

CITY COUNCIL PROCEEDINGS

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REVISED 10-31-2006 TO REMOVE RESOLUTION NO. 06-473 THAT HAD BEEN PLACED IN MINUTES BY ERROR.

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 19, 2006
Tuesday, 9: 06 A.M.

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

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

Phil Shull, University United Methodist Church, gave the invocation.

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

The Minutes of the September 12, 2006 meeting were approved 6 to 0, (Skelton absent).

AWARDS AND PROCLAMATIONS

Recognition

Recognition of International Trade Delegation from China.

Mayor Mayans welcomed Mr. Jin Xu, Deputy Director General to the Department of American and Oceanic Affairs of the Chinese Ministry of Commerce and his delegation from Beijing, China. Stated that the City of Wichita has the honor this morning of welcoming these very distinguished guests who are attending the 2006 Kansas World Trade Center's International Trade Conference. Stated that Wichita is also hosting the 2006 U.S. China Aviation Summit this week and we are honored to have these very distinguished guests in our City as we celebrate both trade events. Mayor Mayans read aloud a Proclamation proclaiming the week of September 17 – 23, 2006 as the United States International Trade Week in Wichita, Kansas USA, the aviation capital of the world. Mayor Mayans stated that each of the delegates were given a gift of Kansas Sunflowers, wrapped in the colors of the Chinese flag and with this gift we are combining the state flower of Kansas with their national emblem. Mayor Mayans also presented each of the delegates a Commemorative Wichita Coin as a token of our friendship. Stated that these silver and gold coins depict one of our community icons, the Keeper of the Plains, which watches and protects our City and hopes that the Keeper will protect each of them during their stay and in their future travels.

Proclamations

Proclamations:

Mayor Mayans read aloud the following proclamations:

- Oxford House Appreciation Day
- Rehabilitation Awareness Week

CONSENT AGENDA

Motion--
--carried

Mayans moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Skelton absent).

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 18, 2006.

Bids were opened September 15, 2006, pursuant to advertisements published on:

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

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2006 Contract Maintenance Concrete Drives & Base, Curb & Gutter & 2 Inch Asphalt Repair north of 31st Street South, east of Meridian. Traffic to be maintained during construction using flagpersons and barricades. (472-84445/132719) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Barkley Construction - \$149,800.00 (engineers estimate)

Evergreen Park Tennis & Basketball Court Reconstruction west of Arkansas, north of 25th Street North. (472- 84434/785054/092062/092092/395186/800603) Does not affect existing traffic. (District VI)

Trans Texas Tennis Inc. - \$199,806.58 (Base Bid)
6,652.80 (Add Alternate 1)
\$206,459.38 Total Bid

Storm Water Drain #296 to serve Fontana Addition north of 29th Street north of 29th Street North, east of 119th Street West. (468-84196/751425/485316) Does not effect existing traffic (District V)

Pearson Excavating - \$54,481.00

Mainsgate from the west line of Eagle, east to the east line of the plat; Woodridge from the north line of Lot 4, Block G, north to the south line of Mainsgate; Woodridge from the north line of Mainsgate, north to the north line of the plat; Davin Circle from the north line of Lot 9, Block H, north to and including the cul-de-sac, including the emergency access easement between Davin Circle and Mainsgate; Sidewalk along one side of Mainsgate and Woodridge to serve The Fairmont Addition. (472-84246/766104/490121) north of 21st Street North, west of 127th Street East. (District II)

Cornejo & Sons Construction - \$348,263.80

Loch Lomond/Ayesbury from the north line of Boxthorn to the east line of Williamsgate; Boxthorn from the east line of Williamsgate to the east line of Loch Lomond; Loch Lomond Courts serving Lots 27 through 44, Block 1 to and including the cul-de-sacs to serve Hawthorne 3rd Addition north of 21st Street North, east of 127th Street East. (472-84084/766101/490118) Does not affect existing traffic. (District II)

Kansas Paving Company - \$463,969.00

Marblefalls from the south line of the plat, north to the roundabout; Hobby from the west line of Marblefalls to the north line of Mantane; Mantane from the west line of Hobby east to the roundabout; Sidewalk on Marblefalls, Hobby and Mantane to serve Falcon Falls 3rd Addition. (472-84324/766103/490120) north of 45th Street North, west of Hillside. Does not effect existing traffic (District I)

Kansas Paving Company - \$343,353.26

Storm Water Drain #277 to serve Copper Gate North Addition north of 13th Street North, west of 135th Street West. (468-84079/751428/485319) Does not affect existing traffic. (District V)

Mies Construction - \$102,595.00 (negotiated to engineers estimate)

Motion-
--carried

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

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Jabara Airport Site Development Utility

Dondlinger and Sons Construction Company Inc - \$355,713.00 (Total Net Bid)

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PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE: Loaders

Berry Tractor and Equipment Company
\$229,269.00 (Group 1 Total base bid)
3,951.00 (Group 1/option 1)
15,252.00(Group 1/option 2)
8,451.00(Group 1/option 3)
<-51,000.00> (Group 1/option 4 Deduct)
17,619.00 (Group 1/option 5)
No Charge (Group 1/option 6)
\$112,859.00 (Group 2 Total Base Bid)
<-33,000.00> (Group 2/option 1 Deduct)
No Charge (Group 2/option 2)
5,084.00 (Group 2/option 3)
4,125.00 (Group 2/option 4)
1,732.00 (Group 2/option 5)
17,020.00 (Group 2/option 6)

Motion-- Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and
--carried best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSE

APPLICATION FOR LICENSE:

| | | |
|-------------------|-------------|--------------------|
| <u>Renewal</u> | <u>2006</u> | |
| Norman Massey Jr. | Zigefields | 4200 Kellogg Drive |

Motion-- Mayans moved that the license be approved subject to Staff review and approval. Motion
--carried carried 6 to 0, (Skelton absent)

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

| | | |
|---------------------|------------------------|-----------------------------------|
| <u>Renewal</u> | <u>2006</u> | <u>(Consumption on Premises)</u> |
| Kim H. Ma | B&H Fast Trips | 2746 South Seneca |
| <u>Renewal</u> | <u>2006</u> | <u>(Consumption on Premises)</u> |
| German Granados | USU Luteco Restaurant* | 1714 East Northern Street |
| <u>New Operator</u> | <u>2006</u> | <u>(Consumption off Premises)</u> |
| Michael Shea | Downtown Market | 258 North Topeka |
| Ramanlal Patel | Omkar L LC dba Valero | 1826 West 13th Street |
| Thuan Thi Ngo | CT Happy Store | 8008 East 21st Street North |

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

Motion-- Mayans moved that the licenses be approved subject to Staff review and approval. Motion
--carried carried 6 to 0, (Skelton absent).

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PRELIM ESTS.

PRELIMINARY ESTIMATES:

