswender, Dee McElwee-Vazquez, Jason Tryon, Mark Price; Utilities: Bob Sample, Braxton Copley, Sylvia Davis; SGT Kerry Connell (TPD)

Call to Order

Chairman Dobler called the meeting to order at 2:00pm.

Approve Minutes from December 21, 2020 meeting

Committee member Emerson made a motion to approve the minutes. Committee member Padilla seconded the motion. Motion passes 4:0.

Update: Fleet Replacement Program [Time 3:55 minute mark]

{All presentations and supplemental materials reviewed at this meeting can be found on the Committee's webpage at: <https://www.topeka.org/citycouncil/public-infrastructure/> }

Hannah Uhrig, Public Works Deputy Director, reviewed the updated Fleet Replacement program.

Questions from the Committee:

- The graph starts at 12,000 miles for year 1, did we purchase it with 12,000 miles? The vehicle was purchased new, but acquired 12,000 miles during the first year.
- Is there a mileage limitation on any of the leases? No. But the only direct cost would be the estimation of the cost of resale. The only direct cost would come at the end of the agreement, if the mileage was higher but there are no penalties or additional fees.

- The resale can fluctuate, depending on the market, correct? Yes. There is no guaranteed resale. At the end of the term, the interest rates &/or resale value, depending on what the City chooses, would be what it is at that time. If, at the end of the 1-year lease, and it was not a positive resale experience, Enterprise has the option to extend out the lease. That would require the City to lock in a new rate, but it would allow for extending the lease period over time. An advantage to the Enterprise lease program is that they manage the lease program. They will adjust their terms and recommendations based on the trends they are seeing.
- There is no option to automatically renew; we would have to contract for a full twelve months? We could choose to break the contract early, but we would be responsible to pay the additional interest. We have to determine a lease period.
- Does Enterprise resell the vehicle, or do we resell it? Enterprise will resell the vehicles.
- Who does the major or minor repairs while we are in a contract with them? The City would continue to provide maintenance on the vehicles.
- There has been some back and forth over the years regarding the decision to buy or lease. One of the reasons given before regarding the reason to lease was to ensure the most up-to-date knowledge of the ever-changing technology. Are we still struggling with not being able to keep up with the technology, whether it is mechanics not knowing what to do or financially being able to afford the equipment? No, we are not. There is a huge emphasis on training. There are some gaps when it comes to the hybrid models of vehicles. But, as technology continues to evolve, so with the training of technicians.
- Would we be able to charge for warranty work that has to be done on the vehicles? Ms. Uhlrig would confirm, but stated she believed the City would be able to charge back for warranty work that was completed.
- Committee member Emerson inquired about reading the chart regarding GO Bond Financing. The chart is showing a negative net cost, but negative cost is actually an income. The chart should be showing a positive net cost, correct? The figures are backwards, so the figures that do have parenthesis on them should not have parenthesis, and the figures that do not have parenthesis should have parenthesis? Yes. That is correct.
- On the lease of the F-150, the figures do not match up. There are a few other items that are also off by a few hundred dollars. Ms. Uhlrig stated she would go back and review the information to ensure something in the new model is not calculating figures differently, and will follow up.
- Is bonding an option? It is considered an operating expense, rather than a bond. Jessica Lamendola, Finance, will find out more information in terms of State law; but because it is an operating expense, bonding may be a concern.

This would not be covered by the debt policy. If the decision to go that direction was made, additional policies would be needed.

Due to time restraints, Chairman Dobler suggested moving item 5 up to the next item, and will continue with the other agenda items if time allows.

Overview of the 2022-2031 CIP Process [video 41:00 minute mark]

Chairman Dobler stated the Committee was tasked with reviewing certain projects of the CIP by the Governing Body, and that those items would be reviewed during this time.

Ms. Lamendola provided information regarding the timeline for the CIP summary list. High level - asset allocation and how much money is going toward the different areas. Mid-year, the individual projects and programs from July through December would be discussed. The first half of the year was to prepare the big scope, with the second half being a deeper dive into more specific programs.

