

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 15, 2007
Tuesday, 9:09 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.

Ashok Aurora, Hindu faith 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 8, 2007, approved 6 to 0.

--Proclamations

Proclamations:

Mayor Brewer read aloud the following Proclamations:

- AmeriCorps Week
- Keeper of the Plains Week

--Recognition

Recognition:

Mayor Brewer recognized and honored the six athletes who are bicyclists from our Sister City, Tlalnepantla, Mexico and presented each of them with a City medallion. Special recognition was given to the eldest bicyclist, who is 72 years old.

They bicyclist presented Mayor Brewer with gifts sent by their Mayor and thanked Wichita for their friendship and making each of them feel as though they are a part of this great family.

CONSENT AGENDA

Council Member Fearey Council Member Fearey requested that item 12 be pulled.

Motion--
--carried

Brewer moved that the Consent Agenda items 1-15g., except item 12, be approved in accordance with the recommended action. Motion carried 6-0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 14, 2007.

Bids were opened May 4, 2007, pursuant to advertisements published on:

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

Lateral 39, Main 1 Cowskin Interceptor Sewer to serve Rainbow Lakes West Addition south of Central, east of 119th Street West (468-84168/744180/480868) Does not affect existing traffic. (District V)

Dondlinger and Sons Construction* - \$151,483.13
*(Negotiated to Engineer's Estimate)

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2007 Contract Maintenance Mill & Overlay Phase 1 south of 45th Street North, east of 135th Street West (472-84515/132720/620469/133116/) Traffic to be maintained during construction using flagpersons and barricades. (District IV, V, VI)

Cornejo & Sons Construction* - \$720,463.00

*(Engineer's Estimate)

Pepper Ridge from the north line of the plat south to the north line of Conrey; High Point from the west line of Pepper Ridge, west to the east line of Lot 5, Block B; Conrey from the west line of Lot 14, Block A, west to the west line of Lot 9, Block C; Conrey Court from the south line of Conrey, south to and including the cul-de-sac; Sidewalk on Pepper Ridge, High Point and Conrey to serve Tyler's Landing 3rd Addition south of 37th Street North, east of Tyler (472-84263/766124/490142) Does not affect existing traffic. (District V)

Cornejo & Sons Construction - \$182,894.00

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.

--carried

Motion carried 6-0.

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Calcium Chloride Pellets 94%-97%.

Brenntag Southwest Inc* - \$51,520.00

*Estimate – Contract approved on unit cost basis.

Motion--

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

--carried

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Evan Nguyen	Quick Pick	3733 North Arkansas
Joseph Weber	Club Billiards*	925 West Douglas
<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Mdarifo Rahman	Gulmohur Inc.	1161 North Broadway
<u>New Operator</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Craig D. Ellis	CD Enterprises/Phillips 66	550 North Webb Road

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

Motion--

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

--carried

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PRELIM. EST.

PRELIMINARY ESTIMATE:

- a. Westlakes Courts serving Lots 14 through 41, Block 4, from the south line of Westlakes Parkway to and including the cul-de-sacs to serve Fox Ridge Addition, north of 29th Street North, east of Maize (472-84470/766119/490137) Does not affect existing traffic. (District V) - \$250,000.

Motion--carried

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

PETITION

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

Agenda Report No. 07-0453

On December 7, 2004, the City Council approved Petitions to construct Paving and Water Distribution System Improvements in The Fairmont 3rd Addition. 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 north of 21st Street, west of 127th St. East.

The existing Petitions total \$154,000 with the total assessed to the improvement district. The new Petitions total \$185,000 with the total assessed to the improvement district.

The projects address the Efficient Infrastructure goal by providing paving and water system 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. 07-302

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90028, The Fairmont Third Addition, 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: Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-303

Resolution of findings of advisability and resolution authorizing constructed pavement on Woodridge from the north line of the Plat south to the north line of Lot 22, Block A.; on Woodridge Circle, from the north line of Lot 22, Block A, south to and in including the cul-de-sac; and on Woodridge Court from the west line of Woodridge,, south to and including the cul-de-sac, 472,84137, 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: Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

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PETITION

DRAINAGE IMPROVEMENTS IN KRUG SOUTH ADDITION AND AN UNPLATTED TRACT, SOUTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 07-0454

On February 13, 2007, the City Council approved Petitions to construct drainage improvements in Krug South Addition and an unplatted tract. 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 new residential and commercial development located south of 21st Street, west of 143rd St. East.

The existing Petitions total \$689,000 with the total assessed to the improvement district. The new Petitions total \$921,000 with the total assessed to the improvement district.

The projects address the Efficient Infrastructure goal by providing 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. 07-304

Resolution of findings of advisability and resolution authorizing improving Storm Water Sewer No. 628(south of 21st, west of 143rd Street East) 468-84325, 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: Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-305

Resolution of findings of advisability and resolution authorizing improving Storm Water Sewer No.320 (south of 21st, west of 143rd Street East) 468-84327, 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: Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

COST STATEMENTS STATEMENT OF COSTS:

- a. George Washington Boulevard and Mt. Vernon Intersection (Design and Construction). Total Cost - \$493,993.85; (plus temporary note financing - \$711.51; plus idle fund interest - \$844.45; - less KDOT reimbursements - \$376,249.81; less interfund transfers - \$88,000.00; less financing previously issued - \$20,000.00). Financing to be issued at this time – \$11,300.00. (706792/472-83168/200-246).
- b. 2001 Arterial Design Program. Total Cost - \$299,502.67; (plus temporary note financing - \$161.39; plus idle fund interest - \$1,735.94; - less Financing from Transfer In - \$10,000.00; less interfund transfers - \$195,000.00; less financing previously issued - \$85,000.00). Financing to be issued at this time – \$11,400.00. (706811/472-83314/201-276).

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- c. 29th Street North from Rock Road to Webb Road (Construction). Total Cost - \$2,227,184.16; (plus temporary note financing - \$924.00; plus idle fund interest - \$1,827.01; - less KDOT reimbursements - \$1,468,235.17; less financing from Interfund Transfers - \$690,000.00; less financing previously issued - \$50,000.00). Financing to be issued at this time – \$21,700.00. (706841/472-83519/202-307).
- d. Central from Maize to Tyler (Construction). Total Cost - \$1,568,979.31; (plus temporary note financing - \$415.80; less idle fund interest - \$1,538.77; - less KDOT reimbursements - \$1,094,233.88; less financing from Interfund Transfers - \$450,000.00; less financing previously issued - \$20,000.00). Financing to be issued at this time – \$6,700.00. (706848/472-83659/203-314).
- e. Harry from Oliver to Woodlawn (Construction). Total Cost - \$1,782,837.19; (plus temporary note financing - \$988.89; plus idle fund interest - \$3,810.74; - less KDOT reimbursements - \$1,281,336.82; less financing from Interfund Transfers - \$428,000.00; less financing previously issued - \$52,000.00). Financing to be issued at this time – \$26,300.00. (706852/472-83685/203-318).
- f. Central from Oliver to Woodlawn (Design). Total Cost - \$132,671.95; (plus temporary note financing - \$795.88; plus idle fund interest - \$1,032.17; - less financing from Transfer In - \$41,500.00; less financing from Interfund Transfers - \$85,000.00; less financing previously issued - \$0). Financing to be issued at this time – \$8,000.00. (706862/472-83754/203-328).
- g. Main from Douglas to Murdock (Construction). Total Cost - \$1,060,124.06; (plus temporary note financing - \$360.20; plus idle fund interest - \$3,715.74; - less financing from Transfer In - \$27,000.00; less financing from Interfund Transfers - \$1,016,000.00; less financing previously issued - \$0). Financing to be issued at this time – \$21,200.00. (706864/472-83811/203-330).
- h. Harry Street and McLean Boulevard Intersection (Construction). Total Cost - \$668,336.39; (plus temporary note financing - \$835.18; plus idle fund interest - \$1,504.64; - less KDOT reimbursements - \$483,576.21; less financing from Interfund Transfers - \$150,000.00; less financing from Transfer In - \$25,000.00; less financing previously issued - \$0). Financing to be issued at this time – \$12,100.00. (706865/472-83781/204-331).
- i. Hydraulic from 47th Street to 57th Street (Construction). Total Cost - \$3,987,226.61; (plus temporary note financing - \$7,841.39; plus idle fund interest - \$14,462.37; - less KDOT reimbursements - \$2,738,730.37; less financing from Interfund Transfers - \$654,000.00; less financing from Transfer In - \$530,000.00). Financing to be issued at this time – \$86,800.00. (706877/472-83902/204-343).
- j. Pawnee from Meridian to Seneca (Design). Total Cost - \$94,666.00; (plus temporary note financing - \$724.54; plus idle fund interest - \$1,109.46; - less financing from Interfund Transfers - \$30,000.00; less financing from Transfer In - \$30,000.00). Financing to be issued at this time – \$36,500.00. (706893/472-84012/204-359).
- k. Harry from K-42 to Meridian (Design and Construction). Total Cost - \$1,312,334.08; (plus temporary note financing - \$21,774.09; plus idle fund interest - \$21,891.83; - less financing from Transfer In - \$387,000.00; less financing previously issued - \$0). Financing to be issued at this time – \$969,000.00. (706900/472-84001/204-366).
- l. 29th Street North from 119th Street West to Maize Road (Design). Total Cost - \$93,712.78; (plus temporary note financing - \$937.31; plus idle fund interest - \$349.91; - less financing from Interfund Transfers - \$20,000.00; less financing from Transfer In - \$50,000.00; less financing previously issued - \$0). Financing to be issued at this time – \$25,000.00. (706901/472-83982/204-367).

