

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 11, 2007
Tuesday, 9:004 A.M.

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

Cathy Holdeman, Assistant City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

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

Virdena Gilkey, Executive Assistant to the City Council, gave the invocation.

The Minutes of the regular meeting of December 4, 2007 and the Executive Session of December 7, 2007, approved 6 to 0.

AWARDS AND PROCLAMATIONS

--Service Citation

Distinguished Service Citation-Joe Dave Lindley.

Mayor Brewer recognized and presented Mr. Lindley with a plaque and thanked him for his 32 years of service.

--Presentation

Presentation by Sedgwick Commission Chairman David Unruh.

David Unruh

Commissioner Unruh apologized for omitting Mayor Brewer's name during the groundbreaking for the arena and presented Mayor Brewer his very own hand shovel with a medallion on it to commemorate the groundbreaking of the arena in downtown Wichita.

PUBLIC AGENDA

David Chaffin- Smoking Ban.

Mr. Chaffin was not present.

Cindy Watts-"Right to Choose" Smoking Ban for bars and restaurants.

Cindy Watts

Ms. Watts resides at 1302 East MacArthur #106, stated we all have the right to certain freedoms and now the Council is trying to take away one of these freedoms, which is the right to choose. Stated she believes that every business owner in this City should be able to decide for themselves if they allow smoking and not the City Council. Stated some of people have tried to make this a health issue, but anything you do in excess is harmful to your health. Asked the City Council not to dictate to the business owners in the City of Wichita and to let them make their own decisions.

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Father H. Setter-My Annual Benefit Cigar and the Smoking Ban.

Father H. Setter

Father Setter resides at 3205 East Grand, stated he is the Pastor of All Saints Catholic Church and is a nationally recognized cigar connoisseur and the Chaplain for the International Premium Cigar and Pipe Retailers, formerly known as the Retail Tobacco Dealers of America. Stated he is speaking against the smoking ban especially since the Council is considering implementing a ban modeled after the Lawrence ordinance. Stated that the exemption language in the Lawrence ban would destroy any hope for him to continue his annual benefit cigar dinner because they serve food. Stated he believes there is no need to legislate a smoking ban in this City, since a legitimate smoking ban is currently in place based upon the individuals who own and operate private businesses and have decided their businesses should be smoke free. Stated to legislate a smoking ban in private businesses by any level of government is an act of benevolent dictatorship and hypocrisy. Asked the Council to keep their rights and the rights of private business owners in tact as well.

Homer Morgan-Non Smoking Ban.

Homer Morgan

Mr. Morgan stated he is a non-smoker and goes to places where there is smoking and no smoking allowed. Stated a customer has the right to choose to go into a place of business if it allows smoking or does not. Stated it seems like we are over-stepping the boundaries if this ordinance is passed and the Council is taking away the freedom of a certain people to please a few others.

Dr. Curtis Wheeler-Non Smoking Ban.

Dr. Curtis Wheeler

Dr. Wheeler resides at 2873 North Teetime Court. Stated he has been in private practice for 21 years and is a non-smoker and believes in natural health care. Stated that as a non-smoker he has the right to clean air but not a right to take away the right of others and asked why this is a decision that the Council should make. Stated there should be signs on businesses that state whether they are a smoking or a non-smoking establishment, which should be the right of the business owner. Asked what the City has to gain by taking the rights of some just to give others a larger percentage of businesses to stick their noses in. Stated giving rights and taking away rights is always a no win situation and asked to let the citizens of Wichita make that choice with their wallets.

Kathlene M. Krueger-Non Smoking Ban.

Kathene M. Krueger

Ms. Krueger asked the Council why they are singling out the people who smoke. Stated the non-smokers have the freedom to go somewhere else that is a non-smoking business. Stated her main concern is the effect this ban would have on small businesses and that it should be left up to the individual owners of each business. Stated this ban is a form of dictatorship.

CONSENT AGENDA

Council Member Skelton

Council Member Skelton requested that item 16 be pulled for discussion.

Motion--
--carried

Brewer moved that Consent Agenda items 7-20n be approved in accordance with the recommended action shown thereon, excluding item 16. Motion carried 6 to 0, (Schlapp absent).

BOARD OF BIDS

Report of the Board of Bids and Contracts Dated December 10, 2007.

Minutes of the regular meeting dated November 19, 2007, were read and on motion approved. Bids were opened November 30, 2007 pursuant to advertisements published on: MacArthur, Meridian to Seneca (KDOT) (87N-0347-01/472-84358/706952/636192/206418/ 777583) See Special Provisions for traffic control issues. (District IV)

Cornejo & Sons Construction - \$3,576,003.30*
*Upon KDOT approval

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Gypsum Creek Channel Improvements (south of Pawnee, west of Hillside) (468-82473/660803/866004) Hillside Avenue Bridge will be closed during the bridge construction project. (District III)

Dondlinger & Sons - \$1,184,747.00

2007-2008 Wheelchair Ramp & Sidewalk, Phase 1 (east of 159th Street West, north of 71st Street South) (472-84604/706971/207437) Traffic to be maintained during construction using flagpersons & barricades. (District I, II, III, IV, V, VI)

Barkley Construction – \$178,000.00 (Engineer's estimate)

2006/2007 Traffic Signalization, Phase 1: Traffic Signal Installation at 34th & Woodlawn and 13th & Gatewood (472-84424/706956/206422) Traffic to be maintained during construction using flagpersons & barricades. (District I, II)

Phillips Southern Electric Co., Inc. - \$252,560.00

Shade Court, serving Lots 12 through 25, Block 1, from the north line of Shade Lane to and including the cul-de-sac to serve Shady Ridge Addition (south of Central, east of Maize) (472-84052/766167/490185) Does not affect existing traffic.

Cornejo & Sons Construction - \$100,000.00

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

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

HOUSING AND COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION:
Interior & Exterior Modifications – 2 houses

S & A Construction, Inc. - \$58,929.00

HOUSING AND COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION:
Interior & Exterior Modifications – 1 house

Arambula Construction Co., Inc. - \$26,150.00

WATER UTILITIES DEPARTMENT/SEWER MAINTENANCE DIVISION: Manhole Rehabilitation Machine

Quadex, Inc. - \$46,394.00 Base Bid
\$ 1,440.00 Option 1
(\$ 6,000.00) Option 2 (Deduct)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION and
WATER UTILITIES DEPARTMENT/SEWER MAINTENANCE: Cab & Chassis with Various Bodies

Roberts Truck Center - \$223,900.00 Group 1 Base Bid
(\$ 20,000.00) Option 1 Deduct

Kansas Truck Center North - \$ 58,990.00 Group 2 Base Bid
\$ 1,209.00 Option 1
\$ 671.00 Option 2
\$ 48.00 Option 3

Roberts Truck Center - \$138,990.00 Group 3 Base Bid

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\$ N/C Option 1 Included
(\$ 18,500.00) Option 2 Deduct

Roberts Truck Center - \$209,700.00 Group 4 Base Bid
\$ 120.00 Option 1
\$ 100.00 Option 2
\$ 629.00 Option 3
\$ 100.00 Option 4
\$ 680.00 Option 5
(\$ 25,000.00) Option 6 Deduct

PUBLIC WORKS DEPARTMENT/STORMWATER DIVISION: 33,000 LB Crawler Loader

Foley Equipment Co., Inc. - \$210,000.00 Base Bid
\$ 5,885.00 Option 1
(\$ 30,000.00) Option 2 Deduct

WATER UTILITIES DIVISION/SEWER MAINTENANCE: Rodder & Sewer Cleaner on 26,000 GVR

Group 1 - Deleted

Key Equipment & Supply Co. - \$236,757.50 Group 2 Base Bid
\$ N/C Option 1 Included
(\$ 45,000.00) Option 2 Deduct
\$ N/C Option 3 Included
\$ N/C Option 4 Included

PARK DEPARTMENT/FORESTRY AND LANDSCAPE DIVISION: Trees, Ornamental and Shade*

John Deere Landscapes - Groups 1, 3, 7, 11, 12, 13, 19, 20, 23, 24, 25, 27, 28, 30,
33, 34, 38, 39, 40, 41, 42, 47 and 49
Deree Tree Farm, Inc. - Group 2 and 48
Johnsons Garden Center, Inc. - Groups 4, 5, 6, 9, 10, 15, 21, 26, 29, 31, 32, 35, 36, 37, 43, and
50
Borst Nursery & Garden Center - Groups 14, 16, 17, 18, 44, 45 and 46
No bids received - Groups 8 and 22

*See attachment for pricing

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Trailer Mounted 185 CFM
Air Compressor

White Star Machinery & Supply - \$49,882.40 Base Bid
- \$ 3,904.16 Option 1

WATER UTILITIES DEPARTMENT/WATER DISTRIBUTION DIVISION: Trailer Mounted Valves
Exercis Equipment

E H Wachs - \$59,740.00 Base Bid
- \$ 5,800.00 Option 1

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Rubber Tired Utility Vehicle,
4x4

White Star Machinery & Supply - \$75,877.65 Line 2*

*increase from 4 each to 5 each

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PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Four Wheel Drive Skid Steer Loader

Price Bros Equipment Co. - \$80,700.00 Base Bid
\$ 9,992.00 Option 1
\$ 7,016.00 Option 3
\$ 8,620.00 Option 4
\$ 2,528.00 Option 5
\$ 2,224.00 Option 6

INFORMATION TECHNOLOGY- IT/IS: Granicus Servers and Blades - Council Chambers Project

Dell Marketing - \$35,738.84* (Per State of Kansas Contract #07979)

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

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

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

Motion--
--carried

Brewer moved that the report be received and filed; the Contracts approved; and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. 13th Street Bridge Rehabilitation over the Little Arkansas River (13th Street North, west of Waco) (87TE-0284-01/472-84422/715705/245121) Bridge to be closed to traffic during construction. (District VI) - \$3,205,000.00
- b. 2007 Sanitary Sewer Reconstruction, Phase 12 (north of Orme, west of Oliver) (468-84445/620493/667611) Traffic to be maintained during construction using flagpersons and barricades. (District I, II) - \$112,000.00
- c. Wilderness Circle from the south line of 45th Street North to and including the cul-de-sac to serve Willow Place 2nd Addition (south of 45th Street North, west of Webb) (472-84601/766169/490187) Does not affect existing traffic. (District II) - \$64,000.00
- d. Storm Water Sewer #635 to serve Waterfront Residential, Waterfront 6th, and Greenwich Office Park Additions (north of 13th Street North, west of Greenwich) (468-84411/751456/485347) Does not affect existing traffic. (District II) - \$118,000.00
- e. Marblefalls from the south line of Lot 38, Block C, south to the southeast line of Lot 19, Block A; Lanners from the west line of Marblefalls, west to the east line of Saker; Saker from the north line of Lanners, south to the south line of Lot 32, Block E; Saker Circle from the north line of Saker, north to and including the cul-de-sac; Sidewalk on Marblefalls, Lanners and Saker to serve Falcon Falls 2nd Addition (north of 45th Street North, west of Hillside) (472-84265/766170/490188) Does not affect existing traffic. (District I) - \$546,000.00
- f. Storm Water Sewer #639 to serve Meadowlake Beach Addition (north of 55th Street South, west of Clifton) (468-84446/751457/485348) Does not affect existing traffic. (District III) - \$379,000.00
- g. Lateral 2, Main 3, Boeing Sanitary Sewer to serve Meadowlake Beach Addition (north of 55th Street South, west of Clifton) (468-84340/744238/480926) Does not affect existing traffic. (District III) - \$320,000.00
- h. Water Supply Line to serve Meadowlake Beach Addition (north of 55th Street South, west of Clifton) (448-90285/735368/470041) Does not affect existing traffic. (District III) - \$148,000.00
- i. Water Distribution System to serve Meadowlake Beach Addition (north of 55th Street South, west of Clifton) (448-90286/735369/470042) Does not affect existing traffic. (District III) - \$149,000.00

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- j. Lateral 51 Cowskin Interceptor Sewer to serve Auburn Hills 16th Addition (south of Maple, east of 151st Street West) (468-84091/744250/480938) Does not affect existing traffic. (District V) - \$276,000.00
- k. Water Distribution System to serve Auburn Hills 16th Addition (south of Maple, east of 151st Street West) (448-90123/735386/470059) Does not affect existing traffic. (District V) - \$156,000.00
- l. Storm Water Drain #316 to serve Johnson Commercial Centre (south of 53rd Street North, west of Meridian) (468-84305/751449/485340) Does not affect existing traffic. (District VI) - \$197,000.00

Motion--carried

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

PETITION

PAVING, SANITARY SEWER AND WATER SYSTEMS IMPROVEMENTS IN EDGE WATER ADDITION, SOUTH OF 45TH STREET NORTH, WEST OF HOOVER. (DISTRICT V)

Agenda Item No. 9a.

On August 7, 2007, the City Council approved Petitions to construct paving, sanitary sewer, and water system improvements in Edge Water Addition. Based on recent bid prices, it is doubtful that there is sufficient funding in the Petition budgets to award construction contracts. The developer has submitted new Petitions with increased budgets. The signatures on the new Petitions represent 100% of the improvement districts.

The projects will serve a new residential development located south of 45th St. North, west of Hoover.

The existing Petitions total \$1,307,000 with the total assessed to the improvement districts. The new Petitions total \$2,754,000 with the total assessed to the improvement districts.

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

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

Motion--
--carried

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

RESOLUTION NO. 07-703

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90313 (south of 45th St. North, west of Hoover), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

RESOLUTION NO. 07-704

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 1, Main 24, Southwest Interceptor Sewer (south of 45th St. North, west of Hoover) 468-84365, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

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RESOLUTION NO. 07-705

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on Driftwood from the east line of Lot 52, Block D, west to the west line of Cimarron; on Driftwood from the west line of Cimarron west to the west line of Lot 1, Block A; on Cimarron from the south line of 45th St. North, south to the north line of Kollmeyer; on Kollmeyer from the east line of Lot 82, Block A, west to the west line of Ridge Port; and on Ridge Port from the north line of Kollmeyer, north to the north line of Lot 28, Block A and on Kollmeyer Ct. (Lots 37 through 42, Block B) from the north line of Kollmeyer, north to and including the cul-de-sac; on Kollmeyer Ct. (Lots 36 through 39, Block C) from the north line of Kollmeyer, north to and including the cul-de-sac; on Kollmeyer Ct. (Lots 36 through 46, Block A) from the south line of Kollmeyer, south to and including the cul-de-sac; on Kollmeyer Ct. (Lots 47 through 56, Block A); from the south line of Kollmeyer, south to and including the cul-de-sac; on Kollmeyer Ct. (Lots 63 through 8s, Block A) from the south line of Kollmeyer, south to and including the cul-de-sac; and on Driftwood Ct. (Lots 52 through 62, Block D) from the north line of Driftwood, north to and including the cul-de-sac and that sidewalk be constructed on Driftwood, Cimarron, Ridge Port and Kollmeyer (south of 45th St. North, west of Hoover) 472-84582 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

STMNT OF COSTS

STATEMENT OF COSTS:

PAVING

- a. Improving Sunview, Ellis, Marie, 44th Street South to serve Hidden Glen Addition (north of 47th Street South, west of Hydraulic). Total Cost - \$127,995.56 (plus idle fund interest - \$3,360.22, plus temporary note interest - \$3,344.22). Financing to be issued at this time - \$134,700.00. (766118/472-83626/490-136).
- b. Improving Aksarben, Autumn Ridge, Kiwi, Decker to serve Copper Gate North Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$299,435.54 (plus idle fund interest - \$6,686.48, plus temporary note interest - \$10,177.98). Financing to be issued at this time - \$316,300.00. (766110/472-84105/490-127).
- c. Improving a Acel/Decel Lane on 21st Street North to serve Oak Creek Addition (south of 21st Street North, west of Greenwich). Total Cost - \$238,409.39 (plus idle fund interest - \$9,246.55, plus temporary note interest - \$3,744.06). Financing to be issued at this time - \$251,400.00. (765935/472-84206/490-048).
- d. Improving Jade Avenue, Sunflower Drive, Cedardale Avenue to serve Clifton Cove Addition (south of 63rd Street South, west of Clifton). Total Cost - \$404,243.03 (plus idle fund interest - \$11,089.45, plus temporary note interest - \$11,567.52). Financing to be issued at this time - \$426,900.00. (765993/472-84227/490-110).
- e. Improving 26th Street Circle North and Phase II to serve Regency Park 3rd Addition (south of 29th, west of Greenwich). Total Cost - \$206,316.85 (plus idle fund interest - \$3,832.67, plus temporary note interest - \$14,650.48). Financing to be issued at this time - \$224,800.00. (765946/472-84241/490-059).
- f. Improving Mainsgate, Woodridge, Davin Circle to serve The Fairmont Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$408,249.43 (plus idle fund interest - \$10,710.27, plus temporary note interest - \$13,740.30). Financing to be issued at this time - \$432,700.00. (766104/472-84246/490-121).
- g. Improving 30th Street South between Custer and St. Paul to serve Builders 14th Addition (south of Pawnee, east of Washington). Total Cost - \$97,379.92 (plus idle fund interest - \$3,757.18, plus temporary note interest - \$1,962.90). Financing to be issued at this time - \$103,100.00. (765944/472-84251/490-057).
- h. Improving Tara Falls, Willowgreen, Casa Bella to serve Casa Bella Addition (north of Pawnee, west of 127th Street East). Total Cost - \$354,254.29 (plus idle fund interest - \$8,569.00, plus temporary note interest - \$12,976.71). Financing to be issued at this time - \$375,800.00. (765975/472-84271/490-090).
- i. Improving Zimmerly Court to serve The Timberlands Addition (north of Harry, west of 127th Street East). Total Cost - \$85,469.27 (plus idle fund interest - \$2,222.71, plus temporary note

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- interest - \$2,908.02). Financing to be issued at this time - \$90,600.00. (765990/472-84297/490-107).
- j. Constructing Street and Storm Water System Improvements to Mascot Avenue (north of 29th Street North, west of Arkansas). Total Cost - \$217,648.26 (plus idle fund interest - \$10,317.28, plus temporary note interest - \$734.46). Financing to be issued at this time - \$228,700.00. (765970/472-84298/490-085)
- k. Constructing Street and Storm Water System Improvements to University Avenue (south of Maple, east of Ridge). Total Cost - \$97,998.16 (plus idle fund interest - \$4,901.84, plus temporary note interest - \$0). Financing to be issued at this time - \$102,900.00. (765971/472-84299/490-086).
- l. Improving Marblefalls, Hobby, Mantane to serve Falcon Falls 3rd Addition (north of 45th Street North, west of Hillside). Total Cost - \$415,434.70 (plus idle fund interest - \$11,836.22, plus temporary note interest - \$11,629.08). Financing to be issued at this time - \$438,900.00. (766103/472-84324/490-120).
- m. Improving Bayside Court, Paradise/Paradise Court to serve Emerald Bay Estates Addition (north of 21st Street North, west of West Street). Total Cost - \$735,645.58 (plus idle fund interest - \$31,172.45, plus temporary note interest - \$9,681.88). Financing to be issued at this time - \$776,500.00. (765981/472-84364/490-096).
- n. Improving Onewood, City View, City View Circle and City view Court to serve Auburn Hills 16th Addition (south of Maple, west of 135th Street West). Total Cost - \$391,209.53 (plus idle fund interest - \$19,190.47, plus temporary note interest - \$0). Financing to be issued at this time - \$410,400.00. (766130/472-84393/490-148).
- o. Improving Wilson Estates Court to serve Legacy Park Wilson Estates 3rd Addition (south of 21st Street, west of Webb Road). Total Cost - \$252,004.76 (plus idle fund interest - \$6,045.50, plus temporary note interest - \$9,649.74). Financing to be issued at this time - \$267,700.00. (766102/472-84404/490-119).
- p. Improving 50th Street South, Osage, Sunrise to serve Sycamore Pond Addition (south of 47th Street South, east of Seneca). Total Cost - \$209,745.01 (plus idle fund interest - \$11,141.28, plus temporary note interest - \$613.71). Financing to be issued at this time - \$221,500.00. (766108/472-84416/490-125).
- q. Improving Mt. Vernon, Triple Crown to serve Sierra Hills Addition (north of Pawnee, east of 127th Street East). Total Cost - \$410,312.45 (plus idle fund interest - \$12,802.19, plus temporary note interest - \$9,885.36). Financing to be issued at this time - \$433,000.00. (766106/472-84423/490-123).
- r. Improving Michelle to serve Tara Falls 3rd Addition (north of Pawnee, west of 127th Street East). Total Cost - \$46,613.40 (plus idle fund interest - \$1,232.62, plus temporary note interest - \$1,453.98). Financing to be issued at this time - \$49,300.00. (766105/472-84425/490-122).
- s. Improving Gouverneur, Osie to serve Grillot Addition and East Substation Addition (south of Harry, west of Rock). Total Cost - \$201,077.73 (plus idle fund interest - \$11,322.27, plus temporary note interest - \$0). Financing to be issued at this time - \$212,400.00. (766107/472-84428/490-124).
- t. Improving Pawnee alley paving, the south 100' of the north-south alley adjacent to even Lots 182 through 188 on Wabash now Ida Avenue to serve Cambell's Addition (north of Pawnee, west of Hydraulic). Total Cost - \$21,044.52 (plus idle fund interest - \$1,155.48, plus temporary note interest - \$0). Financing to be issued at this time - \$22,200.00. (766120/472-84471/490-138).
- u. Façade Improvement Program at 208 South Market (Kaufman Building). Total Cost - \$268,033.12 (plus idle fund interest - \$12,466.88, plus temporary note interest - \$0). Financing to be issued at this time - \$280,500.00. (766021/472-84536/491-022).

Motion--carried

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

STREET CLOSURE

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

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CUSTODIAL

CUSTODIAL CLEANING CONTRACTS.

Agenda Item No. 12a.

Since 1994, the City of Wichita has maintained contracts for custodial services with private vendors. Facilities maintained by these contracted services include the Main Library, free-standing restrooms located in various parks, Career Development Offices, Old Town Parking Garage, Old Town Restrooms, and the Environmental Health and Animal Control Offices. A federal mandate increasing the minimum wage caused the current custodial service contractor to notify the City of an upcoming substantial contract price increase. The decision was made to rebid the City's custodial services to get the best possible pricing, but to break up the work into multiple contract packages in order to allow more custodial service providers the opportunity to participate. The work was advertised in a Request for Proposals (FP700066).