Stephen Wade, Budget & Performance Manager, reviewed the breakdown of the categories that the Capital Improvement Projects are listed under. The categories are Facilities, Neighborhoods, Public Safety, Quality of Life, Streets, Traffic, and Utilities/Water. Of the \$99 million dollar request, Utilities has roughly 44%, Streets has roughly 36.5%, with other areas rounding out the totals. Mr. Wade also reviewed a sheet that provided additional breakdown of those requested figures.

Chairman Dobler asked Mr. Wade to hit high points of interest. Mr. Wade noted the two projects receiving the most attention were the SW Huntoon and SW Urish projects. To comply within the \$9 million, those projects have been pushed back. Urish has been split to cover a couple of years. The south Topeka Blvd from 29th - 37th street has also been pushed back in order to remain within the GO Bond funding cap.

Some work is scheduled on SW Topeka Blvd, NW Tyler, and SE Quincy using some of the "Fix our streets" tax fund.

The Pavement Management program is running between \$6.3-\$7.6 million per year.

Questions from the Committee

- What's the approximate amount of the annual half cent sales tax revenue? \$15.3 million estimated, but can get actual number for the committee.

Chairman Dobler reminded everyone the Governing Body will be partaking in a full CIP Workshop with City Staff to choose specific projects on February 6th.

Facilities Overview: Presentation [video 54:10 minute mark]

Ms. Uhlig provided a presentation regarding the Facilities division, to include some of the different programs and initiatives within the division. Items found in the resolution Staff presented to the Committee for consideration for approval, include a list of projects for 2021 funding approval. These include:

1. LEC (Law Enforcement Center) Cooling Tower & Chiller Replacement: \$400,000
2. LEC Boiler #2 Repair: \$12,000

3. Zoo Necropsy Cooler: \$25,000
4. Zoo Ultra Low Freezer: \$15,000
5. Condition Assessments: \$100,000
6. Unexpected Repairs & Replacements: \$250,000

Questions from the Committee:

- There have been some discussion regarding the relocation of the LEC. Are some of these repairs something that has to be done, or can it wait until a decision has been made? This needs to be completed. The option provided in the presentation is the cheaper option, but given the nature and use of the building, the suggested repairs are necessary.
- The Shawnee County Sheriff's Office pays for a portion of the building. Is the \$400,000 request including their percentage, or will this be the amount prior to receiving their payment? The SNSO pays 30%. The \$400,000 gives us the spending authority to start engaging into the contract. The amount that will hit the firm will be less than the 30%, so it will not hit the funding balance.
- The amount on the resolution differs from the amount on the presentation regarding the LEC Cooling Tower, is this a correct amount? No. A new bid was received late in the week prior, and the resolution was not updated. The updated resolution with corrected amounts will be sent to committee members.
- The initial bid was \$250,000 but is now \$400,000 please explain. Staff updated the direction they were going with it. Initially, the project was going to replace the two cooling towers. However, based on the two failures last year, the decision was made to replace the full unit. In reviewing prevention of a third full-unit shut down, the decision was made to replace the entire unit rather than just the cooling towers.
- Has this item go out for bid yet? No. It is only in the design stage. The cost was predicted in the design specs.

Mary Feighny, Deputy City Attorney, noted that the dollar amounts found in the resolution are no longer correct, and that the committee would be voting based on the figures found on slide 15 of the Facilities presentation.

Chairman Dobler made a motion to recommend the Facilities Resolution, as amended to reflect the new dollar amounts, to the Governing Body for approval. Committee member Emerson made a motion to approve. Committee member Lesser seconded the motion. Approved 4:0.

[Video 1:19:20 minute mark] Ms. Uhrig continued with the presentation, discussing parking infrastructure.

Questions from the Committee:

- Has a needs assessment had been done recently to review the actual use of the current Facilities and Parking Garages? Are there other opportunities that we have not traditionally looked at? A review of the parking garages has been completed. There are a couple of garages that, even pre-COVID-19, have been underutilized.

The appetite to purchase a parking garage from the public side is relatively small. A pro forma was completed to understand the cost to the City. Based on the parking ecosystem, some of the higher maintenance parking garages are also the bigger ones, so the costs somewhat balance out. In terms of selling off different pieces, Staff has not been able to identify an avenue in which this would work, nor has an interested partner or buyer have not yet come forward.

For the City Facilities, there are a couple of components. The condition assessments and replacement plans were discussed. An additional layer to that includes the total cost of ownership. The budget/performance/analytic division is reviewing the utility utilization by building so a better number can be included in the analysis. Additionally, as part of the CARES Act initiative, a study was completed to evaluate the buildings for space mitigation efforts to ensure staff will be able to safely return to work during the pandemic. One of the outputs in completing this study has been to receive comprehensive floor plans of all administrative areas. The information produced by this data can be included into the comprehensive plan to identify over/under utilized staff facilities, and a more accurate dollar amount associated with the additional space.

Chairman Dobler noted that in addition to maintaining or selling structures, there is a third option to demolish. He noted that although he was not directly suggesting that at this time, he would like to see the cost associated with a demolition option included in the completed analysis.

SW 12th Street Project - Update [Video 1:28:25 minute mark]

Brian Faust, City Engineer, discussed the SW 12th street project. *{This information can be found on the committee's webpage}*

Mr. Faust reviewed a brief history of the project, which was approved by Shawnee County voters in November, 2014. Design began in the spring of 2019. The initial cost was \$13.18 million, which was for the reconstruction of the roadway. During the design phase, it became apparent that there was a need to upgrade the underground utilities. That portion of the project agreed to cover roughly \$1.1 million to upgrade relocation of existing city facilities. Six bids were received, with Bettis Asphalt providing the lowest bid at just under \$13.5 million. Based on the bids received, combined with estimated costs for design, inspection, and acquisition of easements and right-of-way, the total project cost is estimated at \$14.6 million. Staff is recommending a budget increase to \$15 million, which will provide a contingency of roughly \$365K to help account for unanticipated issues that typically occur during reconstruction activities. An amendment to the CIP for that item will be brought to the Governing Body at the February 2, 2021 meeting.

Chairman Dobler confirmed that the main source of funding for this project is the half-cent sales tax fund.

Councilwoman Ortiz inquired as to the purpose of the amendment. Mr. Faust noted that by the Shawnee County voters approving this project, the cost to upgrade utilities was associated with that project. During design reviews, it was a fair compromise to have the City cover roughly \$1.1 million of those costs. The Utility Department is also covering an additional \$1.7 million for their portion of the project.

Chairman Dobler confirmed there would be no action taken by the Committee at this time.

Discussion, Presentation & Possible Action: Resolution approving sidewalk project for North Topeka West [video 1:32:35 minute mark]

{Resolution and additional information can be found on the committee webpage titled 'Infill Sidewalks & Resolution'.}

Mr. Faust stated the Infill Sidewalk Program constructs both new sidewalks and restores existing sidewalks to provide for continuous compliant pedestrian connectivity. These sidewalks are identified in the Pedestrian Master Plan, or through requests from the public. During the resolution that was proposed to the Governing Body for the 2021-2030 CIP, approval must be granted in order to utilize GO Bond projects in the area of facilities, sidewalks, and fleet replacement. City Staff selected North Topeka West as the area to be completed for the 2021 Infill Sidewalk Program. There is currently \$600,000 for this project which will be funded through GO Bonds.

Taylor Wolfe, Planning, worked through the Pedestrian Masterplan presentation [video 1:34:05 minute mark]. Ms. Wolfe noted a longer presentation was provided to the committee a few months ago, this updated presentation will show the priority improvement locations. North Topeka West was selected as a priority area. It is a large NIA area. The area in the scope of the project will cover the streets: Topeka Boulevard, Lyman, Vail, and Gordon. Considerations were made to account for street projects on Lyman Road or Tyler Street. The next step will be to hire consultants to perform another inventory to create a more accurate cost for the project. If there are additional funds, additional locations can be added to the program. Those locations would be along Topeka Blvd, to finish 29th - 37th streets, and to complete the area north of 29th street. An additional project to follow those would include adding sidewalks around the Jardine school area.

Teresa Miller, President of the North Topeka West NIA, stated a desperate need for sidewalk on NW Lyman road to Vail. The street is narrow, and many people in the area do not have vehicles and walk that road. A young woman was hit by a vehicle and killed recently while traveling this street. City Manager Brent Trout stated some of the issue is that the sidewalk is on the plan and is scheduled to coincide with the street project. This means it will not be completed immediately, but is scheduled to occur. Mr. Faust noted the project was not initially included in the 2021-2030 CIP, however it was submitted to be included as a project that begins in 2026 in the year-five of the CIP. That will go on Lyman from Tyler to NW Vail. The proposal is to

have curb and gutter enclosed storm sewer, and sidewalks on both sides between Tyler and Clay. On the south side, from Clay further to west to Vail to add sidewalks. One challenge is the railroad tracks, and how to design a pedestrian crossing at the tracks. Ms. Miller asked to have updates provided to her as the process continues, realizing that it will not happen overnight, but appreciates having continued information to share with the neighbors in the area.

Councilwoman Valdivia-Alcalá reiterated the concerns brought up by Ms. Miller. She also asked that the sidewalks remain a priority. There have also been some conversations to improve the lighting in the area.

Chairman Dobler asked if there was a motion to accept the Infill Sidewalk Program for the North Topeka West project Resolution with a recommendation for approval by the Governing Body. Committee member Emerson made a motion to approve. Committee member Padilla seconded the motion. Motion approved 4:0.

Discussion: Sidewalks [video 1:45:30 minute mark]

{This information can be found on the committee's webpage}

Mr. Faust provided an update to the current sidewalk program. He listed the various scenarios where sidewalks are installed:

- Required with new construction (residential and business)
- Individuals and business may install sidewalks on their own
- May be included with street reconstruction projects (not citywide funding)
- May be included in targeted SORT neighborhoods if identified as a need/priority by the residents
- Infill Sidewalk Program fills gaps in existing sidewalks and can be used to replace deteriorated sections of sidewalk. Locations based on Pedestrian Master Plan.
- Sidewalk replacement (50/50) Program
- Grant programs such as Safe Routes to School

If there is a street with curb and gutters, sidewalks can be installed fairly easy. Streets with open ditches are more challenging. Mr. Faust discussed those, and how to navigate those challenges. There are currently 684 miles of sidewalk in Topeka. A sidewalk is defined as being anywhere from 3'-6', with shared use paths being 8'-10' wide. Abutting property owners are responsible for the maintenance of sidewalks. A determination as to the responsible party for maintaining the shared use paths along one side of collector and arterial roads has not yet been made.

Committee member Emerson asked if the option still existed for a petition to establish a benefit district. Ms. Feighny confirmed it was still a possibility and would review the ordinance. She will send the information to the committee.

Councilwoman Valdivia-Alcalá would appreciate more information regarding the comments brought up by Committee member Emerson. She also stated concern for the 50/50 sidewalk program. She would like to see more public education performed.

Chairman Dobler inquired if the 50/50 program was a policy, or administrative. Mr. Faust stated the program is part of a policy for the City to bid out the work at the beginning of the year. Once interested participants contact the City, they are provided with information regarding what their cost will be. Once payment is received, the owner is added to a list of projects with the low-bid contractor for the work. The process can take a month or longer, as contractors prefer to have several projects lined up before mobilizing crews to begin the work. The recommendation brought to the committee was to place more responsibility on the property owner. The City would continue to bid out the work and provide a cost estimate to the residents, and would work with the residents throughout the process, but they would be responsible for selecting a contractor from the list provided, and paying their portion of the work directly to the contractor. This change would remove staff from being in the middle of disputes that have occurred in the past, and places more responsibility on the property owner.

Councilwoman Valdivia-Alcalá noted she appreciated the information regarding the ways staff will communicate and work with constituents.

Chairman Dobler inquired with City Manager Trout about the possibility for the ombudsman program staff to also assist with walking residents through some of these issues. City Manager Trout agreed.

Teresa Miller provided comment regarding the sidewalk program. She advocated for the reinstallation of the Empowerment Grant program. City Manager Trout briefly discussed the new Dream Program grant. The City has allocated \$200,000 toward that program, in which NIA's will be able to apply for. The application is being drafted. Part of the program will include Capital Improvement projects, such as sidewalks.

Committee member Lesser brought up a past event where there disconnect had occurred for an applicant for the Emergency Repair program where a city-approved contractor, chosen by the owner from a list, had not been properly vetted and the work was not completely correct. He inquired about the measures that had taken place since that time to ensure the contractors on the approved list can do the work properly, and that the City or the contractor will be culpable for anything done incorrectly. City Manager Trout stated he would be readdressing this issue with his staff to review all of the programs, and appreciated the concern.

Committee member Lesser inquired if contractors for the sidewalk program are required to post a bond. City Manager Trout stated that given the dollar figure, it is not likely a bond is required, however it is likely there is liability insurance requirement. Committee member Lesser suggested having a license and permit bond requirement. This is a fairly common practice in other municipalities have. City Manager Trout will look into this option further and report back. Committee members and attending Council members agreed that the City holds a

responsibility. Councilmember Ortiz stated she felt a sense of responsibility to inform people of their rights. There has been shoddy work completed, and people do not know if they are able to turn the issue in or the proper way to go about it, and will often leave it rather than seek for it to be corrected.

Items from Staff [video 2:06:00 minute mark]

Mr. Faust noted the items on the attachment, which can be found on the committee's webpage, was to update the committee about projects. City Manager Trout noted information regarding Driveway Culverts was also found on that attachment.

Items from Committee [video 2:07:15 minute mark]

Chairman Dobler stated he had received some questions from Councilwoman Hiller, but in the essence of time, he would be forwarding those to Staff.

Councilwoman Valdivia-Alcalá stated a concern regarding the ongoing and pervasive odors from the water treatment plant. She inquired if the Utilities use capture-and-treat technologies, such as covers that are placed over the water, and others currently practiced? Bob Sample, Utilities Director, stated the basins and tanks were not originally covered. In the 1980's, the majority of the basins and tanks were covered and different treatments were implemented. Currently, there is a bio-filter that is placed underground, and the air removed from the tanks is run through the bio-system. This takes the sulfide and odors out of the air. Councilwoman Valdivia-Alcalá stated that if complaints are not coming into the City, they are being spoken about on the neighborhood Facebook page, and sent to (the Councilwoman).

Councilwoman Valdivia-Alcalá asked about the projected completion date of the bio-gas pipeline project and if public hearings/meetings had taken place prior to the project beginning. Braxton Copley, Utilities Deputy Director, stated the completion date is currently scheduled for June 2021. This item has come before the Governing Body numerous times, and the BioGas project has been included in the CIP discussions that have occurred with the Governing Body. He noted that questions had come up with regard to safety involving the pipeline. There are 890 miles of water line that provides water to all of the customers around the city. He estimated that Kansas Gas has "well over" that amount of gas lines running through the city, and feels there is very little to no hazard of having a three-inch gas line that will be run two miles from the Oakland Treatment Plant to the Southern Star transmission main. To compare this project to other Kansas Gas services:

- Three-inch steel piping will be run. Kansas Gas utilizes steel or plastic piping for other lines. Kansas Gas line diameter varies from 1" to 12".
- Materials that will be run in this pipeline will be very similar to those that are run through Kansas Gas pipelines.
- Mr. Copley noted a risk assessment study had not been conducted as one was not warranted. This would be the same reason Kansas Gas would not run a risk study to replace an existing gas line.

Other Items

The next meeting will be Monday, February 15, 2021 at 2:00pm.

Adjourn

Meeting was adjourned at 4:19pm.

Video of the meeting can be viewed at: <https://youtu.be/EXp8tW5U5Zg>