

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 7, 2007
Tuesday, 9:08 A.M.

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

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Janis Edwards, Deputy City Clerk; present.

Pastor Sally Fahrenthold, retired Lutheran Pastor gave the invocation.

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

The Minutes of the regular meeting of July 24th and July 31st 2007 approved 7 to 0.

Proclamations

Proclamations:

Mayor Brewer read aloud the following Proclamations:

- Sign Up For Scouting Month
- Clown Week

Service Citation

Distinguished Service Citation-Jack M. Snow.

Mayor Brewer recognized Mr. Snow and presented him with a plaque.

PUBLIC AGENDA

Scott Schneider and Sarah Kauffman-Cox Grant Program check presentation.

Sarah Kauffman

Sarah Kauffman presented the City with a check programming grant from Cox Communications for \$145,000.00 to contribute to the progression and communication for channel 7. Cox Communications feels that communication is very important to the City to communicate with constituents and are proud to partner with the City.

CONSENT AGENDA

Motion--
--carried

Brewer moved that the Consent Agenda items 2-16c, be approved in accordance with the recommended action. Motion carried 7-0.

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BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 30, 2008 AND AUGUST 6, 2007.

Bids were opened July 27, 2007 and August 3, 2007, pursuant to advertisements published on:

Water Main Replacement to serve Anderson First Addition (east of Meridian, north of Maple) (448-90211/636158/776551) Traffic to be maintained using flagpersons and barricades. (District IV)

Duling Construction - \$654,638.00

Wichita Transit Bus Passenger Bench and Shelter Installation, Phase II (north of 47th Street South, east of 135th Street West) (472-84485a/629550/629551/629568/616004/616005/ 617001) Traffic to be maintained using flagpersons and barricades. (District I,II,III,IV,V,VI)

Barkley Construction - \$227,000.00

Storm Water Sewer #630 to serve EC & LR Coles Addition to Carey Park (north of 29th Street North, west of Arkansas) (468-84335/751446/485337) Traffic to be maintained using flagpersons and barricades. (District VI)

WB Carter Construction - \$62,131.00

Castle Rock/Rockhill, from the south line of 21st Street North to the west line of 143rd Street East; Castle Rock Court, serving Lots 26 through 29, Block 1, from the east line of Castle Rock to and including the cul-de-sac; Castle Rock Court, serving Lots 15 through 19, Block 5, from the east line of Castle Rock to and including the cul-de-sac; Rockhill Court, serving Lots 23 through 33, Block 5, from the north line of Rockhill to and including the cul-de-sac; Split Rail/Churchill Circle, serving Lots 1 through 16, Block 1 and Lots 1 through 6, Block 5, from the north line of Rockhill to and including the cul-de-sac; Split Rail Court, serving Lots 1 through 8, Block 1 from the east line of Split Rail to and including the cul-de-sac; Burning Tree/Burning Tree Court from the south line of Lot 61, Block 2 to the west line of Castle Rock; Sidewalk on one side of Castle Rock, Rockhill, Split Rail and Burning Tree to serve Krug South Addition (south of 21st Street North, west of 143rd Street East) (472-84521/766128/490146) Does not affect existing traffic. (District II)

Kansas Paving Company - \$672,536.60

Lateral 15, Main 7 Northwest Interceptor Sewer to serve Wadley Ranch Addition in the City of Maize (south 37th Street North, west of Maize) (468-84332/744227/480915) Does not affect existing traffic. (District Maize)

Nowak Construction - \$19,754.00

Mark Randal from the east line of Covington to the north line of Lot 27, Block 1; Cortina from the south line of Mark Randal to the east line of Lot 8, Block 2, including the cul-de-sac; Shefford from the east line of Lot 8, Block 2, to the north line of Lot 27, Block 1 to serve Fontana 3rd Addition (north of 29th Street North, east of 119th Street West) (472-84091/766131/490149) Does not affect existing traffic. (District V)

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Lafarge North America - \$456,676.80

Water Distribution System to serve Cheryl's Hollow 2nd Addition (north of 13th Street North, west of 135th Street West) (448-90290/735362/470035) Does not affect existing traffic. (District V)

Mies Construction - \$68,129.00

Water Distribution System to serve Willow Creek East Addition (south of Harry, east of Greenwich) (448-90282/735360/470033) Does not affect existing traffic. (District II)

Mies Construction - \$50,141.50

Jamesburg from the east line of the plat, west to the east line of Nickelton; Nickelton from the south line of Jamesburg, south to the north line of Ridgepoint; Ridgepoint from the east line of the plat, west to the west line of Nickelton; Nickelton Cir. (Lots 7 through 20, Block C) from the north line of Nickelton north to and including the cul-de-sac; Nickelton Ct. (Lots 1 through 6, Block C) from the east line of Nickelton Cir. east to and including the cul-de-sac; Nickelton Ct. (Lots 1 through 6, Block B) from the east line of Nickelton east to and including the cul-de-sac; Nickelton Ct. (Lots 7 through 12, Block B) from the east line of Nickelton, east to and including the cul-de-sac; Nickelton Cir. (Lots 1 through 20, Block A) from the south line of Ridgepoint, south to and including the cul-de-sac; Sidewalk on Jamesburg, Nickelton and Ridgepoint to serve Silverton Addition (north of 13th Street North, west of 135th Street West) (472-84459/766152/490170) Does not affect existing traffic. (District V)

Lafarge North America - \$464,936.15

Water Distribution System to serve Rainbow Lakes West Addition (south of Central, east of 119th Street West) (448-90195/735320/470991) Traffic to be maintained during construction using flagpersons & barricades. (District V)

Dondlinger & Sons - \$78,005.88 *

*Negotiated at Engineer's Estimate

Motion--

Brewer moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

PUBLIC WORKS DEPARTMENT/BUILDING SERVICE DIVISION: Life Safety Systems Test and Inspection

Simplex Grinnell, LP - \$12,952.50 (*Base bid)
\$ 25.00 (Option 1, per hour)

*Estimate – Contract approved on unit cost basis; refer to attachments.

INFORMATION TECHNOLOGY DEPARTMENT (IT/IS)/IT/IS OPERATIONS: Microsoft Select Agreement/RQ701196

Software House International - \$35,828.00*

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

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POLICE DEPARTMENT/TRAINING DIVISION: Boots and Shoes – Police

Deferred to 8/13/2007

WATER UTILITIES DEPARTMENT/SEWAGE TREATMENT DIVISION:

Fifty (50) Ultraviolet Lamps, P/N 441144-028 @286.00 each for a total of \$14,300.00

Four Hundred (400) Wiper Seals, P/N 445045 @ \$42.00 each for a total of \$16,800.00

Forty (40) Lamp Sleeves, P/M 441143-028 @364.00 each for a total of \$14,560.00

Twenty (20) Ballast Electronic, P/N 490280 @ \$877.50 each for a total of \$17,550.00

Ray Lindsey Company - \$63,210.00 (Total Net Bid) *

* Purchases Utilizing Sole Source of Supply
Ordinance No. 35-856 Section 2. .(b)

Motion--
--carried

Brewer moved that the contracts be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Hanh Bui	Saigon Restaurant*	1103 North Broadway
Richard Orr	L.W. Clapp Golf Course*	4611 East Harry
<u>New Operator</u>	<u>2007</u>	
Mary P. Alcalá	Carnitas Rio Grande*	
<u>Special Event</u>		
Devin W. Hansen	Wagonmaster 2007 Chili Cookoff	600 East Douglas

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

Motion--
--carried

Brewer moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PRELIM ESTS.

PRELIMINARY ESTIMATES:

- Wichita Drainage Canal, Phase 3 - along Wichita Canal, south of K-15 and Grove, north to south of Douglas. (468-84119/660794/864409) Does not affect existing traffic. (District I,III) - \$395,000.00
- Water Distribution System to serve Gray's 6th Addition - south of MacArthur, west of Hoover. (448-90301/735371/470044) Does not affect existing traffic. (District IV) - \$66,000.00
- Stafford from the east line of Lot 9, Block 6 to the west line of Cranbrook; Cranbrook from the south line of Brentwood South Addition to the north line of Lot 9, Block 5 to serve Brentwood South Addition - north of Pawnee, east of Webb. (472-84476/766122/490140) Does not affect existing traffic. (District II) - \$368,500.00
- Cost of construction of Water Distribution System to serve Pier 37 Addition south of 37th Street North, west of Ridge. (District V) - \$130,540.00

Motion--carried

Brewer moved to receive and file. Motion carried 7 to 0.

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PETITION

HILLSIDE BRIDGE AT GYPSUM CREEK. (DISTRICT III)

Agenda Item No. 5a.

On April 4, 2006, the City Council approved a project to improve the Hillside Bridge at Gypsum Creek. The project is funded by a combination of City and Federal funds. Based on current bid prices, it is doubtful that a construction contract can be awarded within the approved budget. Additional Federal funds are available for the cost increase. An amending Ordinance has been prepared to revise the project budget.

The project will replace the existing bridge. Sidewalks will be built on both sides of the new structure. Gabion retaining walls (rock filled metal baskets) will be installed along the channel under the bridge. Construction is planned to begin later this year.

The current budget is \$1,285,000, with \$785,000 paid by the City and \$500,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The proposed increased budget is \$1,985,000, with \$785,000 paid by the City and \$1,200,000 paid by Federal Grants.

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

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

Motion--
--carried

Brewer moved that the revised budget be approved; the amending Ordinance placed on First Reading and the signing of State/Federal agreements authorized. Motion carried 7 to 0.

ORDINANCE

An ordinance amending Ordinance No. 47-010 of the City of Wichita, Kansas declaring the Hillside Bridge at Gypsum Creek (472-84395) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

PETITION

CONSTRUCT PAVING, SANITARY SEWER AND WATER IMPROVEMENTS IN FAWN GROVE AT SUNSET LAKES ADDITION, SOUTH OF KELLOGG, WEST OF GREENWICH. (DISTRICT II)

Agenda Item No. 5b.

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

The projects will provide paving, sanitary sewer and water improvements within a residential development located south of Kellogg, west of Greenwich.

The Petitions total \$482,000. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing public improvements required for new development.

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

Motion--
--carried

Brewer moved that the Petitions be approved; the Resolutions adopted; and the necessary signatures authorized. Motion carried 7 to 0.

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Resolution No. 07-438

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 406, Four Mile Creek Sewer, (south of Kellogg, west of Greenwich) 468-84383, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-439

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on Fawn Grove/Morris from the east line of Lot 84 to the west line of Fawn Grove Addition; Fawn Grove Court from the east line of Fawn Grove to and including the cul-de-sac (Lots 23 through 34, Block 3); and Fawn Grove Court from the east line of Fawn Grove to and including the cul-de-sac (Lots 35 through 41, Block 3) (south of Kellogg, west of Greenwich) 472-84576, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-440

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90306 (south of Kellogg, west 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer

STREET CLOSURE

THIRD ANNUAL JUST ABOUT KIDS FOUNDATION 5K AND 1 MILE EVENT, SEPTEMBER 15, 2007, 8:00 A.M. TO 10:00 A.M. (DISTRICT II)

Agenda Item No. 6a.

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

The following street closure request has been submitted:

3rd Annual Just About Kids Foundation 5K & 1 Mile Event. September 15, 2007 8:00 am – 10:00 am.
13th Street North from Webb Road to Raytheon Park entrance. East bound, curb side lane.
Webb Road from Raytheon Park entrance to 13th Street North. North bound, curb side lane.

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

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

Enhance the Quality of Life

Motion--

Brewer moved that the request be approved subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 7 to 0.

--carried

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STREET CLOSURE **2007 WAGONMASTERS DOWNTOWN CHILI COOKOFF, SEPTEMBER 29, 2007, 6:00 A.M. TO 6:00 P.M. (DISTRICT I)**

Agenda Item No. 6b.

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

The following street closure request has been submitted:

2007 Wagonmasters Downtown Chili Cookoff, September 29, 2007 6:00 am – 6:00 pm
500 and 600 block of East Douglas, Emporia to Viaduct Bridge.
100 block of North St. Francis
100 block of South St. Francis

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

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

Enhance the Quality of Life

Motion--

Brewer moved that the request be approved subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Event Coordinator. Motion carried 7 to 0.

--carried

STREET CLOSURE **21st STREET, EAST OF HOOVER ROAD. (DISTRICT IV)**

Agenda Item No. 6c.

W. B. Carter Construction Inc. will be making repairs to a 36" water line that crosses 21st St. approximately ¼ mile east of Hoover Rd. 21st St. is a two-lane roadway in this area and the existing pipe is leaking at a joint near the centerline of the street. The contractor is requesting a 6-hour closure to remove and replace the necessary pipe under the street area. The removal and replacement of the 36" water line is scheduled to begin approximately 7:00 am, Saturday, August 11th and be completed by noon.

During the street closure, local traffic along this section of 21st will be allowed to access the businesses west of the work area from the intersection of Hoover Rd and 21st St. while traffic will need to access the businesses east of the closure and the Emerald Bay development by traveling south on West St. from the intersection of West St. and 29th St. W. B. Carter Construction Inc. is responsible for the placement of the required construction signs and barricades and the notification of area businesses and residents.

This project addresses the Efficient Infrastructure goal by maintaining the public utility system.

Motion--carried

Brewer moved that the street closure be approved. Motion carried 7 to 0.

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CAFETERIA

CONTRACT AMENDMENT FOR CAFETERIA SERVICES.

Agenda Item No. 7a.

The City presently has a contract with J & D Groups, Inc., dba City Bistro, to provide cafeteria concession services for City Hall. The current contract cost is approximately \$2,080 per month (\$25,000 annually). The vendor is requesting a cost adjustment to be added to the last option year on their contract. The cost would be \$2,500 per month (\$30,000 annually) for City Hall.

There is one final annual option remaining on the contract. Staff recommends exercising this option with the amendment. Daily food sales have dropped dramatically with the implementation of security at City Hall. Staff will work with the vendor to explore alternative options for this upcoming year to increase sales, hopefully with the effect of reducing the subsidy requirement for the next contract. If this option, with the amendment, is approved, new proposals for cafeteria services will be issued in 2008.

Sufficient funds are budgeted for 2007 in the non-departmental budget.

Access to food services on-site provides a convenience to City Hall visitors and employees. It provides someplace for visitors congregate or to get food when their visit ends up keeping them at City Hall for long periods of times. It allows opportunities for on-site meetings over lunch that would not be otherwise practical. And it allows employees to maximize their breaks and lunch times, resulting in greater productivity and enhancing employee morale and job satisfaction.

The Law Department has reviewed and approved the contract amendment as to form. The contract amendment will be for one year.

Motion--
--carried

Brewer moved that the contract amendment to J & D Groups, Inc., dba City Bistro, for cafeteria services be approved and the necessary signatures authorized. Motion carried 7 to 0.

GRAY'S SIXTH

RESPREAD ASSESSMENTS: GRAY'S SIXTH ADDITION, SOUTH OF MACARTHUR, WEST OF HOOVER. (DISTRICT IV)

Agenda Item No. 7b.

The landowners, Gray Development, Inc. and Edward Guymon, platted Gray's 6th Addition and have submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a sanitary sewer lateral and a water distribution system. The purpose of the Agreement is to respread special assessments on a fractional basis. Without the Agreement, the assessments will be spread on a square foot basis.

There is no cost to the City.

The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

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

Motion--
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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MONARCH

CONSTRUCTION ENGINEERING AND STAKING IN MONARCH LANDING ADDITION, NORTH OF 21ST STREET, WEST OF 159TH STREET EAST. (DISTRICT II)- SUPPLEMENTAL

Agenda Item No. 7c.

The City Council approved the paving improvements in Monarch Landing Addition on February 13, 2007. On March 27, 2007 the City approved an Agreement with MKEC Engineering Consultants, P.A. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to MKEC will be on a lump sum basis of \$51,100 and will be paid by special assessments.

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

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

Motion--
--carried

Brewer moved that the Supplemental Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

SOUTHWEST

CONSTRUCTION ENGINEERING AND STAKING IN SOUTHWEST PASSAGE ADDITION, SOUTH OF PAWNEE, WEST OF 119TH STREET WEST. (DISTRICT IV)-SUPPLEMENTAL

Agenda Item No. 7d.

The City Council approved the sewer and drainage improvements in Southwest Passage Addition on January 9, 2007. On February 13, 2007 the City approved an Agreement with Ruggles & Bohm, P.A. to design the improvements. The Design Agreement with Ruggles & Bohm requires Ruggles & Bohm to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Ruggles & Bohm provides for construction engineering and staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project. Payment to Ruggles & Bohm will be on a lump sum basis of \$27,767 and will be paid by special assessments.

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

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

Motion--
--carried

Brewer moved that the Supplemental Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

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AVALON PARK

AVALON PARK THIRD AND FOURTH ADDITIONS, EAST OF TYLER, NORTH OF 37TH STREET NORTH. (DISTRICT V)

Agenda Item No. 8a.

The City Council approved the water, sanitary sewer, storm water and paving improvements in Avalon Park 3rd & 4th Additions on August 22, 2006.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements consisting of water, sanitary sewer, storm water and paving in Avalon park 3rd & 4th Additions. Per Administrative Regulation 1.10, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$87,500 and will be paid by special assessments.

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

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

Motion--
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

CHANGE ORDER

SANITARY SEWER MAIN TO SERVE STONEBRIDGE ADDITION, SOUTH OF 13TH STREET, EAST OF 143RD STREET EAST. (DISTRICT II)

Agenda Item No. 9a.

On March 6, 2007, the City Council approved a construction contract with Nowak Construction, Inc. to construct a sanitary sewer main for Stonebridge Addition. The pipeline crosses an adjoining property. Unstable soil conditions and the depth of the pipeline require the removal of trees beyond the limits originally anticipated. The terms of the agreement with the property owner for the acquisition of easements provide compensation for replacement of the trees.

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

The total cost of the additional work is \$55,055 with the total paid by the Sewer Utility. The original contract amount is \$762,430. This Change Order represents 7.22% of the original contract amount.

This project addresses the Efficient Infrastructure goal by proving a sanitary sewer main required for new development.

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

Motion--
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

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PROP. ACQUIS.

PARTIAL ACQUISITION OF 5911 EAST SKINNER FOR THE GYPSUM CREEK - PAWNEE TO WOODLAWN FLOOD CONTROL AND STREAM RESTORATION PROJECT. (DISTRICT III)

Agenda Item No. 10a.

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the natural channel of Gypsum Creek between Pawnee and Woodlawn by channel benching. The project requires partial acquisitions of nine, residential parcels along the north side of the creek as well as a portion of the BOE parcel along the south side of the creek. This will allow for access to the creek and the ability to maintain the creek. The property located at 5911 E. Skinner is one of the ten parcels.

The proposed acquisition area is located at the southern portion of the property, behind the residential improvements of 5911 E. Skinner and along Gypsum Creek. The proposed area consists of approximately 4,158 square feet and is made up of wooded land. The subject parcel improvements are not impacted by the project. The landowner rejected the appraised offer of \$5,200, or \$1.25 per square foot and agreed to settle at \$5,750, an additional \$550 per square foot to cover the seller's surveying expenses.

\$7,000 is the requested budget for the acquisition of this parcel. This amount includes the \$5,750 purchase price and \$1,250 for closing costs and title insurance. The funding source is General Obligation Bonds repaid by StormWater Utility Funds.

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

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

Motion--
--carried

Brewer moved that the agreement and budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

BOARD MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District II Advisory Board, May 7, 2007
District II Advisory Board, June 4, 2007
District III Advisory Board, June 6, 2007
District V Advisory Board, June 4, 2007
Wichita Historic Preservation Board, May 14, 2007
Wichita Historic Preservation Board, June 11, 2007

Motion--carried

Brewer moved to receive and file. Motion carried 7 to 0.

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OLD TOWN

OLD TOWN BOARDWALK PROJECT. (DISTRICT VI)

Agenda Item No. 12.

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

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

The estimated project cost is \$180,000 with the total paid by the Old Town Tax Increment Financing District.

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

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

Motion--
--carried

Brewer moved that the project and establishment of a project account be approved and the necessary transfers authorized. Motion carried 7 to 0.

2007 STREET REHAB 2007 STREET REHABILITATION PROGRAM. (DISTRICTS II, IV, V, & VI)

Agenda Item No. 13.

The 2005-2014 Capital Improvement Program includes ongoing funding to rehabilitate major streets.

The 2007 funds will reconstruct Seneca, between 49th St. North and 53rd St. North; 21st, between Greenwich and the K-96 Freeway; Woodchuck, between Kellogg and Maple; and Douglas, between West Street and Anna.

The project budget is \$400,000. The funding source is General Obligation Bonds.

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

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

Motion--
--carried

Brewer moved that the project be approved and the Ordinance placed on First Reading. Motion carried 7 to 0.

ORDINANCE

An ordinance declaring Seneca, from 49th St. North to 53rd St. North; 21st, from Greenwich to the K-96 Freeway; Woodchuck, from Kellogg to Maple and Douglas, from West St. to Anna Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficways; 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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BOND CERTIFICATE REPLACEMENT OF LOST BOND CERTIFICATE, KANSAS MASONIC HOME. (DISTRICT VI)

Agenda Item No. 14.

On July 8, 1997, City Council approved the issuance Health Care Facilities Improvements Revenue Bonds in the amount of \$6 million for Kansas Masonic Home, a nursing home care provider and retirement facility. Bond proceeds were used to finance the costs of expansion and improvements projects including a 60-unit assisted living facility at the Kansas Masonic Home Facilities located at Seneca and Maple Street in southwest Wichita. The City of Wichita received notification from U. S. Bank Corporate Trust Services with a request for approval of replacement or payment of a lost bond certificate.

U.S. Bank National Association acts as transfer agent or servicer for the transfer agent on the Series VI, 1997 Bond issue. Pursuant to the Trust Indenture it is the responsibility of the Trustee to require approval of the Issuer on Bond of Indemnity (BOI) documents prior to replacing lost bonds for the bondholder. A BOI is a Surety Bond issued by a Surety company on behalf of the bondholder when the bondholder requires the replacement of a bond due to its loss, destruction or theft.

There is no financial impact to the City as a result of the request. The surety bond will protect the City against liability should the missing bond certificate ever resurface.

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

The City Attorney's Office has reviewed the Bond of Indemnity form and believes it is sufficient to approve the replacement of the lost Series VI, 1997 bond certificate.

Motion--

Brewer moved that the Bond of Indemnity on the lost Series VI, 1997 and bond certificate be approved and the US Bank Trust Services to replace/pay the lost bond certificate authorized. Motion carried 7 to 0.

--carried

UTILITY EASEMENT UTILITY EASEMENT ACROSS A PORTION OF CITY-OWNED PROPERTY AT 777 EAST WATERMAN. (DISTRICT I)

Agenda Item No. 15.

The City owns the 10.3 acre site located at 777 East Waterman. It is commonly known as the Wichita Transit Addition. The north six acres of the site is improved with landscaping, paved parking lot and parking lot lighting. The southern portion of the site is utilized by the Wichita Transit Department. Kansas Gas Services has expressed the need to reset their utilities within the proposed 20 foot wide easement in conjunction with the Waterman infrastructure improvements currently being made.

Kansas Gas has an existing line within the road right-of-way however, due to the Waterman and arena infrastrucure improvements; there is limited room within the existing right-of-way. Kansas Gas prefers to realign their service line in a twenty-foot easement along the south Waterman road right-of-way line. As a utility easement, future utilities may also be located within the proposed easement. All site restoration will be at the cost of Kansas Gas.

There is no cost to the City.

The easement is necessary to ensure efficient infrastructure, maintaining and optimizing public facilities and assets.

The Law Department has approved the easement as to form.

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Motion--
--carried

Brewer moved that the easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JULY 24, 2007)

- a. ZON2007-00026-Zone Change from "GO" General Office to "LC" Limited Commercial, northeast corner of West Murdock and North Water. (District VI)

ORDINANCE NO. 47-528

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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- b. ZON2007-27-Zone change from "SF-5" Single-Family Residential to "NO" Neighborhood Office and Protective Overlay No. 191; generally located on the west side of Ridge Road, south of Douglas, 109 South Douglas. (District V)

ORDINANCE NO. 47-529

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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- c. SUB 2007-23-Plat of I-135 Power Center Second Addition located on the southeast corner of 31st Street South and Hydraulic. (District III)

ORDINANCE NO. 47-530

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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Motion--carried

Brewer moved that the Ordinances be adopted. Motion carried 7 to 0.

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UNFINISHED BUSINESS

856 N. OLIVER

REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES, 856 NORTH OLIVER. (DISTRICT I)

Kurt Schroeder

Office of Central Inspection Superintendent reviewed the item.

Agenda Item No. 17.

This property was before the Board of Code Standards and Appeals (BCSA) on May 7, 2007. No-one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on July 17, 2007 and was deferred until August 7, 2007, at the request of the owner and Council Member Williams.

No repairs have been made and there are tall weeds on the premises. The structure is secure (boarded by OCI).

Taxes: As of July 19, 2007, the taxes are current. The special assessments have been paid.

The owner/s has been informed of the date and time of the hearing.

Kurt Schroeder

Office of Central Inspection stated that as of this morning the property roof has been totally redone. The rotted fascia and soffitt boards have been replaced and painted. The owner has a crew ready to start the brick work in the rear that was particularly bad. The owner has with him today an order for all new windows and doors on the property. They should be in within two weeks and will have them installed immediately. At that point and time he should be pretty close to totally complete with repair of the exterior of the property. The owner is asking for a deferral of 30 days or the first meeting in September to totally complete the renovation of this property. Mr. Schroeder stated that the crew he has on site doing the exterior renovations will be also doing the interior renovations to get the property rentable as soon as possible. Mr. Schroeder recommends we give the owner until the first meeting in Septmeber to totally complete the exterior renovations.

Council Member Williams Council Member Williams stated that she has gone by the house several times and feels that the owner is really trying to get the property in compliance.

Motion--
--carried

Williams moved to allow 30 days extension of time for the owner to complete his work.
Motion carried 7 to 0.

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1149 N. MARKET

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES, 1149 NORTH MARKET. (DISTRICT VI)

Kurt Schroeder

Office of Central Inspection Superintendent reviewed the item.

Agenda Item No. 18.

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

This case was before Council on July 3, 2007 and was deferred until August 7, 2007, at the request of Council Member Fearey.

On June 15, 2007, this property was secured by OCI at a cost of \$167.25. On July 18, 2007, staff made an inspection of the property. No repairs have been made and there are tall weeds on the premises. The structure was secure. On 7/19/07 staff spoke with the real estate agent for the property. The property cannot be sold until all heirs are contacted, and they are unable to find them all.

Taxes: As of July 18, 2007, the 2002, 2003, 2004, 2005 and 2006 taxes were still delinquent in the amount of \$6,112.95. The property is in tax foreclosure, though no sale date has been announced. There are 2006 special assessments for lot cleanup and weed mowing in the amount of \$1,108.61, 2007 weed mowing assessment in the amount of \$116.50, and a pending assessment for emergency board up in the amount of \$167.25.

The owner/s has been informed of the date and time of the hearing.

Kurt Schroeder

Office of Central Inspection stated that the property is currently being cleaned and mowed by a person that is interested in buying the property. This property is in the county tax foreclosure process and the county has picked a date of August 22, 2007 to have the tax foreclosure sale. Mr. Schroeder feels that since the property is secure and has been mowed and cleaned, after visiting with Council Member Fearey that he feels that they should defer until after the August 22nd, to see if someone else can get this property to repair it.

Motion--carried

Fearey moved to defer action until the first meeting in September. Motion carried 7 to 0.

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NEW BUSINESS

UNSAFE STRUC.

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

Kurt Schroeder

Office of Central Inspection Superintendent reviewed the item.

Agenda Item No. 19.

On June 26, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on August 7, 2007.

On June 4, 2007 the Board of Code Standards and Appeals (BCSA) held a hearing on twelve (12) properties listed below:

<u>Property Address</u>	<u>Council District</u>
a. 1726 South Millwood	IV
b. 1054 North Grove	I
c. 1242 North Grove	I
d. 1228 North Poplar	I
e. 1035 North Green	I
f. 1037 North Green	I
g. 1136 North Green	I
h. 1222 North Green	I
i. 1241 North Green	I
j. 1311 North Estelle	I
k. 1151 North Volutsia	I
l. 3101 North Mascot	VI

Detailed information/analysis concerning these properties are included in the attachments.

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

Pursuant to State Statute, the Resolutions were duly published twice on June 30, 2007, and July 7, 2007. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder

Office of Central Inspection recommended that outside of two properties that they would recommend that proceed with condemnation and removal of the other 10 structures. Mr. Schroeder mentioned that Item a, 1726 South Millwood, that the property has been removed by the owner. It is filled and there is a little bit of dirt that needs to be put in to level the lot. This is cleaned and done. This property can be removed from the list. Mr. Schroeder stated that Item g. 1136 North Green, has a new owner and they have been working to repair the property. All new siding has been put on the structure along with a new roof. The windows and doors have been painted and repaired. The owner is 99% complete with the repair. Mr. Schroeder recommends that the council defer this item at least 30 days, to finish up the exterior repairs, but they should be finished prior to that time.

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Motion--
--carried

Brewer moved that the council take staffs recommendation on items b,c,d,e,f,h,i,j, k, and l.
Motion carried 7 to 0.

Resolution No. 07-464

A Resolution finding that the structure/s legally described as, Resolution No. 07464 Lots 43 and 45, Block 1, Esterbrook Park Addition to the City of Wichita, Sedgwick County, Kansas, known as 1054 N. Grove , is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

Resolution No. 07-465

A Resolution finding that the structure/s legally described as, Lots 62 and 64, on Grove Avenue, formerly Tyler Avenue, Fairmount Park Addition to the City of Wichita, Sedgwick County, Kansas, known as 1242 N. Grove , is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

Resolution No. 07-466

A Resolution finding that the structure/s legally described as, Lots 74-76, Mona now Poplar St. Fairmount Park Addition to the City of Wichita, Sedgwick County, Kansas, known as 1228 N. Poplar , is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

Resolution No. 07-467

A Resolution finding that the structure/s legally described as, Lots 28, 30 and 32, Block 2, Esterbrook Park Addition to the City of Wichita, Sedgwick County, Kansas, known as 1035 N. Green, Wichita, Kansas , is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

Resolution No. 07-468

A Resolution finding that the structure/s legally described as, Lots 28, 30 and 32, block 2, Esterbrook Park Addition to the City of Wichita, Sedgwick County, Kansas, known as 1037 N. Green , is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

Resolution No. 07-469

A Resolution finding that the structure/s legally described as, Lot 27, Block 4, Esterbrook Addition to the City of Wichita, Sedgwick County, Kansas, known as 1136 N. Green , is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

Resolution No. 7-470

A Resolution finding that the structure/s legally described as, Lots 78 and 80, on Green Street, Fairmount Park Addition to the City of Wichita, Sedgwick County, Kansas, known as 1222 N. Green , is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

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Resolution No. 07-471

A Resolution finding that the structure/s legally described as, Lots 61 and 63, On Green Street, Fairmount Park Addition to the City of Wichita, Sedgwick County, Kansas, known as 1241 N. Green , is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

Resolution No. 07-472

A Resolution finding that the structure/s legally described as, Lots 37 and 30, on Mabel Avenue, now Estelle Avenue, in Fairmount Park Addition to the City of Wichita, Sedgwick County, Kansas, known as 1311 N. Estelle , is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

Resolution No. 07-473

A Resolution finding that the structure/s legally described as, Lots 103 and 105, on Academy, now Volutsia avenue, Fairmount Park Addition to the City of Wichita, Sedgwick County, Kansas, known as 1151 N. Volutsia , is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

Resolution No. 07-474

A Resolution finding that the structure/s legally described as, Lots 1, 3, and 5, Block 3, together with 1/2 of vacated alley adjacent on the West, in E.C. & L.R. Cole's Addition to Carey Park to the City of Wichita, Sedgwick County, Kansas, known as 3101 N. Mascot , is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

Motion--
--carried

Williams moved to take the staffs recommendation of 30 days extension for 1136 North Green. Motion carried 7 to 0.

SIGN CODE

SIGN CODE AMENDMENTS, TITLE 24.04, RELATING TO ELECTRONIC MESSAGE/"LED" SIGNS.

Kurt Schroeder

Office of Central Inspection Superintendent reviewed the item.

Agenda Item No. 20.

During the past year, City Council members have voiced concerns about certain types of illuminated electronic message advertising signs, primarily those using what is known as "LED", "plasma" or "wedgebase" technology to create changeable copy, animation and/or other moving graphics (hereafter referred to as "electronic message/LED signs"). This technology is still evolving, but has seen significantly increased use in the Wichita market over the past three to five years. These signs, while significantly more energy efficient than older, incandescent bulb-lighted signs, are also significantly brighter, with much greater ability to quickly change copy, and/or to program more complex moving images and graphic animations.

Concerns have included: (1) excessive brightness, especially at night (generating some complaints from neighboring property owners or adjoining neighborhoods); (2) general aesthetic concerns, especially as related to use of such sign technology in historic districts or within the environs of historic buildings or districts; and (3) possible traffic safety issues due to distractions of extremely bright, changing or moving advertising copy and images;

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These electronic message/LED sign issues were first formally presented to Council during a December 12, 2006 workshop. Staff was directed to obtain additional input from District Advisory Boards (DABs), the Historic Preservation Board (HPC) and sign industry representatives. Between early January to mid-March 2007, staff obtained additional input from DABs, the HPC and industry representatives.

On March 27, 2007, during a second Council workshop, staff presented an overview of the additional input received, along with several alternate courses of regulatory action. Council directed staff to proceed with development of proposed amendments to include additional electronic message/LED sign regulation requiring: (1) automated dimming controls to decrease brightness at night; (2) a threshold for maximum brightness/light intensity at night; (3) minimum standards for permitting such signs on historic buildings, in historic districts and/or within historic environs areas; and (4) a time-frame for non-complying electronic message/LED signs to comply with the new automated dimming standards.

Presentation of the amended ordinance for review and approval was originally scheduled on the Council's July 3, 2007, City Council Agenda. However, the item was pulled at the request of Council Member Jeff Longwell so concerns regarding revised definitions, as expressed to him by a sign industry representative, could be further reviewed. On July 11, 2007, staff met with sign industry representatives to further review proposed amendments, and subsequently modified some of the previously proposed language.

Based on input received from District Advisory Boards and sign industry representatives, and direction provided by the City Council, the ordinance includes the following Sign Code amendments:

- Specific, additional permit submittal and approval requirements for electronic message/LED signs, including: (1) detailed information from the sign manufacturer regarding maximum light intensity rating and the types of automated dimming control mechanisms and/or programmable computer software included with the sign (to automatically dim the signs at night to below maximum allowed brightness levels); and (2) a letter from the business or property owner acknowledging the business's agreement to abide by night time dimming regulations and the maximum allowed nighttime brightness levels.
- Several new and modified sign terms and sign type definitions relating to electronic message/LED signs.
- Specific maximum nighttime brightness levels for electronic message/LED signs.
- A new code section outlining specific historic preservation requirements for electronic message/LED signs on historic properties or buildings, in historic districts, or within historic environs.
- An administrative adjustment procedure allowing up to a 30% variance to the maximum allowed brightness for some nighttime conditions (for example, an electronic message/LED sign at a large regional shopping center with a large, brightly lighted parking lot and a fairly deep setback could be administratively approved to exceed the basic nighttime standard).
- A requirement that existing electronic message/LED signs (which do not conform to the new dimming control and/or maximum nighttime brightness standards) be brought into compliance with new dimming regulations by January 31, 2008.

There will be some indirect City costs associated with enforcement of the new regulations (especially during the next six to twelve months as non-conforming signs are identified and subsequently required to upgrade dimming controls). There will also be some cost to businesses to retrofit non-conforming electronic message/LED signs.

On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. The proposed electronic message/LED sign regulation involves both the "Provide a

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Safe and Secure Community” goal and the “Dynamic Core Area and Vibrant Neighborhoods” since the new regulations could impact traffic safety, and will help protect neighborhoods and historic districts through more specific sign control.

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

- Council Member Fearey Council Member Fearey inquired about a business in the community that is offering to sell advertising space using electronic signs on the side of a truck that drive thru our neighborhoods and whether we have regulations for these types of signs.
- Kurt Schroeder Office of Central Inspection stated that we currently do not have a code for those types of signs.
- Council Member Fearey Council Member Fearey also inquired about portable signs that advertise on commercial and residential properties and whether there are regulations for them if they become “LED” signs.
- Kurt Schroeder Office of Central Inspection stated that there was extensive regulation put in the sign code in the early 90’s to heavily control portable yellow message signs. The number of these types of signs has been reduced from 1200 to 150 signs that are in the city today. They are viewed as permanent ground signs today. He stated that if portable message signs became “LED” signs they would have to be dimmed at night and be controlled and regulated as required by the sign code.
- Mayor Brewer Mayor Brewer inquired whether anyone from the public wished to be heard.
- Karl Peterjohn Mr. Peterjohn stated feels that lighting is important and has made cities such as New York City, (Times Square), Las Vegas, etc. landmarks within those areas. He urges the City Council to be very careful in what they do and how they regulate people’s property rights and ownership. He feels it is important that they look at some of the examples in other parts of the world.
- Council Member Fearey Council Member Fearey stated that she is in favor of going ahead and passing what they have today, but also wanted to ask staff to look at the “LED” signs located on the sides of trucks and also look at the portable signs and make sure that were ok with those types of signs. If they need to bring back an amendment they can do that at a later time.
- Motion-- Mayor Brewer moved that the first reading of the Sign Code ordinance amendments (Title 24.04 of the Code of the City of Wichita) to include having staff to continue reviewing the ordinance and additional signs per the Vice Mayors instructions be approved. Motion carried 7 to 0.
- carried

ORDINANCE

An ordinance amending sections 24.04.060, 24.04.085, 24.04.185, 24.04.220 and 24.04.251 and repealing the originals of said amended sections; and creating section 24.04.223, all in the code of the City of Wichita, Kansas, and pertaining to the sign codes of the City of Wichita, Kansas, introduced and under the rules laid over.

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2008 BUDGET

2008 ANNUAL OPERATING BUDGET AND 2007 BUDGET REVISIONS.

Kelly Carpenter

Finance Director reviewed the item.

Agenda Item No. 21.

On July 10, 2007, staff presented the City Manager's Proposed 2008/2009 Budget.

The proposed 2008 annual operating budget is \$495,619,910 – including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$614,236,200. The inclusion of expendable trust funds, as required by law, is an additional \$62,845,410 for a total of \$677,131,610. The estimated mill levy for this budget would be 31.953 mills, which is no change from the levy for the current 2007 Adopted Budget. The General Fund property tax levy is \$65,744,600 (including a delinquency allowance) at an estimated 21.953 mills. The levy for the Debt Service Fund is \$29,947,890 (including a delinquency allowance) and is estimated at 10.000 mills.

The proposed budget is available to the public at any City branch library, at Department of Finance office in City Hall, or on the internet at www.wichita.gov. In addition, staff presented the proposed budget to a joint District Advisory Board meeting on July 16, 2007.

On July 24, 2007, the City Council approved the publication of the notice of the maximum dollars that may be expended in each fund, and of a mill levy of 31.953 mills, no change from the current levy, based on the estimated assessed valuation of \$2.995 billion.

The adoption of the annual budget provides the funding sources for services provided in each of the five goal areas.

State statutes require a formal public hearing prior to approval of the annual operating budget and for budget amendments of published funds. This official hearing is scheduled for August 14, 2007, on which date the Council must adopt the budget to meet the statutory deadline.

Council Member Schlapp

Council Member Schlapp inquired whether after they adopt the budget if she could still come to the Finance Department to workout resolutions to situations that might need some budgetary changes.

Kelly Carpenter

Finance Director stated that the budget is a plan and they can always move and adjust things as needed.

Mayor Brewer

Mayor Brewer inquired whether anyone from the public wished to be heard.

Karl Peterjohn

Mr. Peterjohn stated he lives on Texas Street in West Wichita, Executive Director of the Kansas Taxpayers Network. He stated he has several concerns about the budget process, the Hyatt Hotel and how much money the City is using in terms of tax funds to lobby.

Council Member Skelton

Council Member Skelton asked staff where information regarding the Hyatt Hotel are located and asked if they would make a few comments regarding how the Hyatt Hotel is performing.

George Kolb

City Manger stated that the Hyatt Hotel is owned but not operated by the City of Wichita. The City has a Management Agreement that allows the Hyatt to operate as if they are a private entity. Therefore, they do not show up on the City's books. He stated the Hyatt is doing very well. The city has a management oversight of the Hyatt's operations and they meet on a quarterly basis. They do annual audit of their performance which is public record. He also indicated that the City does not allocate or give the Hyatt funds. He stated that they are a self sustaining operation, that it is performing well and is a great asset to Wichita.

Kelly Carpenter

Finance Director stated that the Hyatt debt was paid for with City cash at the time of conversion with the Hyatt Corporation and Storemont Trice around 1995/1996. No other cash has gone to the Hyatt since then.

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- Mayor Brewer Mayor Brewer stated that the Hyatt is doing very well and has a 70 percent occupancy during the week.
- Council Member Gray Council Member Gray questioned what the long term plan was for the Hyatt and whether the Hotel business is a business the City should be in.
- George Kolb City Manager stated that it is a Council decision whether the City should be in the Hotel business. Stated that City has maintained ownership in the Hyatt to insure quality of the Hyatt and to hang on to the Hyatt Flag. There would not be any guarantees of that if it were sold. The Hyatt plays a big role in attracting tourism to the downtown area. Having control of the Convention Center and the Hyatt gives the City a very significant advantage in making sure tourism goes in the direction you want it to go.
- George Kolb City Manager suggested the Council have a workshop and have the Hyatt Management come over and talk about their operations and have discussion with them. He thinks the Hyatt Management would be very happy to come over and show how well they operate the Hotel.
- Motion-- Mayor Brewer moved that the public hearing be closed and public comments received. Motion
--carried carried 7 to 0.

CAPITAL IMPROV. PROPOSED 2007-2016 CAPITAL IMPROVEMENT PROGRAM.

Kelly Carpenter Finance Director reviewed the item.

Agenda Item No. 22.

The proposed 2007-2016 Capital Improvement Program (CIP) was initially prepared by the CIP Administrative Committee and later improved as a result of Council workshop discussions and feedback from the District Advisory Boards. The proposed CIP has been presented to the Metropolitan Area Planning Commission (MAPC). As in years past, this proposal reflects revised revenue estimates, updated cost figures and continues the commitment to City Council and community priorities.

The proposed capital program responds to and anticipates community needs, uses City funds to maximize other revenue sources - particularly Federal and State grants - and maximizes the number and scope of capital investments in the City's infrastructure. Direct Council feedback and public comment were crucial to the creation of this comprehensive program, including input from the District Advisory Boards (DABs).

The proposed CIP includes more than 400 projects totaling over than \$2 billion over 10 years. Like the operating budget, the CIP supports the five goals adopted by the City Council. Major projects by goal area include:

Safe & Secure Community – Heartland Preparedness Center, fire stations, police substations, fire apparatus, fire training grounds, and animal shelter.

Economic Vitality & Affordable Living – air terminal, neighborhood improvements (special assessments), and water/sewer main extensions to support new development.

Efficient Infrastructure – Kellogg freeway, bridges, streets, intersections, sidewalks, and water and wastewater projects.

Quality of Life – Botanica expansion, PROS Plan, refurbished parks and golf course improvements.

Core Area & Neighborhoods – neighborhood plans, including the 21st Street Corridor, Downtown, McAdams, Historic Midtown, and Delano.

The proposed Capital Improvement Program is funded from many sources: the 10-mill property tax comprises 18% of resources (GO or at-large funding), Local Sales Tax (LST) revenues fund 7% of the capital program and enterprise revenues fund 31%. State and Federal funding, much of it leveraged with local matching funds, provides 15% of total resources. Special assessments and Tax Increment Financing fund 13% and 3%, respectively. Finally, all other sources (including sources yet to be identified and public-private partnerships) fund 13% of the Program.

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It is proposed that the City Council authorize the 2007, 2008, and 2009 CIP as capital budgets, allowing design to commence on the scheduled projects and grant applications to be filed for project financial support.

The 2007 – 2016 Capital Improvement Program contains 412 projects totaling \$2.4 billion. The proposed capital budgets by year are: 2007 - \$156 million, 2008 - \$278 million, and 2009 - \$304 million. The CIP is balanced as to revenues and expenditures.

Implementation of the proposed program is expected to allow the City to maintain its favorable general obligation bond ratings by Moody's and Standard & Poors.

The CIP affects all five Goals approved by City Council. Most of the projects support Efficient Infrastructure, but there are significant investments in support of a Safe & Secure Community, Economic Vitality & Affordable Living, Quality of Life, and Core Area & Neighborhoods.

As mandated by Ordinance 39-196, one-half of the revenue received from the City's portion of a one percent county wide sales tax is pledged for road, bridge, and highway projects, including right-of-way acquisition and project design and construction.

- Mayor Brewer questioned whether this item needed to be approved at this meeting or if he could extend it one more week.
- Kelly Carpenter Finance Director explained that it could be extended one more week and there is no statutory requirement for it, but there are projects that will be coming before Council next week to initiate some of the projects that are in the plan.
- Mayor Brewer Mayor Brewer asked if anyone from the public wished to be heard.
- Karl Peterjohn Mr. Peterjohn urged the Council to send the Capital Improvement Program back to the shop. He indicated that it is flawed.
- Motion-- Mayor Brewer moved to defer the 2007 – 2016 Capital Improvement Program for
--carried one week. Motion carried 7 to 0.

BUDGET PERFORM. PURCHASE OF BUDGET PERFORMANCE MANAGEMENT SOFTWARE.

Kelly Carpenter Finance Director reviewed the item.

Agenda Item No. 23.

When the Performance Series Finance System was implemented in 1999, available software for developing an operating budget was rudimentary and lacked robust functionality. Rather than implement inadequate software, Budget Office staff devised a crude internal process for manually developing operating budgets and budget documents, relying upon several standard software products such as Microsoft Access, Excel, Word, and Adobe Acrobat. This homemade system proved functional and versatile, but is also labor intensive, time consuming, and vulnerable due to the fact it requires multiple manual data uploads and downloads among programs and individuals. Access to the system is available only to Budget staff. The system presents a difficult learning curve for new staff.

Since 1999, "off the shelf" software for developing operating budgets has improved both in sophistication and flexibility. Contemporary systems provide comprehensive salary and benefit forecasts, manage internal service charges such as fleet and IT/IS accounts, track budget development through multiple stages while providing access to all affected parties throughout the process, and offer powerful what-if scenario options. These systems are more intuitive to learn and provide turn-key solutions to document production. At the same time, the new systems offer a citywide dynamic repository for performance measure information, transforming Performance Management from an annual exercise reflected in the budget document to an on-going function that allows departments to continuously monitor progress toward Citywide goals and indicators. This directly supports Managing

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for Results. The proposed system will streamline budget preparation and execution, and will involve departments more directly in budget formulation and management. It will provide greater data integrity and will be substantially more efficient, allowing everyone involved in budgeting to focus on analysis and outcomes rather than on raw information production.

A request for proposal (RFP) was prepared and distributed. Six firms responded. Responses were reviewed by a staff screening and selection committee representing seven operating departments, the Budget Office and Purchasing. Cognos Corporation, working with CenterStone Solutions LLC, was selected from three finalists because of its experience with other cities and overall system functionality. The system implementer, CenterStone, is a woman-owned and minority-owned firm. The selection has been reviewed and approved by the IT/IS Advisory Board.

Funding to purchase the system is available from the project account established to implement the City's Finance system. The remaining balance is due, in part, to the fact a separate budget module or budget system was not implemented in 1999, at the time Performance Series was implemented. The software purchase and implementation costs to be paid to Cognos/CenterStone is estimated at \$275,000. The total project implementation costs including Cognos/CenterStone, necessary hardware, appropriate contingencies, and first year operating cost is \$314,500.

An efficient budget development and performance management system with open access throughout the organization touches many Goal Indicators and business process outcomes. The most relative fall within the Internal Perspective area and include: 1) improve technology efficiencies; 2) improve employee access to information; 3) increase productivity; 4) improve financial management; and 5) increase employee motivation and satisfaction.

Department of Law staff will approve the contract as to form.

Council Member Schlapp Council Member Schlapp questioned how the budget works for the funding of the project.

George Kolb City Manager explained the budget process for funding a project.

Council Member Skelton Council Member Skelton questioned how long we expect this software upgrade to last.

Kelly Carpenter Finance Director stated that the original software purchased in 1988 was upgraded in 1999, so they expect the life cycle to be about 10 years.

Motion-- Brewer moved that staff be authorized to negotiate contracts with Cognos Corporation and CenterStone Solution LLC for software and software implementation for an amount not to exceed \$275,000; an additional \$39,500 for hardware and other expenses authorized; and any necessary budget adjustments approved. This amount includes goods and services provided by Congos Corporation through CenterStone Solutions, LLC. Motion carried 7 to 0.

--carried

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2007 SALARY ORD. AMENDMENTS TO 2007 NON-EXEMPT SALARY AND CLASSIFICATION ORDINANCES FOR IAFF AGREEMENT.

Sarah Gilbert

Human Resources Director reviewed the item.

Agenda Item No. 24.

Salary Ordinances set the rates of pay for City employees. Amendments to the subject salary ordinance are needed to implement the International Association of Firefighters (IAFF) Memorandum of Agreement (MOA), approved by the City Council on July 17, 2007.

Classification ordinances establish City employee job classifications and designated pay ranges. Minor amendments to the subject classification ordinance are needed to implement the IAFF Agreement.

Section 8 of the subject salary ordinance is a schedule of standard pay ranges established for commissioned positions in the Fire Department. This Section is amended to:

- delete the 2006 rates for IAFF-represented pay ranges;
- substitute the 2007 rates (4% increase) established by the MOA, effective December 16, 2006;
- establish tables showing the rates for 2008 and 2009, reflecting the 4% increases for those years.
- delete the former ranges for Airport Public Safety Supervisor and Assistant Airport Public Safety Supervisor and merge these positions into IAFF ranges as established in the MOA.

Section 9 of the Salary Ordinance contains Other Provisions for revision:

- Increase clothing allowance from \$450 per year to \$500 in 2007, \$550 in 2008 and \$600 in 2009.
- Implement education pay of \$50 per month for a bachelor's degree or \$75 per month for a master's degree.
- Add Special Duty pay of \$35 per pay period for Fire Department personnel who are certified as, and members of, the Arson Investigation, Haz-Mat or Technical Rescue team. (This is also offered to qualifying Battalion Chiefs, who are not IAFF-represented.) Employees with Emergency Mobile Intensive Care Technician (EMICT) certification will also receive this pay.
- Because Airport Safety Supervisors and Assistant Airport Safety Supervisors are now represented by the IAFF, their Emergency Medical Technician (EMT) pay has been discontinued.

The estimated cost of these amendments has been approved by the City Council and is included in the 2007, 2008 and 2009 budgets.

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

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

Mayor Brewer

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

Motion--carried

Mayor Brewer moved that the ordinance be adopted and placed on first reading. Motion carried 7 to 0.

ORDINANCE

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

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ORDINANCE

An ordinance establishing position classifications for non-exempt employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges repealing Ordinance No. 47-269, introduced and under the rules laid over.

WATER DISTRIB.

CONSTRUCT WATER DISTRIBUTION SYSTEM FOR AN AREA ALONG WEST STREET, FROM 47TH STREET SOUTH TO APPROXIMATELY 620' SOUTH OF 47TH STREET SOUTH. (DISTRICT IV)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 25.

The signatures on the Petition represent 4 of 5 (80%) owners and 52% of the improvement district area. District IV Advisory Board sponsored a July 11, 2007, neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project.

The project will construct a water distribution system for a partially developed residential area that is located outside the Wichita city limits.

The estimated project cost is \$58,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.11 per square foot of ownership.

This project addresses the Efficient Infrastructure goal by providing a water distribution system for a residential area.

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

Mayor Brewer

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

Motion--
--carried

Gray moved that the Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

Resolution No. 07-442

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90309 (south of 47th St. South, along West St.), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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WATER DISTRIB. CONSTRUCT A WATER DISTRIBUTION SYSTEM FOR AN AREA ALONG HOOVER, FROM 23RD STREET NORTH TO 25TH STREET NORTH. (DISTRICT V)

Jim Armour City Engineer reviewed item.

The signatures on the Petition represent 10 of 20 (50%) resident owners and 54% of the improvement district area. District V Advisory Board sponsored a July 2, 2007, neighborhood hearing on the project. The Board voted 10-0 to recommend approval of the project.

The project will construct a water distribution system for a partially developed residential area.

The estimated project cost is \$126,000 with \$63,000 assessed to the improvement district and \$63,000 paid by the Water Utility. The method of assessment is the front foot basis. The estimated assessment to individual properties is \$30.51 per front foot of ownership. The Utility share is for the cost of oversizing the pipe to serve future development outside the improvement district.

This project addresses the Efficient Infrastructure goal by providing a water distribution system for a residential area.

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

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

Motion-- Longwell moved that the Petition be approved; the Resolution adopted; and the necessary signatures
--carried authorized. Motion carried 7 to 0.

Resolution No. 07-441

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90308 (along Hoover, between 23rd St. North and 25th St. North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Longwell moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

EXIT AGREEMENT WICHITA BASEBALL INC, EXIT AGREEMENT FOR LAWRENCE –DUMONT STADIUM. (DISTRICT IV)

George Kolb City Manger reviewed the item.

Agenda Item No. 27.

Wichita Baseball, Inc. (WBI) has been the lessee of Lawrence Dumont Stadium and owner/operator of the Wranglers Baseball team since January 1989. WBI has a current lease obligation for Lawrence Dumont Stadium through the 2009 baseball season. WBI desires to take its baseball organization to a different community. Over the years of its operation in Wichita, WBI has also purchased all shares of the National Baseball Congress, Inc. (NBC), the corporate organization that, among other activities, operates the annual NBC amateur baseball tournament in Wichita. Wichita has been the home of the NBC tournament since its inception under Hap Dumont in the 1930's. That tournament plays a significant part in defining the history of our community, and is important to the entertainment portion of the quality of life in Wichita.

The National Baseball Congress, Inc. and the tournament it operates are unique assets that are important to this community economically and socially, with a substantial historical and emotional component. The City of Wichita has recognized this status throughout its relationship with WBI, and has consistently maintained the privilege of a first right of refusal for purchase of all rights to the National

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Baseball Congress, Inc. in the event of any further impending ownership transfer. Unless a controlling interest in the shares of NBC are purchased by the City, the tournament could be moved to another city, with the professional team, in two years. The owners of the NBC are only interested in a sale of all interest in the NBC, tied to an early termination of the existing stadium lease. Negotiations have reached a stage in which that resolution is possible under circumstances that are beneficial for all concerned.

The agreement calls for a payment of one million dollars (\$1,000,000.00) in exchange for all interest in the NBC, its merchandise, tournament format, participant lists, and a 10 year non-compete provision. Funding is available from dollars allocated for projects that have either not been utilized or completed with a savings. (Small Business Capital Fund, Reforestation, Tree Trust and Sports Arena Feasibility Study and Convention and Tourism.) These projects will be paid back over a period of 5 -10 years from the Tourism and Convention Fund (transient guest tax dollars). The remaining balance will be funded from the 2007 Convention and Tourism Fund.

The agreement resolves both the outstanding lease obligations and the City's purchase of the NBC. It would further secure, for a period of 10 years, the familiar team and league participants, free from the potential of a competing tournament which could otherwise be organized by WBI.

This agreement would directly impact the quality of life goal established by Council.

Mayor Brewer

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

Motion--

Gray moved that the Lease amendment that serves as a termination of the lease of Lawrence Dumont Stadium and a buy-out agreement for all rights to maintain and operate the National Baseball Congress and tournament, budget transfers as required be approved and the Mayor authorized to sign Addendum Number Two for the Lease Agreement to Lawrence-Dumont Stadium and related documents.

--carried

Motion carried 7 to 0.

STADIUM

LAWRENCE DUMONT STADIUM-ARCHITECTURAL AND ENGINEERING OF IMPROVEMENTS. (DISTRICT IV)

Joe Pajor

Assistant Director Public Works reviewed the item.

Agenda Item No. 28.

Lawrence-Dumont Stadium is a historic baseball stadium located near downtown Wichita on the Arkansas River. The Stadium is one of the oldest facilities for professional baseball still in use in the United States, and its old-school charm as a sports venue plays an important role in the entertainment portion of the quality of life in Wichita.

Considerable work has been done over the years to update the stadium and keep it functionally current with the newer ballparks found elsewhere. The most recent such project was completed in 2002, but there is an ongoing need for additional work to be done in other areas of the facility as efforts continue to meet the needs of the both the players and the fans and to enhance their experience of participating in baseball at Lawrence-Dumont Stadium.

On July 18, 2006 City Council approved a contract between the City of Wichita and Schaefer Johnson Cox and Frey to provide services including a schematic design, and construction estimate for the needed improvements noted above.

Current priorities at Lawrence-Dumont Stadium are focused on three particular needs.

- The artificial turf on the playing field is in need of replacement.
- The concessions stands are limited in their ability to prepare and serve food, and they need to be renovated to bring them up to current standards.
- The dugouts are too small and need to be enlarged to bring them up to current standards.

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In order to understand the feasibility of such improvements, the City of Wichita sought out the services of a design team to create a schematic design and construction estimate.

The design firm of Schaefer Johnson Cox and Frey has completed the Schematic Design and Construction Estimate in cooperation with City of Wichita Staff to address the above issues.

The items of priority listed above are estimated to cost a total of \$1,168,000 to \$1,457,500 broken down as follows:

- | | |
|---|------------------------|
| • Expanding/Renovating the dugouts | \$168,000 to \$197,500 |
| • Removing/Installing new artificial turf | \$550,000 to \$620,000 |
| o Allowance to replace asphalt base | \$100,000 to \$150,000 |
| • Expanding/Renovating existing concessions | \$350,000 to \$490,000 |

Total Costs	\$1,168,000 to \$1,457,500
-------------	----------------------------

At the present time, these are schematic numbers only, and there have been no funds budgeted for design or construction.

Enhance Quality of Life

Items included in this study will be utilized in the negotiation of a lease agreement between the City of Wichita and future baseball tenant.

Joe Johnson

Schaefer, Johnson, Cox and Frey, presented the results of their study of the improvements to Lawrence Dumont Stadium.

Mayor Brewer

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

Motion--
--carried

Gray moved that the Schematic Design be received and filed for future consideration. Motion carried 7 to 0.

BASEBALL TEAM

SELECTION OF A PREFERRED OPERATOR FOR A PROFESSIONAL BASEBALL TEAM.

George Kolb

City Manager reviewed the item.

Agenda Item No. 29.

The City of Wichita leased Lawrence-Dumont Stadium to Rich Baseball for the AA Texas League Wichita Wranglers, along with the National Baseball Congress World Series, through the 2009 baseball season. The City and Rich Baseball are negotiating an Exit Agreement for the end of the 2007 baseball season and the City's purchase of the National Baseball Congress.

The City issued a Request for Proposal on June 11, 2007 and three proposals were received by the July 13, 2007 deadline. The process was initiated to receive proposals from individuals or organizations to locate or relocate a professional baseball franchise in Wichita, to purchase or otherwise operate the National Baseball Congress and to manage and operate Lawrence-Dumont Stadium, including the provision of food and merchandising services, advertising and sponsorship sales, non-baseball events, entertainment and promotions.

The responses were referred to the Evaluation Committee for review. The Committee is comprised of Council Members Gray and Longwell, City Manager Kolb, City Attorney Rebenstorf and Assistant Public Works Director Pajor. The Committee conducted a comprehensive review of three proposals and herewith submits its recommendation to the City Council.

The intent of the proposal was to identify interested ownership groups, gauge their capacity and experience in operating tournaments, franchises and stadiums, and to select the most qualified respondent to enter into a long-term relationship.

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The Evaluation Committee reviewed the materials submitted by prospective owners and evaluated them based upon the following criteria:

1. The qualifications, experience and financial strength of the proposed ownership group and the management personnel identified who will operate the Team, the NBC and the Stadium. Previous experience in successfully operating professional baseball franchises and amateur, collegiate, semi-pro or junior regional or national tournaments was preferred. Proven successful experiences of the ownership group and management personnel in stadium and food service operations was preferred.
2. Local and community involvement in the ownership, management and operations, including, if appropriate, playing personnel, were given particular consideration. The Evaluation Committee gave preference to those ownership groups that include significant investment contributions by Wichita area residents.
3. The proposed Team and NBC development, operating, marketing and financial plans. Consideration was given to how the proposed plans integrate the Team and the NBC in order to efficiently and effectively operate and grow both operations. Special weight was given to creative and unique plans to further develop, expand and grow the World Series. Assessment of League relationships, history, stability and compatibility with the Wichita market were made.
4. Significant consideration was given to the Stadium Lease Agreement terms proposed for each of or both of the Team and the NBC. Commitment to a clause wherein ownership of the NBC reverts to the City in the event of a Lease Default by the Team and/or NBC ownership is a critical element of the evaluation and great weight was given to respondents' discussion of this lease clause.

The Evaluation Committee recommends WB LLC as the preferred operator for a professional baseball team and the National Baseball Congress. The recommendation for the WB LLC is based on its experience successfully operating a professional sports organization and sports tournaments; significant local and community involvement in the ownership, management and operations, including, playing personnel and investment contributions by Wichita area residents; superior Team and NBC development, operating, marketing and financial plans; and the terms for the Stadium Lease Agreement proposed for both the Team and the NBC.

An Agreement for Preferred Operator will be negotiated with organization selected by the City Council.

This action significantly promotes the Quality of Life and Core Area & Neighborhood goals adopted by the City Council.

The Department of Law will draft the Agreement for Preferred Operator.

Mayor Brewer

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

Motion--

Gray moved that WB LLC be selected as the Preferred Operator for a Professional Baseball Team and staff be directed to negotiate a lease agreement for Lawrence-Dumont Stadium and the National Baseball Congress to be returned to the Council for approval. Motion carried 7 to 0.

--carried

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CULTURAL ARTS

CULTURAL ARTS PLAN PROPOSAL.

John DAngelo

Arts and Cultural Services Manager reviewed the item.

Agenda Item No. 30.

The community's Cultural Arts Plan was last completed in 1991. Recent public events involving finances, stakeholders and governing bodies of major cultural attractions in the City of Wichita and Sedgwick County illustrate the need for a comprehensive planning process and community engagement initiative to develop a strategic cultural arts plan for Wichita and Sedgwick County. Due to high profile financial and governance challenges of some cultural institutions in the past few years, in addition to continued financial requests and assistance from other organizations, there is a need to bring stakeholders, community members and governing bodies together to address the long-term plan and priorities for cultural attractions in the community.

The purpose of the Cultural Arts Plan is to address critical issues related to the governance and finance of cultural institutions confronted by the City of Wichita and Sedgwick County. The engagement process will bring together community stakeholders to address these issues.

The Cultural Arts Plan will seek to: 1) Develop a community strategy to address the critical issues facing cultural organizations; 2) Establish priorities for the City of Wichita and Sedgwick County related to the finance and governance of cultural organizations; and 3) Serve as a guide for allocating human and financial resources for the City of Wichita and Sedgwick County.

The Hugo Wall School of Urban and Public Affairs at Wichita State University (HWS) proposes to assist in the development of a Cultural Arts Plan through working closely with community cultural arts organizations, faculty, and county and city staff to ensure information needs/issues are identified and addressed. A steering committee comprised of 10-15 community stakeholders jointly appointed by the Wichita City Council and the Sedgwick County Board of County Commissioners will lead the Cultural Arts Plan development process. The steering committee will work closely with the HWS and senior county and city staff in developing the process and final results of the Cultural Arts plan. The final Cultural Arts Plan will define community goals, policy recommendation and strategic actions for Sedgwick County and the City of Wichita and the community. The Cultural Arts Plan should serve as the guiding force in directing human and financial resources for Sedgwick County and the City of Wichita. With assistance from the HWS, the steering committee will be responsible for presenting the final recommended plan to the City Council. The HWS anticipates the final plan would be present to the Sedgwick County Board of County Commissioners and City Council in the spring of 2008.

The Division of Arts and Cultural Services requests \$12,500 from the WSU Mill Levy fund to cover the City's share of this project. The funds will cover project coordinator and staff research expenses, as well as focus group expenses, and marketing/ production costs.

Quality of Life.

Mayor Brewer

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

Motion--

Fearey moved that the formation of a steering committee with the following people purposed to serve on the committee Dave Unruh, Sedgwick County, Sharon Fearey, City Council, Howard Ellington, Joe Miller, Cheryl Wolford, Susan Pompeo, Ken Subasky, Brian Black, Darren Muci, Brian Fry, Tiffany Farha, Delmar Klocky, Janet Miller, Paula Langsworthy, Vera Baughner, David Burke, Shoko Severt, Dan Rouser, Charles Steiner, Chris Shank and Anna Anderson and enlist the Hugo Wall School of Urban Affairs at WSU to create an updated Cultural Arts Plan for Wichita and Sedgwick County in the amount of \$25,000, which will be divided equally between the City and County. Motion

--carried

carried 7 to 0.

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VISIONEERING

VISIONEERING WICHITA.

George Kolb

City Manager reviewed the item.

Agenda Item No. 31.

On May 4, 2004, the Wichita City Council was asked to support a strategic Visioneering process to assist leaders and newly emerging leaders with defining a direction for the greater Wichita community. The City of Wichita, in collaboration with Sedgwick County, the Kansas Health Foundation, the Wichita Community Foundation and the Wichita Downtown Development Corporation were asked to fund the Visioneering effort. At this meeting the Council authorized \$75,000 for this project.

Following completion of the Visioneering Plan in 2004, the City Council, along with many other public and private organizations, was asked to adopt the Visioneering Plan and become a vision partner. The City took formal action to officially become a vision partner on January 4, 2005.

In 2005 the City was asked to contribute to Phase II: Implementation of the Visioneering Wichita Initiative. Action was taken at the April 19, 2005 City Council meeting to contribute \$50,000 to this initiative. Funding was utilized for engaging the services of Henry Luke, marketing and public relations efforts, securing additional volunteers, launching six strategic alliances, leadership development and providing feedback to the community on the success and status of Visioneering Wichita.

Since its inception, Visioneering Wichita has successfully engaged citizens, businesses, governments and other organizations in a collaborative effort to improve the quality of life for the greater Wichita community. Numerous strategic alliances have been formed to implement strategies defined in the Visioneering Plan. Individuals who participate in an alliance define action steps and create benchmarks to measure progress. The many benefits of the Visioneering initiative include improving communication among citizens, creating partnerships among individuals and organizations, strengthening relationships and creating an environment where innovative ideas can be brought to fruition.

Additional funding is being requested to support this very successful collaborative initiative. The City contributed \$75,000 in 2004 and \$50,000 in 2005. The City is being asked to continue its financial support and retroactively make an annual financial contribution of \$50,000 for 2006 and then to commit to funding for both 2007 and 2008.

Funding is available in the Economic Development Fund to support an annual \$50,000 contribution (total \$150,000) for all three years. Other that has, or continues to be, financial partners include: Sedgwick County, the Wichita Community Foundation, Kansas Health Foundation, the Knight Foundation, the Downtown Development Corporation and the Chamber of Commerce.

Support for the Visioneering Initiative addresses all five goals through various strategies defined in the plan and corresponding action steps.

Mayor Brewer

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

Motion--
--carried

Mayor Brewer moved that the funding in the amount of \$50,000 per year for years 2006, 2007 and 2008 be approved. Motion carried 7 to 0.

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PLANNING AGENDA

Council Member Williams Council Member Williams asked for Item 34 to be pulled for discussion.

Motion-- Mayor Brewer moved that Planning Consent items 35-39 be approved in accordance with the
--carried recommended action shown thereon. Motion carried 7 to 0.

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

John Schlegel Director of Planning reviewed the item.

Agenda Item No. 32.

MAPC Recommendations: Approve (12-0).

MAPD Staff Recommendations: Approve.

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

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

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

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

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

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

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

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

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

Promote Economic Vitality.

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

Council Member Williams Council Member Williams stated that she appreciates that the applicant is working very closely and diligently with the community and neighboring Neighborhood Associations. They have a neighborhood Association that is working on a proposal that they would like to continue to work on and bring back to City Council within 30 days.

Motion--carried Williams moved to defer the item for exactly 30 days. Motion carried 7 to 0.

CUP2007-25 **CUP2007-25 ASSOCIATED WITH ZON2007-25--CREATE DP-305 SCHOLFIELD-HONDA COMMERCIAL COMMUNITY UNIT PLAN; ZONE CHANGE TO "LC" LIMITED COMMERCIAL. GENERALLY LOCATED BETWEEN KELLOGG DRIVE, GOVERNEOUR ROAD, ORME STREET AND MISSION ROAD. (DISTRICT II)**

John Schlegel Director of Planning reviewed the item.

Agenda Item No. 33.

MAPC Recommendations: Approve, subject to staff recommendations with modifications (12-0).
MAPD Staff Recommendations: Approve, subject to replatting or dedication of access controls within one year and conditions.
DAB Recommendations: Approve, subject to staff recommendations with modifications (9-0-1).

The applicant proposes to create DP-305 Scholfield Honda Commercial Community Unit Plan, containing approximately 7 acres on the block of property bounded by Kellogg Drive on the north, Gouverneour Road on the east, Orme Street on the south and Mission Road on the west. Concurrently, 0.8 acre of the property zoned either "GO" General Office or "TF-3" Two-family Residential would be rezoned to "LC" Limited Commercial so that the entire CUP would be designated as LC. One lot along Orme Street, zoned TF-3, is excluded from this request and is owned by a different property owner.

The majority of this tract already is zoned LC and used for an automobile dealership. The addition of the peripheral tracts zoned GO and TF-3 consolidates the Scholfield Honda holdings and triggers a need for a CUP since the overall tract exceeds six acres of LC zoning. Currently the property is subject to a hodge-podge of conditional uses, variances, zoning adjustments and protective overlays attempting to accomplish ensure a quality of development. This CUP can incorporate the variance and protective overlay provisions and replace the conditional use and zoning adjustments.

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The proposed use for the CUP is auto sales and leasing and associated uses. The east half of the site, platted as Scholfield-Hatchett 3rd Addition and Ripstra Addition, consists of the main showroom, service building and vehicle storage facilities. A restaurant on the next lot to the west, McHugh Addition, was razed and has been replaced with an asphalt lot for automobile display. The property along Mission Road, platted as East Mission 2nd Addition, consists of a vacant building previously used as for retail (Blockbuster Audio) and parking. Four lots along Orme Street, part of Eastridge Addition, have been cleared of single-family homes and are intended for vehicle storage use.

Maximum building coverage, maximum gross floor area, building setbacks, building heights, signage, and parking lot elements would be typical for CUP development. Outdoor speaker systems would be prohibited except in the area along Kellogg Drive. The CUP has aligned access points on Kellogg Drive with the access management policy for arterial streets. The access point on Mission Drive approximately 70 feet north of Orme is directly across from property zoned TF-3 and developed with a single-family residence. Staff recommended this access point be moved north to avoid conflict with the residential zoning and use directly opposite of Mission Road, but neither MAPC or DAB II followed the recommendation that is supported by the regulations of the Unified Zoning Code site screening standards.

Requested screening on the south property line and southwest corner of the property would be with a six to eight foot high concrete wall with a planting screen of evergreen trees at a rate of one tree per 20 linear feet in the right-of-way between the property line and the street. This is a continuation of an existing pattern on the east half of the site. A minor street privilege would be required to use the right-of-way; an alternative is to devote the southern edge of the private property for planting a row of evergreen trees on-site.

The Wichita City Council must approve the modification in screening on the grounds that it meets the objective of the Comprehensive Plan and good planning practices are furthered, in support of the applicant's justifications previously discussed, or require the application be approved subject to complying with the standard masonry screening requirements for CUPs.

The Kellogg freeway borders the property on the north. The land north of the freeway includes the tall concrete serpentine wall buffering Eastborough's single-family community to the northwest and an apartment complex zoned "B" Multi-family Residential and the Rusty Eck ford automobile dealership to the north (PUD #16). Another automobile dealership on zoned LC is east of Gouverneur Road. Retail stores and a hotel are located to the west of Mission Road on property zoned LC. Orme Street forms a sharp dividing line, with all property to the south being zoned "SF-5" Single-family Residential and in single-family residential use, and the north side of Orme Street west of Mission Road being zoned TF-3 but single-family residential use. One home remains on the north side of Orme and would be surrounded by the automobile dealership use.

At the MAPC meeting held June 21, 2007, MAPC voted (12-0) to approve subject to staff recommendations except to allow the access point 70 feet north of Orme Street on Mission Drive to remain rather than to move it north to avoid allowing the parking lot entrance and the loading and unloading of trucks across from residential zoning and use. The applicant requested this deviation. At the District II Advisory Board meeting held July 9, 2007, DAB II voted (9-0-1) to recommend approval as per MAPC recommendation and with the additional condition of allowing the applicant 12 months to build the masonry screening wall. The applicant had requested this extra time after the MAPC meeting and said it was so that they could try to acquire the property remaining in a separate ownership on the north side of Orme and then construct the wall after acquiring the property in a continuous line along Orme Street.

No protest petitions have been received in opposition to the zone change and CUP as a project.

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The MAPC recommendation was to APPROVE, subject to replatting or dedication of access controls within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2007-25) to LC Limited Commercial subject to replatting or dedication of access controls within one year;
- B. APPROVE the Community Unit Plan (DP-305), subject to the conditions of the CUP attached hereto and the following conditions:
 1. Parcel 1 shall be subject to the Unified Zoning Code Article III, Section III-D.6.x, except outdoor speakers and sound amplification systems and the use of elevated platforms to display vehicles shall be permitted in the north 270 feet of the portion of Parcel 1 not included in BZA30-85.
 2. Portions of the CUP are subject to the existing conditions of approval of BZA #30-85 and PO #124 and these approvals shall be deemed to remain in effect. Upon approval of the CUP, CON2004-28 and BZA2006-53 shall be deemed superseded by the CUP requirements.
 3. A replat or dedication of access control to eliminate two access points on Kellogg as shown on the CUP shall be completed and the owner shall guarantee closure of the two drives.
 4. Add to General Provision #2 that signs shall be spaced a minimum of 150 feet apart except that the spacing between two signs on Kellogg that may be reduced to 120 feet as previously permitted by BZA2006-53 conditions. Add that building wall signs are prohibited on facades facing Orme Street and the south 120 feet of Mission Road and the south 105 feet of Gouverneur Road.
 5. In General Provision #6B, extend the screening requirement to the south 70 feet of the property line along Mission Road.
 6. Add 35-foot building setbacks on all perimeter CUP boundaries.
 7. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 8. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 9. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 10. The ordinance establishing the zone change shall not be published until the platting or dedication of access controls has been recorded with the Register of Deeds.
 11. Prior to publishing the ordinance establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-305) includes special conditions for development on this property.
 12. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Promote Economic Vitality and Affordable Living.

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

Motion--

Schlapp moved that to adopt the findings of the MAPC and approve the community unit plan and the zone change as recommended by the MAPC with a provision that the applicant may have up to 12 months to comply with the masonry wall requirement at the end of 12 months the applicant may apply to have this condition reviewed by the City Council. Motion Carried 7 to 0.

--carried

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ORDINANCE

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

ZON2007-00030

ZON2007-00030 – ZONE CHANGE REQUEST FROM “LC” LIMITED COMMERCIAL TO “MF-29” MULTI-FAMILY RESIDENTIAL ZONING. GENERALLY LOCATED WEST OF OLIVER AND SOUTH OF EXTENDED 29TH STREET NORTH. (DISTRICT I)

Agenda Item No. 34.

MAPC Recommendations: Approve (10-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: DAB I did not review.

The application area is approximately 10.94 acres of land zoned “LC,” Limited Commercial located west of Oliver Avenue and south of 29th Street (extended). The application area is undeveloped, and the current owner owns approximately nine additional acres located contiguous to the subject site that is zoned “MF-29,” Multi-family Residential and “SF-5,” Single-family Residential. The applicant is seeking “MF-29” zoning in order to develop an apartment complex.

The applicant’s conceptual site plan depicts 10 individual apartment buildings plus a clubhouse. There are to be 192 units. The tallest building is to be three stories in height. The project will provide 560 parking spaces or 2.9 spaces per dwelling unit, which exceeds code minimums of 1.75 spaces per unit. All of these structures are to be located outside of the 100-year floodplain. Two gated one-way access points, approximately 400 feet apart, are shown along North Oliver Avenue. Partially because of the floodplain, the apartment buildings are to be located approximately 300 feet east of the single-family residences located along North Terrace Drive. (Since this is a zone change, submission of and development of the site consistent with the site plan is not a code requirement.)

The applicant’s ownership includes a strip of “MF-29” zoned land abutting the subject site on the west and south. Further west and south on the owner’s property is a band of “SF-5” Single-family Residential zoning. The “SF-5” zoned land on the west is to be put into a “reserve” area on the Campus Crest Addition plat that prohibits the use of that area for anything other than open space, private recreation, landscaping, irrigation utilities, parking and drainage. Most of the “SF-5” zoned land to the west is located within the 100-year floodplain, making more intensive development problematic. Even further west is a developed single-family subdivision zoned “SF-5.” The “MF-29” and “SF-5” land located south of the site is undeveloped and owned by a church. To the east is Wichita State’s Hughes Metroplex on property zoned “LC.”

“MF-29” zoning permits up to 29 dwelling units per acre. Limited Commercial zoning permits multi-family uses, however the Unified Zoning Code (UZC) requires “LC” zoned sites over six acres in size to also have an approved Community Unit Plan (CUP). This site does not have an approved CUP. Options for the developer were the creation of a CUP or down zoning the property. The applicant has chosen the later approach.

At the MAPC hearing on July 5, 2007, there were no speakers in opposition to the request. The MAPC voted (10-0) to recommend approval of the request.

Promote economic vitality.

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

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Council Member Williams Council Member Williams stated that last night at their DAB board meeting this item was discussed and it was the first opportunity for many of the neighboring community to have a chance to hear the plans for the Apartment Complex. They did find out it would be housing Wichita State University students and there were a lot of unanswered questions as to the management of the apartments, the flood plan. Because of many of those reasons, she asked that for a one week deferral to make a decision.

Motion-- Williams made a motion to defer making recommendations on this apartment complex at 29th and
--carried Oliver for one week. Motion carried 7 to 0.

DED2007-13

DED 2007-13-DEDICATION OF ACCESS CONTROL, DED 2007-14-DEDICATION OF A SIDEWALK AND UTILITY EASEMENT, DED 2007-15-DEDICATION OF A UTILITY EASEMENT AND DED 2007-16-DEDICATION OF STREET RIGHT-OF-WAY LOCATED ON THE EAST SIDE OF BROADWAY AND SOUTH OF 13TH STREET NORTH. (DISTRICT VI)

Agenda Item No. 35.

Staff Recommendation: Accept the Dedications.

These Dedications are associated with a Lot Split Case No. SUB 2007-32 (Harvey's Reserve in Stafford and Wright's Addition). The Dedications are for: 1) access control, except for two openings, along North Broadway; 2) construction of sidewalk along North Broadway; 3) street right-of-way along East 10th Street; and 4) construction and maintenance of public utilities.

Ensure Efficient Infrastructure.

The Dedications will be recorded with the Register of Deeds.

Motion--carried Brewer moved that the Dedications be accepted. Motion carried 7 to 0..

DED2007-17

DED 2007-17-DEDICATION OF ACCESS CONTROL AND DED 2007-18-DEDICATION OF A SIDEWALK AND UTILITY EASEMENT LOCATED WEST OF 127TH STREET EAST AND ON THE NORTH SIDE OF CENTRAL AVENUE. (DISTRICT II)

Agenda Item No. 36.

Staff Recommendation: Accept the Dedications.

These Dedications are associated with a Lot Split Case No. SUB 2007-65 (Gilders Gardens Addition). The Dedications are for access control, except for one opening along Central Avenue, and construction of sidewalk and utilities along Central Avenue.

Ensure Efficient Infrastructure.

The Dedications will be recorded with the Register of Deeds.

Motion--carried Brewer moved that the Dedications be accepted. Motion carried 7 to 0.

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SUB2006-100

SUB 2006-100-PLAT OF EDGE WATER ADDITION LOCATED ON THE SOUTHWEST CORNER OF 45TH STREET NORTH AND HOOVER ROAD. (DISTRICT VI)

Agenda Item No. 37.

Staff Recommendation: Approve the plat.

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

This site, consisting of 287 lots on 184.21 acres, has recently been annexed into Wichita's city limits. The site is zoned "SF-5" Single-Family Residential District and "LC" Limited Commercial District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water drainage and paving improvements. Restrictive Covenants were submitted to provide for the ownership and maintenance responsibilities of the proposed reserves and to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. A Temporary Drainage Easement and an Off-site Sewer Easement have been submitted.

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

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenants, Temporary Drainage Easement and Off-site Sewer Easement 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 7 to 0.

Resolution No. 07-443

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution Number 448-90311 (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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-444

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90312 (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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-445

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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-446

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90314 (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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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Resolution No. 07-447

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90315 (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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-448

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90316 (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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-449

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90317 (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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-450

Resolution of Findings of Advisability and Resolution authorizing improving Storm Water Drain No. 326 (south of 45th St. North, west of Hoover) 468-84353, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-451

Resolution of Findings of Advisability and Resolution authorizing construction of Main 24, Southwest Interceptor Sewer (south of 45th St. North, west of Hoover) 468-84364, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-452

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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-453

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 2, Main 24 Southwest Interceptor Sewer (south of 45th St. North, west of Hoover) 468-84366, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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Resolution No. 07-454

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 3, Main 24, Southwest Interceptor Sewer (south of 45th St. North, west of Hoover) 468-84367, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-455

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 4, Main 24, Southwest Interceptor Sewer (south of 45th St. North, west of Hoover) 468-84368, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-456

Resolution of Findings of Advisability and Resolution authorizing construction of Later 5, Main 24, Southwest Interceptor Sewer (south of 45th St. North, west of Hoover) 468-84369, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-457

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on Driftwood for the east line of Lot 14, Block C, west to the west line of Ridge Port; on Ridge Port from the south line of Driftwood, south to the south line of Lot 19, Block B, north to the north line of the plat and on two Ridge Port Cuts., from the west line of ridge Port, west to and including both cul-de-sacs which serves Lots 7 through 21, Block A; and on Driftwood Ct. from the north line of Driftwood north to and including the cul-de-sac and that sidewalk be constructed on Driftwood, Cimarron and Ridge Port (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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-458

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on Driftwood and Driftwood Cir. from the east line of Lot 14, Block C, east to and including the cul-de-sac; and on Sunny Ln. from the south line of Driftwood, south to the north line of Kollmeyer; and on Kollmeyer from the west line of Sunny Ln. east to the east line of the plat and on Driftwood ct. (Lot 45 through 51, Block D) from the north line of Driftwood north to and including the cul-de-sac; on Bachman cir. From the east line of Sunny Ln. east to and including the cul-de-sac; and on Bachman Ct. from the south line of Bachman Cir. south to and including the cul-de-sac and that sidewalk be constructed on Driftwood and Sunny Ln. (south of 45th St. North, west of Hoover) 472-84583 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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Resolution No. 07-459

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on Cimarron from the south line of Lot 9, Block B, south to the north line of Kollmeyer, and on Kollmeyer from the west line of Lot 57, Block A, east to the east line of Lot 39, block C and on Kollmeyer Ct. (Lots 31 through 39, Block C) from the north line of Kollmeyer, north to and including the cul-de-sac; and on Kollmeyer Ct. (Lots 63 through 82, Block A) from the south line of Kollmeyer, south and west to and including the cul-de sac and that sidewalk be constructed on Cimarron and Kollmeyer (south of 45th St. North, west of Hoover) 472-84584, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-460

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on Kollmeyer from the east line of Lot 39, Block C, east to the west line of Sunny Ln. and on Kollmeyer Ct. (Lots 83 through 96, Bloc A) from the south line of Kollmeyer to and including the cul-de-sac; on Kollmeyer Ct. (Lots 97 though 107, Block A) from the south line of Kollmeyer south to and including the cul-de-sac; on Kollmeyer Ct. (Lots 108 through 114, Block A) from the south line of Kollmeyer south to and including the cul-de-sac; and on Kollmeyer Ct. (Lots 115 thorough 119), Block A) from the south line of Kollmeyer south to and including the cul-de-sac and that sidewalk be constructed on Kollmeyer (south of 45th St. North, west of Hoover) 472-84585 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-461

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on Ridge Port from the south line of Lot 19, Block B, south to the north line of Kollmeyer, and on Kollmeyer from the west line of Ridge Port, east to the west line of Lot 57, Block A and on Ridge Port Ct. (Lots 22 through 27, Block A) from the west line of Ridge Port, west to and including the cul-de-sac; on Ridge Port Ct. (Lots 20 through 29, Block B) from the east line of Ridge Port east to and including the cul-de-sac; on Kollmeyer Ct.(Lots 36 though 46, Block A) from the south line of Kollmeyer south to and including the cul-de-sac; on Kollmeyer Ct. (Lost 27 through 42, Block B) from the north line of Kollmeyer north to and including the cul-de-sac; and on Kollmeyer Ct. (Lots 46 through 56, Block A) from the south line of Kollmeyer south to and including the cul-de-sac and that sidewalk be constructed on Ridge Port and Kollmeyer (south of 45th St. North, west of Hoover) 472-84586, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Resolution No. 07-462

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on 45th St. North from the east line of Ridge Rd., east to the east line of Cimarron (south of 45th St. North, west of Hoover) 472-84587, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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Resolution No. 07-463

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on 45th St. North from the east line of Cimarron east to the west line of Hoover St. (south of 45th St. North, west of Hoover) 472-84588, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

VAC2007-00016

VAC2007-00016-REQUEST TO VACATE A PORTION OF A DRAINAGE EASEMENT DEDICATED BY SEPARATE INSTRUMENT; GENERALLY LOCATED SOUTH OF 21ST STREET NORTH, BETWEEN K-96 AND FOUNDERS CIRCLE. (DISTRICT II)

Agenda Item No. 38.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant is requesting consideration for the vacation of the 10-foot wide drainage easement dedicated by separate instrument (FILM 2772/PAGE 0006, recorded 2003). The drainage easement runs the length of the south lot line of Lot 3, Block 1, and into Reserve "C," all in the Collective Addition. Reserve "C" has been platted for pedestrian improvements, drainage, landscaping and utilities confined to easements. The Reserve is owned and maintained by the homeowners association, of which the applicant is a member. The Collective Addition was recorded with the Register of Deeds on January 9, 2002. A commercial Lot Split (SUB2005-69, recorded 08-22-2005) of the "LC" Limited Commercial zoned Lot 3, Block 1 in the Collective Addition created the subject site; Parcel A and the abutting Parcel B (located on the north and west sides of Parcel A). The lot split does not show the drainage easement dedicated by separate instrument, which was recorded in 2003. There are no utilities, manholes, storm water equipment, sewer or water lines in the drainage easement dedicated by separate instrument.

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 7 to 0.

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VAC2007-00019

VAC2007-00019-REQUEST TO VACATE A PLATTED PARKING EASEMENT AND A PLATTED RESERVE'S RESTRICTION OF USES; GENERALLY LOCATED SOUTH OF 21ST STREET NORTH AND WEST OF WEBB ROAD. (DISTRICT II)

Agenda Item No. 39.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant is requesting consideration for the vacation of the described parking easement. There are no manholes, sewer or water lines in the parking easement. The applicant has identified Reserve D as the area where the parking will be relocated. Per the platlor's text, Reserve D is to be used for "berming, open space, landscaping, monuments, irrigation, drainage, and utilities as designated." There are no utilities, manholes, sewer or waterlines in Reserve D. The reserve shall be owned and maintained by the homeowners association. The Brighton Courts Addition was recorded with the Register of Deeds on September 11, 2003.

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 7 to 0.

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Williams Council Member Williams requested that Donna Aldrich be appointed to Library Board , Deborah Stevens to the MAPC, maintaining Lori Lawrence on the Wichita Access Advisory Board, Benjamin Stiff to Zoning Appeals and Shontina Tipton to Sister Cities.

Council Member Longwell Council Member Longwell requested that Joe Miller be appointed to the Cultural Funding Committee and Joey Ellsey on the DAB, moving from an alternate to a voting member.

Mayor Brewer

Mayor Brewer requested that Charles Colman be appointed to the Cultural Funding Committee, and for the 2007 Official City Council Member appointments: Carl Brewer to Convention and Visitors Bureau, Exploration Place Board of Trustees, Greater Wichita Area Sports Commission, Greater Wichita Economic Development Coalition Steering Committee, Regional Area Economic Partnership and Botanica Board. For Vice Mayor Sharon Fearey Arkansas River Citizens Advisory Committee, Old Cowtown Museum, Wichita Downtown Development Corporation, 20- year Special Assessment Committee, Arts Council, Wichita Park, Recreation and Open Space Citizen Advisory Committee and Greater Wichita Economic Development Coalition Steering Committee. Jim Skelton to Floodplain Management Task Force, Sedgwick County Association of Cities, Wichita Area Metropolitan Planning Organization and Arkansas River Citizens Advisory Committee. Jeff Longwell to Wichita Area Metropolitan Planning Organization, 20-year Special Assessment Committee, Regional Area Economic Partnership as an Alternate, Floodplain Management Task Force, Regional Area Economic Partnership Legislative Committee. Sue Schlapp to Collaboration Statement with Schools/County, Municipal Court Judge Evaluation Committee and Wichita Area Metropolitan Planning Organization. Paul Gray to Convention and Visitors Bureau and Wichita Area Technical College Board. Lavonta Williams to Municipal Court Judge Evaluation Committee, Arts Council and Wichita Downtown Development Corporation.

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Council Member Fearey Council Member Fearey reappointed Jael Van Boeing and Coren Green to the Mid America All-Indian Center.

Motion--carried Brewer moved that the appointments be approved. Motion carried 7 to 0.

TRAVEL EXPEND. APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND NATIONAL LEAGUE OF CITIES COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING IN GRAND JUNCTION, CO, SEPTEMBER 6-9, 2007.

Motion--carried Fearey moved that the expenditures be approved. Motion carried 7 to 0.

RECESS EXECUTIVE SESSION:

Motion-- Mayor Brewer moved that the City Council recess into Executive Session at 11:49 a.m. to consider; consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, legal advice and preliminary discussions relating to the acquisition of real property for public purposes and that Council return from Executive Session no earlier than 12:40 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

RECONVENE The City Council reconvened in the Council Chambers at 12:48 p.m. Mayor Brewer stated no action was taken.

Motion--carried Mayor Brewer moved to close the Executive Session at 12:50 p.m. Motion carried 5 to 0. (Gray and Skelton absent).

Motion--carried Mayor Brewer moved to adjourn the regular meeting at 12:51 p.m. Motion carried 5 to 0. (Gray and Skelton absent).

ADJOURNMENT The meeting was adjourned at 12:51 p.m.

Respectfully submitted,

Janis Edwards
Deputy City Clerk

Workshop to follow in the 10th Floor MAPC Room