

Council Minutes – January 21, 2014

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 21, 2014. 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, Councilmember Ortiz gave the invocation.

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

Jim Colson, City Manager, requested to defer item 5A, a public hearing and ordinance establishing a Community Improvement District (CID) for Crosswind Commons for one week based on the developer's request.

Councilmember Schmidt moved to defer item 5A, a public hearing and ordinance establishing a Community Improvement District (CID) for Crosswind Commons for one week. The motion seconded by Councilmember Campos II carried unanimously. (9-0-0)

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of January 14, 2014, were presented.

Councilmember De La Isla moved to approve the consent agenda. The motion seconded by Councilmember Schmidt carried unanimously. (9-0-0)

ORDINANCE NO. 19877 introduced by City Manager Jim Colson, annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located at the southeast corner of SE 45th Street and SE California Avenue within unincorporated Shawnee County, Kansas, and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes placed on first reading January 14, 2014, was again presented. (A13/3)

Bill Fiander, Planning Department Director, reported approval would allow a 9.15-acre tract with street right-of-way intended for a commercial subdivision to be annexed and made part

of the city. He stated the applicant has requested annexation to develop a one-acre portion of the property for a Dollar General store which would access city water and sewer service from SE California Avenue. He reported that staff is recommending approval.

Councilmember Everhart asked if the annexation would include the property owned by Jake's Fireworks.

Bill Fiander stated the annexation request did not include the property; however, it would be presented at a later date.

Councilmember Campos II asked if there is an overall annexation plan in place as the City moves forward with planning.

Bill Fiander stated staff is currently drafting an annexation program consisting of unilateral and regular annexation cases and would be presented to the Council at a later date.

Chip Corcoran, Civil Engineer for Dollar General Stores, appeared to answer questions.

Councilmember Everhart 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: Ayes: Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -10.

NO retail cereal malt beverage or scrap metal dealer license applications were presented.

A PROJECT BUDGET in the amount of \$1,400,000 and RESOLUTION NO. 8577 introduced by City Manager Jim Colson, authorizing Improvement Project No. T-601039.00, which provides for neighborhood infrastructure improvements in Central Highland Park and Hi-Crest Neighborhoods, as more specifically described herein was presented.

Jim Colson, City Manager, reported the City has continually invested approximately \$9 million annually in a Capital Improvement Program (CIP) for the implementation of long-term planning of the city. He stated the next three Council meetings would be dedicated to the

approval of the 2014 CIP to allow the City to move forward and remain on schedule in regards to the design and construction of projects.

Brad Reiff, Housing and Neighborhood Development Interim Director, reported approval would authorize neighborhood infrastructure improvements in the Central Highland Park and Hi-Crest target areas which is a component of the Stages of Resource Targeting (SORT) Program. He stated the Planning Department and Neighborhood Improvement Association held several public meetings to solicit public input, as well as, establish a Steering Committee to complete the process. He noted there are 15 locations within the neighborhoods slated for new sidewalk construction.

Councilmember Schwartz reported she had received an email from a constituent who expressed concerned with accessing his property for medical purposes during construction.

Brad Reiff stated the property owner would have access to the rear of the property at all times.

Councilmember Hiller stated she appreciates the way the CIP projects were grouped and the new maps were very helpful; however, she expressed concern with the overall interest costs associated with bonding the projects and questioned if there was a way to save interest costs by shortening the terms of financing and borrowing only what is necessary. She stated she verified the City's annual debt service with Jeff White, City Financial Advisor, and distributed a savings sheet to the Council for review. She stated she understands the Governing Body must have the capacity to raise the debt service; however, she asked them to consider reducing the bond term limits which could save at least \$1 million in the long term.

Jim Colson stated some projects within the Topeka Fire Department have been reduced to a ten year bond note and staff is examining the best way to fund projects and seeks guidance to be a more efficient operating organization. He reiterated his commitment to continue to seek

ways to be the most effective organization as the City improves cash and budget processes; however, at this time, they would not know the impact of reducing the bond terms without reviewing each project and applicable statutes.

Councilmember Campos II stated he concurs with Councilmember Hiller and noted he believes the City should be aggressively paying down the bonded indebtedness and reducing the term of bonds.

Councilmember Everhart moved to approve the project budget and resolution. The motion was seconded by Councilmember De La Isla.

Councilmember Schwartz questioned why the Burn Facility project was financed for ten years and all other CIP projects are bonded for twenty years.

Jeff White, City Financial Advisor, reported that Kansas State Statutes differ in authority for certain cases, as well as, the life of debt compared to life of the asset must be considered.

Joseph Ledbetter spoke in support of the project. He stated the project would complete sidewalks in an intensive care area designated by the SORT Program.

The motion to approve the project budget and resolution carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$180,000 and RESOLUTION NO. 8578 introduced by City Manager Jim Colson, authorizing Improvement Project No. T-601040.00, which provides for Citywide Infrastructure as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

Doug Whitacre, Public Works Director, reported the project would provide for the widening of NW Lyman Road between Old Soldier Creek and N. Topeka Boulevard at an existing bottleneck area in conjunction with a half-cent sales tax street repair project planned for 2015. He noted since half-cent sales tax funds could not be used to pay for features not already in existence, separate funding is needed to pay for widening the approximately 500 foot section

of the two-lane roadway to three lanes with project design occurring in 2014 and construction starting in 2015. He stated the project would be funded by general obligation bonds in the amount of \$180,000 with a total debt service of \$247,604 to be paid over 20 years and would also provide for construction of new infrastructure elements at other locations identified during the year as funds allow.

Councilmember Campos II moved to approve the project budget and resolution. The motion was seconded by Councilmember De La Isla.

Councilmember Campos II submitted to the record a letter from Teresa Miller, North Topeka West Neighborhood Improvement Association President, expressing her support of the project.

The motion to approve the project budget and resolution carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$530,000 and RESOLUTION NO. 8579 introduced by City Manager Jim Colson, approving the budget for Project No. T-131029.00 and setting forth the City of Topeka's intention to construct a burn building, pursuant to K.S.A. 12-110c was presented.

Jim Colson, City Manager, reported they were able to reduce the bond term to ten years for this type of project and noted the City is working to practice a stricter level of discipline to reduce costs.

Doug Whitacre, Public Works Director, reported the project consists of the design and construction of an approximate 1,100 square foot two-story metal addition to the existing concrete training tower and would provide one interior burn room along with other features incorporated into the structure for safe, efficient, and realistic training. He stated in addition to the current concrete tower, the fire-training structure would provide a facility capable of accomplishing essential firefighting skills, related support activities, ancillary tactical incident

systems, and command and control functions for officers. He also stated the project would be funded by general obligation bonds in the amount of \$530,000 with a total debt service of \$669,807 to be paid over 10 years.

Councilmember Schwartz spoke in opposition of the project because she believes the funding could be paid from the Topeka Fire Department's operating budget.

Councilmember Campos II questioned if funds have been identified in the Fire Department's operating budget to pay for the project.

Greg Bailey, Topeka Fire Department Chief, reported that no funds have been identified at this time and the project budget amount was not included in the 2014 operating budget.

Councilmember Campos II stated in the future, he would like to work towards setting money aside in the Police and Fire Department operating budgets to pay cash for these types of projects. He asked if the City has ever considered leasing training buildings to rural fire departments to help generate revenue to help pay for such improvements.

Chief Bailey reported a number of surrounding departments already have similar structures because it is affordable and durable; therefore, he would not anticipate many rural fire departments leasing the facility.

Councilmember Ortiz moved to approve the project budget and resolution. The motion seconded by Councilmember Campos II carried. Councilmember Schwartz voted "no." (8-1-0)

A PROJECT BUDGET in the amount of \$370,000 and RESOLUTION NO. 8580 introduced by City Manager Jim Colson, authorizing Improvement Project No. T-601036.00, which provides for the traffic safety projects at various locations as more specifically described herein, was presented.

Doug Whitacre, Public Works Director, reported the project would be funded by general obligation bonds in the amount of \$370,000 with a total debt service of \$508,964 to be paid over

20 years and is included in the 2013 and 2014 Capital Improvement Budget. He stated design and construction would occur in 2014 and the project would make traffic safety improvements in the City's transportation network at the following locations:

- SE 29th Street east of SE California Avenue – modify median and pavement markings, mill and asphalt overlay
- SW 21st Street and I-470 – install pedestrian signals across the east side exit ramp and entrance ramp
- SW Gage Boulevard and I-470 – separate one signal controller into one controller for each set of ramps
- SE 37th Street and Kansas Avenue – modify pavement markings on SE 37th Street
- School Zone Flashers City-wide – upgrade flashers for remote access

Councilmember Everhart moved to approve the project budget and resolution. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$640,000 and RESOLUTION NO. 8581 introduced by City Manager Jim Colson, authorizing Improvement Project No. T-141015.00, which provides for traffic signal replacement at five locations, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

Doug Whitacre, Public Works Director, reported the project would replace traffic signals at five locations including SW 21st Street and Gage Boulevard, SW 21st Street and Fairlawn Road, SW 27th Street and SW Burlingame Road, SW 10th Street and Van Buren Street, and SW 17th Street and Arnold Avenue with design starting in 2014 and construction in 2015. He stated a traffic signal is generally expected to perform safely and efficiently for approximately 30 years, after that point, there are concerns about the safety of the poles and the wiring, along with the efficiency of the system which tends to lead to more service calls as traffic signals age. He noted the City has 183 existing traffic signals located throughout the city; therefore, it is essential to have a continuous replacement program that allows the costs of replacing the signals to be spread over time and insures that signals continue to operate as effectively and safely as possible.

Councilmember Campos II moved to approve the project budget and resolution. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$150,000 and RESOLUTION NO. 8582 introduced by City Manager Jim Colson, authorizing Improvement Project No. T-241021.00, which provides for citywide infill sidewalks as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

Doug Whitacre, Public Works Director, reported the project would construct missing sidewalk sections on arterial and collector streets only within the city of Topeka where a need for connectivity between existing sidewalks has been identified through citizens or through half cent sales tax street repair projects and would include the north side of SE 25th Street between SE Burr Avenue and SE California Avenue, and other locations identified during the year as funds allow. He stated the project would be funded by general obligation bonds in the amount of \$150,000 with a total debt service of \$206,336 to be paid over 20 years.

Mayor Wolgast stated there has been a need for an ADA accessible sidewalk along SW 37th Street between SW Mulvane Street and SW Plass Avenue for many years.

Councilmember Campos II asked if an ADA accessibility study has been conducted for access to commercial businesses throughout the city. He referenced the disabled community located behind the Dillon's store on SE 28th Street which is an area that does not have ADA accessible sidewalks.

Councilmember Everhart commended Doug Whitacre, Public Works Director, for meeting with the citizens living in the SE 28th Street area and reviewing their accessibility needs.

Councilmember Hiller stated the project would address many of the accessibility issues around the entire city which she is pleased with; however, she still believes there needs to be a

better process for sidewalk repair requests so that all projects are completed in an efficient manner.

Councilmember Schwartz thanked Doug Whitacre, Public Works Director, for doing a great job and addressing accessibility issues.

Councilmember Everhart moved to approve the project budget and resolution. The motion was seconded by Councilmember De La Isla.

Joseph Ledbetter spoke in support of the project because it is a high traffic area; however, questioned if the project should be paid with cash instead of bonded.

The motion to approve the project budget and resolution carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$200,000 and RESOLUTION NO. 8583 introduced by City Manager Jim Colson, authorizing preliminary design of Improvement Project No. T-701010.00 which provides for street improvements to SE California Avenue as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

Doug Whitacre, Public Works Director, reported the project would provide preliminary design of improvements on SE California Avenue from SE 33rd Street to SE 37th Street and would include new pavement, curb and gutter, sidewalks, street lighting, and drainage systems with right-of-way acquisition and utility relocation occurring in 2015, and construction beginning in 2016. He stated the existing roadway has a rural section with two lanes and ditches on both sides; therefore, widening the roadway to include a center turn lane would improve safety and traffic capacity for the area. He noted the project would be funded by general obligation bonds in the amount of \$200,000 with a total debt service of \$275,116 to be paid over 20 years.

Councilmember Everhart spoke in support of the project and encouraged the Council to approve the project.

Councilmember Ortiz asked if half-cent sales tax revenue funds could be used for the project.

Doug Whitacre stated the project is considered new construction and would not qualify for half-cent sales tax revenue funds.

Chad Sublet, City Attorney, stated the definition of widening the roadway does not match how the half-cent sales tax revenue funds are allowed to be used.

Joseph Ledbetter spoke in support of the project and stated the Hi-Crest neighborhood also supports the project. He stated he believes it is time to encourage the Kansas Department of Transportation to become involved in supporting Topeka's economic development in the SE 29th Street and SE California Avenue area because there is considerable interest in providing access to the Kansas Turnpike from that area.

Councilmember Schmidt asked if the project includes bicycle lanes because it is in close proximity of two major bike trail systems.

Doug Whitacre stated bike lanes would be incorporated into the design if the project is included in the Bikeways Master Plan.

Councilmember Everhart moved to approve the project budget and resolution. The motion seconded by Councilmember Harmon carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$3,500,000 and RESOLUTION NO. 8584 introduced by City Manager Jim Colson, authorizing Improvement Project No. T-701008.01, which provides for the widening of SW 37th Street as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

Doug Whitacre, Public Works Director, reported the project would provide for final design and the first phase of construction for improvements on SW 37th Street between SW Burlingame Road and SW Gage Boulevard, and would include new pavement, curb and gutter, sidewalks, street lighting, and drainage systems. He noted a project budget was approved by the City Council on March 12, 2013, for preliminary design of widening SW 37th Street between SW Burlingame Road and SW Gage Boulevard; therefore, this phase would provide for final design (2013-2014), right-of-way acquisition (2014), and construction of SW 37th Street between SW Burlingame Road and I-470 Highway (2015-2016). He stated the project would be funded by general obligation bonds in the amount of \$3,500,000 with a total debt service of \$4,814,522 to be paid over 20 years. He also noted an additional phase of the project would be presented before the Council in the future which would cover construction between I-470 Highway and SW Gage Boulevard.

Councilmember De La Isla moved to approve the project budget and resolution. The motion seconded by Councilmember Hiller carried unanimously. (9-0-0)

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

Jim Colson, City Manager, announced Douglas Gerber has been hired as the City's Financial and Administrative Services Director and would start in his new position in March. He commended Doug Whitacre, Public Works Director, for his hard work and professionalism.

Councilmember Ortiz commended Doug Whitacre, Public Works Director, for doing a great job in fixing the potholes she reported. She questioned why the City installed medians along SW 17th Street by Washburn University because she was told medians were considered unsafe.

Councilmember Hiller announced the Bikeways Committee has raised \$6,400 in the last week, and congratulated the Committee on their efforts. She commented on the dilapidated property located at 1107 SW Taylor Street which was initially scheduled to be demolished; however, a new roof has started to be constructed and she is excited to watch the property be transformed into something the neighborhood could be proud of.

Councilmember Campos II reported he has received many phone calls from constituents who are confused about where to apply for the Franchise Fee Rebate Program. He expressed concern with the Community Resources Council and Jayhawk Area Agency on Aging because he has spoken with each entity about the program; however, he has not received any answers. He stated he would like to work with the City Manager on the issue and report back to the Council with information they could pass along to their constituents.

Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:15 p.m.

Brenda Younger
City Clerk