Analysis: Formal proposals were received on November 10, 2007, from six (6) vendors on six (6) different Contract options to cover the work listed in the RFP. These proposals were reviewed by the Staff Screening & Selection Committee on November 15, 2007, and the committee recommended entering into three separate contracts. Selected service providers were Service Master and His-N-Hers Cleaning, both of which are Emerging Businesses, and Wilson Building Services, a Woman-Owned Business Enterprise. The total annual cost of these three contracts would be \$364,586.20, which is an increase of \$54,586.20 over the amount currently budgeted for these services in 2008.

The 2008 funding for the custodial contract is not sufficient to maintain the required level of services based on the new minimum wage and the current bids for providing custodial services. A budget adjustment will be required which will be handled in the 2008 Revised Budget.

These contracts will support the Ensure Efficient Infrastructure Goal by providing clean, well maintained, buildings to help optimize the City's services to the community.

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

Motion--
--carried

Brewer moved that the three (3) custodial contracts be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

RIVER CORRIDOR

RIVER CORRIDOR IMPROVEMENTS. (DISTRICT VI)

Agenda Item No. 13a.

On April 5, 2005, the City Council approved a construction contract with Dondlinger and Sons Construction Company for river corridor improvements to the Keeper of the Plains and the adjoining area along the Little Arkansas River. A number of new signs are needed for enforcement of City codes regulating activity on the premises, area closure in bad weather, the seasonal fire feature schedule, and to give Black Bear Bosin proper recognition. In addition, it has been determined that the Americans with Disabilities Act require audio/Braille features for visitors who are visually impaired.

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 \$33,303 with the total paid by General Obligation Bonds and Federal Grants. The original contract amount is \$20,595,000. This Change Order plus previous change orders represents 1.45% of the original contract amount.

This project addresses the Dynamic Core Area goal by enhancing the appearance and improving pedestrian access to the River 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.

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Motion--
--carried

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

2007 ST. MAINT.

2007 STREET MAINTENANCE PROGRAM, SOUTH OF 13TH STREET, WEST OF MAIZE. (DISTRICT V)

Agenda Item No. 13b.

On June 19, 2007, the City Council approved a construction contract with APAC-Kansas, Inc. to repair streets at various locations using an ultra thin asphalt overlay process. Several locations required additional material because of the rough condition of the existing street surface.

A Change Order has been prepared for the cost of the additional work.

The cost of the Change Order is \$40,871. The funding source is Street Maintenance Funds. The original contract amount is \$327,800. This Change Order represents 12.47% of the original contract amount.

This project addresses the Efficient Infrastructure goal by providing ongoing street maintenance.

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

Motion--
--carried

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

BOARDS/COMMISS.

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Design Council, November 7, 2007
District II Advisory Board, October 1, 2007
Employees' Retirement System, September 19, 2007
District Advisory Board I, November 5, 2007

Motion--carried

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

CONT/AGRMNTS

CONTRACTS AND AGREEMENTS REPORT, NOVEMBER 2007.

Motion--carried

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

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(Item 16)
ZAMBONI

WICHITA ICE CENTER ZAMBONI REPLACEMENT. (DISTRICT IV)

Agenda Item No. 16.

The Park and Recreation Department was directed by City Council to take over the operations of the Wichita Ice Center on May 3, 2005, until a new management contract was approved. In August 2006, the city entered into an agreement with Rink Management Services Corporation (RMSC) to manage the facility. The facility and most of the equipment will be over ten (10) years old this year resulting in equipment that has exceeded its useful life.

An immediate need is the replacement of a Zamboni that is used to maintain the ice. The City Council approved funding within the 2006 Park Capital Improvement Program (CIP) in the amount of \$105,000 to assist with further capital improvements to the facility and the replacement and repairs to the equipment.

The 2006 Park CIP includes funding for the renovation of the Ice Center's facility and equipment replacement. The capital plan calls for the replacement of a Zamboni. RMSC has negotiated for the city a purchase amount of \$74,102.62 for the Zamboni 545 from the sole source provider of Frank J. Zamboni & Co., Inc.

The 2006 Park CIP includes funding of \$105,000 facility repairs and equipment replacement.

The authorization of this purchase will enhance the skating experience and improve the Quality of Life for citizens that utilize the facility.

The Law Department has reviewed the purchase agreement as to form.

Council Member Skelton Council Member Skelton asked when the last time was that the City purchased a Zamboni.

Larry Foos Recreation Superintendent stated when the facility was open in 1996 and there are currently two zambonis and they are looking to replace one at this time. Stated the Zamboni that is being replaced is in the worst condition of the two and due to lack of service, it is shut down more often then it is used. Stated the other will probably need replaced within the next couple of years.

Motion--carried Skelton moved that the purchase be authorized. Motion carried 6 to 0, (Schlapp absent).

2008 INSURANCE **2008 INSURANCE PROGRAM.**

Kelly Carpenter Director of Finance reviewed the item.

Agenda Item No. 17.

Annually the City places a number of insurance policies to provide coverage for risks to the City of Wichita, its more than one-half billion dollars in assets and its 3,107 employees. These policies include property, data processing, boiler/machinery, burglary/theft, employee dishonesty, excess workers compensation liability, airport general liability, underground fuel storage, helicopter hull and helicopter general liability. In addition, to administer the Risk Management program, various services are contracted including outside appraisal services, software support, medical bill review, and nurse case management for workers compensation, vehicle rental services for private claimants, and several medical service providers for workers compensation.

On December 7, 2004, the City Council approved a contract for insurance placement services for property and casualty insurance with Marsh, USA. The City opted to renew Marsh, USA's contract for placement of all applicable 2008 insurance policies.

To protect City assets, reduce the risk exposure and administer the Risk Management program, the City has placed the following insurance coverage and maintains the following contracts. The cost of these

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insurance policies is included in the Comprehensive Annual Financial Report. The 2008 insurance program is as follows:

Purchased Insurance

Property Insurance - All City owned buildings (approximately 250) and contents are covered against named perils. Because of the large wind/hail losses in 2006 (the City collected almost \$2,000,000) and the Greensburg tornado, potential new markets declined to quote. The State of Kansas is now rated in the top 10 states in the United States most likely to suffer hail and tornadoes. The total insurance value is in excess of \$585 million and is placed with St. Paul Travelers Insurance Company. The premium is \$522,626 annually with a \$1 million dollar deductible per occurrence for wind and hail only. All other policy deductibles are \$100,000 or less. The St. Paul Travelers quote is the lowest quote for this coverage and represents a 21% increase over the current premium. The increase in premium is primarily due to a 20% increase in property values and properties acquired during the policy period. The City maintains a separate policy for property, liability and boiler insurance on behalf of the Public Building Commission on the State Office Building. Property coverage limits are \$33 million, with an additional \$4 million in business interruption insurance. In addition, the Public Building Commission policy also includes general liability coverage of \$2 million. These coverages are placed with St. Paul Travelers with premiums totaling \$53,912.

Workers Compensation Insurance (Excess Coverage) - The City self-insures exposure to Worker's Compensation costs, as permitted under KSA 44-505(f). However, the City does purchase excess worker's compensation coverage (as required for self-insured's by KAR 51-14-4) with retention of \$750,000 per occurrence. The annual premium increased from \$150,976 to \$163,965 due to an \$11 million dollar increase in annual City payroll. The rates stayed the same. This insurance is placed with Safety National Casualty Insurance Company.

Crime (Burglary/Theft) Policy - This policy covers losses due to employee theft, due to other theft or robbery, due to forgery of documents, due to computer fraud (fraudulent transfers of funds) and due to acceptance of counterfeit currency or money orders. Depending on the type of loss, policy limits range from \$500,000 to \$1 million. The premium cost is \$22,038 for a three-year policy (\$7,346 annually) and the policy is placed with Hartford Fire Insurance Company. January 1, 2008 will begin the third year of this three-year policy.

Travel Accident Insurance - This policy provides insurance against the loss of life or limb of City employees and elected officials while traveling outside of the City, but within the United States. Class I employees (City Manager and City Council) are covered for any travel outside of the City. Class II employees (all other City employees) are covered for bona fide business travel outside of the City. The aggregate policy limit is \$500,000, with the loss per individual limited to \$100,000. If more than 5 individuals were subject to the aggregate limit, the policy limit would be split proportionately among the claimants. Travel policy exclusions are generally limited to piloting or being a member of a flight crew, if an aircraft is used for aerial photography or test purposes, if the aircraft requires a special permit from the F.A.A., or if the City operates the aircraft. The premium cost is \$1,700 annually because the City purchased a three year policy with the premiums paid 1/3 each year. The policy is placed with Zurich American Insurance Company. As an enhancement to Travel Insurance, a new Foreign Package has been written to cover travel outside of the U.S.A. This policy, written through ACE American Insurance Company, provides for coverage to include \$1 million general and automobile liability limits, \$1 million for repatriation, \$250,000 limits for accidental death and dismemberment, \$5,000 limits for employee dishonesty and money & securities, and \$50,000 for kidnap and extortion. The premium for this policy is \$2,000 annually.

Helicopter Liability - The City maintains liability and hull insurance on the MD 500E helicopter operated by the Police Department. Liability insurance of \$1,000,000 per occurrence is included, as well as \$12,000 in medical payments per occurrence. The helicopter hull is insured for \$1.2 million, with deductibles of \$5,000 while not in motion and \$60,000 when in motion. The helicopter insurance premium is \$35,720 annually and the policy is placed with Phoenix Aviation.

Art Collection - The Wichita Art Museum maintains coverage on the fine arts collections. This policy provides \$75 million in coverage for art within the Museum, as well as \$25 million for art in transit or

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at other locations. The coverage amount is less than the total estimated \$125 million appraised value of the collection. However, the insurance coverage is based on a "Probable Maximum Loss" study performed by Huntington Block Insurance for fire and tornadoes that may affect the Wichita Art Museum. The study is based on the fact that not more than 2/3 of the art collection (or less) is actually displayed at any given time. The rest of the art collection is stored in a hardened vault and is protected from loss. The City increased the covered value of the artwork by \$38 million dollars in 2008 resulting in a \$2,000 premium increase for a total of \$30,000. The policy is placed with 50% - 50% with ACE American Insurance Company and AXA Art Insurance Corp.

Airport General Liability - The Airport maintains \$100 million in general liability insurance coverage with a \$1,000 deductible per occurrence. The policy is written through AIG Aviation with an annual premium of \$65,016.

Airport Underground Storage Tanks - The Airport maintains environmental liability insurance on 24 underground storage tanks at the airport. Liability limits are \$1 million per incident. The annual premium is \$3,754 and placed through Great American Alliance Insurance Company. This insurance protects against environmental loss only. In the event of an accidental property loss, coverage would be afforded through the City's Property and Casualty insurance policy.

Federal Excess Liability - The City purchased a Federal Excess Liability insurance policy in June of 2007. This coverage does not cover the misuse of federal funds. The coverage applies to Federal lawsuits where the Kansas Tort Claims Act does not protect the City of Wichita. This coverage is often maintained in cities similar in size to Wichita to serve as a backstop for significantly high cost liability exposures. Some of these exposures include, but are not limited to: civil rights violations, discrimination and other federal actions. Coverage consists of a \$10 million limit and \$2,000,000 retention. This policy is written by AIG and the annual premium is \$205,989. The City purchased an eighteen-month policy to place the policy term on a calendar year. The renewal date for this policy is January 1, 2009.

Self Insured Risks

The City self-insures for general liability using a Tort Fund administered by the Department of Law. Funding for the Tort Fund is provided through the general fund and water and sewer funds. Automobile liability is self-insured by the City, as is workers compensation (other than the excess coverage noted above).

Contracts

The City currently utilizes Via Christi/Riverside to provide comprehensive pre-employment physicals and AMS Laboratory for drug tests on all potential employees. PRISM Occupational Health Network provides primary medical treatment for employees injured on the job. Corvel services are used for workers compensation claims that require nurse case management and to re-price billings when utilization is through the providers' network. Corvel charges an hourly rate for nurse case management and a cost per line and a percentage of savings for the re-pricing of City medical bills. The City pays Corvel 25% of the savings Corvel achieves via greater negotiated discounts with medical providers than can be negotiated independently by the City. Heartland MRI is used for all imaging services required for diagnosis of work related injuries. The negotiated fee for these services is \$600 per MRI, including the read. This reflects an approximate 50% savings over the State of Kansas mandated fee schedule for these services. Other MRI vendors may be used, but only if dictated by medical necessity. All required physical therapy for work related injuries is provided by TheraCare on a negotiated fee structure of 75% of the state mandated fee schedule. Competitive Request for Proposals (RFP) were issued for these services in late 2007 with an effective date of March 31, 2008. Accordingly, there may be new providers for these contractual services in 2008 and they will be presented to the City Council at that time.

Auto Damage Appraisers of Kansas provides damage estimates on private claimant's cars and vehicle and salvage valuations on all total losses. The City has also negotiated a rate of \$19.99 per day with Enterprise Rent-A-Car when the City is required to provide substitute transportation while a private claimant's vehicle is being repaired.

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The self-insured worker's compensation and automobile physical damage programs utilize Risk Master World software to log claims, initiate payments and prepare reports. The annual support software fee to CSC Financial Services Group is \$14,999.25. An annual actuarial review of the Self Insurance Fund reserves is conducted annually. The current provider is Pinnacle Actuarial Resources, Inc, at an annual amount of \$7,500.

The premiums for the insurance policies and related programs and services are appropriated in the adopted budget. Several premium costs are re-allocated to Departments through the establishment of auto liability, building and contents, and workers compensation insurance rates. Coverage for the Police helicopter is budgeted and expended in the Police General Fund budget. Airport specific coverages are budgeted and expended in the Airport Fund. The Art Museum coverage is budgeted for insurance in their 2008 operating budget. Funding for Cowtown property and contents, the travel accident insurance and the crime policy is absorbed within the Self Insurance Fund. Total 2008 premiums for the City increased 14% over 2007 premiums. For the most part, insurance rates stayed the same in 2008 as they were in 2007.

The increase is primarily due to a 20% increase in property values, an 11% increase in annual payroll costs that increases the premium for Excess Workers Compensation and the addition of a new insurance policy for foreign travel accident coverage that the City has never had before. This coverage protects City Council members and staff when they travel outside of the United States, for activities such as attending Sister Cities meetings in the host country.

The City places a number of insurance policies and contracts to provide coverage for risk to the City of Wichita and its employees as a part of the Internal Perspective goal. These policies include property, data processing, boiler/machinery, burglary/theft, employee dishonesty, excess workers compensation liability, airport general liability, underground fuel storage, helicopter hull, helicopter general liability and federal excess liability. The insurance policies and contracts protect City assets and reduce/avoid costs.

The City's liability on tort claims is limited under KSA 75-6105 to \$500,000 per claim. The City is allowed to self-insure workers compensation based on KSA 505(f), although excess workers compensation coverage is required under KAR 51-14-4. City Code 2.64.020 (h) authorizes the Purchasing Manager to negotiate the purchase of insurance coverage.

Motion--

Brewer moved that the 2008 Insurance Program be received, filed and ratified, subject to minor modifications and verification of coverage details and the appropriate signatures authorized.

--carried

Motion carried 6 to 0, (Schlapp absent).

ANIMAL CAMPUS

WICHITA ANIMAL CARE CAMPUS, CITY AND HUMANE SOCIETY.

Agenda Item No. 18.

On May 18, 2004, the City Council approved a Memorandum of Understanding (MOU) between the City and Kansas Humane Society (KHS) to work on the joint development of an animal care facility.

On June 8, 2004, the City Council approved the Capital Improvement Project (CIP) and authorized staff to select a design consultant.

On April 5, 2005, the City Council approved a contract with Wilson Darnell Mann Architect (WDM) for the Programming Phase of the project and a Letter of Intent between the City and KHS.

On August 23, 2005, the City Council approved the purchase of property at 3239 N. Hillside for the Animal Care Campus.

On March 7, 2006, the City Council approved a contract amendment with WDM for the Schematic Design Phase and a Land Lease Agreement between the City and KHS.

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On November 28, 2006, the City Council approved a contract amendment with WDM for the Design Development Phase for the Wichita Animal Care Campus.

On September 18, 2007, the City Council approved the remaining CIP funding and a contract amendment with WDM for the detailed construction drawings/specifications and construction administration.

Since the new Wichita Animal Shelter building and the Kansas Humane Society building will be constructed side-by-side on City property with a combination of City and private funding, it was decided that having a single general contractor for both buildings and the site work would save money and reduce potential problems. Also, having the contractor selected prior to the development of construction drawings would enable the general contractor and major subcontractors to participate in value engineering as part of the project team. Therefore, the decision was made to use a qualifications based selection process in lieu of the more common process of taking bids on completed drawings.

In accordance with Administrative Regulation 1.2a, Contracting for Professional Services, Qualifications Based Selection, proposals were mailed to general contracting companies on August 16, 2007 (FP700059). Five companies responded as follows: A.B. Bradley Construction, Conco Construction, Hutton Construction, Key Construction and Walz Harmon Huffman Construction.

The Staff Screening and Selection Committee, which was comprised of City and KHS representatives, voted to interview all of the companies except A.B. Bradley Construction, as their proposal was deemed non-responsive.

On September 27, 2007, the Staff Screening and Selection Committee convened to listen to the formal presentations of the selected firms. The committee representatives ranked each company from 1 thru 4. The rankings were as follows: #1 Hutton Construction, #2 Walz Harmon Huffman Construction, #3 Conco Construction and #4 Key Construction.

The City and KHS have each negotiated with Hutton Construction for the cost of constructing their respective facilities and will share 50/50 the cost of site development per the previously approved MOU and Land Lease Agreement.

The construction contract with Hutton Construction is a Cost-of-the-Work Plus a Fee-for-Service with a negotiated Guaranteed Maximum Price (GMP).

The City's guaranteed not-to-exceed cost of constructing the Animal Shelter with a shared 50% of the site development is \$5,938,862.

On June 8, 2004, Council approved \$300,000 for design of the Animal Shelter. On August 23, 2005, Council approved a budget of \$720,000 to pay for acquisition and demolition of the building at 3239 N. Hillside to enlarge the site and provide a suitable area free of soil contamination. The 2007-2016 Capital Improvement Program (CIP) added \$3.8 million in 2008 and \$3 million in 2009 to pay for construction and final architectural/engineering costs. This funding was first presented to Council in a workshop setting where KHS and City staff explained the history of the Animal Care Campus Project including funding requirements past and present and was later approved on September 18, 2007. This brought the total funding for the City's portion of the Animal Care Campus Project to \$7,820,000. KHS has secured financing for their part through a capital campaign and has matching funds.

This project addresses the Economic Vitality and Affordable Living Goal by providing public improvement in new developments that are vital to Wichita's continued economic growth.

The Law Department has approved the Resolution and Contract as to form.

Motion--
--carried

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

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RESOLUTION NO. 07-706

A Resolution amending Resolution No. R-07-521 of the City of Wichita, Kansas determining the advisability of making certain public improvements in the City of Wichita, Kansas; setting forth the general nature and the estimated cost of such improvements; and authorizing the issuance of bonds of the City of Wichita, Kansas to pay all or a portion of the cost thereof, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

GOB AND NOTE SALE GENERAL OBLIGATION BOND AND NOTE SALE.

Agenda Item No. 19.

The City is planning to offer for sale two series of general obligation temporary notes in an amount not to exceed \$85,895,000 (Series 222 and 223) and two series of general obligation bonds (Series 792 and 792A) in an amount not to exceed \$15,000,000 for the purpose of providing interim and permanent financing for capital improvement projects of the City. The public sale of the bonds and notes is scheduled for 10:30 a.m. C.T. on January 8, 2007, at which time bids will be opened and the City Council will award the sale of bonds and notes to the bidders whose proposed interest rates result in the lowest overall cost to the City.

The City's winter 2008 general obligation bond and note sale includes the following issues:

Temporary Notes

The proceeds from the sale of the Series 222 Renewal and Improvement Temporary Notes will be used to provide interim financing for City-at-large, improvement district projects and public improvements located within the East Bank Tax Increment Financing District. The Series 223 Taxable Renewal Temporary Notes will be used to provide interim financing for improvements located within the Douglas and Hillside Tax Increment Financing District.

Special Assessment Bonds

The proceeds from the sale of the Series 792 and 792A Bonds will be used to permanently finance neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 792 and Series 792A Bonds. The General Obligation Bonds, Series 792 will be issued in a par amount not to exceed \$11,610,000 and the General Obligation Bonds, Series 792A will be issued in the par amount not to exceed \$3,390,000.

The City of Wichita awards the sale of bonds and notes to the bidder with the lowest true interest cost, or "TIC". Using TIC to calculate the bids accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in the City saving money because TIC does not ignore the timing of interest payments.

The Series 222 and Series 223 Temporary Notes will mature on August 18, 2008 and will be retired using the proceeds of both permanent financing bonds, renewal notes and cash.

The Series 792 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 792 Bonds are payable from the collection of special assessments levied against benefiting properties, and if not so paid, from Citywide ad valorem taxes. The Series 792 Special Assessment Bonds will be callable in 2015 with a 1% call premium.

The Series 792A Special Assessment Bonds will mature serially over 20 years with principal maturities structured to produce level annual payments of principal and interest. The Series 792A Bonds are payable from the collection of special assessments levied against benefiting properties, and if not so

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paid, from Citywide ad valorem taxes. The Series 792A Special Assessment Bonds will be callable in 2018 with a 1% call premium.

This item impacts the Economic Vitality/Affordable Living and Internal Perspectives through the temporary and permanent financing of capital improvements and offering the City's debt obligations through competitive sale. The sale of temporary notes allows short-term financing of improvements that shall be permanently financed through the issuance of bonds or pay-as-you-go financing. The special assessment bonds are being issued on a reimbursement basis to finance project costs previously incurred.

The Law Department has approved the Resolution authorizing the sale of the series of bonds and notes and directing the publication and distribution of the Notices of Bond and Note Sale (prepared by the City's Bond Counsel as required by law).

Motion--

Brewer moved that the resolution authorizing the general obligation bond and note sales; approving the distribution to prospective bidders of the Preliminary Official Statement, subject to such minor revisions as may be determined necessary by the Director of Finance and Bond Counsel; finding that such Preliminary Official Statement is in a form "deemed final" for the purpose of the Securities Exchange Commission's Rule 15c2-12(b)(1), subject to revision, amendment and completion in the final Official Statement; and, 4) authorizing publication of the Notice of Sale be adopted.

--carried

Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 07 707

A Resolution of the City of Wichita, Kansas authorizing and providing for the public sale of General Obligation Renewal and Improvement Notes, Series 222, General Obligation Improvement Temporary Notes Series 223 (Taxable under Federal Law) and General Obligation Bonds, Series 792 and Series 792A; and providing for the giving of notice of the public sale, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 4, 2007)

a. Oliver Improvement between Harry and Kellogg. (District III)

ORDINANCE NO. 47-698

An ordinance amending ordinance no. 46-172 of the city of Wichita, Kansas declaring Oliver, between Harry and Kellogg (472-84018) to be a main trafficway within the city of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

b. Year-End Amendments to Salary and Classification Ordinances.

ORDINANCE NO. 47-699

An ordinance establishing position classifications for non-exempt employees of the city of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges repealing ordinance no. 47-544, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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ORDINANCE NO. 47-700

An ordinance providing for a uniform schedule of standard pay ranges for non-exempt employees of the city of Wichita, repealing ordinance no. 47-491, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

ORDINANCE NO. 47-701

An ordinance establishing position classifications for exempt employees of the city of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges repealing ordinance no. 46-289, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer.

ORDINANCE NO. 47-702

An ordinance providing for a uniform schedule of standard pay ranges for exempt employees of the city of Wichita, repealing ordinance no. 46-867, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer.

c. Kellogg Drainage Structure near Zelta. (District II)

ORDINANCE NO. 47-703

An ordinance declaring Kellogg, between Ellson and Zelta (472-84632) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer.

d. 21st Street Improvement, between K-96 Freeway and 159th Street East. (District II)

ORDINANCE NO. 47-704

An ordinance declaring 21st street, between the k-96 freeway and 159th street east (472-84636) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer.

e. 13th Street Bridge over the Little Arkansas River. (District VI)

ORDINANCE NO. 47-705

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

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f. Design Agreement Kellogg, from Cypress to 127th Street East. (District II)

ORDINANCE NO. 47-706

An ordinance declaring Kellogg, between cypress and 127th St. East (472-84615) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer.

g. Preliminary Design Agreement: Kellogg, from 127th Street East to 159th Street East. (District II)

ORDINANCE NO. 47-707

An ordinance declaring Kellogg, between 127th St. east and 159th St east (472-84614) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer.

h. Kellogg, from Cypress to 159th Street East. (District II)

ORDINANCE 47-708

An ordinance declaring Kellogg, between cypress and 159th St. east (472-84634) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer.

i. Amendments to Section 5.26.030 of the Code of the City of Wichita, Kansas, pertaining to Possession of Drug Paraphernalia.

ORDINANCE NO. 47-709

An ordinance amending section 5.26.030 of the code of the city of Wichita, Kansas, pertaining to possession of drug paraphernalia, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0 (Schlapp absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer.

j. An Ordinance Amending Section 11.38.285 of the Code of the City of Wichita, Kansas, pertaining to Motor Vehicle Safety Belt Use, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer.

ORDINANCE NO. 47-710

An ordinance amending section 11.38.285 of the code of the city of Wichita, Kansas, pertaining to motor vehicle safety belt use, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Schlapp absent). Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer.

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k. ZON2007-48-Zone Change from “SF-5” Single-family Residential to “LC” Limited Commercial with Protective Overlay #196. Generally located on the south side of MacArthur Road and east of Hydraulic Avenue. (District III)

ORDINANCE NO. 47-712

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

l. ZON2007-49-Zone Change from “SF-5” Single-family Residential to “GO” General Office with Protective Overlay #197. Generally located south of MacArthur Road, on the east side of Hydraulic Avenue. (District III)

ORDINANCE NO. 47-713

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

m. CUP2007-56-Associated with ZON2007-50-DP-62 Chelsea Community Unit Plan Amendment #10 to create Parcel 3A and other modifications including reduced setback; zone change to “LC” Limited Commercial. Generally located on the west side of Rock Road, one block south of Rockhill Street. (District II)

ORDINANCE NO. 47-714

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

n. DR2005-21-Zone change from SF-5, Single Family to IP-A, Industrial Park-Airport. Generally located at the northeast corner of 55th Street South and Clifton Avenue. (District III)

ORDINANCE NO. 47-715

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

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NEW BUSINESS

BOMBARDIER

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, BOMBARDIER LEARJET. (DISTRICTS IV AND V)

Allen Bell

Economic Development Administrator reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Item No. 21.

On September 10, 1996, the City Council approved a Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$86 million, issued to Bombardier Learjet to finance expansion and modernization of its aircraft manufacturing plant located at Mid-Continent Airport in west Wichita. Council also approved a ten-year 100% ad valorem property tax exemption on all bond-financed property. Under authority of the 1996 Letter of Intent, City Council has authorized issuance of Industrial Revenue Bonds to Bombardier Learjet at a total of approximately \$86.1 million in IRBs between 1996 and 2006.

On November 6, 2007, the City Council approved the issuance of a new Letter of Intent in the amount not-to-exceed \$79,188,000 which will expire November 6, 2012. At this time, Bombardier Learjet is asking the City to issue Industrial Revenue Bonds in the amount not-to-exceed \$4,500,000 to finance its capital investments for the year 2007.

Learjet Inc. is a wholly owned subsidiary of Bombardier Inc., a Canadian corporation headquartered in Montreal, Quebec, Canada ("Bombardier"). Bombardier is engaged in the design, development, manufacturing and marketing of transportation equipment, aerospace and defense products. Learjet is a member of the Bombardier Aerospace Group. Learjet is engaged in the manufacturer and marketing of three models of business jet aircraft, the medium size Learjet 60, the small-to-mid size Learjet 45, and the Learjet 40. Learjet's principal manufacturing facilities, Corporate, and marketing offices are located at One Learjet Way. Also, located at Learjet's Wichita site is the Bombardier Flight Test Center.

Proceeds from the requested bonds will be used to construct a major expansion of Learjet's Flight Test Center to accommodate certification testing of several large aircraft currently under development by the Bombardier Aerospace Group; make improvements to and modernize manufacturing and office space; and the purchase of new state-of-the-art machinery and equipment to reduce manufacturing cycle time and enhance productivity.

The law firm of Kutak Rock, LLP serves as bond counsel in the transaction. Learjet Inc. will purchase the bonds, and as a result bonds will not be offered to the public. Bombardier Learjet has complied with the Standard Conditions contained in the City's IRB Policy.

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

City	19.62 to one
County	33.05 to one
USD 259	1.00 to one
State	48.09 to one

Bombardier Learjet agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 100% tax abatement of ad valorem property taxes on the expansion project. Bond-financed purchases will also be exempt from state and local sales tax.

The estimated first year's taxes on Learjet's proposed \$4,500,000 expansion would be \$132,806, on real and personal property, based on the 2007 mill levy. Using the allowable tax exemption of 100 percent,

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the City would be exempting (for the first year) \$132,806 of new taxes from the real and personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$35,976; County/State - \$36,937 and USD 259 - \$59,893.

Economic Vitality and Affordable Living. Providing tax abatements to manufacturing businesses helps stabilize the economic base of the community and ensures a steady supply of high-paying jobs.

Bond documents have been prepared by bond counsel for the project. The City Attorney's office has reviewed and approved the form of the bond documents.

Mayor Brewer

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

Motion--

Gray moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$4,500,000 placed on first reading; and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

ORDINANCE

An ordinance authorizing the city of Wichita, Kansas, to issue its taxable industrial revenue bonds in the original aggregate principal amount not to exceed \$4,500,000 for the purpose of providing funds to finance the construction, installation and equipping of an expansion and improvements to existing aviation manufacturing and flight testing facilities located in the city of Wichita, Kansas; prescribing the form and authorizing execution of an twelfth supplemental trust indenture by and between the city and the Bank of New York Trust Company, N.A., St Louis, Missouri (the "trustee"), as trustee with respect to the bonds; prescribing the form and authorizing the execution of an twelfth supplemental lease by and between Learjet inc. and the city; approving the form of a guaranty agreement; and authorizing the execution of a bond purchase agreement by and between the city and Learjet inc., as purchaser of the bonds, introduced and under the rules laid over.

CESSNA

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE, CESSNA AIRCRAFT COMPANY. (DISTRICTS III AND IV)

Allen Bell

Economic Development Administrator reviewed the item.

(Vice-Mayor Fearey momentarily absent)

Agenda Item No. 22.

Since 1991, the City Council has approved Letters of Intent for Industrial Revenue Bonds totaling a not-to-exceed principal amount of \$1.2 billion to finance expansion and modernization of Cessna Aircraft Company facilities in Wichita. Along with the letters of intent, the Council approved a five-plus-five-year 100% ad valorem tax exemption for all Cessna property financed with bond proceeds. Since 1991, over \$1 billion IRBs have been issued to Cessna.

On November 14, 2006, City Council approved a new five-year Letter of Intent for IRBs in the amount not-to-exceed \$800,000,000. Cessna is requesting the issuance of IRBs at this time, in the amount of \$36,331,000 to finance its 2007 investment in plant and equipment.

Cessna Aircraft Company was incorporated in 1927 to manufacture and sell aircraft. Cessna Aircraft Company is the world's largest manufacturer of general aviation aircraft. Cessna also manufactures aircraft parts and accessories and provides aircraft maintenance and support services. Cessna currently has four major product lines: Citation business jets, single engine turboprop Caravans, Cessna single engine piston aircraft and aftermarket services. The family of business jets currently produced by Cessna includes the Citation CJ1, Citation CJ1+, Citation CJ2, Citation CJ3, Citation Bravo, Citation Encore, Citation XLS, Citation Sovereign, Citation X and Citation Mustang.

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Bond proceeds will be utilized to finance expansion and upgrading of facilities located at the Cessna Wichita facilities, including technology and manufacturing equipment to accommodate increased personnel and space required to develop and manufacture the four business jet aircraft produced in Wichita.

The firm of Kutak Rock LLP serves as bond counsel in the transaction. The taxable IRBs will be purchased by Cessna, and as a result bonds will not be offered to the public. Cessna Aircraft Company has complied with the Standard Letter of Intent Conditions.

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

The estimated first year's taxes on Cessna's 2007 bond-financed property would be \$1,072,219 based on the 2007 mill levy. Using the allowable tax exemption of 100 percent, the tax exemption would be shared among the taxing entities as follows: City - \$290,457; County/State - \$298,214; and USD 259 - \$483,548.

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

City	1.52 to one
County	1.21 to one
USD 259	1.15 to one
State	4.78 to one

Economic Vitality and Affordable Living. Providing tax abatements to manufacturing businesses helps stabilize the economic base of the community and ensures a steady supply of high-paying jobs.

The City's bond counsel has prepared Bond documents needed for the issuance of bonds. The City Attorney's Office has reviewed and approved the form of bond documents prior to the issuance of any bonds.

Mayor Brewer

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

Motion--

Skelton moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Taxable Industrial Revenue Bonds in an amount not-to-exceed \$36,331,000, and authorize the necessary signatures placed on first reading. Motion

--carried

carried 6 to 0, (Schlapp absent).

ORDINANCE

A ordinance authorizing the city of Wichita, Kansas, to issue its taxable industrial revenue bonds, series vii, 2007 (Cessna Aircraft Company), in the original aggregate principal amount of not to exceed \$36,331,000 for the purpose of purchasing, acquiring, constructing and installing an industrial and commercial facility; authorizing execution of a seventeenth supplemental trust indenture by and between the city and the Bank of New York Trust Company, N.A., St. Louis, Missouri, as trustee with respect to the series vii, 2007 bonds; authorizing the city to lease said project to Cessna aircraft company; authorizing the execution of a seventeenth supplemental lease by and between the city and Cessna aircraft company; authorizing the execution of a bond purchase agreement by and between the city and Cessna aircraft company, as purchaser of the bonds; and authorizing execution of a bill of sale, termination and release of sixth supplemental lease and cancellation, discharge and release of sixth supplemental trust indenture, introduced and under the rules laid over.

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COLEMAN

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, THE COLEMAN COMPANY, (DISTRICT I)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 23.

Between 1993 and 2004, the City Council has approved Letters of Intent to issue Industrial Revenue Bonds (IRBs) up to \$170 million to the Coleman Company, Inc. and has approved the issuance of \$155.8 million. Bonds were issued to finance the construction of a new corporate headquarters, the expansion of existing manufacturing facilities and the purchase of additional machinery and equipment for its manufacturing facilities in Wichita and Maize. In addition, the City Council also approved a 100% five-plus-five-year ad valorem tax exemption on all bond-financed property.

On November 20, 2007, the City Council approved a new Letter of Intent for a term ending December 31, 2007, in an amount not-to-exceed \$35,000,000. The bond proceeds will be used for the improvement of factory space and for the purchase of additional manufacturing equipment, primarily machinery, tooling and technological equipment at the existing Wichita and Maize facilities. The company is now requesting the issuance of Industrial Revenue Bonds in a total amount of \$24,400,000.

The Coleman Company, Inc. is engaged in the manufacturing and distribution of outdoor recreational products. The Company's principal products include a comprehensive line of pressurized lighting, cooling and heating appliances for camping and outdoor recreational use (such as Coleman lanterns and stoves), fuel-related products, including disposable propane-filled cylinders, a broad range of insulated food and beverage containers, portable electric lights, and other products for recreational use and do-it-yourself markets.

The bond proceeds will be used for building and land improvements and for the purchase of additional equipment, primarily machinery, tooling and technological equipment, including computer software and hardware at the existing Wichita and Maize facilities.

The uses of bond proceeds are as follows:

Wichita Facilities	\$ 23,400,000
Maize Facility	900,000

Total \$ 24,400,000

The City's bond counsel firm Kutak Rock, L.L.P. serves as bond counsel in the IRB transaction. The Coleman Company will purchase the bonds, and the bonds will not be offered to the public. The Coleman Company has complied with the Standard Conditions contained in the City's IRB Policy.

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

City	3.17 to one
County	2.12 to one
USD 259	1.17 to one
State	21.40 to one

The Coleman Company, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's new Economic Development Incentive Policy, City Council approved of a 100% five-plus-five-year tax exemption on property purchased with bond proceeds, based solely on Coleman's commitment to make capital investments of at least \$35 million over a 4-year period. In addition, bond-financed purchases are exempt for state and local sales tax.

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The estimated first year's taxes on Coleman's proposed \$23,400,000 investment in its Wichita facilities would be \$5,850,000 on real and personal property, based on the 2007 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$5,850,000 of new taxes from the real and personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$187,077; County/State - \$192,073; and USD 259 - \$311,442.

Economic Vitality and Affordable Living. Providing tax abatements to manufacturing businesses helps stabilize the economic base of the community and ensures a steady supply of high-paying jobs.

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

In addition to authorizing the issuance of the Series 2007 Industrial Revenue Bonds, the bond ordinance also authorizes the release of property financed by Series VIII, 1996 Bonds from the lien of the 1996 Bond Indenture and the conveyance of said property to Coleman upon receipt of certification by the Bond Trustee that no Series 1996 Bonds remain outstanding.

Mayor Brewer

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

Motion--

Williams moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in the amount of \$24,400,000, and the release and conveyance of 1996 Coleman bond-financed property be placed on first reading; and the necessary signatures. Motion carried 6 to 0, (Schlapp absent).

--carried

ORDINANCE

An ordinance authorizing the city of Wichita, Kansas, to issue its taxable industrial revenue bonds, series viii, 2007 (the Coleman company, inc.), in the aggregate principal amount of not to exceed \$24,400,000 for the purpose of providing funds to acquire, construct and equip improvements to existing facilities located in the city of maize, Kansas, and the city of Wichita, Kansas; prescribing the form and authorizing execution of a thirteenth supplemental trust indenture by and between the city and the bank of New York trust company, N.A., as trustee, with respect to the bonds; prescribing the form and authorizing execution of a thirteenth supplemental lease agreement by and between the city and the Coleman company, inc.; approving the form of a guaranty agreement; authorizing the execution of a bond purchase agreement by and between the city and the Coleman company, inc., as purchaser of the bonds; and authorizing execution of a bill of sale, introduced and under the rules laid over.

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INWOOD

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

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 24.

On May 8, 2007, the City Council approved the issuance of a letter of intent to issue industrial revenue bonds in the amount not-to-exceed \$22,000,000 for LDG Development in connection with the development of the Inwood Crossings Apartments at Inwood and 35th Street North in northeast Wichita. In addition, City Council adopted a resolution of support of the developer's application for Low-Income Housing Tax Credits. On November 6, 2007, the City Council granted an extension of the term of the letter of intent and authorized the replacement of a payment and performance bond with a bank letter of credit. On December 4, 2007, the City Council held a public hearing on the issuance of tax-exempt bonds for this project, as required by federal law. LDG Development now wishes to proceed with the issuance of the bonds.

The Inwood Crossings Apartments project will be located at 3540 North Inwood Street in the City (the "Project"). The Project will provide 260 apartments, including 40 one-bedroom units, 90 two-bedroom units, 100 three-bedroom units, and 30 four-bedroom units, a clubhouse, fitness center, business center, swimming pool, playground area and related improvements. Rents, net of utility allowances, for the units assisted through the Housing Tax Credit program are estimated to be \$700 for two-bedroom units, \$820 for three-bedroom units, and \$925 for four-bedroom units. The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units for market-rate tenants. Rent amounts for the market-rate units are estimated to be \$650 for the one-bedroom units, \$988 for the two-bedroom units, and \$1,000 for the three-bedroom units.

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

The developer will enter into a land use restriction agreement for the Project, which will be filed of record against the property, requiring that the tax credit assisted units continue to be rented to income-qualified tenants for as long as the bonds are outstanding, but not less than 15 years. The bonds will be structured to mature over a 40-year term.

The bond issue will be underwritten by MMA Financial of Boston MA, whose affiliate will also serve as syndicator of the tax credits. Under the terms of the trust indenture, the issuance of the bonds will be structured to take place over the term of the construction period in specified installments that equal a portion of estimated construction draw requirements. A special feature of the bond issue is a mandatory redemption requirement to "equalize" the bond amount to conform to actual cash flow after the Project has been in operation for a specified period of time.

The total project cost is estimated to be approximately \$29,704,000. The applicant intends to finance the project utilizing funding from the sale of 4% housing tax credits, and partial deferral of the developer fee. The 4% housing tax credits require the issuance of tax-exempt qualified residential housing bonds for the debt-financed portion of the project, in the amount of approximately \$22,000,000. The developer agrees to pay all of the City's costs associated with the issuance of the IRBs and to pay the City's \$2,500 annual administrative service fee.

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

The bond ordinance and principal financing documents have been prepared by the City's bond counsel firm, Kutak Rock and approved as to form by the Law Department.

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Mayor Brewer

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

Motion--

Williams moved that the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$22,000,000 be placed on first reading and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

ORDINANCE

An ordinance authorizing the city of Wichita, Kansas, to issue its multifamily housing revenue bonds, series x, 2007 (Inwood Crossings Apartments Project), in the aggregate principal amount of \$20,000,000 for the purpose of acquiring and constructing a multifamily housing facility; and authorizing the execution of certain documents in connection with the issuance of the bonds, introduced and under the rules laid over.

2008 BUDGET

ORDINANCE APPROPRIATING THE 2008 BUDGET: RATIFYING THE PAYMENT OF CLAIMS AGAINST THE 2007 BUDGET.

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Item No. 25.

Each year the City Council must appropriate and approve the spending of the next year's budget according to the approved budget and also authorize, approve and ratify the payments, which have occurred against the current year budget.

Appropriated amounts for each fund have been established in the budget for fiscal 2008 for the payment of all claims and charges against each fund. Payments of all claims and charges against each fund shall be made by a combination of checks and warrants, drawn by the Director of Finance and counter-signed by the City Manager and Treasurer as provided by law. The payment of all claims and charges against respective accounts and funds provided in the budget for the year 2007 are also required to be authorized, ratified and approved.

The Internal Perspective is advanced by complying with state statutes and providing information to the Citizens of Wichita.

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

Mayor Brewer

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

Motion--carried

Brewer moved that the passage of the Ordinance be approved. Motion carried 6 to 0, (Schlapp absent).

ORDINANCE NO 47-716

An ordinance appropriating the amounts set up in each fund in the budget; providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts. Brewer moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, and Williams and Brewer, (Schlapp absent).

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LIFE INSURANCE

LIFE INSURANCE PROGRAM ORDINANCE REVISION.

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Item No. 26.

The City began a self-insured group life insurance program for City employees in 1970. With this program, several ordinances were enacted. Over the last three decades, the life insurance program has changed. In 1996, the City began limiting exposure by contracting with a vendor that insured City employees with a stop loss on total annual loss exposure. For 2006, the City Council approved a significant overhaul in life insurance for City employees, and shifted to a fully insured plan. Under this fully insured plan, the City has no exposure for claims costs, with very competitive rates for both the City and employees.

From 1970 to the present, reserves accumulated in the Group Life Insurance Fund. These reserves were necessary and prudent to cover exposure to losses when the City was self insured for Group Life. Actuarial reviews of the reserves occurred periodically, the most recent being in 1995. The fund was found to be reserved at the 99.9% confidence level. In 1996, with the shift to a group plan with stop loss coverage, reserve levels became less important. Finally, with the shift to a fully insured plan in 2006, reserves in the Life Insurance program are not necessary from a risk management standpoint; the City has no exposure.

The reserves in the Life Insurance Fund total approximately \$2.5 million. These funds represent excess amounts contributed by both the City and employees, compared to actual insurance and claims costs. Generally, over the years the City contributed approximately two thirds of premium costs, with employees contributing one third. However, given the years over which contributions were made and the number of employees that participated over the years, it is impossible to accurately allocate the reserve balance between the employer and employees.

To liquidate unneeded reserves, while protecting the interests of both the employees and the City, a transfer of \$1.5 million in reserves to the Group Health insurance is proposed. A similar situation occurred in 1991, when the Group Life Fund was over reserved and a transfer of \$612,000 from Group Life reserves to the Group Health Fund was made. Maintaining reserves in the Life Insurance Fund is not currently necessary, since the program is fully insured. The remaining reserves in the Group Life Insurance Fund could be used to mitigate future rate increases if required; however, life insurance rates have historically been mostly static. Transferring the \$1.5 million of reserves would allow offsets to health insurance costs for both employees and the City. Balances in the Group Life account will continue to be monitored; additional transfers, if appropriate, will be incorporated into the budget development process next year.

In addition, the ordinances for the Group Life program have not kept up with the full-insured plan that is utilized today. The proposed revisions will delete Group Life Insurance Board of Trustees and the Insurance Investment Committee, neither of which has been active since the late 1990's. The duties of the board were directed at administering a self-insured plan; with the move to a fully insured plan that level of administration is not necessary.

Both the Group Life and Group Health programs are funded jointly by the City and employees. Shifting reserves to the Health Insurance Fund will provide increased flexibility for mitigating future health insurance rate increases for both employees and the City.

Employee benefit costs affect two Internal Perspective indicators. Providing health insurance to employees at the least possible cost enhances Employee satisfaction and motivation, as well as workforce retention. In addition, mitigating health insurance rate increases in the future will help reduce and/or avoid future costs.

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

Mayor Brewer

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

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Motion--
--carried

Brewer moved that the ordinance be amended and the budget transfer approved. Motion carried 6 to 0, (Schlapp absent).

ORDINANCE

An ordinance amending sections 2.52.030 and 2.52.100 of the code of the city of Wichita, Kansas and repealing the originals thereof and repealing section 2.52.020 of the code of the city of Wichita, Kansas pertaining to group life insurance, accidental death and dismemberment insurance and dependent life insurance for city employees, introduced and under the rules laid over.

CENTRAL/I-235

IMPROVEMENT TO THE INTERSECTION OF CENTRAL AND I-235. (DISTRICTS IV, V, AND VI)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 27.

The 2007-2016 Capital Improvement Program (CIP) includes a project to improve the intersection of Central and the I-235 Freeway. On December 12, 2006, the City Council approved funding for the design of the project. Districts IV, V and VI Advisory Boards sponsored December 3 and 5, 2007, neighborhood hearings on the project.

The proposed project will increase Central Street capacity by adding additional left turn lane storage under the I-235 bridges. The northbound I-235 off-ramp will be reconstructed to provide dual left turn lanes and an eastbound right turn lane will be constructed on Central at Gilda. Construction is planned to begin in 2008.

The estimated project cost is \$3,760,000 with \$2,420,000 paid by State/Federal transportation grants and \$1,340,000 paid by Wichita local sales tax funds.

This project addresses the Efficient Infrastructure goal by improving traffic flow and safety through an important transportation corridor.

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

Mayor Brewer

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

Motion--
--carried

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

ORDINANCE

An ordinance declaring the interchange of Central Avenue at the I-235 freeway (472-84639) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

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PROJECT MGMNT

PUBLIC WORKS-ENGINEERING PROJECT MANAGEMENT SYSTEM.

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 28.

Public Works-Engineering administers the design and construction of over \$100,000,000 in infrastructure improvements annually. The projects include freeways, railroad overpasses, bridges, streets, sanitary sewers, waterlines, park projects, drainage projects, bike path projects, and wheelchair ramp and sidewalk projects. Each project has its own unique features to track including budgets, funding sources, design consultants, contractors, plan review, utility issues, right-of-way acquisition, permits and working with local, State and Federal agencies. Keeping projects progressing through design, construction and closeout in a timely manner is a difficult undertaking. With so many milestones for each project, the process cannot afford to slow down resulting in a lost opportunity for cost-effective right-of-way purchases, capture of available State/Federal funding or an increased impact on affected property owners and the traveling public. Public Works-Engineering is in need of a comprehensive engineering project management system to improve project tracking, customer service, reporting, and fiscal management. On August 24, 2007, the Staff Screening and Selection Committee selected SKIRE, a computer software development company, to provide the necessary services for such a system.

SKIRE will provide a system capable of tracking the life cycle of projects including the CIP planning stage, City Council initiation, design, construction and closeout. The system will be configured so that it can be adapted to future improvements of current management practices and the work processes of other City departments.

The estimated project cost is \$750,000. The funding source is General Obligation Bonds.

This project will support the Efficient Infrastructure Goal by providing improved management of all Public Works-Engineering projects.

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

Mayor Brewer

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

Motion--
--carried

Fearey moved that the project be approved; the resolution adopted; and the necessary signatures authorized. Motion carried 5 to 1, (Nay-Skelton), (Schlapp absent).

RESOLUTION NO. 07-708

A Resolution authorizing the issuance of bonds by the City of Wichita at large to develop a Project Management System (472-84638), presented. Brewer moved that the Resolution be adopted. Motion carried 5 to 1. Yeas: Fearey, Gray, Longwell, Williams and Brewer. Nay: Skelton. (Schlapp absent)

CHILD CARE

CHILD CARE FACILITIES.

Kay Johnson

Director of Environmental Services reviewed the item.

Agenda Item No. 29.

For approximately 30 years the Kansas Department of Health and Environmental has contracted with Environmental Services Department to conduct inspections of child care facilities throughout Sedgwick County. In addition, the City has conducted child care licensing and education services for KDHE and provides a local point of contact for citizens and providers. Local operation of the program enhances coordination with other agencies involved, such as the Fire Department and Office of Central Inspection. Environmental Services staff members inspect facilities for compliance with state regulations and utilize state enforcement mechanisms, as appropriate. KDHE provides an annual grant

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to partially fund these activities; additional General Fund support for the program is substantially offset by inspection fees.

The proposed ordinance codifies state regulations and assessment fees for inspections and other services, allows local enforcement action if necessary in instances of illegal child care or other significant violations, and preserves the option of local oversight should exemptions be created in state law (as were proposed during the 2007 legislative session).

The grant for state fiscal year 2008 (July 2007 through June 2008) totals \$ 287,000. City General Fund for 2008 amounts to \$ 176,810. Local inspection fees are projected to offset \$ 135,000 of this amount. The proposed ordinance will not increase user fees or program expenditures or significantly change any current practice or regulation.

This action furthers the Council's goal to "Provide a Safe and Secure Community" via continued enforcement of safety and health standards in child care facilities.

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

Mayor Brewer

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

Motion--carried

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

ORDINANCE

An ordinance creating chapter 7.25 of the code of the city of Wichita, Kansas, pertaining to child care facilities, introduced and under the rules laid over.

PLANNING AGENDA

Motion--
--carried

Brewer moved that Planning Consent items 30-33 be approved in accordance with the recommended action shown thereon.

VAC2007-00032

VAC2007-00032 REQUEST TO VACATE A PLATTED EASEMENT. GENERALLY LOCATED NORTH OF KELLOGG STREET AND WEST OF 119TH STREET WEST. (DISTRICT V)

Agenda Item No. 30.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting consideration for the vacation of the 16-foot utility easement, running parallel to the common lot line of Lots 5 and 6, Block 2, Wheatridge Addition. The applicant proposes building over portions of the platted easement. There are no franchised or public utilities located within the easement. The Wheatridge Addition was recorded with the Register of Deeds on April 8, 1968.

The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

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

Motion--
--carried

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

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SUB2007-97

**SUB 2007-97 - PLAT OF CROSS POINTE SECOND ADDITION LOCATED ON THE
SOUTHEAST CORNER OF 21ST STREET NORTH AND GREENWICH ROAD.
(DISTRICT II)**

Agenda Item No. 31.

Staff Recommendation: Approve the plat.

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

This site, consisting of eight lots on 57.3 acres, is a replat of a portion of the Cross Pointe Addition and a portion of Eastside Community Church Addition. This site is subject to the Cross Pointe Community Unit Plan (CUP 2007-60, DP-279). A Notice of Community Unit Plan has been submitted identifying the approved CUP and its special conditions for development on this property. This site is zoned "LC" Limited Commercial District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for water, sewer, drainage and paving improvements. In accordance with the proposed CUP, a Cross-lot Circulation Agreement has been submitted to assure internal vehicular movement between the lots. A Restrictive Covenant has been submitted to provide for the ownership and maintenance responsibilities of the proposed reserves and to restrict on-street parking.

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

Ensure Efficient Infrastructure.

The Notice of Community Unit Plan, Certificate of Petitions, Declaration of Cross-Lot Access and Easement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

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

RESOLUTION NO. 07-709

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90352 (south of 21st St., east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

RESOLUTION NO. 07-710

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90353 (south of 21st, east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

RESOLUTION NO. 07-711

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 6, Main 16, Four Mile Creek Sewer (south of 21st, east of Greenwich) 468-84045, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

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RESOLUTION NO. 07-712

Resolution of Findings of Advisability and Resolution authorizing improving Storm Water Drain No. 272 (south of 21st, east of Greenwich) 468-84047, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

RESOLUTION NO. 07-713

Resolution of Findings of Advisability and Resolution authorizing improving Storm Water Drain No. 273 (south of 21st East of Greenwich) 468-84048, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

RESOLUTION NO. 07-714

Resolution of Findings of Advisability and Resolution authorizing constructing a decel lane on the south side of 21st Street North to serve the entrance between Lot 4, Block 1, and Lot 1, Block 2, Cross Pointe 2nd Addition (south of 21st, east of Greenwich) 472-84230, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

RESOLUTION NO. 07-715

Resolution of Findings of Advisability and Resolution authorizing constructing a decel lane on the south side of 21st Street North to serve the entrance between Lot 1, Block 2, Cross Pointe 2nd Addition and Lot 10, Block 1, Cross Pointe Addition (south of 21st, east of Greenwich) 472-84231, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

RESOLUTION NO. 07-716

Resolution of Findings of Advisability and Resolution authorizing constructing a 3-way traffic signal on 21st Street North at the major entrance located between Lot 4, Block 1, and Lot 1, Block 2 Cross Pointe 2nd Addition (south of 21st, east of Greenwich) 472-84232, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

RESOLUTION NO. 07-717

Resolution of Findings of Advisability and Resolution authorizing constructing a left turn lane on 21st Street North to serve the eastern most entrance, between Lot 10, Block 1, Cross Pointe Addition and Lot 1, Block 2, Cross Pointe 2nd Addition, approximately 430' west of K-96 (south of 21st, east of Greenwich) 472-84234, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

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RESOLUTION NO. 07-718

Resolution of Findings of Advisability and Resolution authorizing pavement on Crossmark, from 21st St. North to and including the cul-de-sac (approximately 700 feet)(south of 21st east of Greenwich) 472-84640, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

RESOLUTION NO. 07-719

Resolution of Findings of Advisability and Resolution authorizing pavement on Bristol Street from 21st Street North to Medford Street (south of 21st, east of Greenwich) 472-84641, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

DER2007-00010

DER2007-00010 – ZONE CHANGE FROM “LI” LIMITED INDUSTRIAL TO “SF-5” SINGLE-FAMILY RESIDENTIAL. GENERALLY LOCATED NORTH OF MACARTHUR ROAD AND WEST OF SOUTH SABIN STREET. (DISTRICT IV)

Agenda Item No. 32.

DAB III Recommendation: N/A

MAPC Recommendation: Approve, 12-0

MAPD Staff Recommendation: Approve

In a letter dated March 21, 2007, Frank Butts and Julie Marshall, 3918 South Young, asked the Metropolitan Area Planning Commission to rezone their property, Lots 24, 25 and 26, Diamond's Addition to Oatville, from "LI" Limited Industrial to a residential district. Oatville is located north of MacArthur Road and 2,189 feet west of West Street.

At the April 5, 2007 MAPC meeting, a Mr. Bergkamp appeared on behalf of Mr. Butts and Ms. Marshall. Mr. Bergkamp explained that the property in question was zoned "LI" Limited Industrial, but developed with a single-family residence and was being offered for sale; however, prospective purchasers had been unable to obtain bank financing because of the site's mismatched residential use located in industrial zoning. Mr. Berkamp asked the commission to address this problem so the property could be sold for residential use. The commission directed staff to look for a solution.

A review of the zoning map indicated not only was the speaker's property zoned LI, all of the Oatville neighborhood was zoned LI, but developed almost exclusively with residences. Within the neighborhood, there are also a few vacant lots, a painting company (located at 3937 South Baehr) and a church located just to the east at 3950 South Baehr. There are a wide range of residences: site built homes, residential designed manufactured homes, some single-wide manufactured or mobile homes and some appear to be a combination.

All of the residences in Oatville are non-conforming uses given the fact that the LI zoning district does not permit residential uses. Rezoning the lots developed with single-wide manufactured or mobile homes is not an option since the "MH" Manufactured Housing district, in the city, requires a minimum lot size of five acres. None of the individual lots or ownerships in Oatville contains five- acres; therefore none of the lots within the neighborhood are eligible for MH zoning. It was determined that "SF-5" Single-family Residential district was the most appropriate zoning. Consistent with previous multi-lot down zonings, only those property owners' consenting or requesting down zoning are being recommended for rezoning.

To initiate the rezoning, staff mailed a letter to each individual property owner advising them that one of their neighbors had appeared before the Metropolitan Area Planning Commission requesting the commission to evaluate the appropriateness of the existing zoning ("LI" Limited Industrial) that currently exists on the lots in the area. That August 15 letter also invited them to attend a meeting on

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September 13, 2007 at the Alford Library. The purpose of that meeting was to answer questions regarding the potential rezoning of the lots in Oatville from "LI," Limited Industrial to the "SF-5," Single-family Residential zoning district, and to determine which property owners wished to be rezoned. Five lot owners attended the meeting on September 13, 2007.

At the September 13, 2007 meeting at the library, those Oatville residents in attendance were advised that it was not the intention of the city to rezone property in Oatville against the will of any property owner, and the Metropolitan Area Planning Department needed to have some indication if they wanted their property rezoned to "SF-5" Single-family Residential or if they wanted their property's zoning left as LI Limited Industrial.

They were asked to respond in writing indicating if they wanted their property's zoning to be changed to "SF-5" Single-family Residential. Their reply was needed by October 3, 2007.

Property owners requesting rezoning are:

3912 South Baehr, Lots 26, 27 and 28 & the west ½ vacated alley adjacent on the east, Block 1, City of Oatville

3909 South Young, Lots 1, 2 and 3 & the east ½ vacated alley adjacent on the west, Block 1, City of Oatville

3937 South Sabin, Lots 13, 14 and 15, Block 21, Diamond's Addition

3934 South Young, Lots 21, 22 and 23, Block 21, Diamond's Addition

3918 South Young, Lots 24, 25 and 26, Block 21, Diamond's Addition

4552 West MacArthur, Lots 7, 8, 9, 10, 11 and 12 except street on the south, Block 21, Diamond's Addition

At the MAPC meeting held November 1, 2007, the MAPC voted (12-0) to recommend approval of the request. There were not any citizens present to discuss the application.

A neighborhood meeting was held with property owners so District Advisory Board IV did not review this case.

At this time, there has not been any protest petitions received.

Promote Economic Vitality and Improve Housing Variety

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

Motion--
--carried

Brewer moved that the zone change be approved; the ordinance placed on first reading; and the appropriate signatures authorized. Motion carried 6 to 0, (Schlapp absent).

ORDINANCE

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

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DER2007-00014

DER2007-00014 CITY OF WICHITA BOUNDARY RESOLUTION.

Agenda Item No. 33.

The City of Wichita is required by Kansas State law to annually prepare a description of the corporate boundaries. The law requires that the description shall define the boundaries after incorporating all changes made through annexation or exclusions of territory since December 12, 2006.

During the calendar year 2007, the City of Wichita approved a total of twenty-one (21) annexation cases, twenty (20) requests (including two island annexations) and one unilateral annexation. This added a total of 1,394.39 acres (2.179 square miles) to the City, resulting in a Wichita corporate area of 164.233 square miles, as of December 31, 2007.

City Engineering staff has prepared a legal description of all territory annexed into the City of Wichita since December 12, 2006.

K.S.A. 12-517 requires that for any year in which any territory has been added or excluded from any city, the governing body of such city shall declare, by resolution, the entire boundary of the city. The Law Department has reviewed and approved the Resolution as to form.

Motion--
--carried

Brewer moved that the boundary resolution be adopted and the necessary signatures authorized.
Motion carried 6 to 0, (Schlapp absent).

AIRPORT AGENDA

Council Member Skelton Council Member Skelton requested that item 34 be pulled for discussion.

(Item 34)
PRICING ANALYSIS

MID-CONTINENT AND JABARA AIRPORTS, TELEPHONE SHARED TENANT SYSTEM PRICING ANALYSIS.

Victor White

Director of Airports reviewed the item.

Agenda Item No. 34.

The Department of Airports owns and operates a telephone Shared Tenant System (STS). This system provides telephone and cable services to airport tenants and the Department of Airports. The STS includes a multi-node PBX, cable plant, phone equipment, phone mail and other phone accessories. Additionally, the STS provides MAC (moves, adds, changes) and cable services. The STS cost model was established in 1985 under a market-driven cost model. There have not been any changes to the cost model since it was established. At Mid-Continent Airport the cost of operating the STS is recovered through fees charged for phone equipment, phone accessories, line charges, phone mail, MAC and cable services. At Jabara Airport the cost of operating the system is recovered by fees charged for MAC and cable services.

The concept at the time of the STS creation was to reduce the long distance cost by sharing the volume of all the system users while creating a source of revenue for the airport. Long distance is no longer the driving cost revenue for the system. The telecommunication industry was deregulated by the Act of 1996 and a number of revisions have been implemented since the Act. The deregulation of the telecommunications industry, coupled with technology advances, has completely changed the type of services offered and how they are marketed to customers. In order for the STS to remain competitive and increase its revenue, a review to update the financial model is necessary.

After receiving and reviewing proposals from three firms, the Staff Screening and Selection Committee selected Ross & Baruzzini to perform the study of the system.

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The contract for the study services with Ross & Baruzzini is \$42,600, which includes labor and associated expenses. Funding for these services is within the approved budget.

The Airport's contribution to the economic vitality of Wichita is promoted through projects that allow the Airport's basic services to be maintained.

The Law Department has approved the contract as to form.

Council Member Skelton Council Member Skelton asked if he would have Staff that works on this full time.

Victor White Director of Airports stated they are not full time but they do have two people from the IT Department that are assigned to them and among other things work on their phone systems.

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

SUPPL. AGREEMENTS AIRLINE USE AGREEMENTS - SUPPLEMENTAL AGREEMENTS.

Agenda Item No. 35.

The Wichita Airport Authority has a uniform lease and use agreement with the passenger carrying airlines serving Wichita Mid-Continent Airport. Supplemental Agreements are included for the following airlines: AirTran, American, American Eagle, Atlantic Southeast, Chautauqua, ExpressJet, Mesa, Northwest, Pinnacle, Skywest, US Airways, Inc., Frontier Airlines Holdings, Inc., Republic Airways Holdings, and United Airlines. The term of the current agreement expires December 31, 2007.

It is the normal practice of the Wichita Airport Authority to enter into contractual agreements with the passenger carrying airlines serving Wichita Mid-Continent Airport in order to establish a business relationship and a basis for rentals, fees, and charges. It is now necessary to renew that agreement, effective January 1, 2008. It is recommended that the agreement be renewed for one year through December 31, 2008.

Under the contract methodology, passenger carrying airlines serving Wichita Mid-Continent Airport will pay for their proportionate share of the maintenance, operation, and debt service associated with the airfield and terminal building. The ensuing rates and charges are determined pursuant to DOT Policy, Federal Code, U. S. Supreme Court rulings, and negotiations. The estimated annual revenue for the coming year is approximately \$4 Million.

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

The Law Department has approved the Supplemental Agreements as to form.

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

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Vice-Mayor Fearey Vice-Mayor Fearey requested that Mary San Martine be reappointed to the Community Corrections Advisory Board.

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

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TRAVEL EXPEND.

APPROVAL OF TRAVEL EXPENSES FOR MAYOR BREWER TO ATTEND THE
NATIONAL LEAGUE OF CITIES (NLC) BOARD MEETING IN ST. PETERSBURG,
FLORIDA JANUARY 10-12, 2008.

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

RESOLUTION

RESOLUTION IN SUPPORT OF ESTABLISHING A PHARMACY SCHOOL IN THE CITY OF WICHITA.

Gary Rebenstorf Director of Law read aloud the Resolution.

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, SUPPORTING A PHARMACY SCHOOL IN OUR COMMUNITY.

WHEREAS, Pharmacists provide valuable healthcare services in our communities, filling medications, providing health information and giving advice; and

WHEREAS, pharmacists fill over 4 billion prescriptions each year, and with the growing aging population, the number of prescriptions is likely to increase substantially, resulting in a critical need for pharmacists to fill the prescriptions; and

WHEREAS, in Kansas, there are seven counties that have no drug stores and 32 counties that have just one, limiting access to pharmacists and needed prescriptions; and

WHEREAS, the need for pharmacists is growing across the country, with a predicted shortage of 150,000 pharmacists by 2020, but the current capacity to train enough pharmacists to meet the demand is limited; and

WHEREAS, the University of Kansas School of Pharmacy can help meet the demand by expanding its Pharmacy program in Lawrence and in Wichita. And, much like the success of the University of Kansas School of Medicine in Wichita, the graduates of a Pharmacy School in Wichita would also help to support the need for pharmacists in the other rural regions of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, THAT;

The City of Wichita does hereby proclaim its support for a Pharmacy school in our community, and encourages others to help build upon our success as a regional health care center, both for patient care and clinical education.

Mayor Brewer Mayor Brewer asked who had requested this resolution.

Dale Goter Government Relations Manager stated that it was requested by the School of Pharmacy.

Vice-Mayor Fearey Vice-Mayor Fearey explained that this woman came to the Council several months ago and spoke on this. Stated she is related to Staff at the KU Med Center and is also working with Visioneering on this and the Sedgwick County Medical Association. Stated when she spoke the Council seemed very supportive of this because it is becoming a critical issue in Wichita and Kansas.

Motion--carried Brewer moved that the Resolution be adopted. Motion carried 6 to 0, (Schlapp absent).

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RESOLUTION NO. 07-722

A Resolution of the governing body of the City of Wichita, Kansas, supporting a pharmacy School in our community, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent)

RECESS

EXECUTIVE SESSION.

Motion--

Brewer moved that the City Council recess into Executive Session at 10:26 a.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice, contract negotiations, personnel matters of non-elected personnel, and preliminary discussions relating to the acquisition of real property for public purposes and that the Council return from Executive Session no earlier than 11:15 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 6 to 0, (Schlapp absent).

RECONVENE

The City Council reconvened in the City Council Chambers at 11:31 a.m. Mayor Brewer announced that the City has returned from Executive Session, and that there was no action taken.

Motion--carried

Brewer moved that the Executive Session be closed. Motion carried 7 to 0, (Schlapp present).

Motion--

---carried

Brewer moved that the City Council suspend its rules and take up an item off the agenda. Motion carried 7 to 0.

Motion--

--carried

Brewer moved that the City Council accept the resignation of George Kolb as the City Manager for the City of Wichita and that the City Council approve the management transition agreement between the City and George Kolb. Motion carried 7 to 0.

Motion--carried

Brewer moved that the meeting be adjourned. Motion carried 7 to 0.

ADJOURNMENT

The meeting was adjourned at 11:32 a.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

Workshop followed in the 10th Floor MAPC Conference Room