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- m. 2005 Arterial Street Rehabilitation – Hydraulic from 37th Street North and Meridian (Construction). Total Cost - \$384,660.32; (plus temporary note financing - \$5,273.88; plus idle fund interest - \$8,565.80; - less financing from Interfund Transfers - \$0; less financing previously issued - \$0). Financing to be issued at this time – \$398,500.00. (706926/472-84158/205-392).
- n. 151st Street West from Kellogg to Maple (Design & Construction). Total Cost - \$265,233.80; (plus temporary note financing - \$4,180.19; plus idle fund interest - \$4,686.01; - less financing from Interfund Transfers - \$0; less financing previously issued - \$0). Financing to be issued at this time – \$274,100.00. (706939/472-84318/205-405).
- o. Lincoln from Hillside to Oliver (Design). Total Cost - \$10,339.18; (plus temporary note financing - \$0; plus idle fund interest - \$60.82; - less financing from Interfund Transfers - \$0; less financing previously issued - \$0). Financing to be issued at this time – \$10,400.00. (706943/472-84307/205-409).
- p. 2006 Arterial Street Rehabilitation – 135th Street West, Maple to Central and 37th Street North, between Maize and Tyler (Construction). Total Cost - \$348,721.89; (plus temporary note financing - \$1,117.12; plus idle fund interest - \$8,260.99; - less financing from Interfund Transfers - \$0; less financing previously issued - \$0). Financing to be issued at this time – \$358,100. (706957/472-84429/206-423).
- q. 1998/99 Intersection Program: Seneca and Maple; Pawnee and Oliver; Central, McLean and Meridian; Meridian and McCormick; Seneca and McCormick (Construction). Total Cost - \$2,783,402.63; (plus temporary note financing - \$86,115.90; less idle fund interest - \$23,050.54; - less KDOT reimbursements - \$650,267.99; less financing from Interfund Transfers - \$1,181,400.00; less financing from Transfer In - \$664,000.00; less financing previously issued - \$300,000.00). Financing to be issued at this time – \$50,800.00. (706663/472-82910/208-220).
- r. 29th Street North from Oliver to Woodlawn (Construction). Total Cost - \$1,254,598.10; (plus temporary note financing - \$2,999.85; less idle fund interest - \$12,273.74; - less KDOT reimbursements - \$882,524.21; less financing from Interfund Transfers - \$270,000.00; less financing from Transfer In - \$15,000.00; less financing previously issued - \$60,000.00). Financing to be issued at this time – \$17,800.00. (706754/472-82996/208-229).
- s. Harry from Webb Road to Greenwich Road (Construction). Total Cost - \$1,764,509.58; (plus temporary note financing - \$0; plus idle fund interest - \$3,326.26; - less KDOT reimbursements - \$1,276,635.84; less financing from Interfund Transfers - \$445,000.00; less financing previously issued - \$30,000.00). Financing to be issued at this time – \$16,200.00. (706771/472-83091/209-232).
- t. Pawnee Bridge at Dry Creek (Design). Total Cost - \$34,318.21; (plus temporary note financing - \$0; plus idle fund interest - \$581.79; - less KDOT reimbursements - \$0; less financing from Interfund Transfers - \$0; less financing previously issued - \$32,000.00). Financing to be issued at this time – \$2,900.00. (715664/472-83045/248-096).
- u. Kansas Aviation Museum Restoration – Phase 2 (Construction). Total Cost - \$745,116.00; (plus temporary note financing - \$0; less idle fund interest - \$0; - less KDOT reimbursements - \$720,116.00; less financing from Interfund Transfers - \$0; less financing previously issued - \$0). Financing to be issued at this time – \$25,000.00. (792419/435-389).

PARTIAL STATEMENTS OF COST:

- v. (Fifth Partial) Estimate of Cost for McCormick Realignment (Construction) – Total Cost - \$1,294,500; less financing previously issued - \$165,500. Financing to be issued at this time - \$1,129,000. (706866/472-83831/203-332).

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- w. (Fourth Partial) Estimate of Cost for Hillside, Kellogg to Central (Construction) – Total Cost - \$3,182,320; less KDOT Reimbursements - \$2,144,381; less financing previously issued - \$559,439. Financing to be issued at this time - \$478,500. (706867/472-83862/204-333).
- x. (Sixth Partial) Estimate of Cost for Pawnee, Washington to Hydraulic (Construction) – Total Cost - \$2,693,409; less KDOT Reimbursements - \$773,409; less financing previously issued - \$1,618,900. Financing to be issued at this time - \$301,100. (706869/472-83858/204-335).
- y. (Fifth Partial) Estimate of Cost for Pawnee and Washington Intersection (Construction) – Total Cost - \$228,700; less KDOT Reimbursements - \$0; less financing previously issued - \$215,300. Financing to be issued at this time - \$13,400. (706870/472-83859/204-336).
- z. (Third Partial) Estimate of Cost for Central, Oliver to Woodlawn (Construction) – Total Cost - \$2,318,381; less KDOT Reimbursements - \$1,388,481; less financing previously issued - \$192,600. Financing to be issued at this time - \$737,300. (706871/472-83873/204-337).
- aa. (Fourth Partial) Estimate of Cost for Central Avenue, Woodlawn to Rock (Construction) – Total Cost - \$2,020,422; less Federal to State Reimbursements - \$0; less KDOT Reimbursements - \$1,450,822; less financing previously issued - \$57,600. Financing to be issued at this time - \$512,000. (706872/472-83874/204-338).
- bb. (Second Partial) Estimate of Cost for West Street, Maple to Central (Construction) – Total Cost - \$305,900; less financing previously issued - \$115,400. Financing to be issued at this time - \$190,500. (706890/472-83979/204-356).
- cc. (Fourth Partial) Estimate of Cost for MacArthur, Meridian to Seneca (Design) – Total Cost - \$177,200; less financing previously issued - \$138,600. Financing to be issued at this time - \$38,600. (706896/472-83996/204-362).
- dd. (Second Partial) Estimate of Cost for Central, 135th Street West to 119th Street West (Design) – Total Cost - \$117,900; less financing previously issued - \$75,000. Financing to be issued at this time - \$42,900. (706898/472-84017/204-364).
- ee. Removed from List.
- ff. (Third Partial) Estimate of Cost for Pawnee and McLean Intersection (Construction) – Total Cost - \$615,199; less KDOT Reimbursements - \$382,699; less financing previously issued - \$30,000. Financing to be issued at this time - \$202,500. (706906/472-84007/204-372).
- gg. (Third Partial) Estimate of Cost for 2005 Arterial Sidewalk and Wheelchair Program (Construction) – Total Cost - \$363,000; less financing previously issued - \$207,900. Financing to be issued at this time - \$155,100. (706915/472-84142/205-381).
- hh. (Fourth Partial) Estimate of Cost for 29th Street North, 119th Street West to Maize Road (Construction) – Total Cost - \$510,000; less KDOT Reimbursements - \$0; less financing previously issued - \$60,000. Financing to be issued at this time - \$450,000. (706919/472-84185/205-385).
- ii. (Second Partial) Estimate of Cost for 37th Street North, Tyler to Ridge (Construction) – Total Cost - \$2,087,887; less KDOT Reimbursements - \$1,286,887; less financing previously issued - \$51,000. Financing to be issued at this time - \$750,000. (706920/472-84186/205-386).
- jj. (Third Partial) Estimate of Cost for Gyp Creek Bike Path (Construction) – Total Cost - \$35,000; less KDOT Reimbursements - \$0; less financing previously issued - \$21,000. Financing to be issued at this time - \$14,000. (706921/472-84194/205-387).
- kk. (Third Partial) Estimate of Cost for Hydraulic, 63rd Street South to 57th Street South (Design and Construction) – Total Cost - \$2,290,200; less County Reimbursements - \$500,000; less

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- financing previously issued - \$806,000. Financing to be issued at this time - \$984,200. (706922/472-84118/205-388).
- ll. (Third Partial) Estimate of Cost for 21st North, Oliver to Woodlawn (Construction) – Total Cost - \$1,534,843; less KDOT Reimbursements - \$1,144,843; less financing previously issued - \$200,000. Financing to be issued at this time - \$190,000. (706923/472-84235/205-389).
- mm. (Second Partial) Estimate of Cost for Maize and Westport Intersection (Construction) – Total Cost \$278,794; less KDOT Reimbursements - \$242,794; less financing previously issued - \$0. Financing to be issued at this time - \$36,000. (706924/472-84244/205-390).
- nn. (Second Partial) Estimate of Cost for 13th and Broadway Intersection (Construction) – Total Cost - \$500,800; less KDOT Reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$500,800. (706925/472-84178/205-391).
- oo. (Third Partial) Estimate of Cost for Ridge and Maple Intersection (Construction) – Total Cost - \$346,007; less KDOT Reimbursements - \$236,807; less financing previously issued - \$24,000. Financing to be issued at this time - \$85,200. (706927/472-84258/205-393).
- pp. (Second Partial) Estimate of Cost for Greenwich, 13th Street North to 27th Street North (Construction) Total Cost - \$5,607,263; less KDOT Reimbursements - \$4,067,063; less financing previously issued - \$300,000. Financing to be issued at this time - \$1,240,200. (706929/472-84274/205-395).
- qq. (Third Partial) Estimate of Cost for Pawnee, west of Palisade to Water Street (Construction) – Total Cost - \$1,298,032; less KDOT Reimbursements - \$899,732; less financing previously issued - \$19,000. Financing to be issued at this time - \$379,300. (706932/472-84283/205-398).
- rr. (Third Partial) Estimate of Cost for 13th, I-135 to Woodlawn (Construction) – Total Cost - \$133,300; less financing previously issued - \$24,000. Financing to be issued at this time - \$109,300. (706933/472-84320/205-399).
- ss. (Second Partial) Estimate of Cost for 21st Street and Broadway Intersection (Construction) – Total Cost - \$76,100; less financing previously issued - \$0. Financing to be issued at this time - \$76,100. (706934/472-84295/205-400).
- tt. (Third Partial) Estimate of Cost for 47th Street South, Meridian to Seneca (Construction) – Total Cost - \$93,000; less financing previously issued - \$37,000. Financing to be issued at this time - \$56,000. (706935/472-84296/205-401).
- uu. (Third Partial) Estimate of Cost for 55th Street South and Broadway Intersection (Construction) – Total Cost - \$42,700; less financing previously issued - \$26,000. Financing to be issued at this time - \$16,700. (706936/472-84305/205-402).
- vv. (Second Partial) Estimate of Cost for 119th Street West, Kellogg to Maple (Construction) – Total Cost - \$53,200; less financing previously issued - \$0. Financing to be issued at this time - \$53,200. (706937/472-84306/205-403).
- ww. (First Partial) Estimate of Cost for 135th Street West, Maple to Central (Construction) – Total Cost \$68,300; less financing previously issued - \$0. Financing to be issued at this time - \$68,300. (706938/472-84308/205-404).
- xx. (First Partial) Estimate of Cost for Central and Tyler Intersection (Construction) – Total Cost - \$66,600; less financing previously issued - \$13,000. Financing to be issued at this time - \$53,600. (706940/472-84311/205-406).

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- yy. (Second Partial) Estimate of Cost for Greenwich, Harry to Kellogg (Construction) – Total Cost - \$100,400; less financing previously issued - \$0. Financing to be issued at this time - \$100,400. (706941/472-84301/205-407).
- zz. (Second Partial) Estimate of Cost for Hydraulic, Harry to Kellogg (Construction) – Total Cost - \$15,500; less financing previously issued - \$0. Financing to be issued at this time - \$15,500. (706942/472-84310/205-408).
- aaa. (Third Partial) Estimate of Cost for Meridian, 47th Street South to 31st Street South (Construction) – Total Cost - \$77,600; less financing previously issued - \$38,000. Financing to be issued at this time - \$39,600. (706944/472-84302/205-410).
- bbb. (First Partial) Estimate of Cost for Mt. Vernon between Broadway and the Arkansas River (Construction) – Total Cost - \$14,900; less financing previously issued - \$0. Financing to be issued at this time - \$14,900. (706946/472-84289/205-412).
- ccc. (Second Partial) Estimate of Cost for Pawnee, K-15 to Hillside (Construction) – Total Cost - \$48,100; less financing previously issued - \$0. Financing to be issued at this time - \$48,100. (706947/472-84303/205-413).
- ddd. (First Partial) Estimate of Cost for Woodlawn between Lincoln and Kellogg (Construction) – Total Cost - \$40,900; less financing previously issued - \$0. Financing to be issued at this time - \$40,900. (706948/472-84304/205-414).
- eee. (Second Partial) Estimate of Cost for Arkansas River Bike Path between Galena and George Washington Boulevard (Construction) – Total Cost - \$86,000; less financing previously issued - \$0. Financing to be issued at this time - \$86,000. (706949/472-84319/205-415).
- fff. (Third Partial) Estimate of Cost for Central and Oliver Intersection (Construction) – Total Cost - \$98,800; less financing previously issued - \$15,000. Financing to be issued at this time - \$83,800. (706950/472-84362/206-416).
- ggg. (Second Partial) Estimate of Cost for Pawnee, Maize to 119th Street West (Construction) – Total Cost \$147,000; less KDOT Reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$147,000. (706951/472-84357/206-417).
- hhh. (Second Partial) Estimate of Cost for MacArthur, Meridian to Seneca (Construction) – Total Cost - \$125,800; less KDOT Reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$125,800. (706952/472-84358/206-418).
- iii. (First Partial) Estimate of Cost for 17th Street North, Broadway to I-135, Phase I Drainage (Construction) – Total Cost - \$456,700; less financing previously issued - \$0. Financing to be issued at this time - \$456,700. (706953/472-84392/206-419).
- jjj. (First Partial) Estimate of Cost for 21st Street, K-96 to 159th Street East (Construction) – Total Cost - \$11,000; less financing previously issued - \$0. Financing to be issued at this time - \$11,000. (706954/472-84394/206-420).
- kkk. (First Partial) Estimate of Cost for Greenwich, 26th to 29th Street North (Construction) – Total Cost - \$742,693; less KDOT Reimbursements - \$556,993; less financing previously issued - \$0. Financing to be issued at this time - \$185,700. (706955/472-84415/206-421).
- lll. (Second Partial) Estimate of Cost for Pawnee, Meridian to Seneca (Construction) – Total Cost - \$89,563; less KDOT Reimbursements - \$4,263; less financing previously issued - \$0. Financing to be issued at this time - \$85,300. (706958/472-84356/206-424).
- mmm. (First Partial) Estimate of Cost for Greenwich Road, between Central and 13th Street North (Design only) – Total Cost - \$58,300; less financing previously issued - \$0. Financing to be issued at this time - \$58,300. (706959/472-84435/206-425).

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- nnn. (Second Partial) Estimate of Cost for 15th Street Bridge at Drainage Canal (Construction) – Total Cost - \$17,300; less financing previously issued - \$0. Financing to be issued at this time - \$17,300. (715687/472-83512/242-103).
- ooo. (Third Partial) Estimate of Cost for Arkansas River Pedestrian Bridges over Arkansas River and Little Arkansas River, North of 1st Street (Construction) – Total Cost - \$7,588,114; less KDOT Reimbursements - \$2,797,714; less financing previously issued - \$3,000,000. Financing to be issued at this time - \$1,790,400. (715691/472-83416/242-107).
- ppp. (First Partial) Estimate of Cost for Central Railroad Corridor (Construction) – Total Cost - \$22,878,996; less KDOT Reimbursements - \$17,881,996; less financing previously issued - \$0. Financing to be issued at this time - \$4,997,000. (715235/472-84071/242-235).
- qqq. (Third Partial) Estimate of Cost for Oliver Bridge at Gypsum Creek (Construction) – Total Cost - \$779,823; less KDOT Reimbursements - \$533,423; less financing previously issued - \$87,000. Financing to be issued at this time - \$159,400. (715703/472-84184/245-119).
- rrr. (Second Partial) Estimate of Cost for 13th Street at Little Arkansas River (Construction) – Total Cost - \$57,000; less financing previously issued - \$0. Financing to be issued at this time - \$57,000. (715705/472-84314/245-121).
- sss. (Second Partial) Estimate of Cost for 21st Street Overpass, Broadway to I-135 (Construction) – Total Cost - \$114,800; less financing previously issued - \$11,000. Financing to be issued at this time - \$103,800. (715706/472-84312/245-122).
- ttt. (Second Partial) Estimate of Cost for 11th Street Bridge at the Wichita Drainage Canal (Construction) – Total Cost - \$489,037; less KDOT Reimbursements - \$337,837; less financing previously issued - \$0. Financing to be issued at this time - \$151,200. (715710/472-84396/246-126).
- uuu. (Eighth Partial) Estimate of Cost for Arkansas Riverbank Improvements (Construction) – Total Cost - \$17,016,700; less Federal to State Reimbursements - \$0; less financing previously issued - \$12,618,000. Financing to be issued at this time - \$4,398,700. (706556/472-82799/405-209).
- vvv.. (Fourth Partial) Estimate of Cost for Kellogg/135th Street West to Tyler Freeway Improvements - \$57,837,825; less financing previously issued - \$50,488,825. Financing to be issued at this time - \$7,349,000. (700906/400-200).
- www. (First Partial) Estimate of Cost for Kellogg/Maize to Mid. Continent Road Freeway Improvements - \$505,000; less financing previously issued - \$0. Financing to be issued at this time - \$505,000. (702319/400-400).
- xxx. (Fourth Partial) Estimate of Cost for Kellogg/Woodlawn Freeway Improvements - \$29,716,175; less financing previously issued - \$26,661,175. Financing to be issued at this time - \$3,055,000. (700773/401-212).
- zzz. (Third Partial) Estimate of Cost for Kellogg/Rock Road Freeway Improvements - \$59,521,000; less financing previously issued - \$33,550,000. Financing to be issued at this time - \$25,971,000. (700757/401-311).
- aaaa. (Second Partial) Estimate of Cost for Kellogg/Webb Road to K-96 Freeway Improvements - \$9,320,000; less financing previously issued - \$5,700,000. Financing to be issued at this time - \$3,620,000. (702019/401-400).

Motion--carried

Brewer moved to receive and file the statement of costs. Motion carried 6 to 0.

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STREET CLOSURE **COMMUNITY EVENTS. (DISTRICT I)**

Agenda Report No. 07-0455

In accordance with the Community Events Procedure, the event promoter Brian West with Bikers Edge is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Bikers Edge 50th Birthday Party, June 9 & 10, 2007 8:00 am – 6:00 pm each day

- Central Avenue, Ohio Street to Indiana Street

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Enhance the Quality of Life

Motion--

Brewer moved that the request be approved subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 6 to 0.

--carried

SKATEPARK

EDGEMOOR PARK SKATEPARK. (DISTRICT II)

Agenda Report No. 07-0456

On October 17, 2006, City Council approved the initiation of the 2007 Park Capital Improvement Program (CIP) general obligation funding for the renovation of park facilities. Since that time, the Park Department has developed a Request for Proposal (RFP) to select companies that are best qualified to provide a design-build skatepark at Edgemoor Park. The department has been planning to build a skatepark at Edgemoor Park for ten years.

On February 23, 2007 the City received proposals from two companies. The Staff Screening Selection Committee (SSSC) met on April 11, 2007 to observe both firm's presentations. The SSSC selected the firm of American Ramp Company based on the specific merits of their proposal that related to park history, submitted sample design, number of skate elements and willingness to involve the community in the final design.

The 2007 Park CIP includes \$400,000 for the renovation of park facilities. The funding source is general obligation bonds. The anticipated cost of the design-build is \$160,422.66

This addition/improvement in the Edgemoor Park will help to support a dynamic core area and vibrant neighborhood in addition to improving the quality of life for citizens and participants.

The Law Department has approved the contract as to form.

Motion--

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

--carried

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**NORTHGATE ADD. NORTHGATE ADDITION, NORTH OF 53RD STREET NORTH, WEST OF MERIDIAN.
(DISTRICT VI)**

Agenda Report No. 07-0458

The City Council approved the storm water drainage improvements in Northgate Addition on October 24, 2006.

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

Payment to Baughman will be on a lump sum basis of \$40,900 and will be paid by special assessments.

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

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

Motion--
--carried

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

CHERYL'S HOLLOW CHERYL'S HOLLOW 2ND ADDITION, NORTH OF 13TH, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 07-0459

The City Council approved the water, sanitary sewer and paving improvements in Cheryl's Hollow 2nd Addition on April 3, 2007.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements consisting of water, sanitary sewer and paving in Cheryl's Hollow 2nd Addition. Per Administrative Regulation 1.10, staff recommends that R&B be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to R&B will be on a lump sum basis of \$48,100 and will be paid by special assessments.

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

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

Motion--
--carried

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

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BOARDS/COMMISS. MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District IV Advisory Board, March 7, 2007
District IV Advisory Board, April 4, 2007

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

UPGRADE PURCHASE OF DIGITAL DICTATION SYSTEM UPGRADE AND MAINTENANCE AGREEMENT.

Agenda Report No. 07-0460

The Police Department has recorded narrative reports from Police Officers for a number of years. The cassette-based tape equipment for recording the officer's reports was used for 18 years when it could no longer be repaired or kept serviceable. The new digital technology had already become the standard in 1999 when the Records Bureau solicited for a digital dictation system. From the products and companies that responded to the RFP it was found that the Digital Voice Incorporated (DVI) product from Voice Products, Inc. in Wichita was by far the most robust. DVI provided a stand-alone system that did not open criminal files to vendors and was fully supported in Wichita. Since the system was purchased the Police Department has now reached a point where the transcriptionists' phone instruments are failing and the telephone interface is no longer available. Failure of this interface circuit card would prevent any additional input of reports to the system. The Dolbey Company has purchased the DVI software company and other digital recording companies improving the product in the last few years. The new upgrade Fusion product is fully compatible with the Police Departments existing proprietary system files and allows a major enhancement without any conversion expense. The Police Records Bureau also can continue to use the current city networked transcriptionists' computers. The system is still maintained by the local vendor Voice Products Inc.

Since Voice Products, Inc. was originally selected and has provided outstanding support of the system software and hardware. This purchase is an "evergreen" upgrade to the software. As long as the service contract is maintained all new software upgrades or even new product replacement will be provided at no additional cost. The vendor selected for assisting with some transcription of backlog has recently purchased the Fusion product because they also have found it to be an outstanding product. Time and effort savings could be gained with the improved dictation system and its ability to interface with that transcription vendor. The purchase includes \$41,672.50 for the server and software and \$38,413.21 for a five-year service contract to save on yearly price increases all funded by the grant.

The Wichita Police Department will fund the purchase with grant funding, it is estimated the total project will cost \$80,086.

Safe and secure community, this automated process will make the Wichita Police Department, Municipal Court and Prosecutor's Office more efficient.

Motion-- Brewer moved to approve purchasing issuing a purchase order to Voice Products Incorporated and
--carried that the necessary signatures be authorized. Motion carried 6 to 0.

CHENEY RESERV. REPAIR OF GATE ACTUATORS-CHENEY RESERVOIR.

Agenda Report No. 07-0461

Cheney Reservoir, constructed in 1965, is a major component of the City's water supply. It generally provides 60-to-70 percent of the water used by the City.

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One of the facilities at the reservoir is the Municipal Outlet Works. This facility allows the City to divert water from the reservoir to the pump station, which then pumps the City's water to the water treatment plant. During recent inspections by the Bureau of Reclamation, it was noted that the valve actuators used to open and close the four valves on the Municipal Outlet Works are bent, not operating properly and need to be replaced. The replacement work will be scheduled during non-peak water use periods.

As part of the 2006 adopted budget, City Council approved replacing the valve actuators at a cost of \$106,400. Actual cost to replace them, however, is significantly higher than anticipated, and additional funds for the replacement are not available in the current operating budget. The estimated cost to replace the actuators is \$170,000. Monies currently in the operations budget need to be reallocated to the capital budget. Funds for the project will come from Water Utility revenues and reserves, and/or a future revenue bond issue.

This action will ensure efficient infrastructure by providing reliable, compliant and secure utilities. The project assures adequate water supplies now and in the future, and is a critical component of the City's infrastructure.

City Council authorization is required to modify the Capital Improvement Program.

Motion--
--carried

Brewer moved that the modification to the CIP be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-311

A Resolution of the city of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$170,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

(Item 12)
OLD TOWN

OLD TOWN BOARDWALK PROJECT. (DISTRICT VI)

Agenda Report No.07-0462

A part of the infrastructure that was constructed for the development of Old Town as an entertainment district is a system of elevated pedestrian wooden boardwalks. Due to normal wear and the effect of weathering, the boardwalk wood deck is in need of replacement. Gaps between the boards have widened and have the potential to create trip hazards. The Old Town Association has expressed its support of the project.

The existing wood deck boards will be replaced with a manufactured product that is much more resistant to weather than natural wood. In some areas, the supporting structure will need to be reconstructed. Construction is planned to begin this spring.

The estimated project cost is \$160,000 with the total paid by the Old Town Tax Increment Financing District.

This project addresses the Efficient Infrastructure and Core Area goals by improving pedestrian travel in the Old Town Area.

The project will mitigate possible future liability by preventing trip hazards.

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Council Member Fearey Council Member Fearey stated that Staff needs to make sure that all of the ADA requirements are being taken care of.

Motion-- Fearey moved to defer until Staff has time to look at everything and bring back to the City Council.
--carried Motion carried 6 to 0.

KDOT GRANT

GRANT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION.

Agenda Report No. 07-0463

On May 10, 1999, Governor Bill Graves signed into law House Bill 2071, which provides for a new state Comprehensive Transportation Program (CTP). The CTP provides funding to address highway, shortline railroad, aviation, and public transportation needs over the next ten years.

Under the provision of the CTP, the City of Wichita has been allotted \$1,085,375 for FY 2008 (July 1, 2007 through June 30, 2008), which may be used for capital or operating expenditures.

The KDOT grant application process requires official action by the governing body authorizing the filing of grant applications, execution of approved grants, and receiving funds to administer the grant's program. The purpose of this action is to authorize the City of Wichita - Wichita Transit to file for eligible state funds in support of the City's transit services for capital purchases and operations. This action is similar to what the City filed for KDOT's FY 2007 funds last year.

A public hearing was held on May 10, 2007 at the Transit Operations Center to solicit public comment.

The grant will provide for continued KDOT-funded service enhancements, including enhanced midday fixed route operations, purchase of associated fuels, transit security program, and ADA paratransit support.

Funding from this grant will support transit's role in providing for an efficient and effective infrastructure, as well as quality of life objectives.

The \$1,085,375 funds are 100% grant supported and requires no matching funds. There are no City funds involved in this project.

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

Motion-- Brewer moved the City Council approve the filing for the grant with KDOT and authorize the Mayor to
--carried execute the contract. Motion carried 6 to 0.

FOP AGRMT.

2007-2009 FRATERNAL ORDER OF POLICE AGREEMENT.

Agenda Report No. 07-0464

The City Negotiator and the FOP Lodge #5 have reached an agreement on a Memorandum of Agreement for 2007-2009. The union membership has ratified the agreement.

The agreement will be in effect for the period of December 16, 2006 through December 25, 2009, and will provide a 4% annual cost of living adjustments for FOP members for 2007, 2008 and 2009. The increase for 2007 will be provided retroactively to December 16, 2006. The top wage for Police Sergeants will be adjusted by 2.5% each year of the contract.

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Other financial terms of the contact include:

- a \$120 increase in the annual educational pay allowance (from \$1,200 to \$1,320);
- a 20 cent increase (from 55 to 75 cents) in shift differential;
- a \$50 increase in clothing allowance in each year of the contact (from the current \$500 to \$650 in 2009);
- an increase of \$120 in annual specialty pay (from \$1,200 to \$1,320) ;
- and a new \$100 annual fitness bonus for qualified officers.

A revised salary ordinance including the terms of the agreement will be presented to City Council approval at a later date.

The agreement will cost a total of \$14.5 million over the three-year term. Of this amount, \$8 million is currently budgeted. Staff will return at a later date with recommendations for the 2007, 2008, and 2009 budgets to accommodate the remaining \$6.5 million.

This agreement affects the Safe and Secure Community Goal.

The Law Department has approved the agreement to form.

Motion--
--carried

Brewer moved to approve the proposed 2007-2009 Memorandum of Agreement between the City and Fraternal Order of Police (FOP) Lodge #5. Motion carried 6 to 0.

ILLEGAL DUMPING 2007 KDHE ILLEGAL DUMPING PROGRAM.

Agenda Report No. 07-0457

The Kansas Department of Health and Environment (KDHE) has a formal cost-sharing cleanup program for Kansas municipalities with identified properties or areas of illegal dumping. Environmental Services (ES) and Public Works used this program once a couple of years ago to cleanup a property for the expansion of the Central Maintenance Facility. KDHE provided funding of up to \$10,000 for the site cleanup and in return, the City provided a 25% funding match using its own labor. The City was recently informed that this cost sharing program is available to be used on private properties as well as municipal properties.

This program has been used before with successful results and will provide an additional funding source for cleanup of properties identified by the City of Wichita and approved by KDHE. KDHE has worked with Environmental Services to establish a process to use this program. This resource will extend funds for cleanup of illegal dumps and properties that need priority attention. The City code currently requires owners of properties to cleanup trash, junk, debris, and tree waste whether or not the material was placed on the property by the owner. KDHE can also provide surveillance services in areas where there is repeated illegal dumping.

The process requires the completion of a KDHE application form along with a site inspection by a KDHE representative to determine program qualification. KDHE will issue a contract for each approved site. The municipality must not commit cleanup funds or commence property cleanup until KDHE has formally approved a property, accepted it into the KDHE Illegal Dumping Program, and the municipality has entered into a program contract with KDHE.

Environmental Services has requested KDHE to evaluate several sites. Each site requires an application with site descriptions, site photographs and cost estimates for cleanup. A cost estimate for each site has been prepared through the normal abatement estimating process with currently approved vendors. Over the last month, KDHE has inspected and approved two sites and provided the City with contracts for reimbursement.

This project supports the goal of Core Area and Vibrant Neighborhoods by continuing cleanup and abatement for properties that are detrimental to Wichita neighborhoods.

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This action will provide additional funding for property cleanup identified and approved by KDHE. KDHE's program requires a 25% in kind match (cash, labor, and/or materials) in return for providing cleanup reimbursement funds up to \$10,000 per project. The resolution will allow the City Manager to sign all KDHE contracts for reimbursement of funds up to \$10,000 for each property. Two approved contracts are also provided for Council review.

The Law Department prepared the resolution and reviewed and approved the contracts as to form.

Motion--

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

RESOLUTION NO. 07-306

A Resolution by the governing body of the city of Wichita, Kansas approving contracts with the Kansas Department of Health and Environment for the clean up of illegal dump sites, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 8, 2007)

- a. Ordinance amendment-Section 15.01.480 of the City Code-Overcrowding.

ORDINANCE NO. 47-479

An Ordinance creating new section 15.01.480 of the code of the City of Wichita, Kansas, pertaining to overcrowding of buildings or any portion thereof, and the penalty therefore, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

- b. 13th Street Bridge Rehabilitation over the Little Arkansas River. (District VI)

ORDINANCE NO. 47-480

An Ordinance amending Ordinance no. 46-854 of the City of Wichita, Kansas declaring the 13th street bridge at the little Arkansas River (472-84314) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

- c. Administrative Departments Name Changes.

ORDINANCE NO. 47-481

An Ordinance of the city of Wichita pertaining to the Administrative Code Changing the Names of Certain Departments; amending Sections 2.08.120, 2.08.160 and 2.08.210 of the Code of the city of Wichita; creating sections 2.08.085, 2.08.125 repealing the originals of Section 2.08.120, 2.08.160, and 2.08.210, and also repealing Section 2.08.216 of the Code of the City of Wichita, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

- d. ZON2007-00005-generally located midway between North Rock Road and North Webb Road, on the south side of East 45th Street North, 8801 and 8823 east 45th Street North. (District II)

ORDINANCE NO. 47-482

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An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer. (ZON2007-00005)

- e. ZON2007-00007-generally located on the east side of Maize Road, north of Kellogg, 1424 South Maize Road. (District V)

ORDINANCE NO. 47-483

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer. (ZON2007-09)

- f. ZON2007-00006-west of Meridian Avenue between Kellogg and McCormick Avenue, 831 South Richmond. (District IV)

ORDINANCE NO. 47-484

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer. (ZON2007-00006)

- g. ZON 2006-00020-south of 29th Street North and on the east side of Maize Road. (District V)

ORDINANCE NO. 47-485

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended. An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer. (ZON2006-00020)

UNFINISHED BUSINESS

INWOOD APTS.

PUBLIC HEARING: REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR LOW-INCOME HOUSING TAX CREDITS, INWOOD CROSSING APARTMENTS. (DISTRICT I)
(Deferred May 8, 2007)

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 07-0239b.

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The City has received a request from LDG Development (LDG), of Louisville, Kentucky, for a City Council resolution of support for its application for 4% Low-Income Housing Tax Credits in connection with the development of the Inwood Crossings Apartments. (The State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.) The developers are also requesting a letter of intent to issue qualified residential housing revenue bonds in an amount not-to-exceed \$22,000,000.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board. The policy also requires a review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) review the project for design appropriateness, and consistency with applicable neighborhood plans and zoning. Once the project is reviewed by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application and, in this case, issuance of the letter of intent for the housing revenue bonds.

The project proposed by LDG Development, will be known as the Inwood Crossings Apartments, to be located on a currently vacant tract of land near Inwood and 35th Street North. Based on the information provided by the developer, the apartment complex will provide 260 apartments, including 40 one-bedroom units, 90 two-bedroom units, 100 three-bedroom units, and 30 four-bedroom units. Rents, net of utility allowances, for the units assisted through the Housing Tax Credit program are estimated to be \$700 for two-bedroom units, \$820 for three-bedroom units, and \$925 for four-bedroom units.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units for market-rate tenants. Therefore, the resolution of support, if adopted, can only apply to 208 units, with 52 units considered to be available for market-rate tenants. Rent amounts for the market-rate units are estimated to be \$650 for the one-bedroom units, \$988 for the two-bedroom units, and \$1,000 for the three-bedroom units. There will be no four-bedroom units offered to market-rate tenants.

Amenities to be provided include a large clubhouse with a fitness center and business center, a large swimming pool and patio area, a playground area with equipment, and cookout areas with picnic tables.

The City's Planning Department has provided comment regarding the proposed project, with respect to zoning compliance and design. The site is considered to be "split-zoned", as the zoning designation for the north 8 acres is MF-18, and the zoning designation for the south 14 acres is MF-29. The total number of units proposed will be acceptable, as long as no more than 140 units are constructed on the portion of the site zoned MF-18. It will be necessary for traffic engineering to review access/driveway locations when the final site plan is developed and submitted for plan review, as there are streets that intersect from the west. Planning further notes that there are platted building setbacks along 34th and Inwood, and that proper vacations would be required to encroach a platted setback. Easements along the east side of the property must be observed. The height of the buildings may not exceed 45 feet, and parking spaces located within 150 feet of the street will require screening.

The Office of Central Inspection recommends additional "berming" and landscaping, over and above the landscape code requirements, and further recommends that the building setback be increased from 25 feet to 35 feet.

The project has been reviewed by the Housing and Community Services Department, and has received recommendation for adoption of the resolution of support from the DAB and the HAB. The District I Advisory Board approved a recommendation for adoption of the resolution of support by a 9-0 vote, and the Housing Advisory Board approved recommendation for adoption of the resolution of support by a 6-0 vote. The DCC has also approved recommendation of adoption of the resolution.

The resolution of support does not constitute final plan or design approval. If the project is awarded tax credits, the project developer must comply with all requirements associated with appropriate plan reviews required for issuance of a City building permit. These reviews will include compliance with the City of Wichita's LIHTC Policy design guidelines. Further, the developer must comply with any additional reviews that may be requested by the City Council member in whose district the proposed

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project is planned. The resolution document also specifies the developer's income targeting proposal as a condition of City Council support.

Under federal law, a developer must use tax-exempt bonds to finance a multi-family housing project in order to qualify for 4% low income housing tax credits. The City's economic development incentive policy allows the issuance of bonds for this purpose, provided that the property shall not receive property tax abatements. Property purchased with bond proceeds, such as construction materials and furnishings, is eligible for sales tax exemption, with authorization of the City Council. The developer has agreed to comply with the City's letter of intent conditions for the issuance of the housing revenue bonds.

The total project cost is estimated to be approximately \$29,704,000. The applicant intends to finance the project utilizing funding from the sale of 4% housing tax credits, and partial deferral of the developer fee. The 4% housing tax credits do not involve a competitive application process, but require the issuance of tax-exempt qualified residential housing revenue bonds for the debt-financed portion of the project, which is expected to be approximately \$22,000,000. The developer agrees to pay all of the City's costs associated with the issuance of the bonds and to pay the City's \$2,500 annual administrative service fee.

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

In accordance with City Council Resolution No. R-95-479, LDG has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

- Council Member Skelton Council Member Skelton asked what the public purpose is for these projects and who is likely to live in these apartments.
- Mary K. Vaughn Director of Housing and Community Services explained that the purpose is for affordable housing in a community and the tax credit process is one way to finance it so that it can be affordable. Stated in terms of the population that might live in these apartments, would be person who would work in various average paying jobs such as, teachers, police officers, and even City employees.
- Unidentified Stated he is the President of the Homeowners Association in Willowbend and there are 520 homes in that area. Expressed concerns about the proposed project and stated they are opposed to it not because it is for low-income but because there area already over 1,000 apartment within a mile and a half of the radius of Willowbend. Stated on the east side of Willowbend there is a half-way house for sex offenders and on the north side there are duplexes. Stated their association is being separated from the City by all of the mass housing and is starting to hurt the property owners. Stated they have watched in the last two or three years, a decrease in their home sales. Stated this project would create an increase in traffic, potential increase in crime, issues with schools, and the roads in this area are not adequate to handle this. Stated they are opposed to this proposal.
- Rich Shore Mr. Shore, 7214 Cedar Ridge Circle, Willowbend. Stated he is wondering what is going on and understands that this issue has made it all the way to the DAB, through the City's Staff, and to the City Council without one neighbor knowing about it. Stated he is concerned with statements that were made that police officers and fire fighters would be eligible to live here because he thinks that they probably make more than \$25,000.00 a year. Stated last week there were hundreds of homes represented and everyone asked that the City Council vote no on this item and hopes that the Council will vote no on this proposal.
- Joy Kinneson Ms. Kinneson, 7409 Driftview Circle, Willowbend. Stated that she lives within 200 feet of the proposed project and is concerned about the 200 foot within this project is that the residents can be involved if the City Council is going to vote in favor of this to make sure it is done in compliance. Stated that none of the residents in the area wants this low income apartment but said they would take a chance on this land that has sat vacant for 20 years. Stated this is a hard decision and the residents are

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tired of it but they are hoping that the City Council will make the wise decision for the residents in this area.

Council Member Gray Council Member Gray that as he looks over this resolution, he feels that there has been a lot of effort made by the developers to come to a compromise. Stated a valid argument cannot be made that there are just too many apartments already in that area and feels that his not proper justification to do this. Stated there is a sufficient need in our community to build structures like this and it is difficult to build structures like this and to have them be affordable and make the rent pay for the structure and that is why so many people utilize the low income tax credits. Stated this is an appropriate use of this type of property and it is ideal for multi-family projects. Stated it would use up a good piece of property within the community for good use. Stated he understands the concerns from the people in the audience that live in the area and if this were a Section 8 Project, he could understand those concerns even more but having seen and work with these projects, he feel some of their concerns are unwarranted.

Council Member Longwell Council Member Longwell stated he still shares some concerns is not sure where the residents feel like they have not been kept abreast of this project. Stated he was at a meeting with Willowbend about a month ago with about 100 residents and hand some healthy discussion at that meeting. Stated some of his concerns are the confusion over the amount of money a person can make and still live here. Stated he has heard if you make more than \$25,000.00, you do not qualify. Asked if a single person who makes \$35,000.00 a year live in these apartments and be subsidized?

Mary K. Vaughn Director of Housing and Community Services explained that the maximum income for a single person is \$25,700.00. Stated they could live in the market rate units, which is not subsidized. Stated the project has 260 total units, with 80% having to be rented to people with the income limits that she discussed earlier and 20% could be rented to people at any income.

Council Member Longwell Council Member Longwell stated that some of the residents at some of public hearings have addressed a number of concerns with one of them being a better use for this property and the suggestion was made that it could possibly be looked at for some type of senior housing. Stated that it is his understanding in this resolution that a portion of it is being suggested to be dedicated for senior housing and if were to come to fruition, would that still qualify for the IRBs and the tax credits for senior housing.

Allen Bell Economic Development Administrator stated yes, and a project that is funded with tax credits and IRBs as an affordable housing project, can be used as a senior housing project. Stated the same income requirements would apply but it could still be a senior housing project.

Council Member Schlapp Council Member Schlapp stated she has tried to work really hard at this and the decided to come together after the meetings and see if they could get some pieces in this resolution that would be more acceptable and make it a better project for the people in the community. Stated some great work has been done and the resolution today is so much better than it was initially, which is a good thing for the neighbors if this were to pass today. Stated she will not be voting for this resolution today but if she were not to be in the majority today, there are things within the resolution that she hopes the neighbors understand that the City does try to respond. Stated the residents' input has been made present in this resolution to some degree.

Motion-- Gray moved the City Council close the public hearing, adopt the resolution of support for the LDG application for Low-Income Housing Tax Credits subject to all local building and zoning codes, ordinances, design recommendations provided by the Planning Department and the Office of Central Inspection, and any additional design review requirements, and subject to the conditions specified in the resolution document; approve the issuance of a letter of intent to issue the qualified residential housing revenue bonds in the amount not to exceed \$22,000,000 and application for a sales tax exemption certificate; and authorize the necessary signatures. Motion carried 4 to 2, (Longwell, Schlapp No).

--carried

RESOLUTION NO. 07-307

A Resolution establishing support of the development of affordable housing in the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 4 to 2. Yeas: Fearey, Gray, Skelton, and Brewer, (Longwell, Schlaap No).

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NEW BUSINESS

WAKEFEST

APPEAL OF DECISION MADE BY THE COMMUNITY EVENTS COMMITTEE AND FILED BY LES ECK FOR WAKEFEST. (DISTRICTS I AND IV)

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 07-0465

Per ordinance 9.04.230, the City does not permit prohibiting, restricting or impeding access to public parks. Additionally, ordinance 9.04.060 prohibits solicitation of money from the general public on city park property. Read together, the city has consistently taken the position that the two ordinances do not allow the fencing of public parks for the purpose of charging admission to public parks. In order to allow Mr. Eck permission to fence and or charge admission, the City Council must approve a new ordinance that specifically allows A. Price Woodard Park to be fenced for specific special events and allow for the charging of admission for these specific special events.

Quality of Life will be improved through having this event at A. Price Woodard Park.

The Law Department has developed the required ordinance.

Les Eck, requested permission to close a number of streets for this event but his request to fence and charge admission at A. Price Woodard Park was denied. Mr. Eck is appealing this decision.

Les Eck

Mr. Eck stated he hopes to attract as many as 10,000 people. Stated back in 1986 to 1988, when the water ski event was held in this same area on the river, the drew 15, 000 to 16,000 people. Stated he has promotion material out as far as Kansas City, Denver, Nebraska, the KU and K State Campuses, Friends, Newman, and Wichita State. Stated they are trying to promote this as much as they can and that they are proud of the downtown area. Stated if you look at the event poster and the national magazine advertising that they are doing, the first thing you see is Wichita, the City Skyline, and the river with the Wakefest. Stated they designed everything around the City of downtown Wichita and the promotion of the river. Stated it is one of the best venues in the country and his goal was not to fence the park but to use the 95% of the riverbanks that are not fenced or are not park material, which is where they will have the most of the event. Stated they will have people from Australia and Canada coming and all over the world. Stated the two time world champion is already committed to come and are looking to have some great athletes. Stated they are also doing some other youthful events down there with skateboarders and will have an event for this and tents set up to sell different products. Stated this will be a promotional event for downtown Wichita.

Mayor Brewer

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

Motion--

Brewer moved to approve first reading of the ordinance.

Gary Rebenstorf

Director of Law stated that the motion will also need to approve the resolution; otherwise it would have to come back at another time and the resolution provides that it will become affective when the ordinance is published.

Amended

Motion--

-- carried

Brewer moved that an emergency be declared and the Ordinance be adopted on first reading; and the Resolution be adopted. Motion carried 6 to 0.

RESOLUTION NO. 07-309

A Resolution by the governing body of the City of Wichita, Kansas approving closure of a Price Woodard Park for the Wakefest Event, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Gray, Schlapp, Skelton, and Brewer.

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ORDINANCE NO. 47-486

An ordinance amending Sections 9.04.060 and 9.04.180 of the Code of the City of Wichita, Kansas, pertaining to parks, playgrounds and related areas and repealing the originals of said sections. Mayans moved that the Declaration of Emergency be approved and the Ordinance be placed upon its passage and adopted on first reading. Motion carried 6 to 0. Yeas: Fearey, Longwell, Gray, Schlapp, Skelton, and Brewer.

BROADWAY & 47TH

RESOLUTION CONSIDERING THE AMENDMENT OF A REDEVELOPMENT PLAN, BROADWAY AND 47TH STREET REDEVELOPMENT DISTRICT. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0466

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. Amendment of TIF project plans requires holding a new public hearing at a time and place set by resolution by the City Council.

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 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 come first.

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. Under state law, TIF project plan amendments require public hearings, which must be set by resolution and published on two consecutive weeks in the City's official newspaper. The resolution, setting a public hearing for June 5, 2007, has been reviewed by the Department of Law and approved as to form.

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Mayor Brewer

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

Motion--

Gray moved that City Council adopt the resolution setting a public hearing on June 5, 2007 to consider amendments to the Broadway and 47th Redevelopment Project Plan, authorize the necessary signatures and direct the City Clerk to publish the resolution on two consecutive weeks prior to the date set for the public hearing. Motion carried 6 to 0.

--carried

RESOLUTION NO. 07-308

A Resolution stating the city of Wichita, Kansas, is considering the amendment of a Redevelopment Project Plan for the Broadway and 47th Redevelopment District, Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

CARF

2006 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Report No. 07-0467

Kansas state law requires an annual audit of all City accounts to be performed by an independent certified public accounting firm at least annually. The Comprehensive Annual Financial Report (CAFR) and the report on compliance are for the year ended December 31, 2006.

The 2006 CAFR also incorporates the specific requirements of the water and sewer revenue bond covenants, eliminating the necessity of a separate publication by the Water and Sewer Department.

The City's Comprehensive Annual Financial Report is designed to provide information needed by interested parties to gain an understanding of the government's financial position, results of operations and cash flows. The independent certified public accounting firm of Allen, Gibbs & Houlik, L.C. issued their opinion that the general purpose financial statements present fairly, in all material respects, the financial position of the City as of December 31, 2006, and the results of its operations and the cash flows of its business-type activities and component unit in conformity with generally accepted accounting principles. The Wichita Public Building Commission is considered a component unit and has been appropriately reflected in the financial statements as part of the financial reporting entity.

The Government Finance Officer's Association (GFOA) of the United States and Canada awarded a Certificate of Achievement for Excellence in Financial Reporting to the City for its Comprehensive Annual Financial Report for the year ended December 31, 2005. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized CAFR, with content that conforms to program standards. The 2005 award represents the 33rd consecutive year in which the City has earned this award. Staff believes that the 2006 CAFR continues to meet GFOA standards for certification and the City has applied for this recognition.

The 2006 CAFR reports the financial status of the City's funds as of December 31, 2006.

The Internal Perspective is advanced with the 2006 Comprehensive Annual Financial Report, and the opinion and reports of the independent auditors, by fairly reporting the financial condition of the City to the City Council, the Citizens of Wichita, and to investors. In addition, the report demonstrates legal and budgetary compliance with applicable laws and ordinances for report year.

Legal Considerations: Kansas law requires an annual audit of City financial records by a certified public accounting firm (K.S.A. 75-1122) in accordance with the minimum standard audit program (K.S.A. 75-1123).

Mark Dyck

Mr. Dyck stated he is with Allen, Gibb, and Houlik and reviewed the results of the audit and issued their opinion, which is included in the Comprehensive Annual Financing Report.

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Mayor Brewer

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

Motion--

Brewer moved the City Council receive and file the 2006 Comprehensive Annual Financial Report and the Independent Accountants' report regarding internal control and compliance with administration of major federal programs for the year ended December 31, 2006. Motion carried 6 to 0.

--carried

LEGAL NOTICES

PUBLICATION OF LEGAL NOTICES.

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Report No. 07-0468

A Request for Proposal (RFP) was sent to three (3) vendors to provide publication of legal notices. Two vendors responded, The Wichita Eagle and The Derby Reporter. Both meet the K.S.A. 64-101 statutory requirements, including:

- A publication of daily circulation, Monday through Friday,
- that has operated for at least five years,
- mailed in Sedgwick County as second class mail,
- has a general paid circulation in Sedgwick County,
- is not a trade, religious, or fraternal publication, and
- is printed in Kansas and published in Sedgwick County.

A staff committee reviewed the two proposals submitted to evaluate the vendors based on qualifications, experiences, compliance with the requirements of K.S.A. 64-101, paid circulation, and pricing. The proposals are similar in most areas, with two exceptions. With regard to the evaluation criterion for circulation, the Wichita Eagle would provide the greatest benefit of informing the citizens of Wichita in the City's publication of legal notices. The Wichita Eagle offers a substantially greater circulation of 67,735 on Monday through Thursday, 74,677 on Friday, and 80,854 on Saturday, compared to 1,000 for The Derby Reporter on Monday through Friday. Regarding the cost per line charge, The Derby Reporter would be significantly less expenses at 45¢ per line, compared to 60¢ for the Wichita Eagle. Neither vendor's proposal includes a charge for additional affidavits.

In addition to allowing City Legal notices to run an additional day on Saturday, a high-readership day, The Wichita Eagle proposal would include the specific page number of the Legals on the page one index. The Wichita Eagle will commit to running all the Legal Notices together each day. To improve the awareness of the important role that Legal Notices play, they will agree to run a minimum of 15 column inches of informational copy each month. Copy will be developed by the City staff and edited by their Special Projects Team. Estimated value added information space at nearly \$4,320 - \$15,350 per year.

The Wichita Eagle will post all City of Wichita legal notices on their website, www.kansas.com at no additional expense, giving the City expanded coverage on the largest local content website in the state. The Derby Reporter would also post all new legal publication on their website, www.derbyreporter.com. Legal notices would also appear on the City of Wichita website.

The Wichita Eagle	The Derby Reporter
Cost per line 60¢	45¢
Cost of additional affidavits no charge	no charge
Cost of copies of affidavits no charge	no charge
Avg. circulation – SG Co. 75,769	1,000
Cost for 100 line Legal Notice, \$60	\$45
Cost per 1,000 circulation \$0.79	\$45.00

The contract will be for a period of one (1) year, with options to renew under the same terms and conditions for one (1) or two (2) one-year periods by mutual agreement of both parties.

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There are sufficient funds within operating budgets to cover the cost of publications for either proposal. In 2006, the City spent approximately \$196,000 publishing Legal Notices at 60¢/line. At 45¢/line, the cost would have been approximately \$147,000 – a \$49,000 difference. This cost differential is partially offset by the value of 15 column inches of informational copy each month included in The Wichita Eagle proposal, a potential value of up to \$15,350/year. There is also a substantial difference in the cost per 1,000 circulations (79 cents versus 45 dollars).

The objective for publishing Legal Notices is to provide information to citizens and businesses, and to create greater opportunities to bid on procurement opportunities for the City of Wichita. More competitive bidding lowers the City's costs for services. Among the several goal indicators advanced by the sharing of this information and lowered costs, the greatest impact accrues to the business process indicators (Internal Perspective) for enhancing citizen involvement and reducing or avoiding costs.

The City's Internal Auditor has affirmed that appropriate selection procedures have been followed in soliciting these proposals for the City Council. The Law Department will review and approve the contract as to form.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Lou Helgman

Mr. Helgman stated he is the president and publisher of the Wichita Eagle and Beacon Publishing Company at 825 east Douglas. Stated the Eagle is proud to be the official publication for the City of Wichita's legal notices and the partnership has allowed the citizens of Wichita to be informed of the workings of their government and potential vendors to have open access to getting information. Stated that the purpose of the legal notices is to inform the citizens about the actions the City Council plans to take or has already taken and is only accomplished if notices appear where they will be seen. Stated for 135 years the people of Wichita have been a priority of The Wichita Eagle. Stated they are a business that pays Wichita taxes and fees, more than \$180,000.00 in 2006 and have 320 full time and 100 part time employees who contribute to the Wichita economy and area proud to be a major employment anchor in downtown Wichita. Stated that he hopes that the Council will select the Wichita Eagle to publish the City of Wichita legal notices and they look forward to continuing their partnership.

Motion--
--carried

Skelton moved the City Council approve the contract with The Wichita Eagle for the publication of legal notice and authorize the Mayor to sign the contract. Motion carried 6 to 0.

SRO MOU

SCHOOL RESOURCE OFFICERS MEMORANDUM OF UNDERSTANDING BETWEEN UNIFIED SCHOOL DISTRICT 259 AND THE CITY OF WICHITA.

Robert Lee

Deputy Chief of Police reviewed the item.

(Council Member Fearey momentarily absent)

Agenda Report No. 07-0469

Currently there are 22 School Resource Officers (SRO's) in USD 259 divided between middle and high schools. This memorandum of understanding explains the role of the SRO, expectations in the schools as well as summer months when conventional school is not in session. It also spells out a funding plan for the SRO's in which both the City of Wichita and USD 259 share the responsibility. Based on a progressive scale by fiscal year 2009 the City of Wichita and USD 259 would equally split the cost of the SRO's.

Council approval of the memorandum of understanding would allow the 22 SRO's to remain in designated area middle and high schools. This allows for the SRO's to continue to provide a law enforcement presence as well as educator, role model and mentor to area students.

In Fiscal year 2007 USD 259 would contribute 36.5% funding of the SRO program and the City of Wichita would contribute 63.5%. In fiscal year 2008 USD 259 would contribute 43% of the funding for the SRO program and the City of Wichita would contribute 57%. In fiscal year 2009 USD 259 would contribute 50% funding of the SRO program and the City of Wichita would contribute 50%.

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This impacts Safe and Secure Community by providing an enhanced police presence in select area middle and high schools. Not only are SRO's visible in the schools but they play an active role in mentoring, conflict resolution and also are a role model for many students.

Mayor Brewer

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

Motion--
--carried

Schlapp moved the City Council approve the Memorandum of Understanding and authorize the necessary signatures.

NEW COMMUNITIES NEW COMMUNITIES INITIATIVE UPDATE. (DISTRICTS I AND VI)

Mary K Vaughn

Director of Housing and Community Services reviewed the item.

(Council Member Schlapp momentarily absent)

Agenda Report No. 07-0470

On June 13, 2006, the City Council approved an agreement with the Kansas Department of Corrections, to supervise two staff persons paid by the State and County, as a part of the Prisoner Reentry program in Wichita.

Since its beginning, the concept of the Prisoner Reentry program has expanded to include a more comprehensive approach to neighborhood revitalization and service integration. The expanded scope has also brought to the table, new partners from State and County government, as well as a funding partner through a national foundation. The expanded program will be carried out in Council Districts I and VI; however it will be replicates in other areas with lessons learned.

There are no financial considerations at this time. It is anticipated that City expenditures in support of the New Communities Initiative, will come from existing resources.

Implementation of the New Communities Initiative will have a positive impact on the Core Area and Neighborhoods goal

Jordie Hannon

Mr. Hannon, National Council of State Governments, made a few remarks about who they are and why they are here. Stated they are a non-profit and non-partisan association and represent all three branches of government. State he thinks this initiative could be used as a model and legislatives across the country are interested in approving services and thinks this is a great approach in terms of the leadership in terms of the state and local levels. Stated there is no other kind of collaboration going on like this in other communities and think this could be a model and would like to help it prosper and share it with other communities.

George Kolb

City Manager added his support to this initiative and that it is an opportunity to evolve, transform, and re-engineer the way we provide services for our community. Stated we have always advocated an effort to stop blight and this takes us beyond that and acknowledges that stop blight is only a stop-gap measure and we need to go beyond and deal with the root causes of our communities that are in trouble. Stated we are not in this alone and have partners in the state, county, and private partners are in it with us.

Mayor Brewer

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

Motion--
--carried

Fearey moved the City Council receive and file the report on the New Communities Initiative. Motion carried 6 to 0.

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STREET CLOSURE **STREET CLOSURE FOR CRAIG MORGAN MUSIC VIDEO. (DISTRICT VI)**

Jessica Johnson

Marketing Director reviewed item.

Agenda Report No. 07-0475

(Council Member Skelton momentarily absent)

Craig Morgan's newest CD, Little Bit of Life, released in November 2006, has been critically lauded as the best work of his career. This CD is up for a CMT (similar to MTV) music award on Tuesday evening. His previous albums spawned such hits as "I Got You," "Redneck Yacht Club," as well as "That's What I Love About Sunday," which spent five weeks at No. 1 and ended 2005 as country radio's most played song of the year. Morgan currently has a hit that is No. 8 on the Billboard Charts of Hot Country Music. Last week, he was on "Late Night with Craig Ferguson." He performs on May 16 for the River Festival Country Concert.

Craig Morgan has a new release coming out: "International Harvester." A story line was written by "Wheatfield Productions" to shoot a music video at a city location. They had scouted various cities and have chosen Wichita. Specifically, the intersection of Broadway and 1st Street, with the Orpheum in the background of the video. To produce this video, according to the Convention & Visitors Bureau, they have hired 6 people locally to assist the national firm that has come to Wichita.

The video would be shot on location at Broadway & 1st Street. The street intersections would have to be closed off from 4:30 AM (set up begins) until 8 PM (breakdown complete) on the evening of Thursday, May 17. The company is notifying the impacted businesses and working with the Orpheum. Specific road closures would be:

- Broadway - at 2nd Street and at north side of Parking Garage north of Douglas
- 1st Street - at Market and at Topeka with access for Parking Garage to AT&T
- Secure No Parking on 300 block. North Broadway; and Topeka between 1st and 2nd Streets

Production Company is responsible for all costs, including off-duty police.

Economic Vitality. Wichita would be a star in this video and the City could not pay for this kind of national exposure. This video would play on CMT, and other country music television stations. Craig Morgan's website <http://www.craigmorgan.com/> also hosts his music videos, and "behind the scenes" photos and video of the making of his videos.

Dallas Henry

Mr. Henry stated he is the director and producer with Wheatfield Productions and he had to really talk the label into making it Wichita and they wanted to shoot in Nashville and he said he could make it happen better in Wichita because it is his hometown area. Stated he is glad to be here and this is really going to showcase the Wichita and they are going all over the City and it is about all roads lead to Craig Morgan and that is when they will stop at downtown.

Motion--
--carried

Fearey moved to approve the street closure, contingent on the production company covering all associated costs. Motion carried 6 to 0.

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PLANNING AGENDA

Motion--
--carried

Brewer moved to approve Planning consent items 23-25 in accordance with the recommended action show thereof. Motion carried 6 to 0.

A07-09R

A07-09R-REQUEST BY LINDA GRAHAM OF SOCORA LAND COMPANY TO ANNEX LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF PAWNEE AND WEBB ROAD. (DISTRICT II)

Agenda Report No. 07-0471

The City has received a request to annex 39.28 acres of land generally located southeast of the intersection of Pawnee and Webb Road. The annexation area abuts the City of Wichita to the north and west. The property owner anticipates that the proposed property will be developed with approximately 63 single-family residential units and 71,000 square feet of commercial property.

The proposed annexation consists of approximately 39.28 acres of property currently zoned "LC" Limited Commercial and "SF-20" Single-Family Residential. Upon annexation, the "SF-20" property will convert to "SF-5" Single-Family Residential. Property to the north of the subject property is zoned "LC" Limited Commercial, while property to the west is zoned "LC" Limited Commercial, "SF-5" and "SF-20" Single-Family Residential. Property to the east and south are both zoned "SF-20" Single-Family Residential.

There is a 20" water line in Webb Road, from Pawnee to Carson Street. In addition, there is a 16" water line in Pawnee, along the north edge of the subject property. Sewer lines will be extended from a 12" sewer line in the Brentwood South Addition, located northeast of the subject property.

The subject property borders Webb Road to the west, and Pawnee to the north, both of which are paved, two-lane roads that widen to four lanes at the Pawnee and Webb Road intersection. The City of Wichita Capital Improvement Program (CIP) 2005-2014 and the 2006 Transportation Improvement Program have scheduled Pawnee to be widened along the north edge of the subject property, between Webb Road and Greenwich Road. The Sedgwick County Capital Improvement Program 2006-2010 does not call for improvements near the subject property at this time.

Fire services to this site can be provided by the City of Wichita within a six (6) to seven (7) minute approximate response time from City Station No. 15, located at 7923 E. Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Towne Park, a 4.35-acre park, is located approximately 1/2 mile to the southwest of the proposed annexation site and contains a pond with a dock, a children's play area and a paved exercise/fitness trail. WB Harrison Park, a 40-acre park, is located approximately 1 mile to the north of the proposed annexation site and contains a softball diamond, 2 tennis courts, a rugby field, a children's play area, a restroom, a paved jogging trail, a fishing pond, 2 benches and 12 picnic tables. Boston Park, an 18-acre park, is approximately 3 miles northwest of the proposed site and contains a recreation center, a family swimming and wading pool with concessions room, a softball diamond, 2 tennis courts, a children's play area, a basketball court and a drinking fountain. Cessna Park East, a 23-acre park, is approximately 2 miles to the northwest of the subject property and contains 2 softball diamonds, 2 tennis courts, a basketball court, an open shelter, a bike path and a children's play area. Planeview Park, a 109-acre park, is located 3 miles to the west of the subject property and contains 3 model airplane flying areas, a soap box derby track, a concession building with restroom, a baseball diamond, 4 softball diamonds, a basketball court, 4 tennis courts, 4 soccer fields, 3 children's play areas, a bike path, a sand box and 4 benches. According to the 1996 Parks and Open Space Master Plan, a potential future park site has been proposed southwest of the subject property. In addition, a pathway has been proposed along Pawnee and Webb Road, along the north and west edge of the subject property.

The annexation property is part of the Unified School District 260 (Derby School District). Annexation will not change the school district.

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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 \$7,490 with a total assessed value of \$2,247. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$71 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 approximately 63 single-family housing units and 71,000 square feet of office and/or commercial property will be developed within the next ten years. The total appraised value of this residential development after completion is estimated at \$6,174,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$22,299 in City annual tax revenues. The total appraised value of the office/commercial property after completion is estimated at 8,520,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$66,895 in City annual tax revenues. In sum, the total appraised value of both the commercial and residential property after completion is estimated at \$14,694,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$89,194 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 to approve the annexation request; place the ordinance on first reading; and authorize the necessary signatures.

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.
(A-07-09)

DED2007-03

DED2007-03- AND DED2007-04-DEDICATION OF UTILITY EASEMENTS LOCATED ON THE WEST SIDE OF RIDGE ROAD AND NORTH OF 29TH STREET NORTH. (DISTRICT V)

Agenda Report No. 07-0472

Background: These Dedications are associated with a lot split case (SUB 2006-28, Ridge Port Commercial Park Addition). The Dedications are for construction and maintenance of public utilities.

Ensure Efficient Infrastructure.

The Dedications have been recorded with the Register of Deeds. D18103 and D18104.

Motion--carried

Brewer moved the City Council accept the Dedications. Motion carried 6 to 0.

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DED2007-06

DED2007-06-DEDICATION OF STREET RIGHT-OF-WAY AND DED2007-07-DEDICATION OF A UTILITY EASEMENT, LOCATED ON THE EAST SIDE OF SENECA AND NORTH OF 53RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 07-0473

These Dedications are associated with a lot split case (SUB 2007-42, Interurban Place Addition). The Dedications are for additional street right-of-way along Seneca and construction and maintenance of public utilities.

Ensure Efficient Infrastructure.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Brewer moved the City Council accept the Dedications. Motion carried 6 to 0.

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

There were no appointments made.

INTERVIEW/ELECT.

INTERVIEW/ELECTION TO FILL THE VACANCY IN CITY COUNCIL DISTRICT 1.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 07-0474

On April 10, 2007, Carl Brewer submitted his resignation as City Council member for City Council District #1 because he was elected as Mayor. On April 17, 2007, the City Council announced the vacancy, established the petition deadline, and designated the District Advisory Board for District #1 as the group to conduct a public forum to screen the candidates.

On May 7, 2007, the District Advisory Board (DAB) for Council District #1 interviewed ten (10) candidates that submitted a lawful petition to fill the vacancy for the District 1 City Council seat. One qualifying candidate withdrew from consideration and was not interviewed. The interviews began at 5:35 p.m. and concluded at 11:15 p.m. immediately following the interviews, the board met to rank the candidates.

Analysis: The DAB submits the following candidates in alphabetical order for consideration by the City Council:

1. Eugene Anderson
2. Treatha Brown Foster
3. Michael Kinard
4. George Rogers
5. Lavonta Williams

There are no financial considerations.

Filling the vacancy on the City Council is necessary for achievement of the five City Council goals.

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The City Council has established the vacancy process by City Ordinance.

Motion-- Brewer moved that the City Council 1) temporarily suspend the vacancy rules of procedure in City Code Section 2.04.040 for the purpose of extending the time frame for Council action to provide the opportunity for City Council members to interview the candidates before voting to fill the vacancy in District #1; 2) Set May 22, 2007, for interviews of the candidates by City Council members.; 3) Set the date when all of the remaining council members are present June 5, 2007 for the remaining City Council members to elect by written ballot from those nominated to fill the vacancy in District #1; 4) In the event the remaining members of the Council are unable to agree (no nominee receives four votes) after twenty ballots, the vacancy process shall automatically be deferred to the next regular meeting of the City Council; 5) At the next regular meeting of the City Council, at which all remaining members are present, the vacancy process shall be included on the meeting agenda as the last item of business and the meeting shall not be adjourned until such time as a new member is elected by a majority vote to fill the unexpired term of office; and 6) All other procedures for filling the vacancy will be in accordance with
--carried City Code Section 2.04.040, unless otherwise designated by the City Council.

Gary Rebenstorf Director of Law stated that the dates should be May 29th and the last day and June 12th would be the date that all members would be present.

Council Member Skelton Council Member Skelton stated it would be more accommodating and have it reflected in the motion to allow more flexibility so that they do not have that "iron clad" date and what happens if someone gets sick. Stated there needs to be some flexibility and would prefer that the motion be amended to reflect that.

Council Member Fearey Council Member Fearey stated she received an email that one of the candidates cannot interview until Monday, June 4th and agrees with Council Member Skelton that maybe we could set May 29th through June 5th as interview dates.

Amended Motion-- Skelton asked permission to amend the motion that #2 sets May 29th through June 5, 2007 as the dates
--carried for interviews of the candidates. Motion carried 6 to 0.

APPROVE TRAVEL APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO SPEAK TO PRINCE HALL GRAND LODGE OF KANSAS GRAND COMMUNICATIONS BANQUET IN TOPEKA, JUNE 7, 2007.

Mayor Brewer Mayor Brewer stated this group has agreed to pay his expenses and asked if we need to go ahead and approve this.

Gary Rebenstorf Director of Law stated that Council's policy is if there is a certain amount to be spent, then the Council has to approve it but since there is not going to be any expense for this trip, it would not be necessary for the Council to approve expenditure of public funds.

Motion--carried Skelton moved to pull the item. Motion carried 6 to 0.

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RECESS

EXECUTIVE SESSION

Motion--

Brewer moved at 11:25 a.m. that the City Council and the Airport Authority recess into Executive Session to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, legal advice, and matters relating to employer-employee negotiations and that the Council return from Executive Session no earlier than 11:50 a.m. and reconvene in the City Council Chambers on the First Floor of City hall.

RECONVENE

The Council reconvened at 11:53 a.m. Mayor Brewer announced that no action was taken.

Motion--carried

Brewer moved to adjourn the meeting at 11:53 a.m. Motion carried 5 to 0, (Skelton absent)

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 11:53 a.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

Workshop to follow in the HR 10th Floor Training Room