- a) Pawnee, Palisade to Broadway (KDOT) (87N-0237-01/472-84283/706932/205398) Traffic is to be maintained during construction using flagpersons and barricades. (District III) - \$2,092,892.
- b) Water Distribution System to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (448-90015/735325/470996) Does not affect existing traffic. (District V) - \$85,000.
- c) Zimmerly from the west line of Lot 44, Block 1, Woodland Lakes Estates 4th Addition to the east line of Lot 56, Block 1, Woodland Lakes Estates 4th Addition; Zimmerly Court serving Lots 45 through 52, Block 1, Woodland Lakes Estates 4th Addition from the south line of Zimmerly to and including the cul-de-sac; Zimmerly Court serving Lots 31 through 34, Block 4, Woodland Lakes Estates 3rd Addition from the north line of Zimmerly to and including the cul-de-sac; Zimmerly Court serving Lots 33 through 43, Block 1, Woodland Lakes Estates 4th Addition from the south line of Zimmerly to and including the cul-de-sac; Sidewalk on one side of Zimmerly from the west line of Lot 44, Block 1, Woodland Lakes Estates 4th Addition to the east line of Lot 56, Block 1, Woodland Lakes Estates 4th Addition to serve Woodland Lakes Estates 3rd & 4th Additions - north of Harry, west of 127th Street East. (472-83718/765989/490106) Does not affect existing traffic. (District II) - \$342,700.
- d) Zimmerly from the east line of Lot 43, Block 1, Woodland Lakes Estates 4th Addition to the west line of 127th Street East; Sidewalk on one side of Zimmerly from the east line of Lot 43, Block 1, Woodland Lakes Estates 4th Addition to the west line of 127th Street East to serve Woodland Lakes Estates 3rd & 4th Additions - north of Harry, west of 127th Street East. (472-83719/765978/490093) Does not affect existing traffic. (District II) - \$160,600.
- e) Zimmerly Court serving Lots 1 through 11, Block 2, from the north line of Zimmerly to and including the cul-de-sac to serve The Timberlands Addition - north of Harry, west of 127th Street East. (472-84297/765990/490107) Does not affect existing traffic. (District II) - \$100,000.
- f) Lateral 344 Four Mile Creek Sewer to serve Sierra Hills Addition - north of Pawnee, east of 127th Street East. (468-83584/744191/480879) Does not affect existing traffic. (District II) - \$96,000.
- g) Water Distribution System to serve Sierra Hills Addition - north of Pawnee, east of 127th Street East. (448-90203/735329/470002) Does not affect existing traffic. (District II) - \$70,000.
- h) 11th Street Bridge over the Wichita Drainage Canal - south of 13th Street North, west of Hydraulic. (87N-0187-01/472-84396/715710/246126) Bridge to be closed to traffic during construction. (District I) - \$1,202,000.
- i) 2006 Sanitary Sewer Rehabilitation, Phase C - various locations north of MacArthur, east of West Street. (468-84205/620458/666577) Traffic to be maintained during construction using flagpersons & barricades. (Districts II, III, IV, VI) - \$243,400.
- j) Churchill Cir. (Ph 2) from the south line of Lot 1, Block 2, to the south line of Lot 12, Block 2; Churchill Court, serving Lots 4 through 9, Block 2, from the south line of Churchill Circle to and including the cul-de-sac to serve Reed's Cove 4th Addition - south of 21st Street North, east of 127th Street East. (472-84384-Ph II/765986/490103) Does not affect existing traffic. (District II) - \$60,000.

Motion--
-- carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0, (Skelton absent).

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DEEDS/ESMNTS

DEEDS AND EASEMENTS:

- a) Drainage Dedication dated February 14, 2006 from Caywood, LLC, a Kansas limited liability company over a tract of land lying in Lot 1, Block C, Clifton Cove Addition, Sedgwick County, Kansas, (OCA# 607861). No Cost to City. (D17904)
- b) Drainage Easement dated July 14, 2006 from Twenty-First Growth LLC, a Kansas limited liability company over a tract of land lying in Lot 31, Block 1, Hawthorne Second Addition, an Addition to the City of Wichita, Sedgwick County, Kansas and in Lots 1, 2, and 3, Block 1, Hawthorne Third Addition, an Addition to the City of Wichita, Sedgwick County, Kansas (OCA# 607861). No Cost to City (D17905)
- c) Drainage and Utility Easement dated June 9, 2006 by Bryan & Donna Morrison, co-owners over a tract of land in Lot 19, Block 2, Reed's Cove Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City. (D17906)
- d) Drainage and Utility Easement dated June 20, 2006 from Jason and Krista Wolff, co-owners over a tract of land lying in Lot 1, Block 2, Reed's Cove Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City. (D17907)
- e) Water line easement dated May 9, 2006 from Cargill, Inc., over a tract of land lying within a portion of Lot 2, Glaze's Addition to Wichita, Sedgwick County, Kansas, and (OCA # 607861). No Cost to City. (D17908)
- f) Right of Way Dedication dated May 15, 2006 from Corpar, a Kansas general partnership, over a tract of land lying in the NE 1/4 of Sec.10, T28S, R1E of the 6th P.M., Sedgwick County, Kansas, (OCA# 766109). No Cost to City. (D179049)
- g) Access Dedication dated August 21, 2006 from B. Thomas Mason over a tract of land lying in the northwest quarter of the southwest quarter of Section 4, Township 27 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas (OCA #132019). No Cost to City. (D17910)
- h) Dedication dated August 21, 2006 from B. Thomas Mason over a tract of land lying in the northeast corner of the northwest quarter of the southwest quarter of Section 4, Township 21 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas (OCA #132019). No Cost to City. (D17911)
- i) Access Control Dedication dated August 21, 2006 from B. Thomas Mason over a tract of land lying in the southwest quarter of Section 4, Township 27 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas (OCA #132019). No Cost to City. (D17912)

Motion--carried

Mayans moved that the documents be accepted. Motion carried 6 to 0, (Skelton absent).

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BOARDS/COMMISS. MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Deferred Compensation Board of Trustees Quarterly Meeting (Revised), May 11, 2006
Deferred Compensation Board of Trustees Special Meeting, May 26, 2006
Police & Fire Retirement Board, June 28, 2006
Wichita Public Library Monthly Report, July 2006
Wichita Employees' Police & Fire Retirement Board, July 6, 2006
Board of Code Standards & Appeals, July 10, 2006
Wichita Airport Advisory Board, July 10, 2006
District II Advisory Board Minutes, July 10, 2006
District VI Advisory Board Minutes, July 19, 2006
Deferred Compensation Board of Trustees Special Meeting, July 27, 2006
District II Advisory Board Minutes, August 7, 2006
Wichita Public Library Meeting, August 15, 2006

Motion--carried Mayans moved that the file be received. Motion carried 6 to 0, (Skelton absent).

STREET CLOSURE KOCH INDUSTRIES COMPANY PICNIC AT LAWRENCE-DUMONT STADIUM, SEPTEMBER 23, 2006, 6:30 PM TO 9:00 PM

Agenda Report No. 06-0950

In accordance with the Community Events Procedure, the event promoter Eric Edelstein with Wichita Baseball is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Koch Industries Company Picnic at Lawrence-Dumont Stadium, September 23, 2006 6:30 – 9:00 pm.
§ McLean Avenue, Maple to Douglas. Fireworks display fallout zone.

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--
--carried Mayans 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, (Skelton absent).

STREET CLOSURE MIDTOWN HISTORIC WALKING TOUR, OCTOBER 14 & 15, 2006, 10:00 A.M. – 5:00 P.M.

Agenda Report No. 06-0951

In accordance with the Community Events Procedure, the event promoter Mid-town Community Resource Center is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Midtown Historic Walking Tour, October 14 & 15, 2006, 10:00 am – 5:00 pm
§ North Topeka Street, 13th Street North to 10th Street North, not including intersections.

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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--

Mayans 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, (Skelton absent).

--carried

STREET CLOSURE

WICHITA MARATHON, OCTOBER 22, 2006, 9:00 AM TO 2:00 PM, THROUGHOUT SOUTHEAST WICHITA INTO DOWNTOWN AND OLD TOWN.

Agenda Report No. 06-0952

In accordance with the Community Events Procedure, the event promoter Clark Ensz of Run Wichita is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Wichita Marathon, October 22, 2006 9:00 am – 2:00 pm throughout southeast Wichita into Downtown and Old Town.

§ 31st Street south, McConnell Air Force Base to Oliver, west bound curb side lane. 9:00 am – 12:30 pm

§ Oliver Street, 31st Street south to George Washington Boulevard, north bound curb side lane. 9:30 – 12:30 pm.

§ George Washington Boulevard, Oliver to Mt. Vernon, west bound curb side lane. 9:30 am – 12:45 pm.

§ Mt. Vernon, George Washington Boulevard to Linwood Park, west bound curb side lane. 9:45 am – 1:15 pm.

§ Douglas Street, I-135 to Mead Street, west bound curb side lane. 9:45 am – 2:00 pm.

§ Mead Street, Douglas to Second Street. 9:45 – 2:00 pm

§ 2nd Street, Mead Street to Moore Street.

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed intermittently throughout the course and 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--

Mayans 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, (Skelton absent).

