

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 4, 2007
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Brewer in the Chair. Council Members Fearey, Gray, Longwell; Skelton, and Williams present. (Council Member Schlapp absent with prior notice).

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The pledge of allegiance was participated in by the Council Members, Staff and guests.

Rev. Frances Rathbun, Bethany United Methodist Church gave the invocation.

The Minutes of the regular meeting of November 27, 2007, approved 6 to 0.

PUBLIC AGENDA.

Maraydel Grayum-Trash and recycling issues.

- Maraydel Grayum Stated she is speaking for the dedicated recyclers who come to the Miller Recycle Center. Stated she has heard many comments that people want something done to make it more equal. Stated recyclers have been paying extra for curbside and or bringing trash down to the recycling center, are still paying the full cost of trash rates when they sometimes do not put their containers out but once or twice a month. Stated they are in the early stage of another petition drive, which is a curbside petition. Stated they would rather the City sell the Furley property and use that money for recycling. Stated they would also prefer franchising if that is the way to go to get the things they need such as, pay-as-you-throw so that the current rate of trash delivery be frozen at the larger level of a large container and that there be a smaller container so that the people who do not throw away as much do not have to pay as much. Stated this would help it be equal because the trash companies would have a reduction in volume and not have to pay \$48.00 a ton at the transfer station as often if people are recycling. Stated they would also like there to be curbside with no additional cost to the homeowner and a bulk waste pick up so that people can get rid of the large waste without having to see it dumped on the side of the road, etc.
- Council Member Skelton Council Member Skelton asked Council and Staff if there is an interest in taking a look at franchising. Stated there would be a community wide savings and what incentives would be for recycling. Stated bulk waste has been a long time issue in many neighborhoods and is a major component of blight and under a franchise agreement we could require trash companies to pick up bulk waste.
- Mayor Brewer Mayor Brewer advised Council Member Skelton to get with Staff and ask them to do a cost analysis for him and bring it back to Council.
- Council Member Skelton Council Member Skelton stated he will work with Staff and bring some information back to the Council for discussion in a workshop.
- Vice-Mayor Fearey Vice-Mayor Fearey stated she would like to work with Council Member Skelton on this.

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Rickie Coleman-The proposed installation of cameras in police cars.

Rickie Coleman Ms. Coleman stated the Sunflower Community Action deeply cares with what happens in Wichita and to its citizens. Stated they have been pursuing cameras in police cars now for over two years and are questioning if they are in the 2008 budget.

Mayor Brewer Mayor Brewer stated in the budget they have identified that they will put cameras in seven cars and they would go out two per bureau and would be purchased as the cars are purchased and they bought the cars as a package.

Paul Weigand-Smoking Ban.

Paul Weigand Mr. Weigand stated he has a petition with several thousand signatures from individuals who feel that individual liberty and freedom to choose is still important in this country. Mr. Weigand asked the supporters in the audience to stand and be recognized. Stated the smoking ban is an attempt to erode their freedoms. Stated privately owned businesses should not be included in this ban and asked the Council to defer this ban to the trash can and be done with it. Stated this is not a smoking issue but an individual rights issue.

Don Hamm-Smokers right to choose.

Don Hamm Mr. Hamm stated he has earned his rights and his right to smoke and we are losing our rights everyday. Stated privately owned businesses would be put out of business if this smoking ban were approved. Asked the Council to be open-minded and drop the smoking ban issue.

Larry Doss-Alternative Smoking Ban.

Larry Doss Mr. Doss stated over the past 35 years he has owned and operated Walt's Restaurant Bar and Grill and recommends an ordinance for bars and restaurants. Stated in business customers vote with their pocketbooks and that the personality of a bar and grill is different than a restaurant.

Adam Martinez-Freedom to choose to smoke.

Adam Martinez Mr. Martinez stated his family owns a nightclub and 95% of their clientele are smokers. Stated he has served his time in the military and has fought for his freedom as a American.

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CONSENT AGENDA

Board of Bids

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 3, 2007

Bids were opened November 30, 2007 pursuant to advertisements published on:

13th Street Bridge Rehabilitation over the Little Arkansas River (13th Street North, west of Waco) (87TE-0284-01/472-84422/715705/245121) Bridge to be closed to traffic during construction. (District VI)

King Construction - \$2,611,518.54 (Upon KDOT approval)

2007 Sanitary Sewer Reconstruction, Phase 12 (north of Orme, west of Oliver) (468-84445/620493/667611) Traffic to be maintained during construction using flagpersons and barricades. (District I, II)

WB Carter Construction - \$77,000.00

Wilderness Circle from the south line of 45th Street North to and including the cul-de-sac to serve Willow Place 2nd Addition (south of 45th Street North, west of Webb) (472-84601/766169/490187) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$46,757.00*

*Negotiated to Engineer's Estimate

Storm Water Sewer #635 to serve Waterfront Residential, Waterfront 6th, and Greenwich Office Park Additions (north of 13th Street North, west of Greenwich) (468-84411/751456/485347) Does not affect existing traffic. (District II)

Mies Construction - \$80,170.00

Marblefalls from the south line of Lot 38, Block C, south to the southeast line of Lot 19, Block A; Lanners from the west line of Marblefalls, west to the east line of Saker; Saker from the north line of Lanners, south to the south line of Lot 32, Block E; Saker Circle from the north line of Saker, north to and including the cul-de-sac; Sidewalk on Marblefalls, Lanners and Saker to serve Falcon Falls 2nd Addition (north of 45th Street North, west of Hillside) (472-84265/766170/490188) Does not affect existing traffic. (District I)

Kansas Paving Company - \$315,205.53

Storm Water Sewer #639 to serve Meadowlake Beach Addition (north of 55th Street South, west of Clifton) (468-84446/751457/485348) Does not affect existing traffic. (District III), Lateral 2, Main 3, Boeing Sanitary Sewer to serve Meadowlake Beach Addition (north of 55th Street South, west of Clifton) (468-84340/744238/480926) Does not affect existing traffic. (District III), Water Distribution System to serve Meadowlake Beach Addition (north of 55th Street South, west of Clifton) (448-90286/735369/470042) Does not affect existing traffic. (District III)

Utility Contractors - \$230,717.40 Group 1
\$171,400.80 Group 2
\$ 73,470.20 Group 3
\$ 80,275.20 Group 4
\$555,863.60 Total Aggregate Bid

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Lateral 51 Cowskin Interceptor Sewer to serve Auburn Hills 16th Addition (south of Maple, east of 151st Street West) (468-84091/744250/480938) Does not affect existing traffic. (District V), Water Distribution System to serve Auburn Hills 16th Addition (south of Maple, east of 151st Street West) (448-90123/735386/470059) Does not affect existing traffic. (District V)

Duling Construction - \$147,901.00 Group 1
\$117,937.00 Group 2
\$265,838.00 Total Aggregate Bid

Storm Water Drain #316 to serve Johnson Commercial Centre (south of 53rd Street North, west of Meridian) (468-84305/751449/485340) Does not affect existing traffic. (District VI)

WB Carter Construction - \$111,131.00

The Purchasing Division recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

On motion, the Board recommended that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

Motion--

Brewer moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the necessary signatures be authorized. Motion carried 6 to 0. (Schlapp absent).

--carried

HOUSING AND COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION:
Replace Roof Various Residential Sites

ATL Construction, LLC - \$32,150.00 Group 1
S & A Construction, Inc. - \$31,822.00 Group 2

HOUSING AND COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION:
Replace Roof Bernice Hutcherson

Midwest Roofing Services, Inc. - \$32,386.00

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Old Town Kiosks

Bauer & Son Construction - \$37,965.00

WICHITA WATER UTILITIES DEPARTMENT/PRODUCTION & PUMPING DIVISION:
Dismantle Ship, Reinstall Raw Water Strainer

Utility Contractors, Inc. - \$39,500.00

WICHITA WATER UTILITIES DEPARTMENT/PRODUCTION & PUMPING DIVISION:
Liquid Phosphate

Carus Phosphates, Inc. - \$21,301.50*

*Estimate-Contract approved on unit cost basis; refer to attachment

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Rubber Tire Tractor
Front Loader Backhoe

Conrady Western, Inc. - \$160,988.80 Base Bid
\$ 3,475.00 Option 1
\$164,463.80 Total Bid

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WICHITA WATER UTILITIES DEPARTMENT/WATER DISTRIBUTION DIVISION:
Fire Hydrants

HD Supply Waterworks - \$58,678.80*

*Estimate-Contract approved on unit cost basis; refer to attachment

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Two Wheel Drive 6000
pound forklift

Sellers Equipment, Inc. - \$23,595.00 Base Bid
\$ 900.00 Option 1
\$No Charge Option 2
\$No Charge Option 3
\$ 3,785.00 Option 4
\$ 2,520.00 Upgrade 3.3L Engine
\$30,800.00 Total Bid*

* Redirect Award

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: 35,000 GVWR Dump
Trucks

Roberts Truck Center* - \$ 58,750.00 Base Bid
\$ 550.00 Option 1
\$ 200.00 Option 2
\$ 100.00 Option 3
\$ 458.00 Option 4
\$ 566.00 Option 5
\$ 28,208.00 Option 6

*Award Ten (10) additional dump trucks, Base Bid with Options 1-6 at same Unit Cost for
Total Net Bid of \$888,320.00

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Two (2) each at \$28,320.00 GPS
Rovers & Data Collectors with software maintenance, equipment and training

Laser Specialists Inc. - \$56,640.00*

*Purchases utilizing Sole Source of Supply No. No. 38-122 Section 2.64.020 (b)

POLICE DEPARTMENT/INVESTIGATIONS DIVISION: Audio Visual Systems for Police Interview
Rooms, including installation, equipment, local serve/maintenance and training

Conference Technologies, Inc. - \$51,540.02

*Purchases utilizing High Technology Items Ordinance No. 38-122 Section 2.64.020 (g)

INFORMATION TECHNOLOGY-IT/IS: Licenses and support for VMW are and Virtual Center 2 for
one Server

Dell Marketing - \$25,587.50* (Per State of Kansas Contract #07979)

*Purchases utilizing Government Entities Contracts, Cooperative Contracts and
Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

The Purchasing Division recommended that the contracts be awarded as outlined above, same being the
lowest and best bid.

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On motion, the Board recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

Motion--
--carried

Brewer moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6-0, (Schlapp absent).

LICENSE

APPLICATIONS FOR LICENSES:

Renewals

David A. Cherry	Kansas Video Corp. dba Video Adventure	2726 North Amidon
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Motion--carried

Brewer moved that the licenses be approved. Motion carried 6 to 0. (Schlapp absent).

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Cheryl L. Gehlen	Annex Lounge*	6305 East Harry Street

<u>New Operator</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Mdarifur Rahman	Gulmohur Inc. dba BP Amoco	5562 South Seneca

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Brewer moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0.

PETITION

CONSTRUCT A SANITARY SEWER IN WILLOW CREEK EAST ADDITION, EAST OF GREENWICH, SOUTH OF HARRY. (DISTRICT II)

Agenda Item No. 10a.

On March 13, 2007, the City Council approved a Petition to construct a Sanitary Sewer in Willow Creek East Addition. The improvement district included two adjoining unplatted tracts. The developer has submitted a new Petition that adds a third unplatted tract that will be served by the project. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located east of Greenwich, south of Harry.

The project budget is unchanged.

This project will address the Efficient Infrastructure goal by providing sanitary sewer service to a new residential development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--
--carried

Brewer moved that the new Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

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RESOLUTION NO. 07-670

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 404, Four Mile Creek Sewer (east of Greenwich, south of Harry) 468-84338, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

PETITION

SANITARY SEWER TO SERVE PART OF INTERURBAN PLACE ADDITION, NORTH OF 53RD STREET NORTH, WEST OF ARKANSAS. (DISTRICT VI)

Agenda Item No. 10b.

The Petitions have been signed by owners representing 100% of the improvement districts.

The projects will provide sanitary sewer service for residential properties located north of 53rd St. North, west of Arkansas.

The Petitions total \$84,100. The funding source is special assessments.

The projects address the Efficient Infrastructure goal by providing sanitary sewer improvements for an existing residential area.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--
--carried

Brewer moved that the Petitions be approved; the Resolutions adopted; and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

RESOLUTION NO. 07-671

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 11, Main 15, Sanitary Sewer No. 23 (north of 53rd St. north, west of Arkansas) 468-84452, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

RESOLUTION NO. 07-672

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 12, Main 15, sanitary Sewer No. 23 (east of Seneca, south of 57th St. North) 468-84460, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

RESOLUTION NO. 07-673

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 13, Main 15, Sanitary Sewer No. 23 (east of Seneca, south of 57th St. North) 468-84461, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

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PETITION

CONSTRUCT A SANITARY SEWER IN THE WOODS ADDITION, EAST OF 151ST STREET WEST, NORTH OF MAPLE. (DISTRICT V)

Agenda Item No. 10c.

On February 14, 2006, the City Council approved a Petition to construct a sanitary sewer main in The Woods Addition. As a sewer main, the project would be funding 50% by special assessments and 50% by the Sanitary Sewer Utility. Since that time it has been determined that the project is an offsite lateral sewer and should be funded 100% by special assessments. The developer has submitted a new Petition to modify the funding. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located east of 151st St. West, north of Maple.

The existing Petition totals \$97,000 with the \$48,500 assessed to the improvement district and \$48,500 paid by the Sanitary Sewer Utility. The new Petition totals \$97,000 with the total assessed to the improvement district.

This project will address the Efficient Infrastructure goal by providing sanitary sewer service to a new residential development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--
--carried

Brewer moved that the new Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

RESOLUTION NO. 07-674

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 55, Cowskin Interceptor Sewer (east of 151st St. West, north of Maple) 468-84128, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

PETITION

SANITARY SEWER TO SERVE LOT 3, BLOCK 1, YMCA SOUTH ADDITION, WEST OF SOUTH MERIDIAN, NORTH OF I-235. (DISTRICT IV)

Agenda Item No. 10d.

The Petition has been signed by two owners representing 100% of the improvement district.

The project will provide sanitary sewer service for commercial development located west of South Meridian, north of the I-235 Freeway.

The Petition totals \$20,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer improvements required for commercial development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--
--carried

Brewer moved that the Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

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RESOLUTION NO. 07-675

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 527, Southwest Interceptor Sewer (west of South Meridian, north of I-235) 468-84453, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

PETITION

PAVE A 21ST STREET RIGHT TURN LANE TO SERVE KRUG SOUTH UNPLATTED COMMERCIAL TRACT, SOUTH OF 21ST, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Item No. 10e.

The Petition has been signed by one owner representing 100% of the improvement district.

The project will improve vehicular access to a new commercial development located south of 21st, west of 143rd St. East.

The Petition totals \$53,000. The Funding source is special assessments.

This project addresses the Efficient Infrastructure goal providing paving improvements for a commercial development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--
--carried

Brewer moved that the Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

RESOLUTION NO. 07-676

Resolution of Findings of Advisability and Resolution authorizing construction of a right turn lane on 21st Street for east-bound traffic (south of 21st, east of 143rd St. East) 472-84635, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

STREET CLOSURE

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

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TYLER'S LANDING

DESIGN SERVICES FOR TYLER'S LANDING THIRD ADDITION, SOUTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT II)

Agenda Item No. 12a.

The City Council approved the water and paving improvements in Tyler's Landing 3rd Addition on January 9, 2007.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water and paving in Tyler's Landing 3rd Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$30,600 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water and paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0.

HARRY/KELLOGG

DESIGN AGREEMENTS FOR HYDRAULIC FROM HARRY TO KELLOGG. (DISTRICT I)- SUPPLEMENTAL

Agenda Item No. 12b.

On December 13, 2005, the City entered into an Agreement with Baughman Company, P.A. to prepare a design concept to improve Hydraulic, between Harry and Kellogg. The fee was \$21,500. On November 20, 2007 the City Council approved the design concept.

The proposed design concept is a three-lane roadway with two through lanes and a center two-way left turn lane. A supplemental agreement with Baughman has been developed for the preparation of construction plans.

Payment to Baughman will be on a lump sum basis of \$241,340 and will be paid by General Obligations Bonds and Water Utility.

This project addresses the Efficient Infrastructure goal by improving traffic flow through a major transportation corridor.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Brewer moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

BOARDS/COMMISS.

MINUTES OF ADVISORY BOARDS/COMMISSIONS, DECEMBER 04, 2007.

Board of Electrical Appeals, October 9, 2007
Board of Park Commissioners, October 8, 2007

Motion--carried

Brewer moved to receive and file. Motion carried 6 to 0. (Schlapp absent).

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OLIVER IMPROV.

OLIVER IMPROVEMENT BETWEEN HARRY AND KELLOGG. (DISTRICT III)

Agenda Item No. 14.

The 2007-2016 Capital Improvement Program (CIP) includes a project to improve Oliver, between Harry and Kellogg. On May 11, 2004, the City Council approved an agreement with MKEC Consultants to design the project. On May 4, 2005, District III Advisory Board recommended approval of the project. On August 9, 2005, the City Council approved the design concept. Funding to acquire required right-of-way is requested at this time to expedite the project. The project will be returned to the City Council at a future date for approval of construction funding.

The project will reconstruct Oliver to provide a five lane roadway with four through lanes and a center two-way left turn lane. Right turn lanes will be provided at Parklane. Improved traffic signals will be installed at the intersections of Oliver at Harry and Lincoln, with dual left turn lanes at all four approaches to Harry. The storm water sewer system will be upgraded and 5' wide sidewalk will be constructed along both sides of the street. Construction is planned to begin in late spring, 2008.

The City Council previously approved a design budget of \$225,000. An additional \$500,000 is requested at this time to acquire right-of-way. The funding source is General Obligation Bonds.

This project addresses the Efficient Infrastructure goal by improving the traffic flow along a major transportation corridor.

The Law Department has approved the Amending Ordinance as to legal form.

Motion--
--carried

Brewer moved that the right-of-way funding, be approved; the Ordinance placed on First Reading and the signing of State/Federal Agreements as required authorized. Motion carried 6 to 0. (Schlapp absent).

ORDINANCE

An ordinance amending ordinance no. 46-172 of the city of Wichita, Kansas declaring Oliver, between Harry and Kellogg (472-84018) to be a main trafficway within the city of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

CENTURY II

CENTURY II COOLING TOWER REPLACEMENT.

Agenda Item No. 15.

The Century II facilities are maintained by the City's Public Works Department. Revenue from the Parks Department finances the custodial, maintenance and operating expenses. Under the terms of the current MOU, the Building Services Division of the Public Works Department is to provide for repair/replacement of mainline equipment that would be considered vital to the operation/comfort/safety to the clients of Century II and the citizens of Wichita. The facility known as the CII Energy Plant houses the mechanical cooling system which provides cooling to the Century II and Main Library. The first cooling tower cell, of which there are 3, was replaced in 2006 due to serious structural corrosion of the tower cold water basin and fan support struts. The cost of that replacement was \$87,000.00 for a new stainless steel tower. The current 2007 and 2008 CIP has an allocation of \$200,000 for the replacement of the remaining two tower cells.

In addition to their day-to-day maintenance responsibilities, Public Works technicians monitor major building systems for mechanical and structural soundness. After a recent review of the Century II Energy Plant Facility, it was apparent that the two remaining cooling towers have some very serious structural corrosion in the primary support struts for the cooling tower fan/transfer case assembly. Due to the severe deterioration of these supports, the maintenance crew cannot perform their respective duties. Replacement of the two cells is necessary to continue to provide a safe work place for employee as well as ensuring the integrity of the mechanical cooling system for Century II and the Main Library.

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The 2007 and 2008 Capital Improvement Program, Project #435429 has \$200,000 budgeted for this work. The funding source will be the Transient Guest Tax. Repayment from the Guest Tax to the project would be made over several years, as funds are available.

Ensure Efficient Infrastructure – Maintain and Optimize Public Facilities and Assets. Due to the potential loss of one or both of these tower cells, the Century II and Library facility comfort cooling would be compromised.

The Legal Department has approved the Resolution as to form.

Motion--
--carried

Brewer moved that the project be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

RESOLUTION NO. 07-677

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of replacing two cooling towers at Century II, presented. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

CENTURY II

CENTURY II AIR HANDLER EQUIPMENT REPAIRS AND REPLACEMENT.

Agenda Item No. 16.

Century II is a high-usage multi-function facility utilized year around. The heating, ventilating and cooling (HVAC) systems provide customer comfort and are vital to the success of these events, many of which have been held in this facility for decades.

Repair and renovation work is needed to improve HVAC equipment functionality, ensure comfort of the public and enhance energy savings for the City's Energy Management program. Also an entire system-wide tune-up by an approved contractor is needed to ensure the integrity and proper operation of these inter-connected and complex heating and cooling systems.

The 2007, 2008 and 2009 Capital Improvement Program, Project #435428 has \$300,000 budgeted for this work. The funding source will be the Transient Guest Tax. Repayment from the Guest Tax to the project would be made over several years, as funds are available.

Ensure Efficient Infrastructure – Maintain and Optimize Public Facilities and Assets. Due to the potential loss of comfort cooling and heating, customer comfort would be compromised.

The Legal Department has approved the Resolution as to form.

Motion--
--carried

Brewer moved that the project be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

RESOLUTION NO. 07-678

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of replacing air handler units at Century II, presented. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

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CENTURY II

EXPO HALL HVAC EQUIPMENT REPAIRS AND REPLACEMENT.

Agenda Item No. 17.

Bob Brown Expo Hall is a high usage multi function facility utilized year around. The heating, ventilating and cooling (HVAC) systems provide customer comfort and are vital to the success of these events, many of which have been held in this facility for decades.

Repair and renovation work is needed to improve HVAC equipment functionality, ensure comfort of the public and enhance energy savings for the City's Energy Management program. Also an entire system-wide tune-up by an approved contractor is needed to ensure the integrity and proper operation of these inter-connected and complex heating and cooling systems.

The 2007, 2008 and 2009 Capital Improvement Program, Project #435430 has \$135,000 budgeted for this work. The funding source will be the Transient Guest Tax. Repayment from the Guest Tax to the project would be made over several years, as funds are available.

Ensure Efficient Infrastructure – Maintain and Optimize Public Facilities and Assets. Due to the potential loss of comfort cooling and heating, customer comfort would be compromised.

The Legal Department has approved the Resolution as to form.

Motion--
--carried

Brewer moved that the project be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

RESOLUTION NO. 07-679

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of replacing rooftop HVAC package units at Bob Brown Expo Hall, presented. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

CENTURY II

REPLACEMENT OF BOB BROWN EXPO HALL ROOF.

Agenda Item No. 18.

The Bob Brown Expo Hall roof was originally installed when the building was built in 1986 and it is now 21 years old and beyond its life expectancy. In recent years some membrane failures have occurred and in the spring of 2006 it was damaged by hail.

With its current age and degrading condition, it is a staff recommendation that the roof be replaced immediately.

Expo Hall Roof Replacement is in the current 2008 Capital Improvement Program, set at \$500,000 and in addition, the City's insurance carrier has offered a settlement of \$249,000 for hail damage to the roof. A CIP Organizational Cost Account has been established (OCA 792509) for the purchase of materials and labor to replace the roof in the amount of approximately \$749,274.00. The final funding source will be the Transient Guest Tax. Repayment from the Guest Tax to the project would be made over several years, as funds are available.

Ensure Efficient Infrastructure – Maintain and Optimize Public Facilities and Assets. Due to its age and recent storm damage, the Expo Hall roof membrane must be replaced to maintain and protect the building.

The Law Department has approved Resolution as to form.

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Motion--
--carried

Brewer moved that the project be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

RESOLUTION NO. 07-680

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay for all or a portion of the costs of replacing the roof at Bob Brown Expo Hall, presented. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

MEDICAL EXPENSES BUDGET ADJUSTMENT FOR MEDICAL EXPENSES FOR PRISONERS – POLICE DEPARTMENT.

Agenda Item No. 19.

The 2006 Legislature passed State statute 22-4612 which provides any law enforcement agencies is responsible for any uninsured cost of medical treatment required by the person in custody. The cost of any treatment is limited to either the actual cost, or the Medicaid reimbursement rate. In addition, law enforcement agencies are allowed to negotiate lower contract rates with medical providers.

Since this statute took effect through July 2007, the Wichita Police Department has incurred costs of approximately \$120,000. Due to delays in interpretation of the statute and billing delays, billings were not received until the summer of 2007. In addition, the Police Department estimates that an additional \$150,000 in costs will be incurred from July 2007 through December 2007.

To mitigate the cost of this unfunded state mandate, the Police Department has negotiated with medical providers to reduce the exposure to these costs. However, these costs are difficult to forecast and budget. There is a considerably time lag between treatment being provided and billings being received, since the medical providers first pursue claims against the patient and any insurance carriers.

Due to the expenses incurred and anticipated by year-end, the Police Department is requesting up to an additional \$270,000 to cover all medical expenses incurred by the Police Department from persons held in Police custody from July 1, 2006 through December 31, 2007. A \$120,000 will cover the current expenses and \$150,000 will be encumbered to cover additional expenses in 2007. In addition, it will be necessary to address this issue in the 2008 revised budget, since expenditures of this nature can be expected to continue.

The Police Department as a whole is anticipated to under spend the 2007 revised budget; hence this budget adjustment will not result in Police overspending. However, this expenses was not included in General Fund financial projections (including the 3rd quarter report presented by the Department of Finance on November 6), and could result a deterioration of General Fund balances at year end.

Providing policing services is a key component of the Safe and Secure Goal.

Based on state statute, the City has no recourse but to fund these medical expenses. Budget adjustments over \$25,000 require Council action.

Motion--carried

Brewer moved that the budget adjustment be approved. Motion carried 6 to 0. (Schlapp absent).

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PUBLIC EXIGENCY

PUBIC EXIGENCY-EMERGENCY WATER SUPPLY LINE REPAIRS.

Agenda Item No. 20.

The City of Wichita has fifty-five (55) water supply wells located in the Equus Beds Aquifer, approximately twenty-five miles northwest of Wichita. The water from these wells is transported to the Water Treatment Plant via a 48-inch raw water line. There is currently a leak at a 42x14-inch tee, located approximately at 125th Street North and 135th Street West. Nine (9) of the wells cannot function until leak is repaired.

On November 9, 2007, the City Manager approved proceeding with the repair on an emergency basis. Purchasing Ordinance 35-856, section (a), emergencies, will allow the purchase and installation of the 42x14-inch tee with the lowest quoted price.

Two contractors with expertise in this area were asked to review the proposed project and submit quotes. Dondlinger Construction submitted the lower bid.

The bid from Dondlinger Construction is for \$38,750. Expenses for this project will be paid from the operating funds and will not require a budget amendment.

The project will help ensure efficient infrastructure by assuring that the City is able to continue to meet the water demands of its citizens.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding for emergency projects.

Motion--
--carried

Brewer moved that the City Manager's Public Exigency approval of the project be affirmed. Motion carried 6 to 0.

CADILLAC LAKE

DEVELOPMENT AGREEMENT-29TH STREET AND MAIZE ROAD, CADILLAC LAKE. (DISTRICT V)

Agenda Item No. 21.

On March 20, 2007, the City Council approved a development agreement with New Market, LLC, and East Side Investments, LLC, that would allow their properties, located near the intersection of 29th Street North and Maize Road, to develop providing that they assisted the City in constructing additional storm water detention facilities at Cadillac Lake to benefit the entire drainage basin and wetland mitigation as may be required to obtain a Corps of Engineers' 404 permit to allow the project to move forward. This development agreement outlines all of the specific relationships between the city and the developers.

Specific plans have now been developed to begin the construction of a Lowe's store on the Eastside parcel as soon as a 404 Permit is issued by the Corps. As this will in all likelihood precede the completion of the full drainage and wetland project contemplated by the Development Agreement, Lowe's has proposed a Letter of Intent outlining a method wherein they would construct a portion of the project up front as needed to provide sufficient storm water detention for their project. The letter of intent allows this to occur and proposes that Eastside be given a credit for the work done now against the special assessments that they proposed to pay for the entire project once completed.

Credit for the work done now will reduce the actual capital outlay of the parties involved as called for in the development agreement, by substituting in-kind work that the City subsequently values. In exchange for the ability to proceed with construction, the developers are willing to take the risk that all of their dirt work costs may not be credited. Further mitigation and developer contribution toward the completed project will be governed by aspects of the development agreement to be determined after the 404 permit is issued.

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There is no impact to the City from this aspect of the agreement. The City is co-applicant on the 404 permit, and the planned drainage and mitigation work would be beneficial for flood control for Chadsworth and other downstream residential developments already in place. In the development agreement for the project, the developer has agreed to make a financial contribution toward the whole project, and the dirt work planned is a part of that whole. Credit for work done for the Lowe's construction simply would more quickly accomplish work the City acknowledges is necessary as part of the entire plan, at the same net cost.

This project contributes to the Economic Vitality goal by allowing the development of a large area in and near our City while protecting downstream lands from increased flooding.

The Law Department has approved the Letter of Intent as to form.

Motion--carried

Brewer moved that the Letter of Intent be approved. Motion carried 6 to 0. (Schlapp absent).

TRANSIT PLAN

APPROVAL OF CONTRACT FOR DEVELOPMENT OF A FIVE-YEAR TRANSIT DEVELOPMENT PLAN.

Agenda Item No. 22.

The purpose of a Transit Development Plan (TDP) is to provide Wichita Transit with information about how fixed-route transit services may be modified to better meet both current and anticipated future passenger demand. Information to be provided as part of the project includes:

- Review and analysis of previous planning efforts, system goals and objectives, land use information, and socioeconomic data,
- A marketing research campaign,
- Recommendations for new or restructured fixed-route service,
- Review and analyze available financial resources and costs,
- Identification of alternative transit services for outlying areas and reactive strategies for Wichita Transit should Wichita's air quality reach non-attainment status, and
- Development of possible implementation procedures, actions, and improvements that are in line with Wichita Transit's current and anticipated future budgets.

In October of this year, an RFP was issued soliciting bids for development of a five-year TDP for Wichita Transit. Two consultants responded (TranSystems and Olsson / Parsons Brinckerhoff). The selection committee has chosen TranSystems on the basis of past performance and cost.

The consultant's price for completing the project is \$138,204. The contract cost will be covered 80 percent by federal funds (FTA) and 20 percent local (City). Local match funds are already included in annual transit budget.

The TDP will provide guidance to support Transit's role in providing for an efficient and effective infrastructure.

The City Law Department will review the contract as to form prior to contract execution.

Motion--carried

Brewer moved that the Mayor execute the contract with TranSystems. Motion carried 6 to 0. (Schlapp absent).

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RESEARCH CORP.

CONTRACT WITH EMPLOYMENT RESEARCH CORPORATION.

Agenda Item No. 23.

The City of Wichita is currently engaged in litigation concerning alleged vehicle stops in which suspects are alleging racial profiling.

To provide an effective legal defense for the potential trial of these cases, it is beneficial to the city to retain an outside consulting service to analyze police stops as they relate to the ethnic composition of suspects and the general population of the community. Representatives of the consulting firm would be potential expert witnesses at trial. Compensation to Employment Research Corporation under the agreement will be in the amount of \$50,000 to provide a statistical analysis of police vehicle stops in the Wichita community. The amount is for the study only and will not include any costs necessary for deposition and trial testimony. The charges are reasonable in amount for the quality of services involved.

Funding for this contract is from the Tort Claims Fund.

Internal Perspective. This expense is related to litigation of police related matters.

The Law Department recommends acceptance of the contract. The additional sums are necessary for the representation in city litigation matters and are reasonable in amount. The agreement has been prepared and approved as to form by the Department of Law.

Motion--carried

Brewer moved that the Contract be approved. Motion carried 6 to 0. (Schlapp absent).

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ NOVEMBER 27, 2007)

a) Chapter 6.04 Animal Ordinance

ORDINANCE NO. 47-695

An Ordinance Amending Sections 6.04.010, 6.04.020, 6.04.035, 6.04.036, 6.04.040, 6.04.045, 6.04.046, 6.04.048, 6.04.050, 6.04.055, 6.04.060, 6.04.070, 6.04.080, 6.04.090, 6.04.110, 6.04.120, 6.04.130, 6.04.150, 6.04.160, 6.04.170, 6.04.190, 6.04.210 and creating Sections 6.04.155 AND 6.04.156 of the Code of the City of Wichita, Kansas pertaining to Animal Control and Protection and repealing the original of sections 6.04.010, 6.04.020, 6.04.035, 6.04.036, 6.04.040, 6.04.045, 6.04.046, 6.04.048, 6.04.050, 6.04.055, 6.04.060, 6.04.070, 6.04.080, 6.04.090, 6.04.110, 6.04.120, 6.04.130, 6.04.150, 6.04.160, 6.04.170, 6.04.190, 6.04.210 of the Code of the City of Wichita, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent).

b) SUB 2007-56-Campus Crest Addition located on the southwest corner of 29th Street North and Oliver. (District I)

ORDINANCE NO. 47-696

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. . (Schlapp absent).

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- c) ZON2007-00042 – Zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial. Generally located southeast of the intersection of Rock Road and Harry Avenue. (District II)

ORDINANCE NO. 47-697

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent).

UNFINISHED BUSINESS

UNSAFE STRUCTURE REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICT VI)

Kurt Schroeder Office of Central Inspection reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Item No. 25.

This property was before the Board of Code Standards and Appeals (BCSA) on April 2, 2007. No-one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on July 3, 2007 and was deferred until August 7, 2007, at the request of Council Member Fearey. On August 7, 2007, this case was before the Council and was deferred because of the pending tax foreclosure sale. On September 11, 2007, this case was before Council and was deferred for 90 days.

On November 9, 2007 the premise was in fair condition, there were piles of tree limbs. No repairs have been made, and the rear door is open.

Taxes: As of November 12, 2007, Sedgwick County still shows the 2002, 2003, 2004, 2005, 2006, and 2007 taxes are delinquent in the amount of \$4880.13, which includes specials. There is a 2007 special assessment for weed cutting and board-up in the amount of \$291.08. This property did sell at tax sale.

The buyer has been informed of the date and time of the hearing.

Motion--carried Fearey to take Staff's recommendation of 90 days. Motion carried 6 to 0.

Resolution No. 07-695

A Resolution finding that the structure/s located on, Lots 245 and 247, on Market Street, Hyde & Ferrell's Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1149 N. Market, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer. (Schlapp absent)

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AQUISITION

ACQUISITION OF LAND AT HYDRAULIC AND DENKER FOR FIRE STATION 22, (DISTRICT III) (DEFERRED NOVEMBER 27, 2007)

John Philbrick

Property Management Administrator reviewed the item.

Agenda Item No. 25a.

The City Council has previously reviewed and approved the Fire Station Location Study. The study anticipates the relocation of eight existing fire stations and the construction of two new stations in the near term. One area for a new station is near the intersection of Wassall and Hydraulic. A City staff team consisting of representatives from the Fire Department, Public Works, and City Manager's Office conducted a review of multiple sites. A site on the northwest corner of Denker and Hydraulic, approximately 650 feet north of Wassall has been selected pursuant to the requirements of the Fire Station Location Study. The site is part of a 2.08-acre parcel owned by the Indian Southern Baptist Church.

The station site will utilize the east 230 feet (36,800 square feet) of the site. The church structure sits on the westerly 312 feet of the site and is not directly impacted by the acquisition. There is a 1,553 square foot single-family residence on the acquisition parcel that is currently occupied by the church caretaker. This structure will be removed to allow station construction. The church has agreed to sell the site for the fire station for \$225,000.

A budget of \$240,000 is requested. This includes \$225,000 for the acquisition, \$8,000 for relocation and moving, \$5,000 for demolition and \$2,000 for surveys, title insurance and miscellaneous closing costs. Funding for the land acquisition is included in the adopted Capital Improvement Program.

The acquisition of this parcel is necessary to ensure efficient infrastructure to serve this rapidly growing area and provide a safe and secure community.

The Law Department has approved the contract as to form.

Ron Blackwell

Fire Chief provided a site analysis.

(Gray momentarily absent)

Pastor Rod Klingsick

Pastor Klingsick stated he is the pastor of the Indian Southern Baptist Church, gave the church's prospective and stated this issue has been a difficult decision for them and that they have been at that location for 50 years. Stated that land was purchased by members of this church and they have agonized over this decision and have tried to balance two interests. Stated they want to be a good neighbor and have tried to be a good neighbor to their community and are concerned about the welfare of the people in that part of town. Stated they also have to consider what is best for them and they did not approach the City and the City approached them. Stated they deliberated and agonized and never came to the City with any figures and their initial response was that they did not want to sell and this had nothing to do with price. Stated land ownership is very important to them, especially from the Native American viewpoint. Stated when they initially opposed the sell it was out of a desire to keep their property and when they became convinced that the reality of the situation was otherwise, they decided to try to make the best out of a bad situation. Stated they came to a very difficult decision that it was best for them to sell and they accepted the offer that was presented to them. Stated their intention as a congregation is to fulfill that commitment as the offer is constituted now. Stated money is not their motivation but to serve God and the community.

Council Member Williams

Council Member Williams inquired if there would be other costs involved.

John Philbrick

Property Management Administrator stated the additional costs that would be involved will be closing costs, which are relatively minor. Stated there is a resident on the property that is currently occupied by a gentleman who is acting as caretaker for the church. Stated they will be paying him some relocation that will be approximately \$6,000 to \$7,000 pursuant to state law, which will be for moving and relocation. Stated there will be some cost for demolishing the residence, which is estimated at \$5,000.

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NEW BUSINESS

UNSAFE STRUCTURE REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURE. **(DISTRICTS I, II, III, AND VI)**

Kurt Schroeder Office of Central Inspection reviewed the item.

Agenda Item No, 26.

On October 23, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on December 4, 2007.

On October 1, 2007 the Board of Code Standards and Appeals (BCSA) held a hearing on thirteen (13) properties listed below:

Property Address	Council District
a. 1230 North Grove	I
b. 912 North Cleveland	I
c. 1305 North Grove	I
d. 231 North Estelle	I
e. 2403-05 East Murdock	I
f. 1317 North Ash	I
g. 700 North Beech Lot 27	II
h. 700 North Beech Lot 29	II
i. 700 North Beech Lot 32	II
j. 700 North Beech Lot 41	II
k. 700 North Beech Lot 55	II
l. 2101 South Washington	III
m. 934 North Wichita	VI

Detailed information/analysis concerning this property are included in the attachments.

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

Pursuant to State Statute, the Resolutions were duly published twice on October 26, 2007, and November 2, 2007. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder Office of Central Inspection stated that of the 13 properties that were set for hearing today, three of them have been resolved by being removed and clean and those are items g) 700 North Beech, Lot 27, h) 700 North Beech, Lot 29, and L) 2101 South Washington. Stated the Council can remove those from consideration today.

Stated that Staff' s recommendation for items a) 1230 North Grove, b) 912 North Cleveland, f) 1317 North Ash, and m) 934 North Wichita is that the Council take the recommended action to proceed with condemnation.

Motion--carried Brewer moved to take the recommended action on items a, b, f, and m. Motion carried 6 to 0.

(Mayor Brewer left the bench, Vice-Mayor Fearey in the chair)

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- Kurt Schroeder Office of Central Inspection reviewed the property listed as item c) 1305 North Grove. Stated the owner did not appear at the BCSA meeting in October and Staff recommends proceeding with condemnation and removal of this structure. Stated the owner is here and plans to fix the property and repair it to code within 60 days and his plan is to then sell the property. Stated the taxes are current at this time.
- Michael Ray Mr. Ray stated he resides at 112 West Hazel, and that he did not get the letter from OCI in time to appear and called the City but was told it was already set for a hearing. Stated he has been dealing with his insurance company and is trying to get a settlement. Stated the property has been vacant for one year and he is going to remodel it and sell it. Stated there is approximately \$1,500.00 worth of repairs to be done.
- Council Member Williams Council Member Williams asked if he participated in the Start Action Team Project.
- Michael Ray Mr. Ray stated he did not know anything about that.
- Council Member Williams Council Member Williams stated she is hesitant about giving him 30 more days because she knows the Start Action Team went through those two blocks on North Grove, trying to help people bring their homes into compliance.
- Motion--carried Williams moved to go 30 additional days with the recommendation of Staff. Motion carried 6 to 0.
- Kurt Schroeder Office of Central Inspection reviewed item d) 231 North Estelle, and stated that the owner's brother has started to make repairs to the property and it is secured at this time. Stated a lot of work has been started on this property and the premise is cleaned. Stated it has been indicated to him that they can wrap everything up on this property within 120 days. Stated the taxes are current at this time.
- Joseph Wright Mr. Wright stated he resides at 8511 Limerick Lane, and that his sister owns this house and he became involved in July of this year. Stated they have spent close to \$3,000.00 in materials at this time and it is a very good structurally sound house and they are requesting 90 days to complete the repairs and it will be sold or used for rental property.
- Motion--carried Williams moved to take Staff's recommendation of 90 days. Motion carried 6 to 0.
- Kurt Schroeder Office of Central Inspection reviewed item e) 2403-05 East Murdock, which is a duplex. Stated the taxes are delinquent for four years for \$729.71. Stated most of the premise has been cleaned at this time and secured but now repair work started at this point. The owner told him she has paid a couple of years of the four year delinquent taxes just recently.
- Chris Carter Mr. Carter stated that his plans are to repair this duplex for his kids. Stated he purchased this property from an individual and did not know this problem was going on. Stated he owns several properties in town. Stated he was not aware of the unpaid taxes but will take care of it and would like to have 90 days to continue work on it and will pay off the back taxes.
- (Mayor Brewer momentarily absent, Vice-Mayor Fearey in the chair)
- Motion-- Williams moved to allow 90 additional days to bring the home into compliance and take care of taxes.
- Vice-Mayor Fearey Vice-Mayor Fearey asked if the motion is to give him 90 days to take care of the taxes.
- Amended Motion-- Williams moved that the taxes should be taken care of in at least 30 days and the home improvement in
--carried 90 days. Motion carried 6 to 0.

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Kurt Schroeder

Office of Central Inspection stated items i, j, and k, involve three manufactured homes and one stick built building in a manufactured home park at 700 North Beech. Stated two of the properties j) 700 North Beech, Lot 41 and k) 700 North Beech, Lot 55 have been removed and will be resolved within the week and can take the action to move forward to condemn those. Stated the stick built building, i) 700 North Beech, Lot 32, has had extensive repairs made to this building and the premise is cleaned up. Stated the owner would like to have a small extension of time to finish work on this one stick built structure. Stated there is over \$30,000 in delinquent taxes on this mobile home park and the owner has an agreement with the county to pay those property taxes on installments.

Bob Kaplan

Mr. Kaplan stated there is a written arrangement with the county on the personal property taxes, which the owner is paying first. Stated the property is listed with Randy Johnson and the real estate taxes will have to be paid upon the sell of that property. Stated they consider the property very marketable because of its proximity to Hawker Beech Aircraft. Stated the tax issue is going to become a county issue and asked for an exception on that and give him time to restore this building.

Motion--
--carried

Brewer moved to give 30 days and bring it back if it has not met the code compliance. Motion carried 6 to 0.

Resolution No. 07-696

A Resolution finding that the structure/s located on, Lots 70, 72 and 74, on Grove Avenue, Fairmount Park Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1230 N. Grove , is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer. (Schlapp absent)

Resolution No. 07-697

A Resolution finding that the structure/s located on, Lots 17 and 29, Cleveland Ave., in Tilford's 2nd Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 912 N. Cleveland , is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer. (Schlapp absent)

Resolution No. 07-698

A Resolution finding that the structure/s located on, Lots 41 and 43 Sunnyslope Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1305 N. Grove, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer. (Schlapp absent)

Resolution No. 07-699

A Resolution finding that the structure/s located on, Lots 17, 19 and 21, on Estelle Avenue, in Firebaugh's Subdivision of Block 3, Chautauqua Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 231 N. Estelle , is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer. (Schlapp absent)

Resolution No. 07-700

A Resolution finding that the structure/s located on, the north 88 feet of Lot 39, Parkmore Second Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 2403-05 East Murdock , is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer. (Schlapp absent)

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Resolution No. 07-701

A Resolution finding that the structure/s located on, Lots 34, 36 and 38, on Tilford, now Ash Street Eleventh Street Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1317 N. Ash , is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer. (Schlapp absent)

Resolution No. 07-702

A Resolution finding that the structure/s located on, Lot 156 on Wichita street in Munger's Original Town, now City of Wichita to the City of Wichita, Sedgwick County, Kansas, commonly known as 934 N. Wichita is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer. (Schlapp absent)

Resolution No. 07-720

A Resolution finding that the structure/s located on Lots 1 through 21 and Lots 26 through 46, McClaren's Addition to Travel Air City, Sedgwick County, Kansas, commonly known as 700 N. Beech Lot 41 is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

Resolution No. 07-720

A Resolution finding that the structure/s located on Lots 1 through 21 and Lots 26 through 46, McClaren's Addition to Travel Air City, Sedgwick County, Kansas, commonly known as 700 N. Beech Lot 55 is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

INWOOD

PUBLIC HEARING ON THE ISSUANCE OF TAX-EXEMPT HOUSING BONDS, INWOOD CROSSING APARTMENTS. (DISTRICT I).

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 27.

On May 8, 2007, the City Council approved the issuance of a letter of intent to issue industrial revenue bonds in the amount not-to-exceed \$22,000,000 for LDG Development in connection with the development of the Inwood Crossings Apartments at Inwood and 35th Street North in northeast Wichita. In addition, City Council adopted a resolution of support of the developer's application for Low-Income Housing Tax Credits. At this time, LDG Development would like to start the with the issuance of the bonds.

The Inwood Crossings Apartments project will be located at 3540 North Inwood Street in the City (the "Project"). The Project will provide 260 apartments, including 40 one-bedroom units, 90 two-bedroom units, 100 three-bedroom units, and 30 four-bedroom units, a clubhouse, fitness center, business center, swimming pool, playground area and related improvements.

The City's industrial revenue bonds will be issued as tax-exempt qualified residential rental bonds under the provisions of Section 103 of the U.S Internal Revenue Code. Tax-exempt bonds generally allow developers to borrow money at lower interest rates. Using tax-exempt bonds also facilitates access to 4% tax credits for affordable housing projects. Under the federal tax code requirements, issuers of tax-exempt housing bonds must hold a public hearing prior to the issuance of the bonds. Notice of the public hearing must be published in the issuer's official newspaper at least 14 days prior to the public hearing.

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LDG Development plans to request first reading of the bond ordinance, authorizing issuance of the bonds, on December 11, 2007. However, the 14-day notice of the public hearing was published on November 20, 2007, setting December 4, 2007 as the date for the public hearing. While the date for first reading of the bond ordinance was delayed one week, it is still necessary to keep the public hearing on December 4th due to the 14-day notice requirement.

There is no financial obligation on the City resulting from the proposed issuance of tax-exempt housing bonds. The developer agrees to pay all of the City's costs associated with the issuance of the bonds and to pay the City's \$2,500 annual administrative service fee.

The proposed project contributes to the goal of Economic Vitality and Affordable Living.

The notice of public hearing was prepared by the City's bond counsel firm, Kutak Rock and published in the Wichita Eagle on November 20, 2007.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Williams moved to recommend that the City Council close the public hearing and receive and file comments. Motion carried 6 to 0. (Schlapp absent).

UNDERWRITER

SELECTION OF AN UNDERWRITER.

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 28.

On December 12, 1995, the City of Wichita adopted Ordinance No. 42-966 establishing the East Bank Redevelopment District ("the District"). On June 25, 2002, the City of Wichita adopted Ordinance No. 45-339 amending reduced boundaries of the District. On November 27, 2004, the City of Wichita adopted Ordinance No. 46-407 expanding the boundaries of the District to include extended areas along the river bank. The general comprehensive plan for the District identifies the potential redevelopment project areas located within the District and the suitability of each such area for redevelopment.

On January 27, 2004, the governing body of the City adopted Ordinance No. 45-983 establishing a redevelopment plan for the WaterWalk Project Area within the East Bank Redevelopment District. On July 17, 2007, the City established the River District Project ("River District Project") within the District qualifying the project as a special bond project, through special designation by the State Secretary of Commerce. A "Special Bond Project" means a redevelopment project with at least a \$50,000,000 capital investment and \$50,000,000 in projected gross annual sales revenues.

On October 26, 2007 the City received approval from the Secretary for designation of the River District Project as a "Special Bond Project", as defined under Chapter 179 of the 2007 Session Laws of Kansas (the "Act"). The Secretary's approval was for a STAR Bond issuance of up to a maximum principal amount of \$14,720,000.

Staff is seeking authority to solicit the services of an underwriter to assist in the marketing of these bonds, through a negotiated sale.

The City is planning to offer special obligation bonds in an amount not to exceed \$14,720,000. The bond proceeds will be used to provide permanent financing for the City's River Corridor project providing pedestrian bridges, bike path improvements, and the Keeper of the Plains Plaza. The City's objective is to obtain the most efficient bond financing program within the constraints of the STAR Bond's statutory requirements and security provisions.

It is anticipated the STAR Bonds will be tax-exempt securities. The City intends to issue STAR Bonds with a 15-year term yielding relatively constant annual debt service coverage. As the amount of STAR Bond issuance from the District has been limited, it is not anticipated that additional STAR Bonds will

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be issued. As the Secretary and the City share the objective of retiring the STAR Bonds as soon as possible it is anticipated the STAR Bonds will have accelerated prepayment provisions.

The STAR Bonds will be secured by the incremental State and City sales taxes collected within the District.

The City desires to procure the services of a single underwriting firm to serve as Senior Underwriter for the issuance of the STAR Bonds. The services required of the Senior Underwriter are generally defined as follows:

- Work with members of the City's financing team;
- Assist in the structuring of the transaction and the terms of sale;
- Assist in development of the security provisions and any final decision on credit rating(s) and/or enhancement, though it is anticipated that the STAR Bonds will be sold on a non-rated basis;
- Assist in the development of all sale related documentation;
- Lead the marketing and underwriting of the STAR Bonds, performing those functions customary to the position of senior managing underwriter;
- Assist in the coordination of services provided by other agents in the sale process; and
- Assist in the closing and bond settlement process.

Springsted Public Financial Advisors have been the City's financial consultant throughout the STAR bond financing application process. Springsted also served as the financial advisor to Wyandotte County and performed fiscal services for the Kansas Speedway, Village West and other STAR bond issues. Springsted is also financial advisor to Sedgwick County, selected through a competitive bid process. Staff wishes to continue using the services of Springsted in selecting and directing the Underwriter for this complex and unique bond issue.

The estimated cost of the underwriter's fees will be based upon the total par amount of the bonds issued. These costs, as well as the cost of the financial advisory services, and other expenses such as rating fees, escrow agent fees, paying agent fees, Bond Counsel fees and other expenses associated with the issuance of bonds are all anticipated and are included in the principal amount of the bonds as issuance costs.

The City Council's goal for Economic Vitality and Affordable Living is advanced through the use of STAR bonds to partner with and leverage investment from local developers to create a commercial, residential, tourist and recreational site that will add jobs and other economic value to the City. The Quality of Life goal is also served by providing new and unique entertainment and retail venues that will enhance the satisfaction of residents and improve Wichita's competitive position as a desirable place to live and work.

Solicitation of underwriting services will be accomplished by the issuance of a formal Request for Proposals (RFP). A staff screening and selection committee and the City's financial advisor will evaluate the proposals, interview firms and make a recommendation for selection by the City Council.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved that the issuance of an RFP for selection of an underwriter for the purpose of assisting in a negotiated sale of special obligation STAR bonds be authorized. Motion carried 6 to 0. (Schlapp absent).

SEIU MOA

2008-2009 SEIU MEMORANDUM OF AGREEMENT.

Sarah Gilbert

Human Resources Director reviewed the item.

Agenda Item No. 29.

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The City Negotiating Team and SEIU Local 513 have reached an agreement on a Memorandum of Agreement for 2008-2009. The union membership has ratified the agreement.

The agreement will be in effect for the period of December 15, 2007 through December 25, 2009 and will provide 6.5% annual increases (4% general pay adjustment plus 2.5% step increase) in 2008 and 2009 for represented employees who are eligible for step increases. Represented employees at the top of their range will receive a cost of living adjustment equal to 4% annually.

Other terms of the agreement include:

- A twenty cent per hour increase in shift differential
- A \$50 per year increase in safety boot allowance.
- A twenty-five cent per hour increase in standby pay.
- City language proposals on layoffs, grievance and PERB issues, and suspensions.
- Two day increase in bereavement leave for immediate family members.

A revised salary ordinance including the terms of this agreement will be on the City Council Agenda of December 4, 2007.

The agreement is consistent with the amounts included in the 2008 Adopted budget. Several of the supplemental pay issues that were agreed to were not budgeted, but the cost of these items will be minimal.

This agreement affects virtually all of the city's goals of Quality of Life, Safe and Secure Community, Core Areas and Neighborhoods, Economic Vitality and Affordable Living, Efficient Infrastructure, and Internal Perspectives.

The Law Department has approved the agreement as to form.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Harold Schleitweg

Mr. Schleitweg stated he is the business representative for Service Employees International Union Local 513. Stated that members of SEIU Local 513 overwhelmingly ratify the proposed agreement that is before the Council today for their action and urges the Council to ratify this agreement.

Motion--
--carried

Brewer moved that the proposed 2008-2009 Memorandum of Agreement between the City and Service Employees International Union Local 513 be approved. Motion carried 6 to 0. (Schlapp absent).

SALARY ORD.

YEAR-END AMENDMENTS TO SALARY AND CLASSIFICATION ORDINANCES

Sarah Gilbert

Human Resources Director reviewed the item.

Agenda Item No. 30.

Salary Ordinances set the rates of pay for City employees. Amendments to the following ordinances are presented: Non-exempt Employee Salary; Non-exempt Employee Classification; Exempt Employee Salary; and Exempt Employee Classification.

These amendments are required to update the pay scales to reflect previously or newly negotiated bargaining unit agreements with the International Association of Firefighters (IAFF), Fraternal Order of Police (FOP), Teamsters Union Local #795 (Transit), and Service Employees' International Union (SEIU). Also required are changes to the Other Provisions section of the Salary Ordinances.

Classification Ordinances establish City employee job classifications and designated pay ranges. Amendments to both Classification Ordinances are needed to reflect various changes and/or corrections.

Non-exempt Employee Salary Ordinance – Amendments are:

- Section 1, pay rates for Transit Teamsters employees:
 - o Delete expiring 2007 table.

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- o 2008 table reflects the **2.5%** increase negotiated in 2005.
- Sections 2 and 3, pay rates for seasonal/limited classifications
 - o Add tables to show pay rates after the increased federal minimum wage goes into effect on July 24, 2008.
- Section 4, pay rates for non-exempt employees, represented by the SEIU or Employees' Council:
 - o Delete expiring 2007 table.
 - o Add new tables for 2008 and 2009 to reflect 4% negotiated increases in 2-year SEIU agreement on today's Agenda, to be effective December 15, 2007.
- Section 5, pay rates for non-exempt professional employees
 - o Delete expiring 2007 table.
 - o Add new table for 2008 to reflect the same 4% raise as negotiated for non-exempt SEIU- represented employees.
- Section 6, pay rates for Airport Safety Teamsters employees
 - o Revise 2007 table for 2008 with same pay rates because negotiations for new agreement are not concluded. The current agreement expires on December 14, 2007.
- Section 7, pay rates for FOP employees:
 - o Delete expiring 2007 table.
 - o 2008 and 2009 tables reflect 4% negotiated increases in 3-year agreement approved by Council and effective December 16, 2006. .
- Section 8, pay rates for IAFF employees:
 - o Delete expiring 2007 table.
 - o 2008 and 2009 tables reflect 4% negotiated increases in 3-year agreement approved by Council and effective December 16, 2006.
- Section 9 – Other Provisions
 - o Revise for changes negotiated in the new SEIU agreement.
 - Increase safety boot reimbursement from \$100 to \$150 (Section 9.a. {6}).
 - Increase shift differential payment from \$.55 to \$.75 per eligible hour (9.a. {13.}).
 - Increase stand-by status pay from \$0.75 to \$1.00 per hour (9.a. {14}).
 - o Other related Section 9 revisions:
 - Police uniform allowance - delete reference to 2007 (9.a. {2}).
 - Fire uniform allowance – delete reference to 2007 (9.a. {4}).
 - Noncommissioned Police personnel uniform allowance – add Security Officers and Security Screeners, and increase allowance from \$375.00 to \$400.00 for 2008 and to \$450 for 2009 to maintain the same difference (\$200 per year) between these and commissioned positions, which received an increase in the FOP agreement. (9.a. {6}).

Exempt Employee Salary Ordinance:

- The maximums of the pay ranges are raised by 3%. There is no change to the minimums.
- A General Pay Adjustment (GPA) of 3% is recommended (not part of the ordinance)
- Revisions to match some FOP, IAFF and SEIU provisions for exempt employees:
 - o Match uniform allowance for Police Captains to employees represented by the FOP - \$600 in 2008 and \$650 in 2009 (Section 2.a. {1}).
 - o Match uniform allowance for Fire Battalion Chiefs and Fire Division Chiefs (new positions in 2008) to employees represented by the IAFF - \$550 in 2008 and \$600 in 2009 (2.a. {2}).
- o Increase the safety boot reimbursement from \$100 to \$150.
- o Match Education Pay for Police Captains to FOP employees - \$110/mo. for a bachelor's and \$135/mo. for a masters (2.a. {5}). Also correct to read that these employees are not eligible for the Tuition Reimbursement Program.
- o Match Special Duty Pay for Police Captains to FOP employees - \$60/pay period.
- o Match Education Pay for Fire Battalion Chiefs and Fire Division Chiefs to IAFF employees - \$50/mo. for a bachelors and \$75/mo. for a masters (2.a. {7}).
- o Match Special Duty Pay for Fire Battalion Chiefs and Fire Division Chiefs to IAFF employees - \$35/pay period.

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Non-exempt Employee Classification Ordinance – The following revisions or corrections are needed:

- Delete Airport Clerk classification – no longer used.
- Delete Airport Gardening Supervisor classification – no longer used.
- Delete “City Hall” from City Hall Security Officer classification.
- Delete City Hall Security Screener, range 615, because of upgrade to range 617, Security Screener.
- Delete Interpreter Aide classification – no longer used.
- Add Legal Assistant classification at range 623 – title change from Administrative Aide II in the same range.

Exempt Employee Classification Ordinance – The following revisions or corrections are needed:

- Establish classification for Air Service and Business Development Administrator (Airport) at range C45/C52, formerly classified under Principal Planner in the same range. This is a more descriptive classification.
- Establish classification for Environmental Remediation Administrator (Environmental Services) at range C45/C52, formerly classified under Principal Planner in the same range. This is a more descriptive classification.
- Establish classification for new Fire Division Chief positions, approved in the 2008 budget at range D63.
- Establish classification for Fire & Medical Rescue Coordinator at range D61, formerly classified under Fire Battalion Chief in the same range. This non-commissioned position should be classified separately from a commissioned position.
- Establish classification for Museum Specialist (CityArts) at range B31 for a Cowtown position.
- Upgrade Real Estate Administrator from range

The estimated costs of the amendments to the Salary Ordinances have been approved by the City Council and are included in the 2008 and 2009 budgets. Cost of changes to the Classification Ordinances are already absorbed in department budgets, or are no-cost items.

As a human resources and financial issue, goal impact falls under Internal Perspective.

The Department of Law has reviewed the ordinance and approved as to form.

Council Member Gray

Council Member Gray

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Brewer moved that the ordinances be adopted and placed on first reading. Motion carried 6 to 0. (Schlapp absent).

ORDINANCE

An ordinance establishing position classifications for non-exempt employees of the city of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges repealing ordinance no. 47-544, introduced and under the rules laid over.

ORDINANCE

An ordinance providing for a uniform schedule of standard pay ranges for non-exempt employees of the city of Wichita, repealing ordinance no. 47-491, introduced and under the rules laid over.

ORDINANCE

An ordinance establishing position classifications for exempt employees of the city of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges repealing ordinance no. 46-289, introduced and under the rules laid over.

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ORDINANCE

An ordinance providing for a uniform schedule of standard pay ranges for exempt employees of the city of Wichita, repealing ordinance no. 46-867, introduced and under the rules laid over.

HUD

HUD CONSOLIDATED PLAN/ANNUAL PLAN PROCESS.

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Item No. 31.

The U.S. Department of Housing and Urban Development (HUD) provides annual funding for programs that serve or benefit low to moderate-income persons. This funding is part of the HUD Consolidated Plan process that requires the City of Wichita to submit annual amendments to the 5-Year Consolidated Plan, outlining specific activities to be funded through the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Shelter Grant (ESG) programs.

Each year City staff develops funding estimates and makes recommendations for funding categories to the City Council. Upon approval by the City Council, applications and Requests for Proposals are issued to agencies that can provide the designated services. This information is also made available to the general public.

HUD staff has provided unofficial estimates of reduced funding for the 2008/2009 CDBG program. Therefore, City staff has recommended funding categories at reduced levels for CDBG programs for the 2008/2009 program year based on the 5-Year Consolidated Plan priorities. HUD staff has not provided estimates for HOME and ESG allocations. Staff has therefore made recommendations based on current year funding levels. Staff will adjust funding categories and amounts once HUD announces final allocations. All staff modifications will be presented to the City Council for final approval after proposals and applications have been received and reviewed.

Staff prepared recommendations based on the following HUD funding estimates for 2008/2009: CDBG - \$2,892,413; HOME - \$1,749,901; and ESG - \$126,435. HOME funds require a match, and in the past, match funds of 25% have been achieved through creative partnerships with community agencies and have not required General Fund support. ESG funds require a 100% match which historically has been exceeded by the participating agencies indirect volunteer and direct funding contributions.

The HUD Consolidated Plan Process supports the Dynamic Core Area and Vibrant Neighborhoods, Economic Vitality and Affordable Living and Quality of Life goals.

All proposed Council actions and program activities are consistent with HUD regulations and requirements.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Council Member Gray

Council Member Gray stated when we discussed this item last week in workshop, he had a question about the \$350,000 for the Communities Initiative Program. Stated the discussion was that for two proceeding years that \$350,000 that went to the Sav-A-Lot loan guarantee was a redistribution of money that was typically divided between the four Council districts for various projects. Stated he thought it was a just cause and felt it was reasonable to do that because it was only for a short period of time, two years. Stated this year instead of being redistributed back into those districts for projects specific to those areas, it is now moved into this other program, NCI. Stated when we approve this today, does this mean that money will go into the NIC or can it still be divided up for other projects later.

Mary K. Vaughn

Director of Housing and Community Services stated the \$350,000 that was set aside for the grocery store guarantee was taken off the top of the CDBG allocation and the amount of funds that the four Council Members have historically been given to designate specific projects comes from program income that we determine in January of each year.

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- Council Member Gray Council Member Gray stated what frustrates him about this is what point in time when Council makes the decision of \$350,000, that was never appropriated was going to go for the next two years to back a loan guarantee and then after that it was going to go back to the way it was before. Stated in his opinion there should have been a discussion with the Council before Staff made the recommendation that that \$350,000 become a permanent allocation to this NCI. Stated this is one of the things that has concerned him about the NCI is that we are just starting it and we are already figuring out ways to siphon money from other areas to it and there has not been a discussion about that.
- Vice-Mayor Fearey Vice-Mayor Fearey stated this does cover two districts, six and one and this is an investment that has an opportunity to pay off. Stated we have a part of our City that is sucking other parts of our City dry in the services that it is using. Stated we might need to get harder costs, facts, and figures and she sees the Task Force to End Chronic Homelessness struggling with this same thing, that somewhere between 50 to 80 people are consuming about 80% of the resources and that goes into the emergency room services, housing, and detox. Stated we need to ask Staff if they can start trying to work with those groups and boil down those numbers a little more to see what some of these areas are costing our community and what spending some money can save our community.
- Council Member Longwell Council Member Longwell stated he does not want to get into a situation where we have a NCI that he believes is important and can be vital to all of our City, but does not want to take dollars away from other communities as a sacrifice to move one area forward. Stated he would also have concerns at taking that entire \$350,000 and setting it aside just for the NCI and thinks the NCI is important enough, will find dollars somewhere in there if that plan comes together but does not want to do that at the sacrifice of these other areas of town that have been waiting for some of that \$350,000 to come back to them.
- Council Member Williams Council Member Williams stated she sees some of the money being spent for stop blight as well and not entirely on NCI.
- Council Member Gray Council Member Gray stated he would like to have the opportunity when the allocation is made to have that discussion.
- Motion-- Fearey moved that the public hearing be closed and funding categories and reserve amounts for the 2008/2009 Consolidated Plan, based on funding estimates available at this time and moving the New Communities Initiative \$350,000 down to the Neighborhood Stabilization Program income category.
--carried Motion carried 6 to 0.

GRANTS REVIEW

GRANTS REVIEW COMMITTEE APPOINTMENTS.

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Item No. 32.

On March 28, 2000, the City Council approved the change in composition of the Grants Review Committee due to the abolishment of the Human Services Advisory Board and the Citizen Participation Organization. The Grants Review Committee is comprised of twelve (12) members from the following areas: 4-District Advisory Board; 1-United Way; 1-Sedgwick County; 1-USD #259; 2-Wichita Independent Neighborhood Association; 1-Wichita State University; 1-large business and 1-small business. Nominations for the 2006 Grants Review Committee have been received from each agency in accordance with the Consolidated Plan.

The Grants Review Committee will review the proposals received for Women's Services, Summer Youth Employment, Youth Recreation & Enrichment as well as the funding applications received for HOME CHDO projects and Emergency Shelter Grant programs. The Grants Review Committee will hold at least one public hearing to allow for oral presentations and will make funding recommendations to the City Manager for presentation to the City Council.

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Nominations for the 2008 Grants Review Committee have been received from each agency in accordance with the Consolidated Plan. A list of the nominees received for the 2008 Grants Review Committee is attached.

The Grants Review Committee serves without remuneration.

Decisions made by the Grants Review Committee will impact Economic Vitality and Affordable Living, Quality of Life and Core Area and Neighborhood goals.

The City has completed the required actions and the Council may make the appointments to the Grants Review Committee.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--

moved that the appointments to the 2008 Grants Review Committee be approved and authorize the City Manager to appoint a replacement(s), in the event that an appointee is unable to serve. Motion carried 6 to 0.

--carried

CONSOLID. PLAN

CONSOLIDATED PLAN AMENDMENT: DEMOLITION AND CLEARANCE OF DANGEROUS AND UNSAFE BUILDINGS. (DISTRICTS I, III, IV, VI)

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Item No. 33.

During the 1999/2000 CDBG program year, the City Council approved funding that provided for personal services to establish the positions for Environmental Health Inspectors under the Sedgwick County/Wichita Department of Health. The inspectors investigated health code violations that occurred within the Neighborhood Revitalization Areas. Beginning January, 2008, the Environmental Health Inspectors will be under the supervision of the City of Wichita's Office of Central Inspection.

The Office of Central Inspection is responsible for identifying dangerous and unsafe buildings and the condemnation process that results in the removal of unsafe structures. Demolition and clearance of unsafe buildings located within the Neighborhood Revitalization Areas is an eligible CDBG funded activity. Eliminating CDBG funding and transferring OCI condemnation funds from demolition and clearance contractual service, to fund the personal services for additional inspectors would create efficiencies for OCI inspector area assignments, case tracking and paperwork. Expected outcomes are to provide better service to citizens and neighborhoods and to increase the elimination of slum and blighted structures within the Neighborhood Revitalization Areas.

As of July 1, 2007, a budget in the amount of \$171,869 was established for the Environmental Health Inspectors for the 2008 calendar year, beginning January 1, 2008. Transferring CDBG funds in the amount \$171,869 from personal services for the inspectors to contractual services for demolition and clearance will not have any budget impact on the CDBG program. Transferring this same amount from the OCI condemnation budget for contractual services to the OCI personal services budget will not have any impact on the overall OCI Special Revenue Fund budget.

Support a Dynamic Core Area and Vibrant Neighborhoods

Deleting and adding a new CDBG Activity requires a substantial amendment to the City of Wichita's 2004/2008 Consolidated Plan and the budget transfer of funds exceeds \$10,000, requiring City Council approval. All proposed Council actions and program activities are consistent with HUD regulations and requirements within the City of Wichita's 2004/2008 Consolidated Plan, including publishing a required public notice that allowed citizens to comment from October 20, 2007 through November 21, 2007.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

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Motion-- Williams moved that the public comment period be closed and the substantial amendment to the City of Wichita's 2004/2008 Consolidated Plan, deleting the Environmental Health Inspectors activity; adding a new activity: Demolition and Clearance of Dangerous and Unsafe Buildings be approved; and the corresponding adjustment for the OCI budget approved. Motion carried 6 to 0. (Schlapp absent).
--carried

PETITION

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF FAIRLAWN ACRES ADDITION, SOUTH OF KELLOGG, WEST OF WOODCHUCK. (DISTRICT V)

Jim Armour

City Engineer reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Item No. 34.

The signatures on the Petition represent 1 of 2 (50%) resident owners and 81% of the improvement district area. District V Advisory Board sponsored a November 5, 2007, neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project.

The project will construct a sanitary sewer for a partially developed commercial area that is currently served by private septic tank systems.

The estimated project cost is \$55,000 with the total assessed to the improvement district. In addition, a sewer main benefit fee of \$6,700 will be assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.41 per square foot of ownership plus \$00.05 per square foot for the main benefit fee.

This project addresses the Efficient Infrastructure goal by extending sanitary sewer service to an existing commercial area.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Longwell moved that the Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

RESOLUTION NO. 07-693

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 526, Southwest Interceptor Sewer (south of Kellogg, west of Woodchuck) 468-84420, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Longwell moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

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PETITION

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE LOTS 5-8, BROADBECK ADDITION, NORTH OF 31ST STREET NORTH, WEST OF ARKANSAS. (DISTRICT VI)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 35.

The signatures on the Petition represent 5 of 6 (83%) resident owners and 75% of the improvement district area. Public Works-Engineering staff met with affected property owners on November 1, 2007. It was the consensus of property owners who were present to support the project.

The project will construct a sanitary sewer for a developed residential area that is currently served by private septic tank systems.

The estimated project cost is \$45,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.58 per square foot of ownership.

This project addresses the Efficient Infrastructure and Vibrant Neighborhoods goals by extending sanitary sewer service to an existing residential area.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Fearey moved that the Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

RESOLUTION NO. 07-694

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 151, Main 4, Sanitary Sewer No. 23 (south of 32nd St. North, west of Arkansas) 468-84451, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

KELLOGG DRAINAGE KELLOGG DRAINAGE STRUCTURE NEAR ZELTA. (DISTRICT II)

Mike Jacobs

Special Projects Engineer reviewed the item.

Agenda Item No. 36.

The 2007-2016 Capital Improvement Program includes funding for East Kellogg improvements. On June 10, 1997, the City entered into an Agreement with Cook, Flatt & Strobel, Engineers (CF&S) to begin preliminary design for East Kellogg, from Edgemoor to 127th Street East. On July 10, 2007, the City Council approved a supplemental agreement with CF&S to design a drainage structure under Kellogg near Zelta.

Private drainage projects on the north side of Kellogg near Zelta do not cross Kellogg. As a result, a significant drainage structure under Kellogg near Zelta is needed.

The estimated construction cost is \$2,490,000 with \$1,990,000 paid by Federal funds administered by the Kansas Department of Transportation and \$500,000 by the local sales tax.

This project addresses the Efficient Infrastructure goal by providing a safe and efficient transportation system. It addresses the Economic and Affordable Living goal by providing a public improvement

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which reduces the cost of transportation. It also improves the air quality of the region whereby the goal of a Safe and Secure Community is met by improving environmental health.

The authorizing Ordinance has been approved as to form by the Law Department.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved that the project be approved; the Ordinance placed on first reading; and the signing of State/Federal agreements as required authorized. Motion carried 6 to 0. (Schlapp absent).

ORDINANCE

An ordinance declaring Kellogg, between Ellson and Zelta (472-84632) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

21ST ST. IMPROV.

21ST STREET IMPROVEMENT, BETWEEN K-96 FREEWAY AND 159TH STREET EAST. (DISTRICT II)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 37.

The 2007-2016 Capital Improvement Program (CIP) adopted by the City Council includes a project to improve 21st Street, between K-96 Freeway and 159th St. East. District II Advisory Board sponsored a November 5, 2007, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

21st Street, from K-96 to 159th St. East, is currently a two-lane asphalt mat road with drainage ditches. The proposed improvement consists of a five lane roadway with two through lanes in each direction and a center two-way left turn lane with landscaped medians in the west mile of the project. Left turn lanes will be provided at all four approaches to the 21st St. intersections at 127th St. East, 143rd St. East and 159th St. East. Drainage improvements will be included with the project as well as 5' sidewalk on both sides of the street. Deceleration/right turn lanes will be constructed at major entrances to new development funded by special assessments in accordance with petitions previously approved by the City Council. One lane of traffic in each direction along 21st will be provided during construction for the duration of the project. The 21st St. intersections at 143rd St. East and 159th St. East will be closed to north-south traffic at different times during construction with local access provided to all affected properties. Construction is planned to begin next spring and be completed in approximately 15 months

The current estimated construction cost (exclusive of the special assessment funding) is \$10,200,000 with \$2,600,000 paid by General obligation bonds and \$7,600,000 paid by Federal Grants administered by the Kansas Department of Transportation.

This project addresses the Efficient Infrastructure goal by improving traffic flow through a major traffic corridor.

The Department of Law has approved the authorizing Ordinance as to legal form.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved that the project be approved; the Ordinance placed on First Reading; and the signing of State/Federal Agreements as required authorized. Motion carried 6 to 0. (Schlapp absent).

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ORDINANCE

An ordinance declaring 21st street, between the k-96 freeway and 159th street east (472-84636) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

13TH ST. BRIDGE

13TH STREET BRIDGE OVER THE LITTLE ARKANSAS RIVER. (DISTRICT VI)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 38.

On May 8, 2007, the City Council approved a project to rehabilitate the 13th St. Bridge over the Little Arkansas River. An attempt to award a construction contract within the project budget was not successful. An amending Resolution has been prepared to revise the budget.

The project will include a major rehabilitation of the bridge. The existing abutments and support beams will be replaced and the piers will be rehabilitated. New support girders are needed to replace the existing bridge girders. This will provide a new support deck for the replacement of the existing brick. The new driving service will be wider than the existing, while maintaining all existing features on the outer edges of the bridge. New approach pavement on each end of the bridge will be constructed and all historic elements will be rehabilitated. A temporary pedestrian bridge will be provided until the bridge is reopened to traffic.

The current budget is \$2,600,000, with \$1,600,000 paid by the City and \$1,000,000 paid by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The proposed revised budget is \$3,100,000 with \$2,100,000 paid by the City and \$1,000,000 by Federal Grants. Funding for the budget increase is available from cost savings on recently bid bridge projects.

This project addresses the Efficient Infrastructure goal by rehabilitating a bridge on an important traffic corridor.

The Law Department has approved the amending Ordinance as to legal form.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Fearey moved that the revised budget be approved; the amending Ordinance adopted; and the signing of State/Federal agreements as required authorized. Motion carried 6 to 0. (Schlapp absent).

ORDINANCE

An ordinance amending ordinance no. 46-854 of the city of Wichita, Kansas declaring the 13th St. bridge at the little Arkansas river (472-84314) to be a main trafficway within the city of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

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DESIGN AGRMNT

DESIGN AGREEMENT KELLOGG, FROM CYPRESS TO 127TH STREET EAST. (DISTRICT II)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 39.

The 2007-2016 Capital Improvement Program includes funding to design East Kellogg improvements. On June 22, 2007, the Staff Screening and Selection Committee selected PB Americas, Inc. (PB), which is a consortium of local consulting engineering firms including Baughman, TranSystems, MKEC and PB to prepare construction plans for a freeway from Cypress to 127th St. East.

The project is part of an ongoing effort to upgrade East Kellogg to a freeway standard to the Butler County line.

The PB design fee is \$6,795,602. The funding source is the local sales tax.

This project addresses the Efficient Infrastructure goal by providing a safe and efficient transportation system. It addresses the Economic and Affordable Living goal by providing a public improvement which reduces the cost of transportation. It also improves the air quality of the region whereby the goal of a Safe and Secure Community is met by improving environmental health.

The authorizing Ordinance and Agreement have been approved as to form by the Law Department.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved that the design project and Agreement be approved; the Ordinance placed on first reading; and the signing of State/Federal agreements as required authorized. Motion carried 6 to 0. (Schlapp absent).

ORDINANCE

An ordinance declaring Kellogg, between cypress and 127th st. east (472-84615) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

PRELIM. DESIGN

PRELIMINARY DESIGN AGREEMENT: KELLOGG, FROM 127TH STREET EAST TO 159TH STREET EAST. (DISTRICT II)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 40.

The 2007-2016 Capital Improvement Program includes funding to design East Kellogg improvements. On June 22, 2007, the Staff Screening and Selection Committee selected PB Americas, Inc. (PB) to prepare preliminary plans for a freeway from 127th St. East to 159th St. East. The east Kellogg Corridor is rapidly becoming urbanized. By developing concepts now, needed future right-of-way can be identified and preserved prior to development. The plans will establish a configuration for future right-of-way acquisition requirements from the K-96 interchange to the Butler County line.

The project is part of an ongoing effort to upgrade East Kellogg to a freeway standard to the Butler County line.

The PB design fees total \$2,990,367. The funding source is the local sales tax.

This project addresses the Efficient Infrastructure goal by providing a safe and efficient transportation system. It addresses the Economic and Affordable Living goal by providing a public improvement

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which reduces the cost of transportation. It also improves the air quality of the region whereby the goal of a Safe and Secure Community is met by improving environmental health.

The authorizing Ordinance and Agreement have been approved as to form by the Law Department.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the preliminary plans project and the Agreement be approved; the Ordinance placed on first reading; and the signing of State/Federal agreements as required authorized. Motion

--carried

carried 6 to 0.

ORDINANCE

An ordinance declaring Kellogg, between 127th St. east and 159th St east (472-84614) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

KELLOGG/CYPRESS

KELLOGG, FROM CYPRESS TO 159TH STREET EAST. (DISTRICT II)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 41.

The 2007-2016 Capital Improvement Program includes funding for East Kellogg improvements. Funding is needed at this time for opportunity right-of-way purchases.

The project is part of an ongoing effort to upgrade East Kellogg to a freeway standard to the Butler County line. If Council approves this request, funding would be available to purchase needed parcels as they become available.

The project budget is \$500,000. The funding source is the local sales tax.

This project addresses the Efficient Infrastructure goal by providing a safe and efficient transportation system. It addresses the Economic and Affordable Living goal by providing a public improvement which reduces the cost of transportation. It also improves the air quality of the region whereby the goal of a Safe and Secure Community is met by improving environmental health.

The authorizing Ordinance has been approved as to form by the Law Department.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the project be approved; the Ordinance placed on first reading; and the signing of State/Federal agreements as required authorized. Motion carried 6 to 0. (Schlapp absent).

--carried

ORDINANCE

An ordinance declaring Kellogg, between cypress and 159th St. east (472-84634) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

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DRUG PARAPHENAL. AMENDMENTS TO SECTION 5.26.030 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO POSSESSION OF DRUG PARAPHERNALIA.

Gary Rebenstorf City Attorney reviewed the item.

Agenda Item No. 42.

The 2007 Kansas Legislature amended K.S.A. 65-4150, 65-4151, and 65-4152, in House Bill No. 2062. The amendments encompassed items deemed to be drug paraphernalia, and criminal violations for possessing drug paraphernalia. Essentially, in the amendments, the Legislature included a more extensive list of items considered to be drug paraphernalia. Amendments to City of Wichita ordinance 5.26.030 incorporates the changes from the state statutes.

The amendments to City of Wichita Ordinance 5.26.030 should be passed, in order to comply with the legislative mandates of House Bill No. 2062. Amendments would make city ordinance consistent with violations under state statutes.

Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of Possession of Drug Paraphernalia.

The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--carried Brewer moved that the ordinance be placed on first reading. Motion carried 6 to 0. (Schlapp absent).

ORDINANCE

An ordinance amending section 5.26.030 of the code of the city of Wichita, Kansas, pertaining to possession of drug paraphernalia, introduced and under the rules laid over.

SAFETY BELT USE AN ORDINANCE AMENDING SECTION 11.38.285 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO MOTOR VEHICLE SAFETY BELT USE.

Gary Rebenstorf City Attorney reviewed the item.

Agenda Item No. 43.

The 2007 Kansas Legislature amended K.S.A. 8-2503, regarding the mandated use of safety restraints in motor vehicles. This statute now mandates that children at least 14 years of age, but not more than 18 years of age, must have a safety belt properly fastened around such person's body at all times when the motor vehicle is in motion. This section may be enforced as a primary violation. Warning citations must be written for this section until January 1, 2008. In addition, the fines for violations of this section have been set at \$60.00, including court costs. The fine mandated for safety belt violations of those 18 years of age, and older, have been increased from \$10.00 including court costs, to \$30.00 including court costs. City of Wichita Ordinance 11.38.285 must be amended to reflect the amendments in state statute.

Amendment to City of Wichita Ordinance 11.38.285 must be adopted, as municipal ordinances cannot be less restrictive than state statutes.

Provide a Safe and Secure Community. This ordinance will allow the Police Department and Law Department to charge and prosecute violations of this ordinance.

The ordinance amendment has been prepared and approved as to form by the Law Department.

Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

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Motion--carried

Brewer moved that the ordinance be placed on first reading. Motion carried 6 to 0. (Schlapp absent).

ORDINANCE

An ordinance amending section 11.38.285 of the code of the city of Wichita, Kansas, pertaining to motor vehicle safety belt use, introduced and under the rules laid over.

FIREFIIGHTERS

ASSISTANCE TO FIREFIIGHTERS GRANT PROGRAM.

Ed Bricknell

Fire Marshall reviewed the item.

Agenda Item No. 44.

The FY 2007 Defense Authorization Act authorized the federal Department of Homeland Security, Federal Emergency Management Agency (FEMA), to make \$547 million in grants available to fire departments. The governing statute includes a requirement that no less than five percent of the appropriated funds support fire prevention and safety activities. Therefore no less than \$27 million of the appropriation must be awarded for fire prevention and safety activities. However, this is a minimum amount and FEMA recognizes the importance of prevention and safety projects. Therefore FEMA has reserved a total of \$32 million for Fire Prevention and Safety grants.

The Wichita Fire Department is seeking \$84,906 in assistance under the Department of Homeland Security, Fire Prevention and Safety Grant Program to purchase a Fire Safety/Sprinkler House for our Community Fire house Safety Caravan Program. The Wichita Fire Department will use this dual-purpose house as a front line tool to target specific United States Fire Administration high-risk groups such as senior citizens, children and the physically disabled. The City of Wichita has a population greater than 350,000 and with the current growth, incidents of fires, injuries and other fire associated activities are on the increase. Eight percent of the population is juveniles under the age of 14 and 19.2 % are seniors. There were 2,175 fires that caused \$13,000,000 in damage. Of the \$13,000,000 in fire loss, juveniles were responsible for \$806,000 in damage. During the past 5 years, Wichita experienced 37 fire deaths. Among the decedents were citizens identified under the United States Fire Administration high-risk group. The Fire Safety House will allow us to provide unique opportunities to teach a wide range of programs such as fire prevention, home escape techniques, and weather and disaster preparedness to residents of our community.

The total cost to fund the Fire Safety House is \$84,906. If approved, the proposed \$84,906 grant application would require a local match of 20 % or \$16,981, with \$67,924 funded through the Assistance to Firefighters Grant program. Award notification is expected in 2008. Department savings would fund the match during the 2008 Fiscal Year.

This project addresses the "Safe and Secure" goal by providing important training in the area of fire prevention and weather related emergencies to those most adversely affected, the young and the elderly.

The due date for this application is November 30, 2007. In order to meet this deadline, pursuant to City Administrative Regulation 2.4, Preparation and Submittal of Federal, State and Private Grant Applications, the City Manager is authorized to sign the grant application where delay would invalidate the grant application.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the grant application and acceptance be approved; the necessary signatures authorized; and all necessary budget adjustments to fund a match up to \$16,981 approved. Motion carried 6 to 0.

--carried

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PROG. MANAGEMNT PROGRAM MANAGEMENT SERVICES FOR WATER SUPPLY PROJECTS.

David Warren

Water and Sewer Director reviewed the item.

Agenda Item No. 46.

On October 3, 2000, the City Council approved and instructed Staff to begin implementation of the Concept Design Plan for the Integrated Local Water Supply Plan. The Integrated Local Water Supply Plan includes the use of a number of local water supply sources that will be used together to meet the City's water supply needs through the year 2050. On July 10, 2007, City Council authorized Phase II of the Aquifer Storage and Recovery (ASR) project.

The Integrated Local Water Supply Plan (ILWS) Plan includes a number of components, the most significant of which is the Equus Beds ASR. The project eventually will capture up to 100 million gallons-per-day (MGD) from the Little Arkansas River and recharge it into the Equus Beds Aquifer. Staff estimates that the dewatered component of the aquifer can hold up to 65 billion gallons, or about the same amount of water as is stored in Cheney Reservoir.

Phase II of the project will capture up to 30 MGD with a surface water intake and treat the water prior to transmitting the water into recharge wells. The treatment plant and intake will be constructed assuming that a total of 60 MGD of direct surface water will ultimately be captured and treated, with up to 90 MGD possible by completion of the project.

The Water Utilities does not have staff resources to properly manage a project of this scope, which is estimated to cost \$125 million. Staff therefore recommends that a Program Manager be engaged to perform that task.

An RFP for Program Management services was issued July 11, 2007, with two proposals received by Purchasing on August 8, 2007. R.W. Beck and Associates working with PEC, and CH2M-Hill working with Baughman Company submitted proposals.

The Staff Screening and Selection Committee met August 20, 2007, to hear presentations from R.W. Beck and CH2M-Hill. Based on the proposals and presentations, the SSSC voted unanimously to recommend that the proposal from R.W. Beck be accepted.

The Program Management Services will be provided and billed, based on actual time spent. Staff estimates that these services, billed on an hourly basis, will cost no more than \$1,406,303 through 2008. Funding for this service is available in CIP W-549, Water Supply Projects.

This project will ensure efficient infrastructure by providing reliable, compliant and secure utilities, and will help assure that adequate water supplies are available for future customers.

The Law Department has approved the Contract as to form.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved that the Contract for Program Management services be approved and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

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PLANNING AGENDA

Motion--
--carried

Brewer moved that Planning Consent items 47-55 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Schlapp absent).

ZON2007-48

ZON2007-48-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL WITH PROTECTIVE OVERLAY #196. GENERALLY LOCATED ON THE SOUTH SIDE OF MACARTHUR ROAD AND EAST OF HYDRAULIC AVENUE. (DISTRICT III)

Agenda Item No. 47.

MAPC Recommendations: Approve unanimously (12-0), subject to staff recommendations.

MAPD Staff Recommendations: Approve, subject to the provisions of the Protective Overlay and platting.

DAB recommendation: Approve (10-1), subject to staff recommendations

The applicant is requesting "LC" Limited Commercial zoning for the 4.7-acre unplatted "SF-5" Single-family Residential zoned site. The site is partially developed with a single-family residence located on its west portion. The site is located approximately 660 feet east of the Hydraulic Avenue and MacArthur Road intersection with frontage/access onto MacArthur. The requested "LC" zoning would allow the applicant to market the site for commercial development.

The site abuts the east side of a 0.89 acre "SF-5" zoned KG&E electric substation, which is located between the subject site and the applicant's partially developed First Pentecostal Church site (Pentecostal 2nd Add, 12-1-1982 and the Ed Dwire Add, 3-20-1978). The applicant's church site is zoned largely "LC" Limited Commercial (County zoning, 1958) with a smaller, undeveloped "B" Multi-family Residential zoned portion. The site also abuts the north side of a 13 acre unplatted, undeveloped "SF-5" zoned property. This 13 acre "SF-5" zoned property is also owned by the applicant and has frontage/access onto MacArthur Road. The 13 acre site is being considered for "GO" zoning on today's agenda (ZON2007-49). If the applicant's requested zoning changes (ZON2007-48 & -49) are approved, then KG&E's "SF-5" zoned substation site will be the last of the developable "SF-5" zoned property on the west side of Hydraulic, for approximately ¼-mile south of MacArthur Road. The developed "SF-5" properties in this area are located largely on the west side of Hydraulic. The area's configuration is defined by I-35, I-135, 47th Street South and the Arkansas River.

There are "MH" Manufactured Housing zoned manufactured home complexes abutting the east side of the site (Z2753 {1986} and Z3209 {1996}). Properties north of the site, across MacArthur Road, are zoned "MH," "GC" and "LI" and are developed as a manufactured housing complex, an indoor roller skating rink and Wichita's last drive-in theater, the twin screen Starlite. The "GC" and "LI" zoned drive-in theater is the largest portion of CUP DP-47, which was approved in 1972. DP-47 has four parcels; the largest parcel (A) allows only the drive-in theater. The three smaller parcels allow restaurants, service stations and retail in Parcel B; Parcels C and D allow indoor/outdoor sale and services as allowed in "GC" zoning. The owner of the drive in theater has expressed concerns about the impact of additional lighting and noise in the area, as allowed by the current zoning cases.

On November 1, 2007, the MAPC voted unanimously (12-0) to recommend approval of the zone change subject to platting within one year and the provisions of PO #196. There were no speakers in opposition to the request at the MAPC meeting. On November 7, 2007, DAB III voted (10-1) to recommend approval of the zone change subject to platting within one year and the provisions of PO #196. There were no speakers in opposition to the request at the DAB III meeting. No protest petitions have been submitted, and staff has received no telephone calls protesting the proposed zone change. The provisions of PO #196 are:

1. Prohibited uses on the site include limited and general correctional placement residences, private and public recycling collection stations, bed and breakfast, hotels/motels, recreational marine facility, heliport, parking area commercial, mining and quarrying, oil or gas drilling, rock crushing, solid waste incinerator, and asphalt or concrete plant, limited and general, recreational vehicle campground, tavern and drinking establishment and pawn shop.

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2. On site pole lights shall be no higher than 20-foot, including the base. They shall be hooded and directed onto the site and away from abutting and adjacent residential development and zoning, and shall not face to the north. No pole lights shall be located within the required setbacks.
3. Flashing signs, (including signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights, electronic or video message boards or signs which create illusions of movement are not permitted.
4. Portable and off-site signs are not permitted.
5. All freestanding signs must be monument type, shall have a maximum height of 16 feet and shall be oriented perpendicular to MacArthur Road.
6. The subject property shall be limited to a total of three signs.
7. Any use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.

Promote Economic Vitality.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Brewer moved that the zone change, subject to the additional recommended provisions of Protective Overlay #196 and subject to the condition of platting be approved and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0.

--carried

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, introduced and under the rules laid over.

ZON2007-49

ZON2007-49-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "GO" GENERAL OFFICE WITH PROTECTIVE OVERLAY #197. GENERALLY LOCATED SOUTH OF MACARTHUR ROAD, ON THE EAST SIDE OF HYDRAULIC AVENUE. (DISTRICT III)

Agenda Item No. 48.

MAPC Recommendations: Approve unanimously (12-0), subject to staff recommendations.

MAPD Staff Recommendations: Approve, subject to the provisions of the Protective Overlay and platting.

DAB recommendation: Approve (10-1), subject to staff recommendations

The applicant is requesting "GO" General Office zoning, with a Protective Overlay (PO), for the 13 acre unplatted, undeveloped "SF-5" Single-family Residential zoned site. The site is located approximately 635 feet south of the Hydraulic Avenue and MacArthur Road intersection with frontage/access onto Hydraulic. The requested "GO" zoning would allow the applicant possible development of the site for office, day care centers, assisted living, senior housing and additional church parking.

The site abuts the south and east sides of the platted (Pentecostal 2nd Addition, 12-1-1982; and the Ed Dwire Addition, 3-20-1978) partially developed First Pentecostal Church site, which is largely zoned "LC" Limited Commercial (County zoning, 1958) with a smaller, undeveloped "B" Multi-family Residential zoned portion. The site also abuts the south side of unplatted "SF-5" zoned property owned by the applicant, which is partially developed with a single-family residence with the rest being vacant. This "SF-5" zoned 4.7 acre church owned property has frontage/access onto MacArthur Road and is being considered for "LC" zoning on today's agenda (ZON2007-48). A "SF-5" zoned KG&E electric substation is located between the church site and its 4.7 acres of "SF-5" property. The substation abuts the northwest corner of the subject site. If the applicant's requested zoning changes (ZON2007-48 and ZON2007-49) are approved, the KG&E "SF-5" zoned substation site (less than an acre) will be the last

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“SF-5” zoned property on the west side of Hydraulic, for approximately ¼-mile south of MacArthur Road.

There are “MH” Manufactured Housing zoned manufactured home complexes (three of the area’s ten) abutting the south and east sides of the site: Z2897 (1988), Z2753 (1986) and Z3209 (1996). Properties west of the site, across Hydraulic, are zoned “SF-5” (platted in the early 1950s) and developed as single-family residences. The developed “SF-5” properties in this area are located largely on the west side of Hydraulic. The greater area’s configuration is defined by I-35, I-135, 47th Street South and the Arkansas River.

The Wichita Access Management Policy would require that Hydraulic have a 60 foot half-width right-of-way (10 feet more than what presently exists). The policy would also require 200 feet between right-in right-out openings and 400 feet between full movement openings. All applicable codes and development standards would apply to the subject site.

On November 1, 2007, the MAPC voted unanimously (12-0) to recommend approval of the zone change subject to platting within one year and the provisions of PO #197. There were no speakers in opposition to the request at the MAPC meeting. On November 7, 2007, DAB III voted (10-1) to recommend approval of the zone change subject to platting within one year and the provisions of PO #197. There were no speakers in opposition to the request at the DAB III meeting. No protest petitions have been submitted, and staff has received no telephone calls protesting the proposed zone change. The provisions of PO #197 are:

1. Prohibited uses on the site include limited and general correctional placement residences, private recycling collection stations, bed and breakfasts, hotels/motels, recreational marine facility, heliport, parking area commercial, mining and quarrying, oil or gas drilling, rock crushing, solid waste incinerator, and asphalt or concrete plant, limited.
2. On site pole lights shall be no higher than 20-foot, including the base. They shall be hooded and directed onto the site and away from abutting and adjacent residential development and zoning, and shall not face to the north. No pole lights shall be located within the required setbacks.
3. Flashing signs (including signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights, electronic or video message boards or signs which create illusions of movement are not permitted.
4. Portable and off-site signs are not permitted.
5. All freestanding signs must be monument type, shall have a maximum height of 16 feet.
6. Any use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.

Promote Economic Vitality.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Brewer moved that the zone change, subject to the additional recommended provisions of Protective Overlay #197 and subject to the condition of platting be approved and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0.

--carried

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, introduced and under the rules laid over.

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CUP2007-56

CUP2007-56-ASSOCIATED WITH ZON2007-50-DP-62 CHELSEA COMMUNITY UNIT PLAN AMENDMENT #10 TO CREATE PARCEL 3A AND OTHER MODIFICATIONS INCLUDING REDUCED SETBACK; ZONE CHANGE TO "LC" LIMITED COMMERCIAL. GENERALLY LOCATED ON THE WEST SIDE OF ROCK ROAD, ONE BLOCK SOUTH OF ROCKHILL STREET. (DISTRICT II)

MAPC Recommendations: Approve, subject to staff recommendations with modifications (12-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve, subject to staff recommendations with modifications (8-0).

The applicant proposes to rezone 1.1 acres from "GO" General Office to "LC" Limited Commercial and amend DP-62 Chelsea Station Community Unit Plan to create Parcel 3A from Parcel 3. The amendment and zone change would allow for the reuse of this parcel as a commercial rather than office parcel. Uses would be all uses permitted by right in the LC district except the following prohibited uses: correctional placement residences, pawn shops, taverns, nightclubs, asphalt or concrete plants, sexually oriented businesses and adult entertainment as defined by the City Code. Also, the uses of vehicle storage yards and general vehicle repair would be shown as prohibited, even though they are never permitted in the LC district. Outdoor storage would be prohibited.

The applicant has requested to reduce the building setback on Rock Road and along the south property line from 75 feet to 35 feet. Since this is a platted setback, a vacation action would be required also.

Currently the CUP prohibits billboards on parcels zoned LC (Parcels 1 and 2) and this also should apply to Parcel 3A if rezoned LC. The maximum building coverage of 30 percent, the floor area ratio of 1:0.40 and the maximum building height of 35 feet would be the same as currently allowed.

The proposed Parcel 3A is located on the southeast corner of DP-62, a large CUP including the quarter-section (160 acres) on the southwest corner of 21st Street North and Rock Road. Currently a medical office occupies the subject tract. The remainder of Parcel 3, which would remain zoned GO, is restricted to offices and personal services and was developed with the understanding that the area now being requested for LC was under the same restrictions. To protect the office on the remaining portions of Parcel 3, additional screening is requested by staff.

West of Parcel 3, the property is developed with duplexes on property zoned "MF-29" Multi-family Residential (Parcel 5 of DP-62). The property north of Parcel 3 (Parcel 9 of DP-62) is zoned MF-29 and is developed with a large apartment complex. The property to the northeast is part of a large shopping center, DP-191, that is zoned LC. A large estate located on 160 acres of property zoned "SF-5" Single-family Residential is located to the southeast. A rail-banked right-of-way abuts the property on the south and a furniture store and a bookstore on property zoned LC are located south of the rail-banked right-of-way.

At the MAPC meeting held November 1, 2007, the MAPC voted (12-0) to approve subject to staff recommendations. At the District II Advisory Board meeting held July 9, 2007, DAB II voted (8-0) to recommend approval per MAPC recommendation. No protests have been received. The recommendation is to APPROVE Amendment #10 to DP-62, subject to the following conditions:

1. Add to General Provision #7: For Parcel 3A, screening shall be in accordance with Article IV of the Unified Zoning Code of the City of Wichita. However, all service areas (trash dumpsters, loading docks, outdoor work and storage areas, mechanical and rooftop equipment) shall have solid screening if adjacent to office or residential property or visible from Rock Road. Such screening may be composed of solid evergreen, solid masonry or a combination of solid fence and evergreen and shall be reviewed and approved by the Director of Planning prior to issuing building permits and installed at the time development occurs.
2. The following uses shall also be prohibited in Parcel 3A: vehicle repair, limited, service station, convenience store and nursery and garden center.
3. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
4. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with

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- the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
5. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-62) includes special conditions for development on this property.
 6. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Promote Economic Vitality and Affordable Living.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Brewer moved that the community unit plan and the zone change to LC Limited Commercial be approved and the ordinance establishing the zone change for first reading placed on first reading.

--carried

Motion carried 6 to 0. (Schlapp absent).

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, introduced and under the rules laid over.

SUB2007-40

SUB2007-40-THE PINES AT SAWMILL CREEK ADDITION, LOCATED EAST OF ROCK ROAD AND ON THE NORTH SIDE OF 45TH STREET NORTH. (DISTRICT II)

Agenda Item 50.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of nine lots on 3.25 acres, is a replat of Lot 1, Block 8, Sawmill Creek Addition. This site is located within Wichita's city limits and is zoned "MF-18" Multi-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer and water improvements. Since narrow street rights-of-way with adjacent 15-foot street drainage and utility easements will be platted, a Restrictive Covenant has been submitted outlining restrictions for lot-owner use of these easements. Restrictive Covenants have also been submitted to provide four off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street and to provide for the ownership and maintenance of the proposed reserves being platted.

This plat has been approved by the Planning Commission, subject to conditions.

Ensure Efficient Infrastructure.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--

Brewer moved that the documents and plat be approved; the necessary signatures authorized; and the Resolutions adopted. Motion carried 6 to 0. (Schlapp absent).

--carried

RESOLUTION NO. 07-681

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90347 (east of Rock, north of 45th St. North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

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RESOLUTION NO. 07-682

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 4, Main 11, Sanitary Sewer No. 23 (east of Rock, north of 45th St. North) 468-84456, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

RESOLUTION NO. 07-683

Resolution of Findings of Advisability and Resolution authorizing construction of constructing pavement on North Iron Wood Cir., from the north line of 45th St. North to and including the cul-de-sac (east of Rock, north of 45th St. North) 472-84630, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

SUB2007-75

SUB2007-75-PLAT OF ROCKY FORD INDUSTRIAL PARK ADDITION LOCATED SOUTH OF 31ST STREET SOUTH AND ON THE EAST SIDE OF ROCK ROAD. (COUNTY)

Agenda Item No. 51.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of seven lots on 74.84 acres, is located in the County within three miles of Wichita's city limits. County zone changes, ZON 2006-28 from "SF-20" Single-Family Residential District to "LC" Limited Commercial District for Lots 1-6 and ZON 2007-19 from "SF-20" Single-Family Residential District to "IP" Industrial Park District for Reserve B in Lot 7, have been approved. A Protective Overlay (PO #190) has been approved regarding permitted uses and a Community Unit Plan Amendment (CUP 2007-49/DP 300) for Rocky Ford Commercial Addition has also been approved for Lots 1-6. A Notice of Community Unit Plan has been submitted.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for the extension of city sewer and water. Petitions, 100 percent, and a Certificate of Petitions for drainage and paving improvements have been submitted to Sedgwick County. Restrictive Covenants have been submitted to restrict development until water and sewer service is extended to the site and to provide for the ownership and maintenance of the proposed reserves being platted. An Application for Water Service Outside the Corporate Limits of the City of Wichita has been submitted. This site is located within the noise impact area of McConnell Air Force Base; therefore, a Restrictive Covenant and an Avigational Easement have been submitted. A Grant of Joint Access Easement has been submitted, and in accordance with the CUP approval, a Cross-lot Circulation Agreement has also been submitted to assure internal vehicular movement between the lots.

The Planning Commission has approved the plat, subject to conditions.

Ensure Efficient Infrastructure.

The Notice of Community Unit Plan, Certificate of Petitions, Restrictive Covenants, Application for Water Service Outside the Corporate Limits of the City of Wichita, Avigational Easement, Grant of Joint Access Easement and Cross-lot Circulation Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved that the documents and plat be approved; the necessary signatures authorized; and the Resolutions adopted. Motion carried 6 to 0. (Schlapp absent).

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RESOLUTION NO. 07-684

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90349 (south of 31st St. South, east of Rock), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

RESOLUTION NO. 07-685

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90350 (south of 31st St. South, east of Rock), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

RESOLUTION NO. 07-686

Resolution of Findings of Advisability and Resolution authorizing construction of Main 28, War Industries Sewer (south of 31st St. South, east of Rock) 468-84465, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

RESOLUTION NO. 07-687

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 1, Main 28, War Industries Sewer (south of 31st St. South, east of Rock) 468-84466, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

SUB2007-94

SUB2007-94-PLAT OF CEDAR VIEW VILLAGE ADDITION, LOCATED EAST OF GREENWICH ROAD AND SOUTH OF KELLOGG. (DISTRICT II)

Agenda Item No. 52.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of 29 lots on 9.55 acres, is a replat of portions of Woodland Lakes Community Church Addition and Cedarview Addition. This site is zoned "SF-5" Single-Family Residential District and "MF-18" Multi-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, water, drainage, reservoir and sewer improvements. A Restrictive Covenant was submitted that 1) prohibits on-street parking on either side of Bristol Circle; 2) provides for the ownership and maintenance of the proposed reserves being platted for drainage purposes; 3) outlines restrictions for lot-owner use of the easements being platted in narrow street right-of-way with adjacent 15-foot street drainage and utility easements; 4) provides four off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street. An Emergency Access Easement, Temporary Easement and Private Utility Easement were also submitted.

This plat has been approved by the Planning Commission, subject to conditions.

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenant, Emergency Access Easement and Private Utility Easement will be recorded with the Register of Deeds.

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Motion--
--carried

Brewer moved that the documents and plat be approved; the necessary signatures authorized; and the Resolutions adopted. Motion carried 6 to 0. (Schlapp absent).

RESOLUTION NO. 07-688

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90348 (east of Greenwich, south of Kellogg), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

RESOLUTION NO. 07-689

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 408, Four Mill Creek Sewer (east of Greenwich, south of Kellogg) 468-84462, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

RESOLUTION NO. 07-690

Resolution of Findings of Advisability and Resolution authorizing construction of improving Storm Water Drain No. 343 (east of Greenwich, south of Kellogg) 468-84463, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

RESOLUTION NO. 07-691

Resolution of Findings of Advisability and Resolution authorizing construction of improving Storm Water Sewer No. 640 (east of Greenwich, south of Kellogg) 468-84464, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

RESOLUTION NO. 07-692

Resolution of Findings of Advisability and Resolution authorizing construction of pavement on Bristol Circle: removal of existing pavement on and adjacent to Lots 7 and 8, Block 1; new pavement from the north line of Lincoln Street to a point 580' north of Lincoln Street connecting to existing pavement; construction of a cul-de-sac and emergency vehicle access gate at the west end adjacent to Lot 12, Block 1 and Lots 1 and 2, block 2; and construction of an eyebrow adjacent to Lots 4 through 6, Block 2 (east of Greenwich, south of Kellogg) 472-84637, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer. (Schlapp absent)

DED2007-30

DED2007-30-DEDICATION OF A UTILITY EASEMENT LOCATED SOUTH OF 31ST STREET SOUTH AND ON THE WEST SIDE OF MERIDIAN. (DISTRICT IV)

Agenda Item No. 53.

Staff Recommendation: Accept the Dedication.

This Dedication is associated with Lot Split Case No. SUB 2007-72 (YMCA South Addition). The Dedication is for construction and maintenance of public utilities.

Ensure Efficient Infrastructure.

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The Dedication will be recorded with the Register of Deeds.

Motion--carried

Brewer moved that the Dedication be accepted. Motion carried 6 to 0. (Schlapp absent).

DED2007-31

DED2007-31-DEDICATION OF A UTILITY EASEMENT LOCATED ON THE NORTHEAST CORNER OF ROCK ROAD AND BRADLEY FAIR PARKWAY. (DISTRICT II)

Agenda Item No. 54.

Staff Recommendation: Accept the Dedication.

This Dedication is associated with Lot Split Case No. SUB 2007-18 (Bradley Fair 2nd Addition). The Dedication is for construction and maintenance of public utilities.

Ensure Efficient Infrastructure.

The Dedication has been recorded with the Register of Deeds.

Motion--carried

Brewer moved that the Dedication be accepted. Motion carried 6 to 0. (Schlapp absent).

DR2005-21

DR2005-21-ZONE CHANGE FROM SF-5, SINGLE FAMILY TO IP-A, INDUSTRIAL PARK-AIRPORT. GENERALLY LOCATED AT THE NORTHEAST CORNER OF 55TH STREET SOUTH AND CLIFTON AVENUE. (DISTRICT III)

Agenda Item No. 55.

MAPC Recommendations: Approve (9-2).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve (9-0).

On November 14, 2006, the City Council directed staff of the Wichita-Sedgwick County Metropolitan Area Planning Department to proceed with a number of zoning code text and zoning map amendments in order to implement the recommendations of the Implementation Coordination Committee for the McConnell Air Force Base Joint Land Use Study, May 2005 (JLUS). One of the initiated zoning map amendments is to rezone certain properties located at the northeast corner of 55th Street South and Clifton Avenue from SF-5, Single Family to IP-A, Industrial Park – Airport.

The purpose of the proposed rezoning is to encourage future land uses on agricultural and undeveloped properties that are consistent with Federal Land Use Compatibility Guidelines (LUCG), which lists uses compatible with McConnell Air Force Base (AFB) based on proximity to flight paths and noise contours. The properties proposed for rezoning were recently donated to the City of Wichita for the purpose of developing a park. The LUCG recommend that park and recreation uses on the subject property be limited to those that do not involve large congregations of people. The IP-A zoning district limits park and recreation uses to those that attract no more than 25 participants or spectators per acre at any one time.

The District Advisory Board for City Council District III (DAB III) considered the proposed rezoning at their meeting on October 3, 2007, and voted (9-0) to recommend approval. The summary of the DAB III meeting is attached. The Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the proposed zone change on October 18, 2007, and voted (9-2) to recommended approval. The minutes of the MAPC hearing are attached. Opposition regarding the rezoning of properties to the IP-A zoning district was expressed at the MAPC hearing; however, no opposition has been expressed regarding the proposed zone change as it relates to properties located within the corporate limits of Wichita.

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The proposed rezoning addresses the Safe and Secure Community Goal by establishing zoning restrictions that limit property uses to those that are most compatible with the operation of McConnell Air Force Base. The proposed rezoning addresses the Economic Vitality and Affordable Living Goal by establishing reasonable growth management policies that help balance future operations at McConnell with the growth needs of the City.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--
--carried

Brewer moved that the first reading of the ordinance establishing the zone change be approved. Motion carried 6 to 0.

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, introduced and under the rules laid over.

AIRPORT AGENDA

COM-NET SOFTWARE AGREEMENT FOR REPLACEMENT FLIGHT INFORMATION DISPLAY SYSTEM - SIGNATURE TECHNOLOGIES, INC. DBA COM-NET SOFTWARE.

Agenda Item No. 56.

The current Flight Information Display System (FIDS) was installed at Wichita Mid-Continent Airport in November 2001 and has reached the end of its useful life. The software that manages and controls the displays showing arrival and departure information is not upgradable or supported by the vendor. The airport issued an RFP for a new FIDS that will handle arrival and departure information as well as visual paging for the hearing impaired and receive automatic flight updates from the airlines' operational offices and the FAA.

Requests for Proposals were received by the City Purchasing Manager from three vendors. The Staff Screening and Selection Committee selected Signature Technologies, Inc. dba Com-Net Software as the successful vendor for the replacement Flight Information Display System. This new system uses a web-based technology as opposed to the current devices which require on-site computer equipment.

The cost for providing the service is \$180,042 over the three-year term of the agreement.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which maintain systems designed to provide information to its users, and ultimately improve services to airport users.

The Agreement has been approved as to form by the Department of Law.

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Motion-- Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion
--carried carried 6 to 0.

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Gray Council Member Gray appointed John Hennessy to the Airport Advisory Board.

Vice-Mayor Fearey Vice-Mayor Fearey nominated Joe Pajor for appointment by the county to the Sedgwick County Solid Waste Planning Committee.

Council Member Williams Council Member Williams added an alternate to DAB I, Tython Miles.

Motion--carried Brewer moved that the appointments be made. Motion carried 6 to 0. (Schlapp absent).

TRAVEL EXPEND.

APPROVAL OF TRAVEL EXPENSES FOR MAYOR BREWER TO ATTEND THE UNITED STATES CONFERENCE OF MAYORS MEETING IN WASHINGTON, DC JANUARY 23-25, 2008.

Motion--carried Fearey moved that the expenditures be approved. Motion carried 6 to 0. (Schlapp absent).

TRAVEL EXPEND.

APPROVAL OF TRAVEL EXPENSES FOR MAYOR BREWER AND CITY COUNCIL MEMBERS GRAY, LONGWELL, SKELTON, WILLIAMS TO ATTEND THE NLC CONGRESSIONAL CITY CONFERENCE IN WASHINGTON, DC MARCH 8-12, 2008.

Motion-- Fearey moved that the expenditures be approved. Motion carried 6 to 0. (Schlapp absent).

RECESS

EXECUTIVE SESSION.

Motion-- Brewer moved that the City Council recess into Executive Session to consider: consultation with legal
--carried counsel on matters privileged in the attorney-client relationship relating to: pending litigation, potential litigation, legal advice, and personnel matters of non-elected personnel and that the City Council return from Executive Session no earlier than 1:00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 6 to 0, (Schlapp absent).

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- RECONVENE** The City Council reconvened in the City Council Chambers at 1:10 p.m. Mayor Brewer announced that no action was taken.
- Motion--carried Brewer moved to close the executive session. Motion carried 6 to 0, (Schlapp absent).
- Motion--
--carried Brewer moved that Staff submit and develop an RFP to a search firm for a new city manager. Motion carried 6 to 0, (Schlapp absent).
- Motion--
--carried Fearey moved to hold an Executive Session on Friday, December 7th at 3:00 p.m. in the City Council Conference Room. Motion carried 6 to 0, (Schlapp absent).
- Motion--carried Brewer moved that the meeting be adjourned. Motion carried 6 to 0, (Schlapp absent).
- ADJOURNMENT** The meeting was adjourned at 1:15 p.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk