

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 5, 2007

Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Brewer in the Chair. Council Members Fearey, Gray, Longwell, Schlapp; Skelton, present.

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

Liz Owens gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of May 22, 2007, approved 6 to 0.

Proclamation

Proclamation:

Mayor Brewer read aloud the following Proclamation:

- Home Ownership Month

Service Citation

Distinguished Service Citations, Gary W. Cortner.

Mayor Brewer recognized Gary W. Cortner for his 35 years of service with the City of Wichita and presented him with a plaque.

Recognition

Kellogg/Woodlawn Project by American Council of Engineering Companies

Mayor Brewer

Mayor Brewer read that on June 2nd the City of Wichita officially opened and dedicated the east Kellogg interchange at Woodlawn. This was met with much fanfare, Council Member Schlapp and state and local officials were on hand to celebrate its opening. We all knew that this project was something exciting and the excitement of this project was reinforced with the American Council of Engineering Company selected the Kellogg and Woodlawn project as the National Finalist of Engineering Excellence. Updating Kellogg Avenue to freeway standard has been part of the Wichita and Sedgwick Transportation Plan for years and this project was just one of the phases of the entire east Kellogg project. Before this project was complete, Kellogg and Woodlawn was a four lane arterial street with two way traffic on frontage roads with significant congestion. Today east Kellogg Avenue has been improved to be depressed into six lanes expressway traffic with two lanes of traffic on the frontage roads. The key features were cited as the reasons for this honor and including the unique design of the bridges, stormwater, pump stations for the drainage, retaining walls with abstract art, and landscaping. The most unique feature was the use of the elongated roundabouts or what we refer to as the Texas turn-about, to improve traffic flowing through the construction area. The Texas turn-about is not a square dance, rather it was there to allow you to do a u-turn without having to go through traffic and signals. It was already on west Kellogg and this project introduced it to the east side. The east round-about increased the level of service to the public and traffic flows well during the construction then before we began. Also worth noting the extensive traffic control and coordination with the local businesses and the general public on the project. This was and continues to be an intricate part of the work on east Kellogg, just as it was on all City of Wichita roads improvement projects. This project has benefited the residence of Wichita by improving traffic services in the congested east Kellogg corridor. The reduced congestion and associated travel time resulted in a significant savings of time and fuel for the citizens of Wichita, which is very important nowadays. Since the project was open, the value of the fuel and the time saved by the citizens of Wichita has already exceeded the cost of construction. He is also proud of the work that the great people that was involved with this project and is here with him and certainly deserves recognition. I look forward to more great work for this project and this team and more award winning projects.

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Mayor Brewer presented the award to those individuals who were involved in this project.

Recognition Recognition of Service: InaFay Grays-McClellan.

Mayor Brewer Mayor Brewer read aloud a letter from the City Council recognizing Ms. McClellan's five and a half years of service as a member of the Wichita Housing Authority Board and presented her with a certificate.

PUBLIC AGENDA

Harry Bayouth-Traffic Issues.

Harry Bayouth Mr. Bayouth 1110 N Gordon spoke to the City Council regarding traffic issues and traffic signals. He feels Police Department needs to write more citations and is too lax with traffic enforcement.

CONSENT AGENDA

Motion-- Brewer moved that the Consent Agenda items 2-28a, be approved in accordance with the recommended
--carried action shown thereon. . Motion carried 6-0.

BOARD OF BIDS REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 4, 2007

Bids were opened May 18, 2007, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Victoria Court from Victoria south to and including the cul-de-sac to serve Lots 30 through 43, Block C; Pattie, north from Maywood to the south line of Lot 26, Block B; Maywood, from the west line of Lot 19, Block B east to Victoria; Victoria from 55th Street South, north to the south line of Lot 10, Block E; Maywood Court from Maywood, south to and including the cul-de-sac; Sidewalk along one side of Pattie, Maywood and Victoria to serve Rivendale Addition north of 55th Street South, west of Hydraulic (472-83868/766126/490144) Does not affect existing traffic. (District III)

Cornejo & Sons Construction - \$547,979.00

Tyler Road Mill & Overlay from Cowskin Bridge north of Yosemite to south side of Harry Street including Turn Lanes Tyler, Yosemite to Harry (472-84475/706961/206427) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Cornejo & Sons Construction* - \$620,000.00

*Engineer's Estimate

Athenian from the south line of 51st Street North to the south line of Lot 8, Block 2; Athenian Court, from the east line of Athenian through and including the cul-de-sac to serve Valencia Addition south of 53rd Street North, east of Meridian (472-84473/766137/490155) Does not affect existing traffic. (District VI)

Kansas Paving Company - \$152,323.50

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2007 Contract Maintenance Planeview ROW Repair north of 31st Street South, east of Hillside (472-84518/132720/) Traffic to be maintained during constructions using flagpersons and barricades. (District III)

Lafarge North America* - \$105,741.00
*Engineer's Estimate

Lateral 404 Four Mile Creek Sewer to serve Willow Creek Estates Addition (south of Harry, east of Greenwich) (468-84338/744228/480916) Does not affect traffic. (District II)

Nowak Construction - \$195,844.00

Storm Water Drain #320 to serve Krug South Addition (south of 21st Street North, west of 143rd Street East) (468-84327/751440/485331) Storm Water Sewer #628 to serve Krug South Addition (south of 21st Street North, west of 143rd Street East) (468-84325/751441/485332) Does not affect existing traffic. (District II)

Nowak Construction - \$222,449.50 (Group 1)
\$22,997.70 (Group 2 Alt 1)
\$12,709.10 (Group 3 Alt 2)
\$384,217.70 (Group 4)
\$642,374.00 Bid Total

2007 KLINK 1R Resurfacing FY 2007 (US-54 Kellogg: 2123 W CL of Webb Road to EL of 127th St. E.) (North of Harry Street, east of Woodlawn) (54-87 U-2060-01/472-84582/706962/206428) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Cornejo and Sons Construction* - \$742,800.00
*Engineer's Estimate
*Upon KDOT Approval

2007 Contract Maintenance Mill & Overlay Phase 2 (south of 45th Street North, east of 135th Street West) (472-84516/132720/620469/133116/) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, VI)

Kansas Paving Company* - \$872,519.00
*Engineer's Estimate

37th Street North from the major entrance serving Lot 1, Ridge Port North 2nd Addition, east to the drive constructed for Lot 1, Block D to serve Ridge Port North 4th Addition (south of 37th Street North, east of Ridge) (472-83411/766144/490162) Traffic to be maintained during construction using flagpersons and barricades). (District V)

Cornejo and Sons Construction - \$105,667.50

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 6-0.

--carried

WATER UTILITIES DEPARTMENT/SEWAGE TREATMENT DIVISION: Elec Power System Eval Maintenance Testing ST.

Independent Electric - \$16,396.00

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PUBLIC WORKS DEPARTMENT /FLEET MAINTENANCE DIVISION: Combo High Pressure Cleaner and Vac.

J & D Equipment Inc. - \$287,130.80 (Base Bid)
<\$98,000.00> (Group 1 Option 1)
\$3095.00 (Group 1 Option 2)
\$110.00 (Group 1 Option 3)
\$1,100.00 (Group 1 Option 4)
\$1,155.00 (Group 1 Option 5)
No Charge (Group 1 Option 6)

VARIOUS DEPARTMENTS, BOARDS AND AGENCIES: Roll Tissue, Paper Towels.

Southwest Paper Company, Inc.*	Group 1	\$11,151.00**
Lafe T Williams & Associates *	Group 2	\$9,705.00
Xpedx *	Group 3	\$5,235.00
Massco, Inc.*	Group 4	\$7,168.75
Southwest Paper Company, Inc*.	Group 5	\$25,494.00**
American Fun Food Company, Inc.*	Group 6	\$8,532.00
Xpedx *	Group 7	\$3,192.00
Southwest Paper Company, Inc.*	Group 8	\$10,495.00**
Xpedx *	Group 9	\$5,990.00
Lafe T Williams & Associates*	Group 10	\$1,288.00
Xpedx *	Group 11	\$929.25

**2%-10 Billing terms

*Estimate – Contract approved on unit cost basis.

Motion--
--carried

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

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Kim Huynh	Kimson Asian Food Market	960 East Pawnee
Huong V. Nguyen	Lucky Market, Inc.	7100 East Harry Street
Morrie J Soderberg	Lighthouse Properties, LLC	1550 North Waterfront Parkway

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Gerardo Guzman	La Posada Inc.*	552 South Oliver

*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.

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PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. 2007 Sanitary Sewer Rehabilitation, Phase B various locations north of Pawnee, west of Broadway (468-84315/620476/667594) Traffic to be maintained during constructions using flagpersons and barricades. (District I, IV, V, VI) - \$334,000.00
- b. Storm Water Drain #308 to serve Northgate Addition north of 53rd Street North, west of Meridian (468-84254/751437/485328) Does not affect traffic. (District VI) - \$930,000.00
- c. Water Distribution System to serve The Fairmont 3rd Addition; north of 21st Street North, west of 127th Street East (448-90028/735364/470037) Does not affect traffic. (District II) - \$53,300.00
- d. Water Distribution System to serve K-96 Business Park Addition north of 29th Street North, west of Greenwich (448-90175/735361/470034) Does not affect traffic. (District II) - \$169,900.00
- e. Lateral 10, Main 4 Northwest Interceptor Sewer to serve Silverton Addition north of 13th Street North, west of 135th Street West (468-84243/744233/480921) Does not affect traffic. (District V) - \$342,000.00
- f. Lateral 15, Main 4 Northwest Interceptor Sewer to serve Silverton Addition north of 13th Street North, west of 135th Street West (468-84345/744234/480922) Does not affect traffic. (District V) - \$146,000.00
- g. Rutgers from the north line of 37th Street North to the north line of Lot 13, Block 2; Havenhurst from the east line of Lot 20, Block 4, to the west line of Lot 1, Block 5; Rutgers Courts adjacent to Lots 30 through 37 and 39 through 42, Block 1; Waterside from Rutgers to the west line of Lot 29, Block 1, Prairie Pointe Addition; Westbrook from the north line of Havenhurst to the north line of Lot 1, Block 1, Prairie Pointe 2nd Addition; Sidewalk along the north side of Waterside from the east line of Lot 12, Block 4 to the east line of Rutgers, the east side of Rutgers from Waterside to Havenhurst, the south side of Havenhurst adjacent to Lots 17 through 20, Block 4 and the west side of Rutgers from 37th Street North to Waterside to serve Prairie Pointe and Prairie Pointe 2nd Additions north of 37th Street North, west of Maize (472-84043/766127/490145) Does not affect traffic. (District V) - \$591,000.00
- h. Cost of construction of Lateral 84, Main 22 War Industries Sewer to serve Brighton Courts Addition – south of 21st Street North, west of Webb. (District II) (468-3673/744186/480-874) – Total Estimated Cost \$78,880.00
- i. Cost of construction of Main 18 Four Mile Creek Sewer to serve McEvoy and Casa Bella Additions (south of Harry, west of 127th Street East). (District II) (468-4026/744131/480-819) – Total Estimated Cost \$564,000.00
- j. Cost of construction of Lateral 22, Main 13 Southwest Interceptor Sewer to serve an unplatted tract (north of Pawnee, west of Maize). (District IV) (468-84110/744158/480-846) – Total Estimated Cost \$16,400.00
- k. Cost of construction of Lateral 4, Main 20 Southwest Interceptor Sewer to serve Slate Creek Addition (north of 21st Street North, west of Hoover). (District V) (468-84207/744192/480-880) – Total Estimated Cost \$70,000.00
- l. Cost of construction of Storm Water Drain #276 to serve Casa Bella Addition (north of Pawnee, west of 127th Street East). (District II) (468-84073/751414/485-305) – Total Estimated Cost \$688,200.00

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- m. Cost of construction of Lateral 7, Main 12 Four Mile Creek Sewer to serve Hawthorne 3rd Addition (north of 21st Street North, east of 127th Street East) (District II) (468-83874/7441874/480-875) – Total Estimated Cost \$99,000.00
- n. Cost of construction of Water Distribution System to serve Krug North and Krug North 2nd Additions (north of 21st Street North, west of 143rd Street East). (District II) (448-89933/735312/470-983) – Total Estimated Cost \$102,900.00
- o. Cost of Gilbert from the east line of 127th Street East to the east line of Lot 1, Block 4 to serve Country Hollow Addition (south of Kellogg, east of 127th Street East) (472-84350/765977/490-092) (District II). – Total Estimated Cost \$227,000.00

Motion--carried

Brewer moved to receive and file. Motion carried 6 to 0.

STMNT OF COST

STATEMENT OF COST:

- a. Second partial estimated Cost, \$20,753,000.00; less financing previously issued, (\$8,975,000.00). Financing to be issued at this time, \$11,778,000.00; taxable TIF Bonds, \$4,390,000; Non-taxable TIF Bonds, \$7,388,000.00 (792382/435-352).

Motion--carried

Brewer moved to approve and file. Motion carried 6 to 0.

PETITION

CONSTRUCT WATER DISTRIBUTION SYSTEMS FOR SOUTHWEST PASSAGE AND TURKEY CREEK THIRD ADDITION, ALONG PAWNEE, WEST OF 119TH STREET WEST. (DISTRICT IV)

Agenda Report No. 07-0495

On January 9, 2007, and February 6, 2007, the City Council approved Petitions to construct a waterline along Pawnee, between 119th St. West and 135th St. West, to serve Southwest Passage and Turkey Creek 3rd Additions. The developers have submitted new Petitions to combine the improvement districts. The signatures on the new Petitions represent 100% of the improvement districts.

The projects will serve new residential developments located on both sides of Pawnee, west of 119th St. West.

The Petitions totals \$279,000 with \$153,000 assessed to the improvement districts and \$126,000 paid by the Water Utility. The Utility share is for the cost of over sizing the pipe to serve future development outside the improvement districts.

This project will address the Efficient Infrastructure goal by providing water system improvements for 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 Petitions be approved; the Resolutions adopted; and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-316

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90230 (along Pawnee, west of 119th Street West) 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, Schlapp, Skelton, and Brewer.

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RESOLUTION NO. 07-317

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90299 (north of Pawnee, west of 119th St. west) 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 Schlapp, Skelton, and Brewer.

PETITION

PAVING, DRAINAGE, AND SANITARY SEWER IMPROVEMENTS IN AVALON PARK THIRD AND FOURTH ADDITIONS, EAST OF TYLER, NORTH OF 37TH STREET NORTH, (DISTRICT V)

Agenda Report No. 07-0496

On August 22, 2006, the City Council approved Petitions to construct paving, drainage, and sanitary sewer improvements in Avalon Park 3rd and 4th Additions. Based on recent bid prices, it is doubtful that there is sufficient funding in the Petition budgets to award construction contracts. The developer has submitted new Petitions with increased budgets. The signature on the new Petitions represents 100% of the improvement districts.

The projects will serve a new residential development located east of Tyler, north of 37th St. North.

The existing Petitions total \$1,058,000 with the total assessed to the improvement districts. The new Petitions total \$1,294,000 with the total assessed to the improvement districts.

The projects address the Efficient Infrastructure goal by providing paving, sanitary sewer and drainage improvements required for new development.

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

Motion--
--carried

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

RESOLUTION NO. 07-318

Resolution of findings of advisability and resolution authorizing construction of Lateral 26, Main 19, Southwest Interceptor Sewer (east of Tyler, north of 37th St. North) 468-84216 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 Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-319

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 300 (east of Tyler, north of 37th St. North) 468-84217 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 Schlapp, Skelton, and Brewer.

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RESOLUTION NO. 07-320

Resolution of findings of advisability and resolution authorizing constructing pavement on Lake Ridge from the south line of Avalon Park 3rd to the west line of Lot 36, Block 1; Lake Ridge Court from the east line of Lake Ridge to and including the cul-de-sac; Lake Ridge Court from the west line of Lake Ridge to and including the cul-de-sac; Candlewood Circle from the west line of Lake Ridge to and including the cul-de-sac; and a sidewalk to be installed along the east line of Lake Ridge (east of Tyler, north of 37th St. North) 472-84441 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 Schlapp, Skelton, and Brewer.

PETITION

STREET PAVING IN VALENCIA ADDITION, EAST OF MERIDIAN, SOUTH OF 51ST STREET NORTH. (DISTRICT VI)

Agenda Report No. 07-0497

On March 13, 2007, the City Council approved a Petition to pave streets in Valencia Addition. An attempt to award a construction contract within the budget contained in the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located east of Meridian, south of 51st St. North.

The existing Petition totals \$189,000. The new Petition totals \$192,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing paving improvements required for a new residential subdivision.

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

RESOLUTION NO. 07-321

resolution of findings of advisability and resolution authorizing constructing pavement on Athenian, from the south line of 51st St. north to the south line of Lot 8, Block 2; Athenian Ct., from the east line of Athenian through and including the cul-de-sac (east of meridian, south of 53rd St. north) 472-84473 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 Schlapp, Skelton, and Brewer.

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PETITION

PETITION FOR DRAINAGE IMPROVEMENTS TO SERVE HAMPTON SQUARE ADDITION, WEST OF MAIZE, NORTH OF 37TH STREET NORTH. (DISTRICT V)

Agenda Report No. 07-0498

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

The project will provide erosion control improvements for a storm water detention pond in a new commercial development located west of Maize, north of 37th St. North.

The Petition totals \$80,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing drainage improvements required for a new 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.

RESOLUTION NO. 07-322

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 328 (west of maize, north of 37th St. North) 472-84356 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 Schlapp, Skelton, and Brewer.

STREET CLOSURE

CONSTRUCTION OF KELLOGG AND ROCK ROAD. (DISTRICT II)

Wildcat Construction Co. Inc. has contracted to construct a portion of Kellogg in east Wichita including the interchange of Kellogg and Rock Road. This project was approved by the City Council on January 9, 2007. The contractor is requesting Council approval of the minor street and frontage road closure locations as shown on the list and map and short-term closures at other locations on minor streets as deemed necessary by the project team to encourage and allow a more efficient construction schedule and completion of the project.

During the street closures, traffic access will be maintained to the affected businesses and residents. Wildcat Construction Co., Inc. is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents.

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

Motion--carried

Brewer moved that the street closures be approved. Motion carried 6 to 0.

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STORM DRAIN

WATERMAN STORM DRAIN AND PAVING IMPROVEMENTS, UTILITY AGREEMENTS. (DISTRICT I)

Agenda Report No. 07-0499

On February 7, 2006, the City Council approved a project to install a concrete box culvert and reconstruct Waterman between Main and Washington. A part of the work is the construction of a common utility duct bank to be used by Westar and Cox Communication so their facilities will be underground as required by their franchise agreements. In addition, AT&T will reimburse the City for the cost of project modifications to allow their existing underground facilities to remain in place.

Agreements have been prepared to establish the basis for the payments to the City and the Utilities' rights to use the duct bank.

The estimated contribution from the private utility companies totals \$1,045,000.

This Agreement addresses the Efficient Infrastructure goal by improving an important transportation route.

The Law Department has approved the Agreements as to form.

Motion--
--carried

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

FOUR MILE CREEK

CONSENT AGREEMENT FOR ENCROACHMENT INTO EXISTING EASEMENT FOR FOUR MILE CREEK SANITARY SEWER IN KRUG SOUTH ADDITION, SOUTH OF 21ST STREET, EAST OF 143RD STREET. (DISTRICT II)

Agenda Report No. 07-0500

The construction of a sanitary sewer and weir wall for a portion of Four Mile Sanitary Sewer, located in Krug South Addition (South of 21st Street, East of 143rd Street) will encroach into an existing Westar overhead electric transmission line easement. Westar has agreed to consent to co-location where necessary for the Four Mile Creek Sewer within the existing easement.

An Agreement has been prepared which formalizes this arrangement.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer improvements required for a new residential subdivision.

The Law Department has approved the Agreement as to form.

Motion--
--carried

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

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COST OF SERVICE

COST OF SERVICE ANALYSIS FOR WATER AND SEWER RATES AND UPDATE OF PLANT EQUITY FEES.

Agenda Report No. 07-0501

A Cost of Service Analysis (COSA) for Water and Sewer rates was last conducted in the early 1990s. The cost elements that go into computation of utility rates change over time, particularly relating to utility assets, plant capacity, usage characteristics and other factors.

On September 12, 2006, City Council approved a Contract for updating the COSA. The time required producing reports from the customer information system, relative to usage patterns, led to a delay in conducting the study, and it is not deemed desirable to proceed without incorporating 2006 financial data.

Incorporation of the 2006 financial data will result in completion of an up-to-date COSA. City Council approval of the Contract Amendment will allow this to happen.

The additional cost associated with the Amendment totals \$1,750. The Cost of Service Analysis is not expected, nor designed, to achieve increases in revenues.

This proposed action will promote achievement of ensuring efficient infrastructure.

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

Motion--
--carried

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

OAKLAWN

TRANSIT SERVICE AGREEMENT FOR OAKLAWN IMPROVEMENT DISTRICT. (DISTRICT III)

Agenda Report No. 07-0502

For the past several years, Wichita Transit has provided fixed-route and paratransit van service to the Oaklawn Improvement District. Currently, Sedgwick County reimburses Wichita Transit for the actual cost of providing such service according to a year-by-year contractual agreement. The purpose of this action is to establish the contractual agreement for 2007, with option year 2008.

Wichita Transit operates one fixed-route, which provides service to the Oaklawn area. Paratransit service is also provided to Oaklawn based on ADA guidelines (which require service in areas in which fixed-route service is provided). In 2007, an estimated 700 hours of fixed-route service will be provided. The estimated hourly cost for this service is \$52.24 (\$74.63 per hour less revenues and federal funding credit). Paratransit service cost is estimated at \$12.19 per trip, with an estimated 30 trips per month to be provided in 2007.

Based on the projected service levels, the total projected revenue from the 2007 agreement will be \$29,014 after deducting passenger revenues and federal credit. The adopted 2007 budget includes the expenditure authority necessary to provide the service.

To ensure efficient infrastructure and optimizing use of public facilities and assets.

City Council approval is required for contracts in excess of \$25,000.

Motion--
--carried

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

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CHANGE ORDER

WATER DISTRIBUTION SYSTEM IN THE FAIRMONT ADDITION, NORTH OF 21ST STREET, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 07-0503

On August 15, 2006, the City Council approved a construction contract with McCullough Excavation, Inc. to construct a water distribution system in The Fairmont Addition. Part of the pipeline crosses a high-pressure gas pipeline. After work began, and the new waterline was in place, Kansas Department of Health and Environment notified us that the waterline near the gas pipeline be steel encased with petroleum resistant materials. This required that the line be exposed and some of it removed to allow the casing to be installed.

A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

The total cost of the additional work is \$10,550 with the total paid by Special Assessments. The original contract amount is \$42,500. This Change Order represents 24.8% of the original contract amount.

This project addresses the Efficient Infrastructure goal by proving a water distribution system required for new development.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--
--carried

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

PROP. ACQUIS.

PARTIAL ACQUISITION OF 123 NORTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0504

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition is a twenty-foot strip of land along West Street at 123 North West Street, a single-family residence.

The proposed 1,200 square foot acquisition was appraised at \$6,000 or \$5.00 per square foot. The improvements consist of a 1918, one-story, single-family home. In the after, the improvements will be an approximate sixteen feet west of the new right-of-way line. The appraiser did not take into consideration that the property would remain as its existing use in the after. Without an assemblage of other properties, the house still has value. The appraised offer was declined. The owner is willing to settle for \$10,000, an additional \$4,000 for proximity damages. This is considered reasonable for the property will continue at its current use and will only be sixteen feet from the new line.

The funding source for the project is General Obligation Bonds. A budget of \$12,500 is requested. This includes \$10,000 for the acquisition and \$2,500 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the contract as to form.

Motion--
--carried

Brewer moved that the budget and the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0..

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PROP. ACQUIS.

PARTIAL ACQUISITION OF 438 NORTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0505

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition is a twenty-foot strip of land along West Street at 438 North West Street, a single-family residence.

The proposed 2,337 square foot acquisition was appraised at \$12,854 or \$5.50 per square foot. The improvements consist of a 1952, one-story, single-family home. The improvements are approximately 25 feet east of the proposed right-of-way line and not impacted by the project. There are two driveways that serve the subject property, one to the house and a second drive to the vacant land behind and to the south of the house. The southern driveway will be eliminated. The owner has agreed to accept \$15,000, an additional \$2,146 as cost to cure the combining of the two driveways. Though the curb cut will be constructed as a part of the project, this is a reasonable cost to cover the landowner's expenses of resetting the driveway and correcting the landscaping on his land retained.

The funding source for the project is General Obligation Bonds. A budget of \$17,500 is requested. This includes \$15,000 for the acquisition and \$2,500 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the contract as to form.

Motion--
--carried

Brewer moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 6 to 0.

PROP. ACQUIS.

PARTIAL ACQUISITION OF 5811 EAST SKINNER FOR THE GYPSUM CREEK-PAWNEE TO WOODLAWN FLOOD CONTROL AND STREAM RESTORATION PROJECT. (DISTRICT III)

Agenda Report No. 07-0506

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the natural channel of Gypsum Creek between Pawnee and Woodlawn by channel benching. The project requires partial acquisitions of ten, residential parcels along the north side of the creek. This will allow for access to the creek and the ability to maintain the creek. The property located at 5811 E. Skinner is one of the ten parcels.

The proposed acquisition area is located at the southeast portion of the property, behind the residential improvements of 5811 E. Skinner and along Gypsum Creek. The proposed area consists of approximately 2,061 square feet and is made up of wooded land. The subject parcel improvements are not impacted by the project. The landowner accepted an appraised offer of \$2,575.

\$3,825 is the requested budget for the acquisition of this parcel. This amount includes the \$2,575 purchase price and \$1,250 for closing costs and title insurance. The funding source is General Obligation Bonds repaid by StormWater Utility Funds.

This project addresses the Ensure Efficient Infrastructure goal by improving stormwater conveyance and reducing flood losses.

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

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

PROP. ACQUIS. PARTIAL ACQUISITION OF 5919 EAST SKINNER FOR THE GYPSUM CREEK-PAWNEE TO WOODLAWN FLOOD CONTROL AND STREAM RESTORATION PROJECT. (DISTRICT III)

Agenda Report No. 07-0507

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the natural channel of Gypsum Creek between Pawnee and Woodlawn by channel benching. The project requires partial acquisitions of ten, residential parcels along the north side of the creek. This will allow for access to the creek and the ability to maintain the creek. The property located at 5919 E. Skinner is one of the ten parcels.

The proposed acquisition area is located at the south portion of the property, behind the residential improvements of 5919 E. Skinner and along Gypsum Creek. The proposed area consists of approximately 4,235 square feet and is made up of wooded land. The subject parcel improvements are not impacted by the project. The landowner accepted an appraised offer of \$5,300.

\$6,550 is the requested budget for the acquisition of this parcel. This amount includes the \$6,300 purchase price and \$1,250 for closing costs and title insurance. The funding source is General Obligation Bonds repaid by StormWater Utility Funds.

This project addresses the Ensure Efficient Infrastructure goal by improving stormwater conveyance and reducing flood losses.

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

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

PROP. ACQUIS. PARTIAL ACQUISITION OF 4001 SOUTH SENECA AND 1525 WEST MACARTHUR FOR THE MACARTHUR, MERIDIAN TO SENECA IMPROVEMENT PROJECT. (DISTRICT IV)

Agenda Report No. 07-0550

On February 7, 2006, City Council approved the reconstruction of MacArthur to provide four lanes, with left turn lanes and landscaped medians. The intersection of MacArthur and Meridian will be signaled and storm water sewer will be built. There are sixteen parcels that are affected by the project. All of the acquisitions involve partial, strip takings along the existing roadway. No improvements are impacted by the proposed project. The City requires a 10 foot strip of land as road right-of-way from the properties located at 4001 S. Seneca and 1525 W. MacArthur. These properties are adjacent to one another and are in one ownership. Both properties combined consist of 110 acres and are mostly vacant. On April 17, 2007, City Council approved the initiation of acquisition of the remaining parcels by eminent domain due to time constraints. Staff continued to negotiate the subject parcels in attempt to reach an agreement.

4001 S. Seneca is improved with a fuel and convenience store. 1525 W. MacArthur is improved with a bar/club. They are zoned Single Family-5 and that part designated as the fuel and convenience store site, is zoned Limited Commercial. All improvements are removed from the proposed acquisition area and are not impacted by the project. An advertising sign will be relocated by the owner. The proposed right-of-way consists of 29,437 square feet. The owner declined the appraised offer of 16,155, \$.55 per square foot.

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The owner has agreed to sell the necessary right-of-way for \$42,000, or \$1.43 per square foot. This equates to the amount the owner is to receive from a gas line company for a new, underground easement parallel to our proposed right-of-way. As this was an open market transaction between two private parties, it is recommended we accept the \$42,000 counter offer.

A budget of \$44,500 is requested. This includes \$42,000 for the acquisition, \$2,500 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administrated by the Kansas Department of Transportation.

The acquisition of these parcels is necessary to ensure efficient infrastructure.

The Law Department has approved the agreement as to form.

Motion--
--carried

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

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICTS I, IV, AND VI)

Agenda Report No. 07-0508

On May 7, 2007, the Board of Code Standards and Appeals (BCSA) held a hearing on the following nine (9) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Violation notices have been issued on these structures; however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
a. 2612 East 13th St. N.	I
b. 1645 North Mathewson	I
c. 2215 North Minneapolis	I
d. 1927 East Looman	I
e. 917 North Oliver	I
f. 856 North Oliver	I
g. 1117 South Main	I
h. 319 South Dodge	IV
i. 2402 West 29th St. N. #20	VI

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.

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--
--carried

Brewer moved that the resolutions to schedule a hearing be adopted and place these matters on the agenda for a Hearing before the Governing Body on July 17, 2007 at 9:30 a.m. or as soon thereafter. Motion carried 6 to 0.

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RESOLUTION NO. 07-340

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the West 1/2 of Lots 41, 43, 45 and 47, on Estelle Avenue, Rose Hill Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 2612 E. 13th Street N. may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure. , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-341

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 2, J.W. Washington Addition, Wichita, Sedgwick County, Kansas known as 1645 N. Mathewson may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure. , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-342

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the city of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: lot 11, block g, Millair Addition, Wichita, Sedgwick County, Kansas known as 2215 N. Minneapolis, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure. , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-343

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the city of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 12, Block 4, J. Walter Ross Addition to Wichita, Sedgwick County, Kansas known as 1927 East Looman may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure. , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO 07-344

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the city of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: lots 16 and 17, Belmont park, an addition to Wichita, Sedgwick County, Kansas known as 917 N. Oliver may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure. , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-345

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 1, Block 5, East Highland North Addition to Wichita, Sedgwick County Kansas known as 856 N. Oliver may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure.

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RESOLUTION NO. 07-346

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 151, 153, 155 and 157, on Main Street, Lee's Addition in Sedgwick County, Kansas known as 1117 S. Main St. may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure. , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-347

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the north one-half of Lot 15, all of Lot 17, on Dodge Avenue, Lawrence's Second Addition to West Wichita, Sedgwick County, Kansas. known as 319 S. Dodge may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure.

RESOLUTION NO. 07-348

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 1 and the North 20 feet of vacated 29th Street, Meridian Avenue and the K-96 Highway adjacent, Block 1, Pier Point Acres, Sedgwick County, Kansas known as 2402 West 29th St. N., Lot #20 may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure.

WEAPONS

WEAPONS DESTRUCTION.

Agenda Report No. 07-0509

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. Lists of weapons being destroyed have been provided Exhibit A), and includes 56 long guns and 129 handguns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion--carried

Brewer moved to receive and file the list of weapons. Motion carried d6 to 0.

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RESOLUTION

RESOLUTION ORDERING A PUBLIC HEARING: MEAD STREET IMPROVEMENT, BETWEEN THIRD STREET AND CENTRAL. (DISTRICT VI)

Agenda Report No. 07-0510

Mead Street, between 3rd and Central, is an unpaved road that drains poorly and is very difficult to maintain. The adjacent area contains commercial buildings and an electric transformer substation. Attempts to obtain a valid paving Petition to improve the street to an urban standard have not been successful. A Resolution to order a public hearing on July 10, 2007, has been prepared and will provide an opportunity for the project to proceed.

The completed project will be a two lane concrete roadway with on-street parking, landscaping, trash enclosures and ornamental streetlights. It will improve access to adjoining businesses and will serve as a northern gateway to the Old Town District.

The estimated project cost is \$530,000 with \$295,000 assessed to the improvement district and \$235,000 paid by the City. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$2.29 per square foot of ownership. The City share is for the cost of the parking spaces and project amenities. The funding source for the City share is General Obligation Bonds, which will need to be included as a part of our upcoming CIP.

The project addresses the Efficient Infrastructure goal by providing paved access in an existing commercial area and improved access to Old Town.

State Statutes provides the authority for the City Council to order in paving projects. Adopting the Resolution does not obligate the Council to approve the project, only to hold a public hearing on July 10, 2007.

Motion--
--carried

Brewer moved that the resolution be adopted and the necessary signatures be authorized. Motion carried 6-0.

RESOLUTION NO. 07-323

A resolution directing and providing for a public hearing on the advisability of improvements consisting of paving Mead from the south line of Central to the north line of 3rd St. North 472-84561 in the City of Wichita, Kansas, all as provided by KSA 12-6a04. Said hearing shall be held on July 10, 2007 in the City Council Chambers of City Hall at 9:00 a.m., presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

CRESTLAKE ADD.

RELOCATION OF GAS LINES IN CRESTLAKE ADDITION, NORTH OF CENTRAL, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 07-0511

On April 18, 2006, the City Council approved a Petition to provide paving to Crestlake Addition, a new development, located north of Central and west of 127th Street East. Relocation of natural gas lines is required as a part of this project.

Estimated cost to relocate the KGAS gas lines is \$11,391.33. An invoice is details the expenditures.

Funds are available in the project to provide for utility relocation costs. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing paving improvements required for a new residential subdivision.

There are no legal considerations.

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Motion--carried

Brewer moved that the payment be authorized in the amount of \$11,391.33. Motion carried 6 to 0.

WATER DISTRIB.

WATER DISTRIBUTION INVENTORY BUDGET.

Agenda Report No. 07-0512

The Water Utility has an annual inventory budget of \$1.5 million which is managed by the Water Distribution division. This budget allows the division to maintain an inventory of materials and small equipment used on a daily basis and to take advantage of bulk purchases.

As materials and equipment purchased through inventory are used, the cost is transferred to the correct Organizational Cost Account (OCA) in either the operating budget or the CIP budget, and to the correct Object Level (OL3). The operating budget includes both the inventory and expense budgets, but at year-end the expense is recorded only in the correct OCA and OL3, rather than in the inventory budget. Nothing is purchased through inventory that is not budgeted in either the operating budget or the CIP budget.

CIP project W-552, AMR Implementation Phase II, was approved by the City Council on December 13, 2005, with a budget of \$2.9 million. Approximately \$1 million was allotted in 2006 and 2007 for automated meters. The meters are initially purchased through the inventory budget so that they can be properly accounted for and so there are not two sets of meters --- one set purchased through inventory and one set purchased through the CIP project. The purchase of these meters, however, is depleting the inventory budget.

Increasing the inventory budget by \$1.1 million to allow the meters to be purchased through inventory will not increase actual expenditures.

Adjusting the inventory budget will help ensure efficient infrastructure and is specifically related to providing reliable, compliant and secure utilities.

City Council approval is required for budget adjustments.

Motion--
--carried

Brewer moved that increasing the inventory budget by \$1.1 million be approved. Motion carried 6 to 0.

HOMELESS ASSIST.

GRANT APPLICATION-HOMELESS ASSISTANCE PROGRAMS.

Agenda Report No. 07-0513

On January 18, 2007, the Department of Housing and Urban Development (HUD) issued a Notice of Funding Availability (NOFA) for the 2007 Continuum of Care Homeless Assistance Programs. The NOFA makes funds available for a variety of homeless programs including Permanent Supportive Housing, Transitional Housing, Shelter Plus Care, and the Homeless Management Information System used to track the progress of homeless individuals moving through the Continuum of Care.

The Community Council on Homeless Advocacy (CCHA) has worked with the United Way of the Plains to prepare and submit an application for the Wichita-Sedgwick County area for the following projects:

Transitional Housing. ComCare is seeking funding to renew their Transitional Housing Project for persons with mental illness and substance abuse disorders. The funding will allow staff to provide supportive services and provide operational funds for the units. Wichita Children's Home is also requesting funds to continue the Bridges Transitional Living Program. Funds will provide case management and counseling for the clients and maintenance, utilities and insurance for the upkeep of the transitional units. United Methodist Open Door is requesting the continuance of their transitional housing programs that assists individuals, families and women and their children who are survivors of

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domestic violence. Clients will receive advocacy and other supportive services that will assist them to focus on moving towards permanent housing without violence. Inter-Faith Ministries of Wichita, Inc. is seeking funding to continue the Ti'Wiconi Safe Haven Transitional Housing for the severely mentally ill and chronically homeless persons. Funding will provide supportive services and operational costs to assist chronically homeless individuals to become self-sufficient and move into permanent housing.

Permanent Housing. Inter-Faith Ministries of Wichita, Inc. is applying for the continuation of supportive services and operating costs for Villa North. These funds will allow Inter-Faith to continue to provide case management, on-call services and life skills assistance to assist 18 formerly homeless persons to maintain their self-sufficiency. Inter-Faith Ministries is also requesting funds for Villa Central to provide permanent housing and supportive services for homeless persons. Funds will be utilized for the operation of the facility to assist 20 chronically homeless persons.

Shelter Plus Care. The City of Wichita Housing Authority has prepared an application for a one-year renewal of the Shelter Plus Care program to fund 102 renewal housing units and 5 new housing units for homeless persons with disabilities, including serious mental illness, chronic drug and/or alcohol problems, and/or HIV/AIDS related diseases. This tenant rental assistance program will assist clients and their families in ways that prevent them from living in places not intended for human habitation (e.g. streets) or emergency shelters. Shelter Plus Care funds must be matched by an equal amount in supportive services. Therefore, this program provides a range of supportive services funded by other local sources in response to the needs of the hard to reach homeless population with disabilities.

The United Way and the CCHA have worked together to implement the community proposal ranking process, which will be included in the final application that the United Way will submit to HUD on behalf of local proposers, by the June 15, 2007 deadline. Funding for the projects will come directly from HUD, with grant agreements to be executed between HUD and the project sponsors. With the exception of the Shelter Plus Care applications, which are sponsored by the Wichita Housing Authority, HUD will contract directly with agencies which are funded through this SuperNOFA.

Funding requests for the 2007 Continuum of Care projects are as follows:

COMCARE

• Transitional Housing Program (1 year renewal)	\$278,531
Inter-Faith Ministries	
• Villa North (1-year renewal)	\$56,420
• Villa Central (1-year renewal)	\$43,050
• Ti'Wiconi Safe Haven (2-year renewal)	\$276,394
United Methodist Open Door	
• Purchased (1-year renewal)	\$56,238
• Leased (2-year renewal)	\$168,754
United Way of the Plains	
• Homeless Information Management System (1-year renewal)	\$88,477
Wichita Children's Home	
• Bridges Transitional Housing Program (1-year renewal)	\$101,218
City of Wichita Housing Authority	
• Shelter Plus Care (renewal housing vouchers)	\$677,208
• Shelter Plus Care (new housing vouchers)	\$141,000

The Department of Housing and Urban Development has announced a preliminary "pro-rata" need for the City of Wichita and Sedgwick County in the amount of \$1,069,482. All matching funds required by the projects included in this grant would be provided by the sponsoring agencies, or in the case of Shelter Plus Care, by the partnership agencies. Support by the Council for the application obligates no funding from the City of Wichita.

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Supports the goal to Promote Economic Vitality and Affordable Living.

Motion-- Brewer moved that the submission of Shelter Plus Care Grant application be approved; the Mayor authorized to sign the requisite application and subsequent contract award documents; signature on the letter of support for the Continuum of Care Application authorized; and the signatures for the Consistency with the Consolidated Plan forms required for all projects (Form HUD 2991) authorized.
--carried Motion carried 6 to 0.

1048 N. MATHEWSON SURPLUS OF VACANT LOT LOCATED ADJACENT TO 1048 NORTH MATHEWSON. (DISTRICT I)

Agenda Report No. 07-0514

The property under consideration is a vacant lot located in a residential area, specifically south and adjacent to 1048 North Mathewson. It was acquired in 1974 and is legally described as Lots 27-29, Allen now Mathewson Ave. Getto's Addition to Wichita. It is zoned for single family use.

All City departments have been notified and do not foresee a need to retain ownership of the property for future use. The property will first be made available to the non-profit community housing development organizations prior to putting it on the open market.

The City would no longer be responsible for the maintenance of the lot. A non-profit community housing organization would assume ownership for the purpose of providing housing to qualifying applicants. There would be a cash consideration if the property sold on the open market. The surplus and sale of this property to a private party will place additional value into the tax base and the City.

To promote economic vitality and affordable living.

Motion-- Brewer moved to declare the property as surplus and designate it as available for sale to the general public. Motion carried 6 to 0.
--carried

SURPLUS PROPERTY SURPLUS AND DISPOSITION OF VACANT LAND AT THE SOUTHEAST CORNER OF NORTH HILLSIDE AND EAST SECOND STREET. (DISTRICT II)

Agenda Report No. 07-0515

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001 and completed May 2007. A property at the southeast corner of North Hillside and East Second Street was a small parking lot acquired for the Hillside Road Project. Access driveways were closed and the necessary right-of-way was acquired to accommodate for the road widening and new traffic signals. The remnant parcel contains 1,109 square feet. Due to the size and shape of this parcel, it is too small to be developed independently.

All City departments have been notified and have shown no interest in the property. Both of the adjacent owners have expressed interest in the property. The adjacent owner to the south wants the parcel for added greenspace. They propose to landscape the parcel with bushes and flowers and would install an irrigation system. The adjacent owner to the east proposes to use a portion of the subject for parking spaces and would irrigate and landscape the remainder. It is our recommendation to dedicate the subject parcel to the adjacent owner to the south.

Upon transfer, the property will return to the tax rolls and the City will no longer be responsible for the upkeep.

The conveyance of this parcel for landscaping purposes supports the vibrant neighborhood goal of increased sense of community, neighborhood involvement and satisfaction.

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The Law Department has approved the contract as to form.

Motion--
--carried

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

FTA

AMENDMENT TO FY2005 SECTION 5307 GRANT FROM FEDERAL TRANSPORTATION ADMINISTRATION, (FTA).

Agenda Report No.07-0516

The Federal Transportation Administration (FTA) has requested that the City of Wichita – Wichita Transit obligate the remaining portion of the area’s FY2005 federal funds apportionment for the support of transit services pursuant to Section 5307 Urbanized Area Formula Annual Apportionment. The remaining federal apportionment for FY 2005 is \$1,069,027 and will be used to support transit’s preventive maintenance program. Section 5307 is an 80% federal, 20% local match program.

For the past several years, the City of Wichita has received annual federal apportionments in excess of its ability to match grant funding levels. The FTA is currently working to close out all older grants and is asking local transit operators to obligate prior year un-obligated apportionments. This amendment will obligate the oldest funds remaining and secure them before they lapse on September 30, 2007.

Total amended grant budget is \$1,336,283.75 split 80% federal share (\$1,069,027.00) and 20% local share (\$267,256.75).

To ensure efficient infrastructure by maintaining and optimizing public facilities and assets.

The City’s Law Department has previously reviewed and approved the resolution to file and execute the grant that the City Council voted on in December, 2004.

Motion--
--carried

Brewer moved that the amendment to FY2005 Section 5307 grant from FTA be approved. Motion carried 6 to 0.

PUBLIC TRANS.

FUNDING FOR PUBLIC TRANSPORTATION.

Agenda Report No. 07-0517

Each year the Federal Transit Administration (FTA) provides grant money for use in providing urban public transportation services. The amount of funding is based upon a complex formula involving miles driven, passenger rides provided, population area, and density serviced, etc.

The 2000 census figures enlarged the service area for which the City of Wichita is allowed to seek funds to include all of Sedgwick County and other incorporated entities within the urbanized area (UZA). The City can request funds for public transportation services to enhance the programs of Sedgwick County and the urbanized area and pass through those funds as determined by the formula. For FY 2007, the pass-through funds will be for a total of \$225,000, of which Sedgwick County will receive \$150,000, Butler County will receive \$25,000, and the City of Derby will receive \$50,000 capital. All figures are 80% federal and 20% matched by the receiving agency.

To ensure efficient infrastructure by maintaining and optimizing public facilities and assets.

The City will have no part in operating these transportation programs. It will give guidance for the federal reporting required under the grant. By the interlocal agreements, the counties of Butler and Sedgwick will agree to adhere to all federal program requirements to the grant. The Law Department has prepared these agreements.

Motion--carried

Brewer moved that the interlocal agreements be approved. Motion carried 6 to 0.

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PARATRANSIT

PURCHASE OF SIX PARATRANSIT VANS.

Agenda Report No. 07-0518

On March 4, 2003, the City Council approved a van replacement plan that called for Wichita Transit to be able to purchase paratransit vans from El Dorado National in Salina, Kansas. WT bought 18 Aerotech vans, which are five-year-old vans. This contract also made available options for WT to purchase more vans for up to five years, as needed, to, ultimately, replace its entire aging fleet. In accordance with the current CIP, WT will be replacing three 2000 El Dorado vans, which have exceeded their useful life according to Federal Transit Administration (FTA) capital replacement guidelines. WT will buy one replacement van for van 318, which was totaled in an accident in 2005. Finally, WT will also buy two expansion vans to meet the growing paratransit rider ship demands.

In all, WT will utilize its purchasing options from 2003 and opt to purchase six (6) El Dorado Aerotech vans. Cost per van per contract will not exceed \$70,000, based on different options.

To ensure efficient infrastructure by maintaining and optimizing public facilities and assets.

Total cost of the six vans will not exceed \$420,000. FTA grants (80%) totaling \$336,000 will be matched with KDOT funds (20%) of \$84,000.

The city's Law Department will review the contract as to form prior to execution.

Motion--
--carried

Brewer moved that the purchase of six paratransit vans from El Dorado National be approved.
Motion carried 6 to 0.

KBP

PURCHASE OPTION, KBP REPROGRAPHICS, INC. (DISTRICT I)

Agenda Report No. 07-519

On September 18, 2001, the City Council approved the issuance of \$2 million in Industrial Revenue Bonds, Series VII, 2001, to finance facilities for the benefit of KBP Reprographics, Inc. Bond proceeds were used to finance the cost of acquiring, constructing and equipping its expanded planted facility, located at the corner of Kellogg and Broadway. The Bonds are secured, in part, by a Lease Agreement with Jerry A. Sims, L.L.C. ("Tenant").

Under the provisions of the Lease Agreement the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$1,000. The City received notice from the Tenant's attorney of a request to call outstanding bonds and of the company's intention to exercise its purchase option on or about June 15, 2007.

Under the terms of the Lease, the City is required to convey its interest in the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. The Series VII, 2001 Bonds are expected to be paid by on or before June 15, 2007, with the consent of the bondholder, and it will then be appropriate for the City to deliver the instruments needed to deed the bond-financed property back to Jerry A. Sims, L.L.C. and terminate the IRB lease. The City has already received payment of the \$1,000 purchase option price.

The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

Economic Vitality and Quality of Life. Cooperating with the Tenant and Trustee on IRB issues is a necessary part of preserving the credibility and integrity of the City's IRB program for future projects.

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The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution to authorize the execution of the Special Warranty Deed, and Termination of Lease Agreement and the delivery of such documents following satisfaction of applicable conditions.

Motion--

Brewer moved that the bond call be authorized; the Resolution approving the Special Warranty Deed and the Termination of Lease Agreement adopted; and the necessary signatures authorized. Motion carried 6 to 0.

--carried

RESOLUTION NO. 07-339

A Resolution authorizing the City of Wichita, Kansas, to call all remaining revenue bonds and to convey certain real property to Jerry A Sims, LLC, and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith. , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

WSU

EXTEND AGREEMENT WITH WICHITA STATE UNIVERSITY SELF-HELP NETWORK TO CONTINUE WORK WITH THE WEST 21ST STREET COMMUNITY DEVELOPMENT CORPORATION. (DISTRICT VI)

Agenda Report No. 07-0520

Under previously approved agreements with the City, the Self-Help Network has been assisting the West 21st Street Community Development Corporation (CDC) to implement its work plan, with specific focus on the Mercado project. Because much of the CDC's time in the past year has been devoted to organizational issues, it has not utilized the services of the Self-Help Network to the extent allowed under the current Agreement.

For this reason there are unexpended funds under the current Agreement, which expires at the end of May 2007. The current Agreement was funded for a total of \$60,000, \$35,000 of which came from FY 2006 economic development funds and the remaining \$25,000 from FY 2007 economic development funds. The Self-Help Network has billed the City for the FY2006 funds, but has not yet billed in the current fiscal year.

Because the CDC would like to continue to have the services of the Self-Help Network beyond the end of May, it is asking that the Agreement be extended one more year, to the end of May 2008. The work emphasis will be on utilizing the Self-Help Network's grant writer to begin the process of securing funding for the Mercado project from foundations and local contributors. Delays in finishing the Mercado business plan have prevented the grant writer from submitting applications.

No additional funding is being requested, only the use of funds that had already been allocated for this purpose.

The West 21st Street Community Development Corporation can be an important means by which the recommendations of the 21st Street North Corridor Revitalization Plan are implemented. It has made significant progress in the past two years. This continuing assistance by the Self-Help Network will help assure that it is able to implement its work program.

No additional funding is being sought. Extending the current Agreement would allow expenditure of the remaining \$25,000. Of that amount, it is proposed that \$15,000 be allocated out of FY 2007 economic development funds and \$10,000 from FY 2008 economic development funds.

Economic Vitality and Affordable Living. This action by the City Council will help the West 21st Street CDC become an effective means by which the goals of the 21st Street North Corridor Revitalization Plan can be achieved.

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The proposed Agreement with the Self-Help Network has been reviewed by the Law Department and approved as to form.

Motion--
--carried

Brewer moved that the proposed extension on the Agreement with the Wichita State University Self-Help Network be approved and the necessary signatures authorized. Motion carried 6 to 0.

ST. RESURFACING

APPLICATION FOR STREET RESURFACING PROJECT FOR SOUTHEAST BOULEVARD, K-15 HIGHWAY, BETWEEN THE I-135 FREEWAY AND THE KANSAS TURNPIKE BRIDGE. (DISTRICT III)

Agenda Report No. 07-0521

The Kansas Department of Transportation (KDOT) has available a street resurfacing (KLINK) program for cities which have highway connecting links within their city limits. The KLINK program is intended for resurfacing improvements on the connecting links, which are maintained by the cities.

KDOT has advised the City of Wichita that KLINK Fiscal year 2010 funds in the amount of \$200,000 are available. The program requires recipient cities to provide matching funding.

It is proposed that the KLINK funding be used to resurface the southbound lanes of Southeast Boulevard (K-15 Highway), between the I-235 Freeway and the Kansas Turnpike Bridge.

The estimated project cost is \$400,000, with \$200,000 paid the City and \$200,000 paid by KDOT. Funding for the City's share will be programmed in the Street Maintenance Operating budget.

This project addresses the Efficient Infrastructure goal by providing needed maintenance of a major street in southeast Wichita.

Motion--
--carried

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

WAM

WICHITA ART MUSEUM IMPROVEMENTS. (DISTRICT VI)

Agenda Report No. 07-0522

The Wichita Art Museum (WAM) is a facility that has been constructed over the years through a series of additions to the small building that originally occupied the site.

On November 15, 2005, Council approved a project and the selection of Schaefer Johnson Cox Frey (SJCF) to conduct a thorough investigation of all the potential sources of the water leaks at the 1975 mechanical penthouse and to arrive at a schematic plan and budget for resolving the problems.

On August 1, 2006, Council approved a contract amendment with Schaefer Johnson Cox Frey (SJCF) to provide complete architectural/engineering services to prepare plans/specifications and construction administration for the repairs/modifications of the 1975 mechanical penthouse and associated equipment.

The Art Museum has a history of poor electrical service, quality and reliability.

The Art Museum is at the very end of a residential electrical power service. As a result the museum experiences many power surges, outages and overall poor power quality and reliability.

Staff has conducted a preliminary investigation to see if the museum could be served from the Wichita Water Utilities Substation that feeds Hess Pump Station. Westar provides the substation with two totally separate main electrical power supplies, which provides a redundancy for emergency backup and good quality reliable power with excess capacity sufficient to meet all of WAM needs.

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A new feeder from the substation to WAM would be approximately 1,100 feet long. The total cost to install a new feeder and associated equipment from the Water Utility Substation to WAM would be \$200,000 to \$250,000.

Benefits of serving the WAM from the Wichita Water Utilities Substation include:

- WAM buying its electrical energy under the more favorable rate structure that applies to the WWU account, which will result in saving on its electric bills.
- WAM experiencing better power quality than it currently receives at the end of the distribution system circuit it is now on.
- WAM experiencing a sharp reduction in its potential for power outages on the WWU circuit compared to its existing distribution system circuit.

A contract amendment has been negotiated with SJCF to provide complete architectural/ electrical engineering and related services for plans, specifications and construction administration at a single stipulated lump sum fee including reimbursable expenses of twenty thousand dollars (\$20,000.00), which shall constitute complete compensation for their services through construction.

On October 18, 2005, Council approved the use of \$953,000 in CIP Planned Savings (Project No. 435411, OCA No. 792463) for the repairs/modifications of the 1975 mechanical penthouse and associated equipment. Actual cost was \$345,188 under the approved expenditure. The estimated construction cost, architectural/engineering fees, finance charges and other miscellaneous expenses for the new electrical feeder is \$275,000 which will be financed from the \$345,188.

This project addresses the Efficient Infrastructure goal by providing needed maintenance of a City Building.

The Law Department has approved the Contract Amendment as to legal form.

Motion--
--carried

Brewer moved that the Contract Amendment and the use of the CIP Planned Savings Project be approved and the necessary signatures authorized. Motion carried 6 to 0.

CHANNEL 7

PURCHASE OF AUDIO-VISUAL EQUIPMENT FOR STUDIO/FIELD PRODUCTION AND DIGITAL EDITING EQUIPMENT IN SUPPORT OF CABLE CHANNEL 7 PROGRAMMING.

Agenda Report No. 07-0523

Equipment included in this \$53,571.25 requisition will be used to produce studio and field productions to air on City7, the City of Wichita's PEG channel on the Cox Communications cable system (PEG = Public, Educational and Government Access). Also included is equipment for a digital editing bay, allowing for more creative and engaging productions.

The City 7 Communications Team has developed a broad-based plan to increase and upgrade the programming offered on the City's cable channel. The strategy is funded from existing resources, including allocations in the current year budget and grant funding from Cox Communication. Major components of the plan include 1/ hiring of a part-time television producer, 2/ establishment of a dedicated studio and production facility in the media room adjacent to the Council Workshop conference room, 3/ and structured oversight through the City 7 Communication Team.

Funds for the equipment purchase are available in current budget allocations, combined with grant funding from Cox Communication.

Purchase of this equipment will allow the City 7 Communication Team to greatly expand program offerings that will educate, enlighten and entertain viewers of Channel 7 on the Cox Communication cable system serving Wichita. An estimated 175,000 households subscribe to the basic tier of Cox channels, which include Channel 7. At its full potential, this cable channel represents one of the most powerful communications tools at the City's disposal. Used effectively, City7 programming will help

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Wichita residents better understand and appreciate how their local government works to improve their quality of life. It also provides a platform to involve citizens more directly in their local government.

Operation of the City's cable channel is authorized under the franchise agreement between Cox Communication and the City of Wichita.

Motion--
--carried

Brewer moved that the equipment purchase in the amount of \$53,571.25 be approved. Motion carried 6 to 0.

SECTION 5309

RESOLUTION AUTHORIZING SECTION 5309 GRANT FROM FEDERAL TRANSIT ADMINISTRATION, FTA.

Agenda Report No. 07-0524

The Federal Transit Administration (FTA) grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of this resolution is to authorize staff to file eligible federal funds for the support of the City's transit services for FY2005 Transit Enhancements (pursuant to Section 5309 - Discretionary Funds). The authorized total federal apportionment is \$242,945. A public hearing was held on May 10, 2007. Section 5309 is an 80% federal, 20% local match program.

The proposed resolution authorizes funding to support the following:

- Construction of concrete pads for already-purchased new bus shelters and benches
- Installation of said shelters and benches on those concrete pads
- Completion of the improvement of street amenities project

The total cost of the project is \$303,681. The federal portion is \$242,945 and the City of Wichita funds required for the project is \$60,736.

To ensure efficient infrastructure by maintaining and optimizing public facilities and assets.

The City's Law Department has reviewed and approved the resolution as to form.

Motion--
--carried

Brewer moved that the resolution be adopted and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-324

A Resolution authorizing the filing of an application with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53, Title 23, and other federal statutes administered by the Federal Transit Administration to support FY2005 Section 5309 projects, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 22, 2007)

- a. Abatement of Dangerous and Unsafe Structures. (Districts I, II, III, IV, and VI)
 1. An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (Building Condemnation Demolition) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the city of Wichita, Kansas.
 2. An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (Building Emergency Board-Up) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the city of Wichita, Kansas.

Motion--carried

Brewer moved that the Ordinances be adopted. Motion carried 6 to 0.

NEW BUSINESS

BROADWAY/47TH

AMENDMENT OF A REDEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT, BROADWAY AND 47TH STREET REDEVELOPMENT DISTRICT. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0525

On April 25, 2006, the City Council adopted an ordinance establishing a redevelopment district in the area of Broadway and 47th Street South, for the purpose of providing tax increment financing (TIF) to pay a portion of the costs of constructing a commercial redevelopment project in that area. On March 20, 2007, the City Council approved of the TIF Project Plan. Since that time, changes to the scope of work, project schedule and costs have made it necessary to amend the TIF Project Plan and Development Agreement in order to proceed with the project. A resolution adopted by the City Council on May 15, 2007 set June 5, 2007 as the date for a public hearing to consider the proposed amendments.

The TIF Project Plan and Development Agreement approved by the City Council contain provisions for dealing with the remediation of environmental contamination, including a requirement for the developer to obtain a "no-further-action" letter from the Kansas Department of Health and Environment (KDHE) as a condition of starting construction of the Home Depot store. Further testing at the site has uncovered a sub-grade pool of "free product" (meaning in this case petroleum product). This discovery eliminated the possibility of getting a no-further-action letter from KDHE in advance of remediation. Instead, KDHE will issue a "comfort letter" to Home Depot that will allow the project to go forward. This change of circumstances will delay the issuance of TIF bonds beyond the date set forth in the development agreement for such action. Parties to the project wish to have the development agreement amended to reflect the new dates and environmental requirements.

The environmental situation has increased the development costs by approximately \$700,000. The developer has asked the City to increase the not-to-exceed amount of TIF funding by \$300,000. The developer will bear the balance of the costs. The TIF Project Plan and the development agreement both limit the TIF funding at \$1,500,000 plus financing costs, so both would have to be amended to increase the cap.

The current TIF-bond financing structure calls for the issuance of "special obligation" bonds, which are secured solely by TIF revenues generated by the property within the TIF district. The proposed financing structure includes a minimum 120% coverage factor, meaning that annual TIF revenue is projected to be at least 20% higher than the annual debt service payments on the TIF bonds. Reimbursement for the \$300,000 added environmental costs would come from the coverage residual, if

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any, on a pay-as-you-go basis. The developer's entitlement to reimbursement would be secured by a subordinated note, to ensure that payment to bondholders would have precedent.

Economic Vitality and Affordable Living and Quality of Life. Redevelopment of blighted and declining areas are needed to avoid economic stagnation.

The proposed increase in the not-to-exceed amount of TIF funding is of sufficient magnitude to require amendment of the TIF Project Plan. Pursuant to state law, the resolution setting the public hearing on the proposed TIF project plan amendments was published on two consecutive weeks in the City's official newspaper. The ordinance, amendment to the TIF project plan and amendment to the development agreement has been reviewed by the Department of Law and approved as to form. Adoption of the ordinance approving the project plan amendments requires a two-thirds majority vote of the City Council.

Mayor Brewer

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

Motion--

Gray moved that the public hearing be closed; the first amendment to the development agreement approved; place on first reading the ordinance approving the amendments to the Broadway and 47th Street Redevelopment District Project Plan; and the necessary signatures authorized. Motion carried 6 to 0.

--carried

ORDINANCE

An ordinance adopting a first amendment to the project plan for the Broadway and 47th Redevelopment District, introduced and under the rules laid over.

LEE REAL ESTATE

REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, LEE REAL ESTATE, LLC. (DISTRICT II)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0526

Since 1999, the City of Wichita has issued three separate series of Industrial Revenue Bonds ("IRBs") in an aggregate amount of \$7.2 million Lee Aerospace, Inc. Proceeds from the three bond issues were used to acquire property and construct a new corporate campus for Lee Aerospace at 34th Street North and Webb Road in northeast Wichita, including 88,000 s.f. of manufacturing space and 8,000 s.f. of office space, in three buildings. Each bond issue also included a five-plus-five year 100% tax exemption on bond-financed property. In 1999, Lee Aerospace, Inc. was purchased by Triumph Aerospace Systems and operates as its Wichita-based subsidiary, under the same management team. The bond-financed real estate is now leased to Lee Real Estate, LLC and sub-leased to Triumph Aerospace Systems-Wichita, Inc.

Lee Real Estate (and Triumph Aerospace) is again planning to expand its plant space and requests the issuance of a six-month Letter of Intent for IRBs in the amount not-to-exceed \$3,000,000. Lee Real Estate will sublease the project to Triumph Aerospace Systems-Wichita, Inc (formerly known as Lee Aerospace, Inc).

Triumph Aerospace Systems-Wichita is a leading manufacturer of unheated windshields, cockpit side windows, cabin windows, wing leading edge and spar assemblies, control wheels, and sun visor assemblies for the general aviation and corporate jet market. Primary customers are Boeing, Raytheon, Cessna, Spirit AeroSystems, and Bombardier Learjet.

Triumph Aerospace Systems-Wichita has the capabilities to design, develop, test, and manufacture aircraft windows and sheet metal sub-assemblies. Designs can be produced from concept to production in virtually any size configuration of single-ply or multi-ply flat, curved or compound contoured aircraft windows. Triumph Aerospace Systems-Wichita brings a unique service to the aircraft industry that has been a vital part of the Wichita community for the past several years.

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Bond proceeds will be used to construct a new facility including 39,600 s.f. for manufacturing space on land already owned by an entity related to the company. Triumph Aerospace Systems-Wichita currently employs 140 people and plans to add 40 new jobs over a five-year period, at an average wage of \$38,900 per year.

An analysis of the uses of project funds is:

Leasehold Improvements	\$ 500,000
Building	2,450,000
Landscape	50,000
Total Cost of Project	\$3,000,000

The City's contract bond counsel firm, Kutak Rock LLP, will serve as bond counsel in the transaction. The Bonds will be privately placed with the company's principal bank. Triumph Aerospace Systems-Wichita agrees to comply with the Standard Letter of Intent Conditions. The company has re-engaged the services of Hutton Construction to serve as general contractor. Hutton was chosen in 1999 to construct the company's headquarters and plant, after having advertised in the Wichita Eagle that the work of general contractor was available. Because the current project is considered a continuation of the original master plan, the company did not advertise for a general contractor this time, as generally required by City IRB policy. They did, however, advertise for sub-contractors.

Triumph Aerospace Systems-Wichita agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Economic Development Incentive Policy, the Company qualifies for a 100% five-plus-five-year tax exemption on property purchased with bond proceeds.

The estimated first year's taxes on Triumph Aerospace Systems-Wichita's proposed \$3,000,000 expansion would be \$87,048, on real property improvements, based on the 2006 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$87,048 of new taxes from the real property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$23,965; County/State - \$24,611; and USD 375 - \$38,472.

In addition, the project will qualify for a sales tax exemption on bond-financed purchases. The estimated amount of exempted sales taxes is \$109,500, including \$94,500 state sales tax and \$15,000 county sales tax.

The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City of Wichita	1.51 to one
Sedgwick County	1.23 to one
USD 375	1.00 to one
State of Kansas	7.72 to one

Economic Vitality and Affordable Living. Granting an ad valorem property tax exemption and sales tax exemption will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

Bond counsel will prepare bond documents needed for the issuance of the bonds. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Brewer

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

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Motion-- Schlapp moved that the public hearing be closed; a Letter of Intent to Lee Real Estate, LLC, for Industrial Revenue Bonds in an amount not-to-exceed \$3,000,000, subject to the Standard Letter of Intent Conditions for a term of six-months be approved; a 100% tax abatement on all bond-financed property for an initial five-year period plus an additional five-years following City Council review be approved; staff authorized to apply for a sales tax exemption; and the necessary signatures authorized.

--carried Motion carried 6 to 0.

WER WICHITA EMPLOYEES' RETIREMENT AND POLICE & FIRE RETIREMENT SYSTEMS ACTUARIAL VALUATION REPORTS. (JANUARY 1, 2006 - DECEMBER 31, 2006)

Kelly Carpenter Finance Director reviewed the item.

Agenda Report No. 07-0527

The Board of Trustees for both the Wichita Employees' Retirement (WER) System and the Police & Fire (P&F) Retirement System employ Milliman, Inc. to serve as technical advisor/consultant, supplying the Boards with required actuarial services and information pertaining to the Retirement Systems. The actuary recommends the mortality, interest, and other required actuarial tables; prepares an annual valuation of liabilities and reserves; and makes an annual determination of the amount of contributions necessary to meet requirements for annuities and benefits, certifying the results to the Boards; and reviews the operating experience of the Retirement Systems as an evaluation of the adequacy of the recommended actuarial standards.

The funding objective of the WER and P&F Retirement Systems is to establish and receive contributions, expressed as percents of active member pensionable payroll, which will remain approximately, level from year to year, and will not have to be increased for future generations of citizens. This funding objective should be attainable so long as the benefits and the demographic make-up of members does not change materially, and experience assumptions are realized. The Retirement Systems are supported by: (1) member contributions; (2) City contributions; and (3) investment income from the Retirement Systems' assets.

1. The actuary's valuations state that for the fiscal year beginning January 1, 2008, the range for the City's required contribution to the WER System is 4.2% to 8.3%. The range for the City's required contribution to the P&F System is 16.8% to 17.5%. Contribution rates are stated as a percent of active member pensionable payroll. These rates are based on the benefit provisions and active member contribution rates in effect on December 31, 2006. Of the total dollar amount contributed to WER, City contributions for Plan 3 (a defined contribution plan) are allocated to Plan 3 individual members' accounts.
2. The funded ratios (liabilities covered by assets) and employer (City) contributions for the WER and P&F Retirement Systems over the past three (3) years are shown below:

Employer Contributions

Budget	Funded	Pension	Pension		
WER	Period Ending	Year	Ratios	Trust	Reserve
	December 31, 2004		2006	112.1%	4.7% 0.0%
	December 31, 2005		2007	110.6%	4.7% 0.0%
	December 31, 2006		2008	110.2%	4.7% 0.3%

Employer Contributions

Budget	Funded	Pension	Pension		
P&F	Period Ending	Year	Ratios	Trust	Reserve
	December 31, 2004		2006	99.8%	18.4% -1.6%
	December 31, 2005		2007	99.7%	17.5% 0.9%
	December 31, 2006		2008	101.2%	17.5% 0.9%

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3. In summary, the actuary's reports reflect that the aggregate experience of the Retirement Systems during the twelve (12) months ended December 31, 2006 was a small net gain in both WER and P&F, due to experience. The change in the funded ratios and the employer contribution rates from 2007 to 2008 reflect the experience during the year.

In conjunction with the actuary's recommendation and in keeping with the City's current policy of maintaining level contribution rates, the Department of Finance recommends the City's contribution rates, expressed as a percent of active member pensionable payroll, increase to 5.0% for WER, and remains constant at 18.4% for P&F for the fiscal year 2008. Of the 18.4% P&F contribution rate, 17.5% will be paid into the trust and the remaining 0.9% will be directed to the pension reserve to replenish amounts drawn in 2006. For WER, of the 5.0% contribution rate, 4.7% will be paid into the trust and the remaining 0.3% will be directed to the pension reserve to assist in meeting possible future increases in contribution rates resulting from unfavorable market conditions or other negative plan experience.

The Internal Perspective is impacted through the fair presentation of the financial condition of the City's pension systems to the City Council, the citizens of Wichita, plan participants and other interested parties.

Under the Ordinances creating the two pension systems, the City is statutorily required to contribute the actuarially required contributions to the Retirement Systems.

Pat Beckham Actuary for the City of Wichita reported on the findings of the actuarial valuation for the Wichita Employees, Fire and Police Departments.

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

Motion-- Brewer moved that the Wichita Employees' Retirement and Police & Fire Retirement Systems' Actuarial Valuation Reports (January 1, 2006 – December 31, 2006) as submitted be received and filed and the 2008 employer retirement fund contribution rates be approved. Motion carried 6 to 0.
--carried

SALARY ORD. AMENDMENTS TO NON-EXEMPT SALARY ORDINANCE TO IMPLEMENT NEW FRATERNAL ORDER OF POLICE AGREEMENT.

Sarah Gilbert Interim Human Resource Director reviewed the item.

Agenda Report No. 07-0528

Salary Ordinance sets Rates of pay for City employees. An amendment to the Ordinance is required to fully implement the Fraternal Order of Police (FOP) Memorandum of Agreement (MOA) approved by the City Council on May 15, 2007.

Section 7 of the Salary Ordinance is a schedule of standard pay ranges established for commissioned and non-commissioned positions in the Police Department. This Section is amended to:

- delete the 2006 rates for FOP-represented pay ranges,
- substitute the 2007 rates established by the MOA, effective December 16, 2006,
- reflect the negotiated annual 4% increases for 2008 and 2009 and
- reflect the negotiated changes to Sergeants' pay ranges to avoid wage compression with Detectives.

The proposed salary ordinance also adjusts wage rates for Police Lieutenants. To avoid wage compression issues between Police Sergeants and Police Lieutenants, staff recommends adjusting Police Lieutenant rates comparably to the wage increases negotiated by Police Sergeants. This would require that Lieutenant wages be increased by 4 percent in 2007, 2008 and 2009. In addition, the additional three steps negotiated for Police Sergeants are also included for Police Lieutenants.

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Section 9 of the Salary Ordinance contains Other Provisions from the FOP Memorandum of Agreement:

- increase clothing allowance from \$500 per year to \$550, and allow uniformed employees to spend up to \$200 of that allowance on civilian attire,
- increase education pay from \$100 to \$110 per month for a bachelor's degree, and from \$125 to \$135 for a master's,
- increase Special Duty pay from \$50 per pay period to \$60 for Bomb Unit, Canine Officer, SWAT Team, Clandestine Lab Processors, and Air Section,
- increase Field Training Officer duty pay from \$.60 to \$.80 per hour, and Field Training Sergeant duty pays from \$.50 to \$.70 per hour,
- implement the \$100 bonus for passing a voluntary annual fitness test, and
- increase FOP shift differential pay from \$.55 to \$.75 per hour, revise shift starting times per department practice, and add the 4th shift.

The increases in clothing allowance, education pay and special duty pay will impact wages of Police Lieutenants and Police Captains, if applicable.

The estimated costs of the salary ordinance adjustments for Lieutenants are \$82,600 in 2007, \$165,200 in 2008 and \$247,800 in 2009.

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.

Mayor Brewer

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

Motion--
--carried

Brewer moved that the amended ordinance be adopted and placed on first reading. Motion carried 6 to 0.

ORDINANCE

An ordinance providing for a uniform schedule of standard pay ranges for non-exempt employees of the City of Wichita, repealing Ordinance No. 47-320 be it ordained by the governing body of the City of Wichita: introduced and under the rules laid over.

SECTION 5309

RESOLUTION AUTHORIZING SECTION 5309 GRANT FROM THE FEDERAL TRANSIT ADMINISTRATION FOR VAN MAINTENANCE FACILITY.

Jay Banasiak

Transit General Manager reviewed the item.

Agenda Report No. 07-0529

The Federal Transit Administration (FTA) grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of this resolution is to authorize staff to file for FY2005 (\$777,422) and FY2006 (\$792,000) Section 5309 discretionary federal funds to build a van maintenance facility.

Presently, WT operates 21 paratransit vans to serve an ever-growing disabled population. WT's transit operation center (TOC) was built to maintain diesel-powered buses only. Consequently, van maintenance is contracted out to an already over-extended central maintenance facility (CMF).

In addition, WT contracts out over 260,000 more disabled rides with special services agencies: CPRFK, KETCH, Starkey, Res-Care, Envision, and Catholic Charities. These agencies are requesting higher subsidies from WT, which can be minimized by offering maintenance services at a reasonable fee.

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Finally, in Sedgwick County and the adjacent surrounding counties, another estimated 115 vans are operating similar service.

With an ever-growing demand on paratransit services, rising maintenance and fuel costs, higher subsidies requested by contracted agencies, and an over-extended CMF, greater efficiency and effectiveness must be attained. Operating a specialized van maintenance facility for 16-passenger, specialized cutaway vans with wheelchair lifts and highly technical surveillance equipment offers a myriad of benefits:

- State-of-the-art maintenance facility,
- Adequate inventory levels and reduced costs,
- Specialized mechanics,
- Specialized equipment for lift repair,
- Manpower costs lower than commercial garages,
- Quicker turnaround time,
- Better warranty observance through DataStream, and
- Assurance that vans exceed their useful life.

Further, growth opportunities in offering maintenance services to contracted agencies providing ADA rides for WT can relieve the demands by those agencies for increased subsidies. Plus, offering services to Sedgwick County and the adjacent surrounding counties that provide transit services under federal requirements can also add to revenues to increase services.

To ensure efficient infrastructure by maintaining and optimizing public facilities and assets.

Total capital cost is \$2,162,000, with \$1,569,422 secured under FTA Section 5309 grants, \$355,000 as in-kind match from city-owned land in front of the Transit Operations Center, and \$237,578 is awaiting KDOT commitment. Annual operating funds will be funded 80% by WT annual maintenance grant, fully allocated user fees by participating agencies, and minimal additional city funds.

The city's Law Department has reviewed and approved the resolution as to form.

Mayor Brewer

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

Motion--
--carried

Brewer moved that the resolution authorizing Section 5309 grant from the Federal Transit Administration for a van maintenance facility be adopted. Motion carried 6 to 0.

RESOLUTION NO. 07-325

A resolution authorizing the filing of an application with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53, Title 23, and other federal statutes administered by the Federal Transit Administration to support FY2005 and FY2006 Section 5309 projects, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

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PETITION

PETITION TO PAVE 43RD STREET SOUTH, BETWEEN DODGE AND SENECA. (DISTRICT IV)

Gary Janzen

Design Engineer reviewed the item.

Agenda Report No. 07-0530

(Council Member Skelton momentarily absent)

The signatures on the Petition represent 4 of 7 (57%) resident owners and 50% of the improvement district area. District IV Advisory Board sponsored a May 2, 2007, neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project.

The project will provide paved access to a developed residential and commercial area.

The estimated project cost is \$100,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.60 per square foot of ownership.

This project addresses the Efficient Infrastructure goal by providing street paving in an existing residential and 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 the property in the improvement district.

(Council Member Schlapp momentarily absent).

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Chuck Shroud

Mr. Shroud stated he resides at 1120 West 43rd Street and is happy to hear this street is finally getting paved and appreciates what the City is doing.

Motion--
--carried

Gray moved that the Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-326

Resolution of findings of advisability and resolution authorizing constructing pavement on 43rd St. South from the east line of Dodge Avenue to the west line of Seneca St. 472-84559 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, Schlapp, Skelton, and Brewer.

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**GREENWICH IMPR. GREENWICH IMPROVEMENT, BETWEEN CENTRAL AND 13TH STREET.
(DISTRICT II)**

Gary Janzen

Design Engineer reviewed the item.

Agenda Report No. 07-0531

(Council Member Fearey momentarily absent).

The 2005-2014 Capital Improvement Program (CIP) adopted by the City Council includes a project to improve Greenwich between Central and 13th Street. Due to the rapid pace of commercial development in the corridor, the proposed schedule is to begin construction this summer and be completed this year.

Greenwich is currently a mixed two and three lane asphalt mat road from north of Central to immediately south of 13th Street with roadside ditches for drainage. From 13th Street to 29th Street North, Greenwich is a new City standard five lane roadway with left turn lanes. 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. Drainage improvements will be included with the project as well as sidewalk on both sides of the street. Traffic signals, acceleration/deceleration and left turn lanes will construct at the major entrances to new commercial development south of 13th and will be funded by special assessments in accordance with petitions previously approved by the City Council. The street will be closed to through traffic during construction with local access provided to all affected properties.

The current estimated construction cost is \$3,120,000 with \$2,800,000 paid by General Obligation bonds and \$320,000 paid by Special Assessments. The Special Assessment component of the project is the total of three budgets established by the petitions previously approved by the City Council. In addition, on September 12, 2006, the City Council approved a \$160,000 design budget. Project funding is included in the current CIP for 2009, but is proposed to be moved forward to 2008 in the new CIP which would allow construction this year.

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

The Law Department 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

Schlapp moved that the project be approved; the Ordinance placed on first reading; and the necessary signatures authorized. Motion carried 6 to 0.

ORDINANCE

An ordinance declaring Greenwich Road, between Central and 13th St. North (472-84435) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said city 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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PLANNING AGENDA

Motion-- Brewer moved that Planning Consent items 38 to 48 be approved in accordance with the
--carried recommended action shown thereon. Motion carried 6 to 0.

(Agenda Item No. 36)
DR2005-21

DR2005-21-ESTABLISH THE AT/FP-O, ANTI-TERRORISM/FORCE PROTECTION OVERLAY DISTRICT ON PROPERTIES GENERALLY LOCATED SOUTH OF PAWNEE, WEST OF WEBB, NORTH OF 31ST STREET SOUTH AND EAST OF OLIVER. (DISTRICTS II AND III)

John Schlegel Director of Planning reviewed the item.

Agenda Report No. 07-0532

MAPC Recommendations: Approve (9-4).
MAPD Staff Recommendations: Approve.
DAB Recommendations: DAB II and III did not review.

On November 14, 2006, the City Council accepted the recommendations of the McConnell Air Force Base Joint Land Use Study Implementation Coordinating Committee and directed staff to proceed with implementing the recommendations. One of those recommendations is to establish the AT/FP-O, Anti-Terrorism/Force Protection Overlay District on the properties near McConnell Air Force Base (AFB).

The purpose of the AT/FP-O District is to limit the height of new buildings in proximity to the AFB so that there are fewer opportunities for persons to be concealed within a multiple-story building that has line of sight to the AFB, thus limiting opportunities for espionage or attack. The AT/FP-O District was proposed in the McConnell Air Force Base Joint Land Use Study, May 2005, which recommended determining which development standards are needed for properties near the AFB to limit the vulnerability of the AFB from terrorist attack. As a result, the AFB commissioned a security audit by the U.S. Department of Homeland Security and the Kansas Division of Emergency Management. The security audit recommended that new buildings within one-half mile of the AFB be limited to two stories in height.

Approximately one-fourth of the land area proposed to be included in the AT/FP-O District is located within the corporate limits of Wichita. The remainder of the properties are unincorporated, and the zoning of those properties to the AT/FP-O District is being considered by the Sedgwick County Board of Commissioners on June 6, 2007.

The Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the proposed AT/FP-O District on March 15, 2007. At the hearing, numerous affected property owners spoke in opposition to the proposed AT/FP-O District, primarily citing concerns that the proposed 25-foot height limitation would limit their ability to develop their property in the manner in which they intended. The MAPC voted to defer action on the proposed AT/FP-O District and instructed staff to meet with the affected property owners to determine if a reduced boundary for the AT/FP-O District could be proposed.

On March 30, 2007, two meetings were held with affected property owners. Planning staff and staff from the AFB attended both meetings, and attempted to work with affected property owners on crafting a revised AT/FP-O District boundary that reduced the number of affected property owners but still met the intent of the security audit.

A revised AT/FP District was presented to the MAPC on May 3, 2007. The revised AT/FP-O District removed the secure facilities of Boeing, Cessna, and Spirit from the AT/FP-O District because these facilities require photo identification for admittance to buildings and have 24/7 security forces with video surveillance. The Kansas Aviation Museum also was removed from the AT/FP-O because it is located within the perimeter security fence for the AFB. Finally, the revised AT/FP-O removed any property, or portion of a property, that is located more than one-half mile from the AFB.

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At the MAPC hearing on May 3, 2007, several property owners spoke in opposition to the proposed AT/FP-O District and suggested alternative boundaries that would further reduce the size of the AT/FP-O District.

On May 3, 2007, the MAPC voted (9-4) to recommend establishing the AT/FP-O, Anti-Terrorism/Force Protection Overlay District on properties as shown in the map entitled "McConnell AFB Area Proposed Rezoning Revised AT/FP-O, Anti-Terrorism/Force Protection Overlay District Boundary."

The proposed overlay district addresses the Safe and Secure Community Goal by establishing zoning restrictions that help protect McConnell Air Force Base from terrorist attack. The proposed overlay district also addresses the Economic Vitality and Affordable Living Goal by establishing reasonable development standards 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.

- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard.
- Trina Hodges Ms. Hodges stated she lives at 7217 South Hillside and she and her husband are part of the agricultural concerns regarding this proposal. Stated they were under the impression that this project would stop at 47th Street and when they received the revised map, they noticed that 2/3 of their farm will be included in this overlay district. Stated because of that, they will not be able to build their barn that would include 10 horse stalls and be used for private use. Stated they would like the City Council to look at their proposal with the land joint study recommendation.
- Robert Austin Mr. Austin stated he resides at 2559 South Dalton Street and asked if a survey had been conducted.
- John Schlegel Planning Director stated that a survey had not been conducted but they did provide notices to the people in the benefit district, which gave them an opportunity to come to the public hearing and the MAPC meetings.
- Robert Austin Mr. Austin stated that he and his neighbors main concern is that this project will affect their property value especially with the current name of the overlay district which is, "Anti-terrorism/force protection overlay district."
- Council Member Schlapp Council Member Schlapp stated that there is no way to make a judgment call on property value. Stated her country and security is very important to her and we need to make sure we have bases here to secure. Stated if we were to lose McConnell AFB, the property values would go down all over in that area and to protect your property value we need to protect the base and keep it here.
- Council Member Skelton Council Member Skelton stated he agrees with Council Member Schlapp and that it is important to our economy that McConnell AFB stays here. Stated it is necessary for the protection of that military base and our nation's defense.
- Mayor Brewer Mayor Brewer stated he recognizes the concerns of individuals but the City Council has to look at the City as a whole. Stated the Council has a responsibility to the citizens to protect that base and an obligation to protect each and every citizen.
- John Schlegel Planning Director stated if the Council chooses to approve this today and adopt the ordinance on first reading, you will be doing it for the properties which are within the corporate limits of Wichita. Stated that Ms. Hodges property is in an unincorporated area and the decision on whether to include her property in this overlay district will be made tomorrow by the County Commission.
- Council Member Schlapp Council Member Schlapp stated that another concern was the naming of this overlay district. Stated she agrees with the name and understands where it comes from but that wording seems to be a concern to some neighbors as to whether that would affect their property values. Stated in her recommendation she is going to recommend renaming the overlay district.

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Motion--

Schlapp moved that the City Council concur with the findings of the MAPC ; approve the first reading of the ordinance establishing the overlay district; and that Staff initiate an amendment to the zoning code to rename the Anti-Terrorism/Force Protection Overlay District, the Air force Base Protection Overlay District. Motion carried 6 to 0.

--carried

ORDINANCE

An ordinance establishing the AT/FP-O anti-terrorism/force protection overlay district for 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.

(Agenda Item No. 37)
CUP2007-00007

CUP2007-00007 AND ZON2007-00004 DP-8 UNIVERSITY GARDENS COMMUNITY UNIT PLAN - AMENDMENT #11 TO ALTER ALLOWED USES, MAXIMUM BUILDING COVERAGE, GROSS FLOOR AREA; THE NUMBER OF BUILDINGS ALLOWED AND ZONE CHANGE TO LC LIMITED COMMERCIAL ON PARCEL 9. (DISTRICT I)

John Schlegel

Director of Planning reviewed the item.

Agenda Report No. 07-0533

MAPC Recommendations: Approve (12-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve rezone (7-0), deny proposed amendment to the CUP that would allow restaurants or convenience stores; Recommend meeting with the Northeast Heights and Crestview Heights Neighborhood Associations in regards to proposed uses.

The applicant is requesting to rezone a 1.8 acre tract from "SF-5" Single-family Residential to "LC" Limited Commercial and to amend DP-9 University Gardens Community Unit Plan. The amendment would change the provisions for maximum building height, maximum land coverage, maximum gross floor area, floor area ratio, proposed general uses and the maximum number of buildings allowed on Parcel 9, located on the northeast corner of 21st Street North and Oliver Avenue.

The subject property is an isolated strip of SF-5 land located between Oliver and other land within the parcel that is already zoned LC. Prior to the current code's landscaping and buffering requirements, it was a common practice to leave a narrow strip of land zoned SF-5 adjacent to LC zoned land to provide a buffer between the applicant's property and adjacent property. The practice left an owner with a split-zoned tract. With the adoption of landscaping and supplemental development requirements, split zoning is not used much anymore.

The applicant proposes to change the maximum building height from 30 feet to 45 feet, the maximum land coverage from 3,000 square feet to 15,000 square feet, maximum gross floor area from 6,000 square feet to 27,000 square feet, floor area ratio from 7.6% to 35% and the maximum number of buildings allowed from 1 to 3 buildings. The applicant also proposes to add the following uses to the General Uses: Office, General; Bank or Financial Institution, Retail, General; Restaurant, Convenience Store, Printing and Copying, Limited; College and University and a Vocational School.

The restaurant use, including fast food restaurants with a drive-thru, and convenience store, would be limited to access on 21st Street North only and would require increased screening and landscaping along North Oliver Avenue.

The surrounding area to the south and west includes a golf course, church and single-family residences on property zoned SF-5. The area to the south and east includes offices, a fast food restaurant and strip store on property zoned LC. The property to the north and east includes storage units, a retail store on property zoned LC and vacant SF-5 zoned property.

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New buildings would have uniform architectural compatibility to the new development occurring directly to the east of the subject site, Parcel 10, in terms of character, color, texture and materials, and exterior walls facing residential would not be metal siding. The parcel would share a similar landscape palette as the development just east of the subject site. A site plan would be required to assure internal cross lot circulation, joint access and smooth traffic flow.

District Advisory Board I was initially scheduled to hear this request on March 7, 2007, however the applicant was not present, and the DAB asked for the case to be returned at the April hearing. At the MAPC meeting held March 15, 2007, MAPC voted (12-0) to approve the CUP amendment and zone change. At District Advisory Board I on April 2, 2007, the DAB voted (7-0) to approve the zone change for the property, but the DAB recommended the applicant meet with the Northeast Heights and Crestview Heights Neighborhood Associations in regards to two uses proposed in the CUP amendment (Restaurant and Convenience Store uses).

The Chisholm Trail, Northeast Heights and Crestview Heights Neighborhood Associations met with the applicant and staff at a meeting on April 26, 2007. At that meeting, the association members expressed their dislike of two proposed uses, restaurant and convenience stores. The associations were also concerned about the likelihood of a possible restaurant becoming a drinking establishment and/or nightclub. The final determination by the associations was to have the City Council defer making a decision on the case so the associations could have more time in developing proposals for the City of Wichita to purchase the subject property for the use as open space. The neighborhood associations will meet again in May to develop a proposal to present to the District Advisory Board I for consideration and to forward the proposal to the City Council. If this proposed purchase is not possible, the associations support the removal of restaurant and convenience stores from the list of proposed uses. No protests have been received on the rezone.

Promote Economic Vitality.

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

- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.
- Mayor Brewer Mayor Brewer stated because the applicants did not appear before the DAB and they do not have a City Council Member, asked if there would be a problem if we deferred this until the next DAB meeting when there will be a Council Member in place.
- John Schlegel Planning Director explained that there would not be a problem from their point of view but does not know what that does to the applicant. Stated he has not spoken to them about that possibility.
- Council Member Fearey Council Member Fearey stated the applicant went to the second DAB meeting.
- Council Member Skelton Council Member Skelton stated he would prefer deferring this until a Council Member for that district is in place.
- Motion--carried Skelton moved to defer this issue to the first meeting in August. Motion carried 6 to 0.

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DR2007-05

DR2007-05-PROPOSED AMENDMENTS TO THE UNIFIED ZONING CODE PERTAINING TO WIRELESS COMMUNICATION FACILITIES.

Agenda Report No. 07-0534

At a workshop on November 28, 2006, the City Council discussed the City's current zoning regulations pertaining to wireless communication facilities and reached a general consensus that updates to the zoning regulations are desirable. The Unified Zoning Code requires an affirmative vote of either the governing body or the planning commission to initiate an amendment of the zoning code text.

Initiating an amendment of the zoning code text does not indicate City Council support for or approval of specific zoning regulations. Rather, an affirmative vote to initiate a zoning code text amendment indicates a City Council desire to consider improvements to the zoning regulations and a desire to embark upon a public input and review process to develop those improvements. The City Council will determine what, if any, amendments to the zoning code text are approved at the end of the public input and review process as outlined in the "Analysis" section below.

The proposed amendments to the zoning code text would address:

1. The eligibility of properties for administrative approval of towers, as well as adjustments to the height and setback criteria for administratively-approved towers.
2. The criteria for judging the merits of a new tower request versus co-locating on existing towers.
3. Technical clarifications regarding the applicability of the zoning regulations to all wireless communication facilities regardless of property zoning.
4. Updates to the aircraft warning light regulations to comply with changes in Federal regulations.
5. Technical clarifications regarding the parties responsible for removal of unused towers.

The proposed zoning code text amendments are shown in detail in the document entitled "Proposed Amendments to Wireless Communication Facility Regulations."

The following is the proposed process and tentative schedule for amending the zoning code text:

Activity	Timing
City Council authorization of zoning code text amendments	June 2007
Review of proposed amendments with wireless industry	July 2007
Review of proposed amendments with District Advisory Boards	August and September 2007
Planning commission review of proposed amendments	October 2007
Governing body approval of proposed amendments	November 2007

The proposed zoning code text amendments address the Economic Vitality and Affordable Living Goal by establishing reasonable regulations that balance the need for the wireless communications industry to provide wireless communication services to the community with the need to mitigate negative impacts of wireless communication facilities on adjacent properties and overall community aesthetics.

Section V.C.2. of the Wichita-Sedgwick County Unified Zoning Code requires governing body or planning commission authorization for the City to initiate the proposed amendments to the zoning code text.

Motion--
--carried

Brewer moved that the initiation of the proposed amendments to the zoning code text pertaining to the regulation of wireless communication facilities authorized. Motion carried 6 to 0.

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DR2005-35

DR2005-35-RESOLUTION AMENDING THE UNIFIED ZONING CODE TO ADD THE PROPOSED CORRIDOR PRESERVATION PLAN OVERLAY DISTRICT (CP-O) FOR THE PROPOSED NORTHWEST BYPASS IN WICHITA AND SEDGWICK COUNTY. THE GENERAL LOCATION OF THE PROPOSED CP-O CONNECTS K-96 TO US-54 WEST OF THE CITY OF WICHITA. (COUNTY)

Agenda Report No. 07-0535

Staff Recommendation: Return the request to MAPC.

The proposed Northwest Bypass has existed on adopted planning maps and documents for over five years, staff is working with KDOT and other departments to make progress on this transportation project. KDOT anticipates limited funding for this project; therefore, the proposed Overlay District is intended to assist in the land assembly process. The Overlay District is proposed to extend 150 feet to each side of the proposed Northwest Bypass centerline.

The MAPC heard this item at the scheduled public hearing on December 8, 2005. No members of the public spoke on this item. The MAPC voted 10-0 to approve the item subject to staff recommendations. This item was scheduled for the February 7, 2006 Wichita City Council hearing agenda, but was deferred from that agenda. Because of elapsed time, and a revised legal description which proposes that the CP-O apply to unincorporated areas only, staff recommends that the item go back to the MAPC for a new public hearing.

Promote Economic Vitality and Affordable Living.

Motion--carried

Brewer moved that the request be returned to the MAPC. Motion carried 6 to 0.

ZON2000-00045

ZON2000-00045 - EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF CENTRAL AND WEST OF TYLER ROAD. (DISTRICT V)

Agenda Report No. 07-0536

Staff Recommendation: Approve a two-year extension of time to complete platting to May 14, 2008.

On November 14, 2000, the City Council approved a zone change request from "SF-5" Single-Family Residential to "LC" Limited Commercial on property located south of Central and west of Tyler Road. Approval of the zone change request was subject to the condition of platting the property within one year. The last extended platting deadline was May 14, 2007. Four platting extensions have been granted, and the original applicant proposed deferring platting until the property sold. The property has now sold, and the current owner is requesting another platting extension, as the owner considers building a retail facility on the property. Therefore, the applicant requests an additional one-year extension of time to complete platting. Such an extension of time to complete platting requires City Council approval.

Staff recommends that a one-year extension of time to complete platting requirements be granted to May 14, 2008. The City Council may deny the request for an extension of time to complete platting. Denying the extension would declare the zone change null and void and would require reapplication and rehearing if the property owner still desired a zone change.

Promote Economic Vitality and Affordable Living.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

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Motion--
--carried

Brewer moved that a two-year extension of time to complete platting to May 14, 2008 be approved. Motion carried 6 to 0.

CUP2004-29

CUP2004-29, CUP2004-30 (DP-277) AND ZON2004-34, ZON2004-35 - EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR THE BRUCE BROWN COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM "SF-5" AND "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, GENERALLY LOCATED EAST OF GREENWICH ROAD AND 1/4 MILE SOUTH OF 21ST STREET NORTH. (DISTRICT II)

Agenda Report No. 07-0537

Staff Recommendation: Approve extended platting deadline of March 21, 2008.

On September 21, 2004, the City Council approved the creation of DP-277 Bruce Brown Commercial CUP and a zone change from "SF-5" and "SF-20" Single-Family Residential to "LC" Limited Commercial subject to the condition of platting the property within one year. The applicant received a six-month platting extension from staff, and then a one-year platting extension from the City Council. As the letter indicates, the applicant is not ready to develop or begin platting. The applicant requests a one year platting extension to March 21, 2008.

Staff recommends that an extension of time to complete platting requirements be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

Promote Economic Vitality and Affordable Living.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--
--carried

Brewer moved that the extended platting deadline of March 21, 2008 be approved. Motion carried 6 to 0.

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SUB2007-06

SUB2007-06-PLAT OF CORNEJO EAST SECOND ADDITION LOCATED NORTH OF CENTRAL AND ON THE EAST SIDE OF WEBB ROAD. (DISTRICT II)

Agenda Report No. 07-0538

Staff Recommendation: Approve the plat.

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

This site, consisting of 5 lots on 32.39 acres, is a replat of a portion of the Family Golf Center Addition and the Cornejo East Addition. The site is located within Wichita's city limits and is zoned "LI" Limited Industrial District and "GC" General Commercial District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for the extension of sewer and water. Since this site is located near McConnell Air Force Base, an Avigational Easement and Restrictive Covenant have been submitted to assure that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property. A Cross-lot Drainage and a Cross-lot Circulation Agreement have been submitted.

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

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenant, Avigational Easement, Cross-lot Drainage and Cross-lot Circulation Agreements 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.

RESOLUTION NO. 07-327

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90300 (east of Webb, north of Central) 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, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-328

Resolution of findings of advisability and resolution authorizing construction of Lateral 52, Main 24, War Industries Sewer (east of Webb, north of Central) 468-84371 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, Schlapp, Skelton, and Brewer.

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SUB2007-19

SUB2007-19-PLAT OF FOX RIDGE SECOND ADDITION LOCATED ON THE NORTH SIDE OF 29TH STREET NORTH AND EAST OF MAIZE ROAD. (DISTRICT V)

Agenda Report No. 07-0539

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of 17 lots on 19.01 acres, is a replat of a portion of Fox Ridge Addition. The site is zoned "SF-5" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, drainage and paving improvements. A Restrictive Covenant has been submitted to: 1) provide for the continued sharing in the ownership and maintenance of previously platted reserves; 2) provide for the ownership and maintenance of the reserves being platted for drainage purposes; and 3) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

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

Ensure Efficient Infrastructure.

The Certificate of Petitions and Restrictive Covenant 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.

RESOLUTION NO. 07-329

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90247 (north of 29th St. North, west of Tyler) 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, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-330

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 290 (north of 29th St. North, west of Tyler) 468-84151 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, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-331

Resolution of findings of advisability and resolution authorizing construction of lateral 3, main 6, (part d) northwest interceptor sewer, (north of 29th St. north, east of Maize) 468-84202 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, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-332

Resolution of findings of advisability and resolution authorizing constructing pavement on Westlakes Parkway from the west line of Lot 45, Block 1, to the west line of Lot 101, Block 1; with construction of a sidewalk on the north side (north of 29th St. North, east of Maize) 472-84279 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, Schlapp, Skelton, and Brewer.

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RESOLUTION NO. 07-333

Resolution of findings of advisability and resolution authorizing constructing pavement on Westlakes Courts serving Lots 14 through 21, 23, 26, 27, Block 4, Fox Ridge Addition and Lots 1 through 3, Block 1, and Lots 1 through 14, Block 2, Fox Ridge 2nd Addition from the South line of Westlakes Parkway to and including the Cul-de-Sacs 472-84470 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, Schlapp, Skelton, and Brewer.

SUB2006-20

SUB2006-20-PLAT OF GRAY'S SIXTH ADDITION LOCATED ON THE SOUTH SIDE OF MACARTHUR ROAD AND ON THE WEST SIDE OF HOOVER ROAD. (DISTRICT IV)

Agenda Report No. 07-0540

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of nine lots on 4.44 acres, is a replat of Lot 1, Block A, Wheatland Commercial Addition. This site is located within Wichita's city limits and is zoned "LC" Limited Commercial District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving and drainage improvements. Restrictive Covenants have been submitted to provide for the ownership and maintenance responsibilities of the proposed reserves and to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. Due to the site being zoned "LC", a Restrictive Covenant has been submitted specifying that the lots within this plat shall be limited to residential uses. A Dedication for street right-of-way has also been submitted.

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

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenants and Dedication 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.

RESOLUTION NO. 07-334

Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90301 (south of Macarthur, west of Hoover) 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, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-335

Resolution of findings of advisability and resolution authorizing construction of lateral 522, southwest interceptor sewer (south of Macarthur, west of Hoover) 468-84359 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, Schlapp, Skelton, and Brewer.

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RESOLUTION NO. 07-336

Resolution of findings of advisability and resolution authorizing construction of lateral 523, southwest interceptor sewer (south of Macarthur, west of Hoover) 468-84360 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, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-337

Resolution of findings of advisability and resolution authorizing improving Storm Water Sewer No. 632 (south of Macarthur, west of Hoover) 468-84373 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, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-338

Resolution of findings of advisability and resolution authorizing constructing pavement on Gilda and Wickham from Macarthur Rd. to Hoover St. (south of Macarthur, west of Hoover) 472-84565 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, Schlapp, Skelton, and Brewer.

VAC2007-00011

VAC2007-00011 REQUEST TO VACATE A PORTION OF PLATTED UTILITY AND DRAINAGE EASEMENT AND PORTIONS OF PLATTED RESERVES AND THE RESTRICTION OF USES TO ALLOW ADDITIONAL USES IN THOSE PORTIONS OF THE VACATED PLATTED RESERVES. (DISTRICT II)

Agenda Report No. 07-0541

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicants are requesting consideration for the vacation of portions of two different platted Reserve A and the platted drainage and utility easement. The uses that Reserve A, Auburn Hills Commercial Addition have been set aside for include landscape buffer, landscaping, berms, open spaces, a private screening wall and utilities confined to easements. The uses that Reserve A, Auburn Hills Commercial 4th Addition have been set aside for include landscaping, open spaces, a wall on the perimeter, ponds, water features, monuments, irrigation and utilities in designated areas. The applicants propose to change the allowed uses in the two reserves to private parking, lighting, public and private utilities and irrigation. This change in uses in the reserves reflects the relocation of the drainage on the Auburn Hills Commercial 4th Addition and its rezoning (ZON2003-59) from "SF-5" to "NR," which eliminated the need of the Auburn Hills Commercial Addition to provide for a screening wall, a landscape buffer, landscaping, berms and open spaces between the two subdivisions. There are manholes and sewer line in the reserves and easement, but no water lines. The applicants have provided a copy of a recorded drainage and utility easement to replace those portions of the vacated easement and reserves. The Auburn Hills Commercial Addition was recorded with the Register of Deeds on July 9, 1997. The Auburn Hills Commercial 4th Addition was recorded with the Register of Deeds on November 23, 2005.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

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A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

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

DED2007-08

DED2007-08-DEDICATION OF STREET RIGHT-OF-WAY AND DED2007-09-DEDICATION OF A UTILITY EASEMENT LOCATED EAST OF SENECA AND NORTH OF 53RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 07-0542

Staff Recommendation: Accept the Dedications.

These Dedications are associated with a lot split case (SUB 2007-31, Interurban Place Addition). The Dedications are for additional street right-of-way along Armstrong and for construction and maintenance of public utilities.

Ensure Efficient Infrastructure.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Brewer moved that the Dedications be accepted. Motion carried 6 to 0..

A07-12R

A07-12R-REQUEST BY CHARLES AND CONNIE WOODARD, OF CHARLES R AND CONNIE L WOODARD TRUST, TO ANNEX LAND GENERALLY LOCATED NORTH OF 45TH STREET NORTH AND WEST OF HOOVER ROAD. (DISTRICT VI)

Agenda Report No. 07-0543

The City received a request to annex 43.16 acres of land generally located north of 45th Street North and west of Hoover Road. The annexation area abuts the City of Wichita to the east and south. The property owner anticipates that the proposed property will be developed with 95 single-family units within the next ten years.

Land Use and Zoning: The proposed annexation consists of approximately 43.16 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north, east, and south is primarily agricultural land with a couple of farmsteads. Property to the north is zoned "SF-20" Single-Family Residential, while property to the east and south is zoned "SF-5" Single-Family Residential. Property to the west is developed as the Childs Acres Addition, which consist of manufactured and single-family homes and is zoned "SF-20" Single-Family Residential.

Public Services: There is a 20" water main in Ridge Road coming from the south and ending at the south right-of-way line of K-96, but there are plans to extend from a 20" water main at 29th Street North and Hoover Road. The closest sewer main is an 18" sewer main in 37th Street North, at the mid-mile between Ridge Road and Hoover Road. The developer plans on pumping to that point until such time as other facilities are constructed across Hoover Road near the northeast corner of the subject area.

Street System: The subject property borders Palo Alto Drive to the west, which is a dirt road. The Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program have scheduled Ridge Road to be widened, between 53rd Street and K-96, which is approximately 1/2 mile west of the subject property. The City of Wichita Capital Improvement Program (CIP) 2005-2014 does not call for improvements near the proposed annexation site.

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Public Safety: Fire services to this site can be provided by the City of Wichita within a ten (10) to eleven (11) minute approximate response time from City Fire Station No. 13, located at 3162 West 42nd Street North. The delayed response time is due to the limited roads and lack of easy access to this particular property. It is anticipated that the property to the south and east will be developed with 580 single-family homes within the next 10 years, which would ultimately decrease the Fire Departments response time by at least 2 minutes. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 East 21st Street North.

Parks: The Brooks Tract Park, a 272-acre park, located to the east of the subject property, is currently being developed into a regional park. The North Ridge Village Addition Reserve D, a 17-acre park, located 1 mile southwest of the subject property, is undeveloped and functions as habitat for the Eastern Spotted Skunk. In addition, the Sedgwick County Zoo is located approximately 2 1/2 miles south of the subject property.

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$6,470 with a total assessed value of \$1,941. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$61 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 95 single-family units will be developed in the next ten years. The total appraised value of this development after completion is estimated at \$9,310,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$33,625 in City annual tax revenues.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Brewer moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 6 to 0.

ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A07-12)

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A07-14R

A07-14R-REQUEST BY EUGENE VITARELLI TO ANNEX LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION AT 127TH STREET EAST AND MOUNT VERNON ROAD. (DISTRICT II)

Agenda Report No. 07-0544

The City received a request to annex 19.91 acres of land generally located southwest of the intersection at 127th Street East and Mount Vernon Road. The annexation area abuts the City of Wichita to the north, east and west. The property owner anticipates that the proposed property will be developed with 46 residential units over the next 5 years.

Land Use and Zoning: The proposed annexation consists of approximately 19.91 acres of property currently zoned "SF-5" Single-Family Residential. Property directly to the north is developed with single-family homes and is zoned "SF-5" Single-Family Residential. Property to the east is platted, but primarily undeveloped at this time, and is also zoned "SF-5" Single Family Residential. Property to the south and west is primarily undeveloped and is zoned as "SF-5" Single-Family Residential as well.

Public Services: The closest water line is a 16" water main along 127th Street East along the east side of the annexation area. The closest sewer line is a 12" sewer main along the north side of the property, from 125th Street East to 123rd Street East, as well as, a 10" sewer line along the west side of the property.

Street System: The subject property borders 127th Street to the east and Mount Vernon to the north, which are both two-lane, paved roads. The 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 have scheduled Harry to be reconstructed and widened between Greenwich Road and 143rd Street East, which is located approximately 1/2 mile north of the annexation area. The Sedgwick County Capital Improvement Program 2006-2010 does not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City/County Station No. 38, located at 1010 N. 143rd Street East. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

Parks: The WB Harrison Park, a 40.15-acre park, is located approximately two miles to the northwest of the annexation area and contains two tennis courts, a softball diamond, a rugby field, a children's play area, a restroom, a paved jogging trail, a fishing pond, two benches and 12 picnic tables. Towne Park, a 4.34-acre park, is located approximately 2 1/2 miles southwest of the annexation area and contains a pond with a dock, a children's play area and a 0.23-mile exercise trail. According to the 1996 Parks and Open Space Master Plan, a future proposed pathway has been identified that would run north/south, approximately 1/4 mile to the west of the annexation area.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$2,740 with a total assessed value of \$822. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$26 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 46 residential units will be developed within the next five years. The total appraised value of this development after completion is estimated at \$6,440,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$23,259 in City annual tax revenues.

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Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Brewer moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 6 to 0.

ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A07-14)

AIRPORT AGENDA

Council Member Skelton Council Member Skelton requested to pull items 51 and 52 for questions.

Motion--
--carried

Brewer moved that Airport Consent items 49, 50 and 53 be approved in accordance with the recommended action shown thereof, excluding items 51 and 52. Motion carried 6 to 0.

KOCH BUSINESS

CONSENT TO ASSIGNMENT OF LEASES-KOCH BUSINESS HOLDINGS.

Agenda Report No. 07-0545

Koch is a long-term tenant of Mid-Continent Airport, operating from an office/hangar facility located at 1760 Airport Road which was constructed in 1981. In addition, Koch leases Hangar 16 located at 1700 Airport Road. Koch is requesting approval of Consent to Assignment of Leases from Koch Business Holdings, LLC to Koch Industries, Inc. A previous assignment was approved by the Wichita Airport Authority on December 18, 2001 which assigned the leases from Koch Industries, Inc. to Koch Business Holdings, LLC.

As a result of an internal reorganization of some of its business operations, Koch is requesting that the existing leases be re-assigned from Koch Business Holdings, LLC to Koch Industries, Inc., effective June 4, 2007.

There is no financial impact to the Wichita Airport Authority.

The Airport's contribution to the economic vitality of Wichita is promoted through approving changes to lease agreements which allow tenants to do business on the airport in the most effective way possible, thereby improving services to their customers.

The Consent to Assignment of Leases has been approved by the Law Department as to form.

Motion--
--carried

Brewer moved that the Consent to Assignment of Leases be approved and the necessary signatures authorized. Motion carried 6 to 0.

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HOTEL ASSOC., L.P. LEASE - WICHITA AIRPORT HOTEL ASSOCIATES, L.P.

Agenda Report No. 07-0546

On June 1, 1980, the Wichita Airport Authority entered into a 30-year agreement with Wichita Airport Hotel Associates for the construction and operation of a Hilton Inn on Mid-Continent Airport. On February 1, 1992, a restated and amended bond lease was entered into between the parties as part of a refinancing plan. This lease continued the agreement term through 2010, and included four, five-year renewal options through June 1, 2030, resulting in a 50-year agreement term. In 2006, Wichita Airport Hotel Associates approached airport staff requesting five additional five-year renewal options through 2055. According to State statute; however, the WAA may only enter into lease terms not to exceed 50 years. Consequently, the agreement could not be extended beyond the remaining 24 years. Wichita Airport Hotel Associates then requested that a new, 50-year lease agreement (including options) be developed commencing June 1, 2007 and ending May 31, 2057. The Wichita Airport Advisory Board at its May 7, 2007 meeting reviewed the terms of the agreement, and recommended that the Wichita Airport Authority approve the agreement.

Rationale provided by the hotel partners for the 25-year extension beyond 2030 was that current renovation funding programs, amortizations of upgrades, and other financing commitments extended up to and beyond the current lease term ending in 2030. In addition, revision to the agreement was requested to allow the tenant to sell its interests during the term of the lease. Initial term of the proposed 50-year lease is June 1, 2007 through May 31, 2030 (23 years), which is the remaining term of the original agreement with options. Three renewal options are included: two, ten-year options through May 31, 2050 and one, seven-year option through May 31, 2057.

Payment to the WAA during the primary term of the new agreement continues the practice from the current agreement which provides \$37.15 per parking space for 402 parking spaces, multiplied by the percent of hotel occupancy. This compares to \$37.20 per parking space in the proposed agreement, and includes incremental increases up to \$45.20 in 2030. There are no land rent changes between the two agreements during the basic term, with a portion of the property being assessed at \$.035/sq.ft. per year and the remaining portion at \$.065/sq.ft. per year. Land rent increases are scheduled to increase one-half cent every five years. Estimated revenue during the first year of the new agreement is \$165,251, compared to \$165,070 in the current agreement. During the renewal option, which commences June 1, 2030, payment to the WAA will be based upon three percent of hotel room sales and two percent of food and beverage sales.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which enhance services provided to the traveling public and allow the Airport to continue its operation on a self-sustaining basis.

The Law Department has approved the agreement as to form.

Motion--
--carried

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

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(Agenda Item No. 51)
CINGULAR

SUBLEASE AGREEMENT-WICHITA AIRPORT HOTEL ASSOCIATION AND CINGULAR WIRELESS.

Victor White

Airport Director reviewed the item.

Agenda Report No. 07-0547

The Wichita Airport Authority has an agreement with Wichita Airport Hotel Associates for operation of the Hilton Inn on Wichita Mid-Continent Airport. The agreement states that the Tenant may enter into subleases with the prior written consent of the Landlord. The Landlord consents to the sublease, and the Tenant acknowledges that the sublease is subordinate to the primary lease agreement between the Wichita Airport Authority and Wichita Airport Hotel Associates.

Wichita Airport Hotel Associates has entered into an agreement with Cingular Wireless to install antennas and construct a small building to house communication equipment on the Hilton's leased premises. Installation of the antenna will provide improved reception for the hotel's cellular customers and the surrounding areas.

There is no financial impact to the Wichita Airport Authority.

The Airport's contribution to the economic vitality of Wichita is promoted by utilizing existing facilities to the fullest extent.

The Law Department has approved the sublease agreement as to form.

Motion--
--carried

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

(Agenda Item No. 52)
SMARTE CARTE

SMARTE CARTE, INC. -SUPPLEMENTAL AGREEMENT NO. 1.

Victor White

Airport Director reviewed the item.

Agenda Report No. 07-0548

Smarte Carte entered into an agreement with the Wichita Airport Authority on October 12, 2004 for the purpose of providing self-service luggage carts for use by passengers in the terminal building who elect to transport their own luggage.

Smarte Carte is desirous of adjusting the price from \$2.00 to \$3.00 for the use of the carts. Smarte Carte provides three units that accommodate ten carts each. These units are located in the baggage claim area and on each concourse. They offer an alternative to passengers who are in need of assistance, but elect not to use the skycap services.

The WAA receives 10% of the gross sales from rental of each cart. Twenty-five cents is returned to the user who replaces the cart in the cart unit. Smarte Carte is responsible for the once weekly collection/service visits, at no cost to the WAA.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements that allow the Airport to serve its users and to continue its operation on a self-sustaining basis.

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

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Council Member Skelton Council Member Skelton asked why does this company want to raise the cost of cart rental.

Victor White Airport Director stated they did a survey of the number of airports around the country of our size and in the geographical area and \$3.00 is the typical rate that they found and as much as they would prefer to keep the cost low, the company is not making much money at the \$2.00 rate.

Council Member Skelton Council Member Skelton stated the company is just not doing well and he owns a business and would like to increase his prices too. Stated if the company is in trouble and needs revenue that is one thing but if we are going to just do this because of what the national average is, he does not know if that is right.

Victor White Airport Director stated their primary goal is to keep their costs to all of their customers in every different angle of their business, as low as possible. Stated the company is not in trouble as a whole, they are just not making their revenue targets here in Wichita and they thought very carefully about denying this and turning them down but thought they would give them a try and see what happens. Stated if the usage of the carts decreases as a result of the revenue, then they will know this was a mistake and will go back to them and have them adjust it.

Council Member Skelton Council Member Skelton stated he would have to have more information before he could support this today.

Motion-- Brewer moved that the Supplemental Agreement No. 1 be approved and the necessary signatures authorized. Motion carried 5 to 1; (Skelton, no).
--carried

SUPP AGRMNT

SUPPLEMENTAL AGREEMENT NO. 4-PROFESSIONAL INSURANCE MANAGEMENT 2120 AIRPORT ROAD, WICHITA MID-CONTINENT AIRPORT

Agenda Report No. 07-0549

Professional Insurance Management (PIM) leases the majority of an office facility located at 2120 Airport Road. The company is interested in exercising a three-year renewal option included in their current agreement.

The Martens Companies conducted an appraisal of this facility and recommended a rental rate of \$9.00 per sq.ft. PIM leases 1,653 sq.ft. on the first floor, and the entire second floor which consists of 4,213 sq.ft. Utility, janitorial, and minor maintenance expenses are the responsibility of the tenant.

Annual revenue to the Airport Authority is \$52,790 per year.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which allow the Airport to serve its users and to continue its operation on a self-sustaining basis.

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

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

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CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS:

Council Member Fearey Council Member Fearey requested to appoint the following persons: Art and Design Board, Ron Doty; Board of Appeals of Air Conditioning Refrigeration Warm Air Heating and Boilers, John Sheppard, Jr.; Board of Appeals of Plumbers and Gas Fitters, Jerry Short; Board of Code Standards and Appeals, Warren Willenberg; Board of Park Commissioners, Janet Miller; Board of Zoning Appeals, Bickley Foster; Historic Preservation Board, Jim Guy; Juvenile Corrections Advisory Board, Kathy Dittmer; Library Board Kathy Landwehr Bailey; Wichita Airport Advisory Board, Charles Fletcher; Wichita Area Sister Cities Board, Jean Schodorf; and Wichita Employees Retirement Board, Bob Wine.

Council Member Longwell Council Member Longwell requested to appoint the following persons: Board of Park Commissioners, Bryan Frye; Board of Zoning Appeals, John Marker; Library Board, Barbara Baker and Evelyn Neier; Metropolitan Area Planning Commission, David Dennis; Police and Fire Board of Trustees, Marvin Fisher; Wichita Airport Advisory Board, Jay Russell; Wichita Area Sister Cities Board, Ann Brooks; and DAB V Members, David Dennis, Bryan Frye, Kenton Cox, Mike Hill, Darrell Lafew, Mike Bell, Jay Buckmaster, Kelly Watkins, Jay Flynn, and a Bishop Carroll student, Logan Fritz.

Council Member Gray Council Member Gray requested to appoint the following persons: Doug Leeper, Park Commission Board; reappoint Ken Saboskwy, Cultural Funding Committee; reappoint Kim Edgington, Historic Preservation Board; reappoint Darrell Downing, Metropolitan Area Planning Commission; reappoint Edward Koon, Access Advisory Board; reappointCarolynn Connie, Employees Retirement Board; DAB IV members, Michael Giseck; Joshua Blick, Jim Benton, Tom Engleman, Ed Koon, Gerald Marsh, Hescal Suell, Mary Cockburn, Peggy Bennett, and Nancy Wilhite.

Motion--carried Brewer moved to approve the appointments. Motion carried 6 to 0.

TRAVEL EXPEND.

APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND U.S. CONFERENCE OF MAYORS ANNUAL MEETING IN LOS ANGELES, CA. JUNE 21-26.

Motion--carried Vice Mayor Fearey moved to approve the travel expenditures. Motion carried 6-0.

RECESS

EXECUTIVE SESSION

Motion-- Mayor Brewer moved that the City Council recess into Executive Session at 11:19 a.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, legal advice, and contract negotiations, and matters relating to employer-employee negotiations, and that the Council return from Executive Session no earlier than 12:00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 6-0.

--carried

RECONVENE

The Council reconvened in the City Council Chambers at 12:16 p.m.

Motion-- Mayor Brewer moved that the City Council authorize the Exit Agreement with the Wranglers and authorize the issuance of an RFP for the replacement of the Wranglers. Motion carried 6 to 0.

--carried

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ADJOURNMENT

Motion--carried Mayor Brewer moved at 12:17 p.m. that the meeting be adjourned. Motion carried 6 to 0.

Respectfully Submitted,

Karen Sublett, CMC
City Clerk

Water Utilities Tour followed