--carried

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STREET CLOSURE **ROLLING STONES CONCERT, SUNDAY, OCTOBER 1, 2006, CESSNA STADIUM ON THE CAMPUS OF WICHITA STATE UNIVERSITY 8:00 A.M. UNTIL 12:00 A.M., MONDAY, OCTOBER 2, 2006.**

Agenda Report No. 06-0953

In accordance with the Community Events Procedure, the event promoter Brad Pittman of Wichita State University Athletics is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Rolling Stones Concert, Sunday October 1, 2006 Cessna Stadium on the Campus of Wichita State University 8:00 am until 12:00 am Monday, October 2, 2006

- § 21st Street North, Hillside to Oliver not including the intersection at 21st Street North and Hillside.
- § 21st Street North at Oliver Street intersection, $\frac{3}{4}$ closure forcing all 21st Street traffic west bound, south on Oliver Street and all north bound traffic east on 21st Street.
- § Oliver Street, 21st Street North to 29th Street North.
- § 29th Street North Oliver to Woodlawn

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed intermittently throughout the course and 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-- Mayans 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, (Skelton absent).
--carried

ASSESS ROLLS **PROPOSED ASSESSMENT ROLLS.**

Proposed assessment rolls have been prepared for thirty-three (33) water projects, thirty-three (33) sewer projects and eighteen (18) storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 9, 2006 at 11:00 a.m.

Motion-- Mayans moved that the hearing be set on the Proposed Agreement Rolls for 9:30 a.m., Tuesday, October 17, 2006, and direct the City Clerk to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing. Motion carried 6 to 0, (Skelton absent).
--carried

CONTS FOR AUGUST **CONTRACTS AND AGREEMENTS FOR AUGUST 2006.**

Motion--carried Mayans moved that the file be received. Motion carried 6 to 0, (Skelton absent).

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RR CORRIDOR

CENTRAL CORRIDOR RAILROAD IMPROVEMENT. (DISTRICT VI)

Agenda Report No. 06-0954

On March 8, 2005, the City Council approved a construction contract with Dondlinger & Sons, Inc. to construct Central Corridor Railroad Improvements. During excavation for the project, an old previously unknown 36" sanitary sewer has been discovered that passes beneath a zone of new construction that includes the main railroad track. The sewer pipe is in need of repair and encasement to protect it from future train loading.

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

The cost of the additional work is \$74,200, with the total paid by a combination of City-at-Large funds, Federal grants administered by the Kansas Department of Transportation and railroad funds. The original contract is \$57,444,085. This Change Order plus previous Change Orders represents 00.516% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving east-west traffic flow and safety through the core area.

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

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Skelton absent).

HARRY ST. IMPROV

HARRY STREET IMPROVEMENT, K-42 HIGHWAY TO MERIDIAN. (DISTRICT IV)

Agenda Report No. 06-0955

On March 7, 2006, the City Council approved a construction contract with Cornejo & Sons, Inc. to improve Harry Street, between K-42 Highway and Meridian. Part of the work consists of reconstructing the intersection of Harry and Meridian. During construction, it was then determined that the existing traffic signals at the intersection were not in as good of condition as previously assessed and should all be converted to a video detection system.

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

The total cost of the additional work is \$32,136 with \$25,700 paid by Federal Grants and \$6,436 paid by City General Obligation bonds. The original contract amount is \$1,071,875. This Change Order plus previous Change Orders represents 3.42% of the original contract amount.

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

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

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Skelton absent).

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CITY HALL

CITY HALL LANDSCAPE AND SECURITY ENHANCEMENTS. (DISTRICT VI)

Agenda Report No. 06-0956

In September 2003, Council approved a contract with Schaefer Johnson Cox Frey Architecture (SJCF) for architectural services related to enhancing City Hall security through a redesign of first floor, exterior landscaping features and access to the auto service tunnel. On September 21, 2004, Council authorized expanding the scope of work to include parking lot modifications and a redesign of the atrium. On May 24, 2005, Council authorized expanding the project again to replace the emergency generator and install it at a new exterior location.

On June 7, 2005, Council approved a contract with Commerce Construction Services Inc. to construct the addition to the atrium (Formal Bid FB500161). This project expanded the existing atrium by 17 feet north and south to allow for the addition of security screening equipment and personnel. The design of the addition included revolving doors on the north, south and garage lobby. The revolving doors were used in lieu of normal swing doors to help maintain climate control within the atrium.

After the atrium re-opened in April 2006, we experienced a severe thunderstorm with strong winds and heavy rains. This storm caused a problem whereby the revolving doors acted like a paddle wheel bringing large amounts of water into the atrium. As this has occurred several times, it has become evident that the revolving doors should be screened from the weather. A glass windbreak has been designed for both the north and south entrances, which will prevent this problem in the future. Staff is recommending that a change order with Commerce Construction Services, Inc. in the amount of \$38,031 be approved.

The adopted 2005 – 2014 Capital Improvement Program (CIP) includes a total of \$7,647,510 for the entire series of projects related to the Landscape and Security Improvements to City Hall, the atrium, the parking garage and the surrounding campus.

Construction of the landscape and security improvements will impact the Provide a Safe and Secure Community Goal.

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

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Skelton absent).

PROPERTY ACQ.

ACQUISITION OF 520 NORTH OLIVER FOR THE CENTRAL AND OLIVER INTERSECTION PROJECT. (DISTRICT II)

Agenda Report No. 06-0957

On January 10, 2006, City Council approved a project to improve the intersection at Central and Oliver. Left turn lanes will be provided at all four approaches to the intersection. The traffic signal system will be upgraded and a new storm sewer will be constructed. Construction is planned to begin in the fall of 2006. The intersection improvement plan calls for partial acquisitions of four parcels. One acquisition at 520 North Oliver consists of a 4,028 square foot strip of land along the west side of the parcel. The property is developed with a 10,208 square foot commercial building. The acquisition will eliminate 14 parking spaces on the west side of the property but does not physically impact the improvements.

The entire property was appraised at \$400,000, or \$39.18 per improved square foot. The partial take, including temporary easements was appraised at \$115,228. The owner has offered to sell the entire tract for \$700,000 (\$63.67 per square foot). That portion of the property not required for the project will be resold.

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The funding source for the City share of the project is General Obligation Bonds. A budget of \$708,000 is requested. This includes \$700,000 for the acquisition, and \$8,000 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

W. MAPLE & 151ST ST. SURPLUS VACANT LOT LOCATED NEAR WEST MAPLE AND 151ST STREET. (DISTRICT V)

Agenda Report No. 06-0958

The property under consideration is a vacant lot located at near West Maple and 151st Street. It consists of 2.57 acres, zoned single-family and legally described as Lot 7, Block 1, Miles West Wind Lakes Estate. City Council approved the acquisition of this specific site from the Sedgwick County Sewer District packaged together with three other sites and facilities on March 6, 2001. The sites were acquired to reduce the cost of constructing future pump stations, sewer infrastructure and the incorporation of County facilities into the City's automated control system.

It has been determined by the City's Water and Sewer Department there is no longer a need for the proposed surplus site. All City departments have been notified and have shown no interest in the property. The property would be marketed to public as a single-family site.

The City will receive cash consideration for the sale of the property. Proceeds would be applied to the Sewer Utility fund. In addition, the sale of this property to a private party will place additional value into the tax base and relieve the City of any maintenance costs.

The sale and redevelopment of this property will support a dynamic core area and vibrant neighborhood.

Motion--
--carried

Mayans moved that the property be declared as surplus and designate it as available for sale to the general public. Motion carried 6 to 0, (Skelton absent).

520 & 528 N. OLIVER SALE OF REMAINDER OF 520 AND 528 NORTH OLIVER. (DISTRICT II)

Agenda Report No. 06-0959

The City Council has approved the acquisition of the properties at 520 and 528 North Oliver as part of the project to improve the intersection at Central and Oliver. 520 North Oliver is developed with a 10,208 square foot commercial facility on a 53,699 square foot site. The intersection project requires 4,028 square feet of the site but does not impact the improvements. 528 North Oliver is developed with a 750 square foot single-family residence on a 7,000 square foot site. The project requires 750 square feet of the site but does not directly impact the improvements.

A local developer has offered to acquire the remainder of these two tracts from the City for \$700,000. The two partial acquisitions were appraised for \$126,828. 520 North Oliver will be acquired by the City for \$700,000. 528 North Oliver was acquired for \$50,000. The net cost to the City for these two tracts after netting in the resale price of \$700,000 is \$50,000.

The net proceeds from this sale will reduce the overall cost of the intersection improvement project.

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The resale of these surplus parcels minimizes the cost of the project and helps ensure efficient infrastructure development.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

GYPSUM CREEK

AGREEMENT FOR FINAL DESIGN SERVICES FOR GYPSUM CREEK IMPROVEMENT-PAWNEE TO WOODLAWN. (DISTRICT III)

Agenda Report No. 06-0960

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the natural channel of Gypsum Creek between Pawnee and Woodlawn. This project was put in the CIP as a result of the flooding of many homes near Fabrique in June 1997. The project, when completed, will reduce the likelihood of residential flooding. City staff will present design concepts for this project to District III's District advisory Board on September 6, 2006.

The proposed Agreement between the City and HNTB Corporation is to provide for final design based on their recommendations found in the Preliminary Engineering Study dated July 2006. The recommendations include excavating a low flow channel adjacent to the existing channel and protecting the creek's toe by installing natural stone at certain channel bends. The proposed channel improvements will provide flood protection up to the 100-year storm event for all structures.

HNTB's design fee shall not exceed \$118,750, and will be paid by General Obligation Revenue Bonds. The CIP has budgeted \$2.1 million dollars for the design, right-of-way acquisition and construction of this project. Right-of-way acquisition, including and other related fees are estimated at \$1.0 million. The Council action now requested is to approve the funds for final design, right-of-way acquisition and authorize the construction, which can be done for the amount included in the 2005-2014 CIP.

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

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

Motion--
--carried

Mayans moved that the Agreement and expenditures be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 06-468

A Resolution finding it necessary to make certain improvements to the channel along Gypsum Creek, between Pawnee and Woodlawn. 468-84224 and authorizing the issuance of bonds by the City of Wichita, Kansas. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

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USGS AGRMNT

UNITED STATES GEOLOGICAL SURVEY (USGS) SURFACE WATER AGREEMENT, OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

Agenda Report No. 06-0961

In 1957, as a condition of Federal assistance in construction of the Wichita-Valley Center Flood Control Project, the City of Wichita entered into a cooperative agreement with the United States Geological Survey (USGS) to install and maintain stream recorders along the project. Rainfall recorders were added later for the City's own use.

The Department of public works uses recorders to monitor rainfall through the drainage basins affecting the project to determine volumes of incoming water. This collected data is transmitted to the National Weather Services, which transmits the data to the River Forecast Center in Tulsa, Oklahoma. The data is statistically analyzed and published by USGS.

The Water Department monitors the flow of water into and out of Cheney Reservoir and relays the elevation of the lake to the Corps of Engineers.

The Agreement requires the City to pay \$36,723 of the \$62,970 total program cost, with USGS responsible for the balance of \$26,247. Budget for the City's cost is split between the Water & Sewer Department (\$16,771) and City-County Flood Control (\$19,952). These funds have been allocated in the appropriate operating budgets.

The information received on the rainfall volumes helps provide for a safe and secure community by providing information on which to base flood warnings.

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

Motion--
--carried

Mayans moved that the Joint Funding Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

ASR PROJECT

EVALUATION OF MEMBRANE FILTRATION FOR ASR PROJECT.

Agenda Report No. 06-0962

On October 3, 2000, the City Council approved and instructed Staff to begin implementation of the Concept Design Plan for the Integrated Local Water Supply (ILWS) Plan. The Plan identified cost-effective water resources that would be adequate to meet Wichita's water needs to the year 2050.

The ILWS Plan includes utilizing several local water supply sources. A major component of the ILWS Plan is to recharge the Equus Beds Wellfield using water from the Little Arkansas River. There are several water treatment techniques that will work to clean up water taken directly from the river. Staff has evaluated several techniques in the past, and the evaluations have proven to be very valuable.

Staff believes membrane filtration should be evaluated as a potential water treatment alternative. Recent changes in the capabilities of technology and reductions in the cost of using membrane filtration have increased its potential effectiveness for the recharge project. While membrane technology has been used successfully in many locations, it is highly recommended that pilot work be done prior to committing to full-scale construction. The variability in water quality at various sites, and the unique application of this technology to the City's ASR project, make doing pilot testing a prudent step in the evaluation process. Staff recommends that engineering services be acquired to assist in determining which membrane manufacturers and technologies have the most potential to be effective in the City's application, assist in negotiating for the use of pilot equipment, and assist in operating and evaluating the pilot equipment. The equipment will be tested at the new ASR Treatment Plant and be used to evaluate treating raw river water as well as a final filtration on water from the ASR plant.

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Pilot units would be used beginning in the spring of 2007 through fall of 2007 in order to evaluate their performance through a typical recharge season. The results of the tests will be used by the City to determine the feasibility of using the technology on future phases of the ASR project.

The estimated cost to do a membrane evaluation project is \$300,000. It is anticipated that cost savings from the construction of the ASR Treatment Plant, CIP W-549, will be approximately \$360,000. It is recommended that these cost savings be allocated to the membrane-testing project. Funds for the project will come from Water Utility revenues and reserves, and/or a future revenue bond issue.

The project will help Ensure Efficient Infrastructure by assisting in the evaluation of facilities needed to provide reliable, compliant and secure utilities. Careful evaluation of new technologies will assure that the City invests appropriately in the construction of facilities needed to maintain its future water supply needs.

There are no legal considerations.

Motion--
--carried

Mayans moved that the project and the expenditures be approved and Staff authorized to solicit proposals for engineering services. Motion carried 6 to 0, (Skelton absent).

ORDINANCES

SECOND READING ORDINANCES AND CHARTER ORDINANCE: (FIRST READ SEPTEMBER 12, 2006:

a) Nuisance Abatement Assessments.

ORDINANCE NO. 47-116

1. An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans.

ORDINANCE NO. 47-117

2. An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans.

b) Southwestern Bell Telephone Franchise Amendment.

ORDINANCE NO. 47-118

An Ordinance of the City of Wichita, Kansas, amending Section 3 of Ordinance no. 45-677, a Contract Franchise with Southwestern Bell Telephone L.P. d/b/a SBC Kansas, a telecommunications local exchange service provider, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans.

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- c) Greenwich Road Improvement, between Central and 13th Street. (District II)

ORDINANCE NO. 47-119

An Ordinance declaring Greenwich Road, between Central and 13th Street North (472-84435) 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. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans.

- d) Development Agreement for the Northeast Baseball Complex. (District II)

ORDINANCE NO. 47-120

1. An Ordinance of the City of Wichita, Kansas (the "City"), approving and authorizing the execution of a development agreement between the City and Central Plains Youth Sports, Inc., pursuant to Charter Ordinance No. 177, read for the second time. Schlapp moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 1. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, (Mayans, no; Skelton absent).

CHARTER ORDINANCE NO. 203

2. A Charter Ordinance amending Section 1 of Charter Ordinance No. 177 of the City of Wichita, Kansas, pertaining to exemptions from bid requirements, and repealing the original of said Section, read for the second time. Schlapp moved that the Charter Ordinance be placed upon its passage and adopted. Motion carried 5 to 1. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, (Mayans, no; Skelton absent).

- e) Public Hearing and Tax Exemption Request, Custom Cupboards, Inc. (District IV)

ORDINANCE NO. 47-121

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Custom Cupboards, Inc. so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans.

- f) Public Hearing and Tax Exemption Request, Harlow Aerostructures, LLC. (District IV)

ORDINANCE NO. 47-122

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Harlow Aerostructures, LLC, so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent).

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- g) Authorization of Change of Tenant Entity, Dean & Deluca, Inc. (District I)

ORDINANCE NO. 47-123

An Ordinance of the City of Wichita, Kansas, prescribing the form and authorizing the execution of an agreement for amendment and assignment of lease and consent to assignment of lease in connection with the project financed with the City's taxable Industrial Revenue Bonds, Series IX-A, 2000 (Dean & Deluca, Inc.), and the City's subordinated taxable Industrial Revenue Bonds, Series IX-B, 2000 (Dean & Deluca, Inc.), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans.

- h) Allow Wholesale Customers a Conditional Option.

ORDINANCE NO. 47-124

An Ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, as amended by Ordinance No. 47-111, pertaining to schedule of rates and charges for water service, and repealing the original of said Section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans.

- i) Amendment to Franchise Ordinance No. 42-264 with Cox Communication Kansas, LLC.

ORDINANCE NO. 47-125

An Ordinance amending Section 19 of Ordinance No. 42-264 of the City of Wichita, Kansas, pertaining to a franchise granted to Multimedia Cablevision, Inc. and assigned to Cox Communications Kansas, LLC, to construct, operate and maintain a broadband telecommunications network within the City of Wichita; and repealing the original of said Section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans.

- j) Pawnee Improvement between 119th Street West and Maize. (District IV)

ORDINANCE NO. 47-127

An Ordinance amending Ordinance No. 46-880 of the City of Wichita, Kansas declaring Pawnee, between 119th Street West and Maize (472-84357) 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. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans.

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- k) 11th Street Bridge at the Drainage Canal. (District I)

ORDINANCE NO. 47-128

An Ordinance amending Ordinance No. 47-009 of the City of Wichita, Kansas declaring the 11th Street north Bridge at the Wichita Drainage Canal (472-84396) 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. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans.

- l) DR2004-10-Proposed Amendments to the Wichita Sedgwick-County Subdivision Regulations, Utility Easements.

ORDINANCE NO. 47-129

An Ordinance amending the "Wichita-Sedgwick County Subdivision Regulation, January 28, 1999 Edition," as adopted by reference in City of Wichita Code Sec. 28.05.010, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans. (DR2004-10)

- m) ZON2006-00019 - east of West Street and on the south side of Maple Street. (District IV)

ORDINANCE NO. 47-130

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. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans. (ZON2006-00019)

- n) ZON2006-00017- generally located north of Lewis and east of Greenwich Road. (District II)

ORDINANCE NO. 47-131

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. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans. (ZON2006-00017)

- o) Home Rule Bonding Ordinance for preparing the Hilltop Neighborhood Master Plan. (District III)

ORDINANCE NO. 47-132

An Ordinance of the City of Wichita, Kansas authorizing the issuance of its general obligation bonds to pay costs of preparation of a Hilltop Neighborhood Master Plan; and authorizing and providing for the issuance of temporary improvement notes of the City from time to time as funds are needed for such purpose, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans.

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NEW BUSINESS

WATERSHED

CHENEY WATERSHED PROTECTION PROJECT.

Dave Warren

Director of Water and Sewer reviewed the item.

Agenda Report No. 06-0963

Cheney Reservoir is a major water supply source for Wichita, currently providing approximately 60 percent of the City's water. On August 24, 1993, the City Council approved the concept of the City assuming part of the cost-share necessary to allow landowners to implement "best management practices" in the watershed above the Reservoir to improve water quality and extend the life of the reservoir.

It has been determined that Cheney Reservoir has at least two significant pollution problems. One is sedimentation that washes into the reservoir from soil erosion. The sedimentation displaces water stored in the reservoir and is a major factor in determining the useful life of the reservoir. Secondly, is the amount of phosphates in the water. High phosphate levels can lead to an increase in microscopic plant activity in a lake, which increases taste and odor events.

To respond to this, a management plan was created that identifies "best management practices" (BMP) for the watershed to help to reduce pollution entering the reservoir. The Reno County Conservation District and the Citizens' Management Committee are responsible for implementing the recommendations in the management plan. While there are a number of federal and state programs that encourage and assist in funding installation of BMPs, those programs typically only pay 70-to-80 percent of the cost of installation. Since 1994, the City has worked in partnership with the Citizens' Management Committee to provide the additional 20-to-30 percent funding to the producers to eliminate the upfront costs of installing BMPs.

The partnership between producers in the watershed and the City of Wichita to seek common goals was one of the first of its kind in the nation and has served as a model for other watershed protection projects. The partnership has received three national awards: the CF Industries National Watershed Award, the Clean Water Partners Award from EPA and was named a White House Cooperative Conservation Project. Through efforts of the Citizens' Management Committee over 2,000 projects have been completed that help protect the water quality of the reservoir.

CIP W-500, Cheney Watershed Protection Program, has allocated \$200,000 for 2006 and \$200,000 for 2007.

Ensure efficient infrastructure by maintaining and optimizing public facilities and assets. While the work in the project occurs in the watershed above the reservoir, the intent is to improve the water quality and prolong the life of the reservoir.

There are no legal considerations.

Lisa Finch

Ms. Finch, Project Coordinator, reported that this is a partnership approach and that Cheney Reservoir was constructed between 1962 and 1964, primarily as drinking water for the City of Wichita and surrounding communities and also for recreation. Stated that reservoir is about 20 miles from Wichita and the watershed extends through five counties. Stated that 99% of the watershed is agricultural and there are a few small cities in the watershed but for the most part it is an agricultural area. Stated that the agriculture is diverse and they have a lot of small dairies and have a diversified crop and livestock farms, rangeland, dry land and irrigated farming and 17 to 20% of the acres within the watershed are enrolled in the conservation reserve program. Stated that the keys to this partnership that they have had for over 10 years are: the right kind of structure; rural-urban partnership; a wealth of good information; strong local leaders; develop strong partnerships with agencies across the US and Federal Agencies; livestock feeding areas near streams; better management of livestock waste and keeps grass when Conservation Reserve Program (CRP) contracts expire. Stated that some of the things that they see ahead of them are that they want to do some more information gathering, which is helpful for them the

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more that they understand the watershed and the way things work, they can make better decisions about how they use the money that they put towards projects and understand why people do it as far as the social aspects and the economic implications. Stated that one of the things they are looking at right now are the little femoral gulleys in a crop field that show up after a rain and are still losing soil there and think it is more than anticipated in the past. Stated that one of the primary things is looking at focused implementation and thinks that they are starting to understand now that there are some areas within the watershed that probably provide more sediment and more nutrients than other places and if they can understand where those things are, then they can focus their education and their cost share into areas that will probably give them the greatest impact. Stated that the whole project is about local leadership and support from the City and members of the leadership group recognize the problem and they are willing to talk to their neighbors and the farmers in the watershed have power to pick the best solutions that will work on their farm but will keep the water clean.

Mayor Mayans Mayor Mayans stated that if we continue this type of initiative, could a lake continue indefinitely as long as you keep nurturing it.

Dave Warren Director of Water and Sewer stated that any water reservoir has a life span and that is directly related to how quickly sedimentation begins to fill in the reservoir and one of the things that this program is most directed at is the reduction of sedimentation entering the reservoir. Stated that our partnership in this program extends the life of one of Wichita's most valuable water resources.

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

Motion-- Mayans moved that the City continue participation with the Cheney Watershed Protection Program.
--carried Motion carried 6 to 0, (Skelton absent).

TRANS. SYSTEM

INTELLIGENT TRANSPORTATION SYSTEM TRAFFIC SIGNAL PROJECT.

Chris Carrier Director of Public Works reviewed the item.

Agenda Report No. 06-0964

In 1997 the Federal Highway Administration (FHWA) and the Kansas Department of Transportation (KDOT) budgeted funds to be used for an Intelligent Transportation Systems (ITS) Early Deployment Planning Study in the City of Wichita. Intelligent Transportation Systems use advanced computer technology to coordinate traffic signals and message boards to improve traffic flow on major streets and freeways. In December 1998, HNTB Corporation completed an early deployment study for the Wichita metropolitan area. The study recommended that the City of Wichita evaluate its current traffic signal systems to determine the need for new signal technology and expansion to outlying areas.

As a result of the study, a traffic signal improvement project has been developed. The project will be split into phases. Phase 1 will consist of replacing existing signal controllers that were originally installed in 1989. Replacement parts for these controllers are no longer available. Phase 1 will also acquire firmware and new central software that will be used by both the City of Wichita and Sedgwick County. A communication backbone will be a part of the second phase. The completed project will allow all signalized intersections to be on one control system. Currently, Staff can communicate with approximately 75% of the signalized intersections.

The project budget is \$3,779,493. The funding sources are: \$1,120,000 paid by the City, \$5,316 by Sedgwick County, \$1,993,500 by Federal grants and \$660,677 by KDOT funds. The Funding source for the City share is General Obligation Bonds and is programmed in the 2005-2014 Capital Improvement Program. A City/County/State agreement has been prepared that establishes joint funding for the project.

This project addresses the Efficient Infrastructure goal by improving traffic flow at signalized intersections located throughout Wichita.

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The Law Department has approved the authorizing Resolution and City/County/State agreement as to legal form.

- Council Member Gray Council Member Gray stated that his concern is that this could become some kind of back door obligation upon the City Council to implement our own wireless infrastructure program.
- Chris Carrier Director of Public Works stated that they could run this system with underground wires or wireless, whatever they decide they want to do in the future. Stated that the first phase of this project will not obligate them to go either way.
- Mayor Mayans Mayor Mayans asked what the factors are regarding the prioritization of the 400 intersections.
- Chris Carrier Director of Public Works stated that 400 is every intersection that is currently signalized in the City of Wichita, would get new updated controllers under this project and the only priority they would have to establish is which one would get them first and they have not gotten that far.
- Council Member Brewer Council Member Brewer stated that as we start to get involved in this, if we are prepared to handle the individuals who are seeing and hearing impaired
- Chris Carrier Director of Public Works stated that this whole concept of intelligent transportation systems is nationwide and one of the things that the federal government and the state governments want to be sure of is that these systems are developed so that they work with each other and include the kind of things that you are talking about. Stated that you might call it a universal-type system that communicate with each other and ultimately this project when it is fully developed will involve the state police being able to use parts of the project, the county, etc. Stated that there is a lot of architecture that is being developed for these projects and the things that have been mentioned are a part of that architecture.
- Council Member Gray Council Member Gray asked what the time line is to do the conversion of all these signalizations.
- Chris Carrier Director of Public Works stated that he has not talked to traffic engineering but his guess would be a year to a year and a half and it would involve our own manpower.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion--
--carried Mayans moved that the project and the agreement be approved; the Resolution adopted and the signing of State/Federal agreements as required be authorized. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 06-479

A Resolution authorizing the issuance of bonds by the City of Wichita at large to implement an intelligent transportation system traffic signal improvement (472-84446). Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

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RIDGE & MAPLE

RIDGE AND MAPLE INTERSECTION IMPROVEMENT. (DISTRICT V)

Chris Carrier

Public Works Director reviewed the item.

Agenda Report No. 06-0965

On August 16, 2005, the City Council approved a project to improve the intersection of Ridge and Maple. An attempt to award a construction contract within the approved budget was not successful. An amending Ordinance has been prepared to increase the project budget.

The project will reconstruct the intersection to provide dual left turn lanes at all four approaches to the intersection. The traffic signal system will be upgraded.

The current budget is \$2,230,000 with \$500,000 paid by the City and \$1,730,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The proposed increased budget is \$2,730,000 with \$650,000 paid by the City and \$2,080,000 paid by Federal Grants. Funding for the City's share of the increase is available from favorable bids on the 151st St. West, south of Maple and 29th St. North, Tyler to Ridge, projects.

This project addresses the Efficient Infrastructure goal by improving traffic flow through a high volume arterial street intersection.

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

Mayor Mayans

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

Motion--
--carried

Martz moved that the revised budget be approved; the amending Ordinance placed on First Reading and the signing of State/Federal agreements as required be authorized. Motion carried 6 to 0, (Skelton absent).

ORDINANCE

An Ordinance amending Ordinance No. 46-993 of the City of Wichita, Kansas declaring the intersection of Ridge at Maple (472-84258) to be a main trafficway Within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

STORMWATER

HARRY AND MEAD STORMWATER IMPROVEMENTS TO SERVE UNION PACIFIC RAILROAD. (DISTRICTS I AND III)

Chris Carrier

Director of Public Works reviewed the item.

Agenda Report No. 06-0966

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the Pawnee Union Pacific Railroad (UPRR) Crossing. TranSystems was hired on May 25, 1999 to design the Wichita Central Railroad Corridor Improvement and have been assisting the City with negotiations on the Pawnee Grade Separation project. The City has agreed to allow UPRR to raise the Harry Street crossing between one and two feet as part of our agreement with the Pawnee project. The change in grade will require stormwater sewer to be extended from two structures on both sides of the tracks.

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The proposed Agreement between the City and TranSystems provides for the final design of stormwater improvements to drain the Mead railroad right-of-way when the track at Harry Street are raised between one to two feet to prevent additional train derailments and reduce the number of false signals at street crossings in the area. Poor drainage conditions along the tracks has caused train sensors to trigger, which causes the cross arms to close when no trains are present.

Funding for the project budget is available in the Economic & Redevelopment CIP for the Pawnee UPRR Crossing. The estimated design and construction cost for this project is \$250,000. Payment to TranSystems will be on a lump sum basis of \$9,800 and will be paid by General Obligation Revenue Bonds.

This project addresses the Ensure Efficient Infrastructure goal by improving stormwater conveyance and traffic conditions through the railroad crossing.

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

Mayor Mayans

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

Motion--
--carried

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

RESOLUTION NO. 06-480

A Resolution finding it necessary to make certain stormwater improvements to Harry Street and Mead to serve the union Pacific Railroad, 468-84219 and authorizing the issuance of bonds by the City of Wichita at Large. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

PLANNING AGENDA:

Motion--
--carried

Mayans moved that the Planning Consent items be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Skelton absent).

SUB2005-149

SUB2005-149-PLAT OF CHERYL'S HOLLOW SECOND ADDITION, LOCATED WEST OF 135TH STREET WEST AND ON THE NORTH SIDE OF 13TH STREET NORTH. (DISTRICT V)

Agenda Report No. 06-0967

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-1)

The Planning Commissioner that voted in opposition had concerns regarding approval of the drainage plan.

This site, consisting of 174 lots on 55.17 acres, is located within Wichita's city limits. This final plat is the north portion of the preliminary plat, and represents the second phase of development. It is zoned "SF-5" Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer, water and left-turn lane improvements. Restrictive Covenants were submitted to: 1) create a lot owner's association for the ownership and maintenance of the proposed reserves being platted for drainage purposes; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Ensure Efficient Infrastructure.

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

Motion--
--carried

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

RESOLUTION NO. 06-469

A Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90198 (north of 13th, west of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 06-470

A Resolution of findings of advisability and resolution authorizing construction of Lateral 9, Main 4, Northwest Interceptor sewer, (north of 13th, west of 135th Street West) 468-84189 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 06-471

A Resolution of findings of advisability and resolution authorizing constructing pavement on Kentucky Lane, from the north line of 13th Street North to the west line of Ridgepoint; Price, from the west line of Cheryl's Hollow Second Addition to the west line of Kentucky Lane; Hunters View, from the east line of Kentucky Lane to the west line of Hunters View constructed in Cheryl's Hollow Second Addition; Autumn Ridge, From the east line of Kentucky Lane to the west line of Thoroughbred and from the east line of Cheryl's Hollow Second Addition to the north line of Stout; Stout, from the north line of Stout as constructed in Cheryl's Hollow Addition to the west line of Autumn Ridge; Stout Circle, from the north line of Stout; Thoroughbred, from the north line of Thoroughbred constructed in Cheryl's Hollow Addition to and including the cul-de-sac of Thoroughbred Circle; Thoroughbred Court, from the west line of Thoroughbred; Kentucky Court, from the east line of Kentucky Lane; Marold, from the east line of Kap to the west line of Thoroughbred; Kap, from the east line of Kentucky Lane, to the north line of Cheryl's Hollow Second Addition; Kap Court, from the west line of KAP; Ridgepoint, from the north line of Kentucky Lane to the west line of Kap; Bellick, from the north line of Autumn Ridge to the south line of Kap; Bellick Court, from the north line of Bellick; and 13th Street North from the west line of Cheryl's Hollow Second Addition easterly to the termination point of existing asphalt pavement on 13th Street North (north of 13th, west of 135th Street West) 472-84412 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 06-472

A Resolution of findings of advisability and resolution authorizing constructing a left turn lane from 13th Street North into Kentucky Lane, to serve Cheryl's Hollow Second Addition (north of 13th, west of 1235th Street West) 472-84413 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

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SUB2006-34

SUB2006-34-PLAT OF CLIFTON HEIGHTS COMMERCIAL ADDITION, LOCATED NORTH OF 55TH STREET SOUTH AND EAST OF HILLSIDE. (DISTRICT III)

Agenda Report No. 06-0968

Staff Recommendation: Approve the plat.

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

This site, consisting of seven lots on 16.84 acres, has recently been annexed into Wichita's city limits. A zone change (ZON 2005-61) from "SF-20" Single-family Residential District to "LC" Limited Commercial District has been approved. The Clifton Heights Commercial Community Unit Plan (CUP 2005-75, DP-294) was also approved for this site. A Notice of Community Unit Plan has been submitted.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water and left-turn lane improvements. A Joint Access Easement has been submitted, and in accordance with the CUP, a Cross-lot Access and Easement has also been submitted. County Engineering requested that development of this site be deferred until Sedgwick County Project D-20 (Clifton Drainage) or an acceptable alternative project is completed. A Restrictive Covenant has been submitted addressing this restriction. Since this site is located within the noise impact area of McConnell Air Force Base, an Avigational Easement and Restrictive Covenant have been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The CUP Certificate, Certificate of Petitions, Joint Access Easement, Cross-lot Access and Easement, restrictive Covenant and Avigational Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the resolutions adopted and the Ordinance placed on first reading. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 06-474

A Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90224 (north of 55th Street South, east of Hillside) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 06-475

A Resolution of findings of advisability and resolution authorizing construction of Main 3, Boeing Sanitary Sewer (north of 55th Street South, east of Hillside) 468-84212 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 06-476

A Resolution of findings of advisability and resolution authorizing construction of Lateral1, Main 3, Boeing Sanitary Sewer (north of 55th Street South, east of Hillside) 468-84213 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

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RESOLUTION NO. 06-477

A Resolution of findings of advisability and resolution authorizing improving storm water drain No. 299 (north of 55th Street South, east of Hillside) 468-84214 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

RESOLUTUION NO. 06-478

A Resolution of findings of advisability and resolution authorizing constructing a left turn lane on Clifton Avenue to serve Clifton Heights Commercial Addition north of 55th Street. South, east of Hillside 472-84440 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over.

SUB2006-46

SUB2006-46-PLAT OF WATERWALK PHASE TWO ADDITION, LOCATED NORTH OF KELLOGG AND WEST OF BROADWAY. (DISTRICT I)

Agenda Report No. 06-0969

Staff Recommendation: Approve the plat.

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

This site, consisting of five lots on 17.07 acres, is a portion of the overall preliminary plat and is the second phase of the development. This site is located within Wichita's city limits. A zone change from "LI" Limited Industrial District, "GC" General Commercial District and "CBD" Central Business District to "PUD" Planning Unit Development (PUD 2005-03) has been approved.

Municipal services are available to serve this site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until such time as the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

Motion--
--carried

Mayans moved that the plat be approved; the necessary signatures authorized and the Ordinance placed on first reading. Motion carried 6 to 0, (Skelton absent).

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over.

SUB2006-62

SUB2006-62-PLAT OF SPANGLES ADDITION, LOCATED EAST OF ROCK ROAD AND NORTH OF HARRY STREET. (DISTRICT II)

Agenda Report No. 06-0970

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on .34 acres, is a replat of a portion of Lynncrest Heights Addition. This site is located within Wichita's city limits and is zoned "LC" Limited Commercial District.

Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Ensure Efficient Infrastructure.

Motion--
--carried

Mayans moved that the plat be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

DED2006-24

DED 2006-24-CONTINGENT DEDICATION OF STREET RIGHT-OF-WAY AND DED 2006-25-DEDICATION OF ACCESS CONTROL, LOCATED EAST OF HYDRAULIC AND SOUTH OF CENTRAL. (DISTRICT I)

Agenda Report No. 06-0971

These Dedications are associated with Lot Split No. SUB 2006-63 (Lot 23, Ash Street, Park Place Addition). The Dedications are for: 1) 10 feet of street right-of-way (contingent upon the improvement of First Street) and 2) access control, except for two openings along First Street.

Ensure Efficient Infrastructure.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 6 to 0, (Skelton absent).

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AIRPORT AGENDA

Motion-- Mayans moved to approve Airport Consent items 29-32 in accordance with the recommended action
--carried shown thereon. Motion carried 6 to 0, (Skelton absent).

(Item 28)
HOST INT'L

HOST INTERNATIONAL-S.A. NO. 4-RESTAURANT AND CONCESSION OPERATIONS, WICHITA MID-CONTINENT AIRPORT.

Victor White Director of Airport reviewed the item.

Agenda Report No. 06-0972

The current concession agreement between the Wichita Airport Authority and Host International, Inc. ("HMS Host") to provide food, beverage, and news/gift shop services and concessions in the terminal building was entered into on February 5, 1990, and was extended by the Wichita Airport Authority on February 14, 2006 from April 30, 2006 to April 30, 2010.

As a condition for the extension of the lease term with HMS Host, they were required to develop a concession improvement program, and to make a substantial financial investment in new and improved facilities. Host's new program included the following goals: 1) Enhance the existing concessions; 2) Improve the passenger experience by providing new and fresh brands and services of food, beverage, and retail; 3) Incorporate a new and viable financial opportunity for their existing DBE partner that would increase its ability to maximize revenues (this item has subsequently been superseded by the DBE firm's decision not to take the opportunity offered by Host); 4) Maximize revenues to the Airport; and 5) Demonstrate Host's continued commitment to the community by making a substantial financial investment in the new facilities.

This supplemental agreement simply adds space to Host's leasehold in the terminal for them to construct a Bar in the West Concourse and a Retail Wall Shop in the East Concourse. The other items of their improvement plan, such as constructing a Great American Bagel shop in the East Concourse, and refurbishment of the Food Court, Gift Shop, and Landings Bar are in areas already included within their current leasehold, and as such, do not require a lease amendment.

As a result of their DBE partner's decision to decline the offer to own the Great American Bagel shop, the Sarah's Ice Cream shop is not affected by this lease amendment and is anticipated to remain in its current location with an expanded menu offering if Sarah's owner signs a new sublease agreement for an additional four (4) years. Additionally, Host has decided to place the construction of a Starbucks Coffee Shop on-hold for the present due to the new TSA restrictions on beverages being taken through the security checkpoint and onto aircraft. Thus, there is no additional space for a Starbucks included in this lease supplemental agreement.

There are no financial impacts on the Airport with respect to costs; however, increased revenues are anticipated as a result of the improved concession sales expected to be generated by the new facilities.

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

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

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- Victor White Director of Airports stated that subsequent to sending the Council Members their documents and preparing the lease modification and the drawings, they have found out within the last week that one of the airlines on the west concourse is going to move to the east concourse, which is Allegiant Airlines. Stated that they are currently being handled by United for ticketing and ground handling and they have just signed a new contract effective tomorrow with American Airlines. Stated that they will move to the east concourse, which is about 40,000 passengers a year that will shift their activities from the west side to the east side. Stated that they and Host are thinking that it might be prudent to go ahead and put another bar on the east concourse and eventually end up with one on both to have an equal facility on both concourses. Stated that since the paperwork has already been submitted they will probably go forward with the approval for the west concourse operation today and then come back to the Council at the next opportunity to have the Council add a lease hold space for the east concourse bar. Stated that Host is ready to begin the construction of the Great American Bagel Shop in their existing lease hold on the east concourse near gate four and they are already beginning renovations and refurbishment of some of the other areas in their existing lease hold such as the Landings Bar, the food court and the retail shop in the main concourse. Stated that there is resolution to the long-standing issue this summer with Sarah's Ice Cream Shop and that they have signed an agreement with Host to remain in their current location so that is now off the table and is a resolved issue.
- Mayor Mayans Mayor Mayans asked the City Manager and legal if the Council could make a motion today if there is no objection by the Council, to add to the supplemental agreement a landing bar on the east concourse.
- George Kolb City Manager asked if the space has been approved between the airport and Host.
- Victor White Director of Airports stated that they are okay with it and have identified it and it would simply be a matter of redrawing another exhibit to attach.
- George Kolb City Manager stated that there would be no objections from administration.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion--
--carried Mayans moved to approve and amend the supplemental agreement number four that would also include a landing bar at the east concourse and authorize the necessary signatures. Motion carried 6 to 0, (Skelton absent)

FED. AVIATION

FEDERAL AVIATION ADMINISTRATION-LEASE NO. DTFACE-06-L-0054, AUTOMATED FLIGHT SERVICE STATION, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 06-0973

During the latter part of 1983, in reaction to the FAA's decision to consolidate its network of 317 flight service stations into 61 "super" automated flight service stations, the Wichita Airport Authority responded to a Solicitation for Offer to house one of the proposed automated flight service stations in Wichita. As a successful proponent, the WAA offered the use of the facility at no cost in order to maintain the operation in Wichita, and to take advantage of the economic impact created by its location in the community. The FAA assumed utility and janitorial costs, and the WAA developed a rate for charging the FAA for various maintenance items. Subsequent improvements to the facility have been at the expense of the FAA.

The current lease agreement expires on September 30, 2006. The FAA is desirous of extending the agreement through September 30, 2009. However, if the FAA determines that it is in the best interest of the government to terminate the agreement prior to that time, they may cancel the agreement by giving the WAA a 90-day written notice.

The current arrangement provides for a maintenance reimbursement to the WAA in the amount of \$64,885.26 per year. The proposed rate during the extension is \$71,004.84, for an increase of 9%.

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The Airport's contribution to the economic vitality of Wichita is promoted through initiating lease agreements which facilitate the provision of services to air travelers and which result in a positive economic impact due to retention/creation of jobs in the community.

The Law Department has approved the agreement as to form.

Motion--
--carried

Mayans moved that the lease agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

SUBLEASE AGRMNT SUBLEASE AGREEMENTS BETWEEN WICHITA AIRPORT FACILITIES, INC. AND RAYTHEON AIRCRAFT SERVICES, INC., WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 06-0974

Wichita Airport Facilities, Inc. (WAF) currently leases Hangar 28, located at 1590 Airport Road, which consists of 42,840 sq.ft. of hangar space and 7,200 sq.ft. of office space on Wichita Mid-Continent Airport. In addition, WAF also leases a paint facility, located at 1830 Airport Road, which consists of 5,625 sq.ft. In that fixed base and maintenance operations previously provided by WAF are now being handled through a sublease arrangement between WAF and Eaglejet Aviation, WAF is desirous of subleasing these two facilities to Raytheon Aircraft Services for its use. The term of the Hangar 28 sublease agreement is for a four-year period, with up to four, two-year extensions. The term of the paint facility sublease is for a two-year term, with up to four, one-year extensions.

In that this is a sublease arrangement, WAF remains responsible for the requirements outlined in the original agreements between the Wichita Airport Authority and WAF. Terms of the sublease agreements are subordinate to the original agreements.

There is no financial impact to the Wichita Airport Authority.

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

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

Motion--
--carried

Mayans moved that the sublease agreement for Hangar 28 and the sublease agreement for the paint facility be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

CHANGE ORDER TAXIWAY A AND A-1, CHANGE ORDER NO. 2, MID-CONTINENT AIRPORT.

Agenda Report No. 06-0975

On July 13, 2004 the Wichita Airport Authority approved a contract with Cornejo & Sons for construction of Taxiway A and A-1.

A change order has been prepared to modify the contracted work and adjust quantities.

The change order amount of \$27,702.99 will be funded with FAA AIP funding, PFC funding and Airport revenue. A budget increase of \$30,000 is requested and will result in a total project budget of \$5,962,767.26. With this change order the total change orders are approximately 0.5% of the initial construction contract amount.

The Airport's contribution to the economic vitality of Wichita is promoted through infrastructure improvements.

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The change order has been approved by the Law Department and the FAA.

Motion--
--carried

Mayans moved that the change order and the budget adjustment be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

PFC APPLICATION

PASSENGER FACILITY CHARGE (PFC) APPLICATION.

Agenda Report No. 06-0976

In 1991 the U.S. Congress approved an exception to the Anti-Head Tax Act permitting airports to assess passenger facility charges up to \$3.00 per departing passenger to be used for public capital improvements on airports. The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21) enabled a public agency to apply to the Federal Aviation Administration (FAA) to charge a PFC at the \$4.00 or \$4.50 level provided the projects met certain additional criterions. The purpose of the PFC is to supplement other financing vehicles and to formally give local control of the funds as long as the expenditure is eligible. Generally that means that the monies must be spent on approved non-revenue producing public facilities. The airlines serving U.S. airports collect the PFCs through the ticket sale process and relinquish the funds directly to the airports. The WAA began collecting a \$3.00 PFC charge at Mid-Continent Airport in 1994 and increased it to \$4.50 in 2005.

In order for any airport to collect PFC funds, it is necessary for an application to be made to the FAA. The airlines serving the airport are permitted to comment on the projects to be funded as outlined in the application. The FAA has 120 days to approve or disapprove the application based upon eligibility and justification. The authority to collect the PFC will expire in Spring 2007, so staff has prepared an application that will extend the collection authority until September 2008. The projects include Pavement Program, Airfield Safety Improvements and Security Improvements. Most of the project elements for which PFC funding is sought are in the approved 2005 – 2014 Capital Improvement Program (CIP). The balance of the PFC projects will be programmed into the revised CIP. Projects will individually proceed through the normal WAA authorization and procurement processes.

As of June 30, 2006, the WAA has collected \$22,682,000 of the total \$25,596,000 authorized. This application is estimated to yield another \$4,093,050 in collection authority. In this application, two projects combine the use of PFCs with 90% or 95% funding from federal grants while one project is fully funded by PFC monies. Future applications are anticipated to extend the PFC program.

The Airport's contribution to the economic vitality of Wichita is promoted through maximization of funding opportunities for capital improvements.

Motion--
--carried

Mayans moved that the PFC application be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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CITY COUNCIL

TRAVEL EXPEND. APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND WICHITA'S RECOGNITION BY THE NATIONAL DISABILITY INSTITUTE AT THE NATIONAL PRESS CLUB IN WASHINGTON, DC, ON OCTOBER 24, 2006.

Mayor Mayans Mayor Mayans explained that about three years ago they had an opportunity through a grant to bring together Cerebral Palsy, United Way, IRS and the City to help people with disabilities on the earned income tax credit. Stated that there is money available for people of low or no income to be able to file an income tax form and be able to bring into our community federal dollars. Stated that this is a form of economic development and over the last three years they have brought in several million dollars and have used volunteers on this project and there were 10 cities that were participating in the pilot project and the City of Wichita was one of them. Stated that they were just notified that the mayors from New York, Boston, West Palm Beach and himself were selected as the winners of this recognition. Stated that he has contacted the people from United Way and Cerebral Palsy and the IRS that may want to travel with him and Jeanne Goodvin, who is the head of the ADA to accept this at the National Press Club. Stated that this is a great honor for the City of Wichita to be honored for helping people with disabilities.

Motion--carried Mayans moved that the expenditures be approved. Motion carried 6 to 0, (Skelton absent).

BOARD APPTS. BOARD APPOINTMENTS.

Council Member Gray Council Member Gray requested that the following be reappointed to DAB IV: Jerry McGinty, Michael Gisick, Joshua Blick, Tom Engleman, Mary Cockburn, Peggy Bennett, Jim Benton, Edwin Koon and Gerald Marsh.

Council Member Schlapp Council Member Schlapp requested to reappoint Aaron Mays to DAB II.

Motion--carried Mayans moved that the appointments be made. Motion carried 6 to 0, (Skelton absent).

RECESS The Council recessed the City Council at 10:08 a.m.

RECONVENE The Council reconvened back in the City Council Chambers at 10:38 a.m.

*****WORKSHOP STARTED IN THE CITY COUNCIL CHAMBERS AT 10:38 a.m.*****

Motion-- Mayor Mayans moved that the City Council recess into Executive Session at 12:40 p.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice and matters relating to employer-employee negotiations and that the Council return from Executive Session no earlier than 1:00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 6 to 0, (Skelton absent).

--carried

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RECONVENE

The City Council Members reconvened back in the City Council Chambers at 1:20 p.m. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved to close the Executive Session at 1:20 p.m. Motion carried 5 to 0, (Fearey and Skelton absent).

Motion-- --carried

Mayans moved to close the Regular Meeting at 1:21 p.m. Motion carried 5 to 0, (Fearey and Skelton absent).

ADJOURNMENT

The meeting adjourned at 1:21 p.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk