

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 1

MINUTES OF THE MEETING OF THE CITY COUNCIL

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

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

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

Reverend Sally Fahrenthold, Lutheran Church, gave the invocation.

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

The Minutes of the December 12, 2006 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Mayor Mayans

Mayor Mayans stated that as we approach the Christmas and New Year's Holidays, let us all remember the blessings that fill our life and our hope for the future. Let us enjoy and share in the spirit of giving and enjoy our holiday traditions. Let us also pray for our brave men and women in uniform, many of whom have spent the holidays far from home. Their courage and dedication is helping keep us safe and extending freedom and peace. We are grateful for their service to our country and for the support and sacrifice of their families. Stated that he and his wife wish the members of the City Council, the City Staff and all the members of our community a Merry Christmas and a Happy New Year. May the peace and goodwill of the season fill every heart and warm every home.

Recognition

Old Town's Smart Growth Award

Mayor Mayans stated that on November 15, 2006, the City of Wichita's Old Town Redevelopment Project was honored with the fifth annual National Award for Smart Growth Achievement. Mayor Mayans recognized and congratulated the Old Town Award honorees, Roderick Bremby, Dave Burk, Joan Cole, Steve Fairchild, Jim Kandt, Ann Keefer, Bob Knight, Monty Robinson, Jim Siebert, Rich Vliet and Mary Wright.

PUBLIC AGENDA

Monty Shaw-Sunflower Community Action Group-Dumpsite and 10th and Volutsia.

Louis Goseland

Mr. Goseland stated he would be speaking for Mr. Shaw and that he is happy to hear the good news about the dumpsite at 10th and Volutsia, finally being cleaned up.

Benton Boyd-Leasing lots in ARC Communities to long-term tenants residing in RVs.

Benton Boyd

Mr. Boyd stated that he owns nine affordable residential communities in the City of Wichita and would like to open up these communities for long-term recreational vehicles rental sites. Stated he has received a lot of calls from people who are interested in living in his communities and is asking for the Council's assistance. Stated they would be self-contained and would not allow any pop-ups. Stated they would be just like manufactured homes and would have to be there at least six months.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 2

Dr. Carla Lee, Update on Piatt Memorial Park Project.

Dr. Carla Lee

Dr. Lee stated she is here on behalf of Representative Oletha Faust-Goodeau, Mayor Mayans and the Piatt Street Project. Thanked the Council for helping them get over a milestone for funding and they are \$10,000.00 short of their \$100,000.00 collections and it has been a venture of public and private work. Stated their goals will be a realization in 2007 with its 42nd anniversary. Stated the bricks and mortar were only \$692.00 short and the reality of the monument is with them. Stated they appreciate the support of the project and think they are part of honoring the history in acknowledging the 30 civilians and military that was killed in the worst non-weather disaster in Kansas ever on January 16, 1965 and that they participated in a significant diversity project to pull this off.

CONSENT AGENDA

Gary Rebenstorf

Director of Law stated that the recommended action on second reading for item 43g, Lee Real Estate, LLC, changed because they were informed that the company was dealing with property that was taxable under the IRS rules and regulations, therefore the IRB issue could not be a tax exempt and would have to be taxable. So therefore are recommending that the Council amend the Bond Ordinance and Bond Documents to remove references and terms relating to tax exempt bonding, and place the Bond Ordinance, as amended, on second reading for final passage, thereby approving the revised Bond Documents and authorizing the Mayor to sign.

Motion--
--carried

Mayans moved to take the recommended action on consent items 3 to 43l, including item 43g as recommended. Motion carried 7 to 0.

BOARD OF BIDS

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

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

2006 Sanitary Sewer Rehabilitation, Phase E various locations north of 31st Street South, west of Webb Road (468-84256/620464/666583) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III)

Utility Maintenance Contractors LLC - \$285,963.00

Motion--
--carried

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

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Renovation of 1975 Mechanical Penhouse.

Snodgrass & Sons Construction Co. Inc. - \$587,776.00 (Base Bid)
\$ 11,962.00 (Group 1 Option 1)
\$ 8,074.00 (Group 1 Option 2)

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

Key Equipment & Supply Co. - \$330,681.25 (Alternate Base Bid)
\$120,000.00 (Group 1 Option 1 Deduct)
\$1,560.00 (Group 1 Option 2)
\$220.00 (Group 1 Option 3)
\$780.00 (Group 1 Option 5)
N/C (Group 1 Option 8)
Included (Group 1 Option 9)

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 3

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION:
Electrical Highline Supplies.

Kriz Davis Co. – \$56,942.96 (Base Bid)
\$1,112.80 (Option 1)
\$1,595.95 (Option 5)

FIRE DEPARTMENT/SAFETY DIVISION: Interspiro Parts.

Roberson Fire & Safety Inc - \$125,650.00

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Install New Continuous Rod Sewer Rodder.

Key Equipment & Supply Co. - \$61,100.00 (Base Bid)
\$16,800.00 (Group 1 Option 2)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Backflow Prevention Device Installation.

Dondlinger & Sons Construction Co. - \$177,700.00 (Base Bid)
\$5,000.00 (Group 1 Option 1)
\$6000.00 (Group 1 Option 2)

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT 10th FLOOR: Herman Miller system Furniture.

John Marshall Company - *\$75,600.00
Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

Motion--
--carried

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

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

| <u>Renewal</u> | <u>2006</u> | <u>(Consumption on Premises)</u> |
|------------------------------|--|--|
| B.J. Bernins Mark T. Ryan | Bernie's Pizza* Ryan Boys West Inc. dba Two Brothers BBQ | 2342 South Maize Road 8406 West Central |
| <u>Renewal</u> | <u>2006</u> | <u>(Consumption off Premises)</u> |
| Jim Steindler | Gotta Stop | 5600 West MacArthur Road |

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

Motion--
--carried

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

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 4

PRELIMINARY EST. PRELIMINARY ESTIMATES:

- a) 2005 Wheelchair Ramp & Sidewalk, Phase II - various locations north of 63rd Street South, east of 151st Street West. (472-84142/706915/205381) Traffic to be maintained during construction using flagpersons and barricades. (District ALL) - \$167,325.
- b) 2006 Contract Maintenance Preparatory Curb & Gutter Repairs - various locations east of 119th Street West, south of 53rd Street North. (472-84479/132719/131532/) Traffic to be maintained during construction using flagpersons and barricades. (District ALL) - \$377,890.
- c) 19th Street North from Chateau Parkway to Oak Creek Parkway; Chateau Parkway from 19th Street North to a point 80 feet south of Lot 4, Block 2 to serve Oak Creek 2nd Addition - south of 21st Street North, west of Greenwich Road. (472-84449/766116/490133) Does not affect existing traffic. (District II) - \$938,000
- d) Water Distribution System to serve Belle Chase Addition - north of Harry, east of 127th Street East. (448-90205/735335/470008) Does not affect existing traffic. (District II) - \$104,000.
- a) Water Distribution System to serve Clear Creek Addition -south of Kellogg, west of 143rd Street East. (448-90232/735336/470009) Does not affect existing traffic. (District II) - \$73,000.
- b) Lateral 400 Four Mile Creek Sewer to serve Clear Creek Addition -south of Kellogg, west of 143rd Street East. (468-84231/744199/480887) Does not affect existing traffic. (District II) - \$160,000.
- c) Water Main Replacement in North Oaklawn Area - north of 47th Street South, west of K-15. (448-89814/636176/776569) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$998,000.
- d) Storm Water Drain #294 to serve Crestlakes Addition - north of Central, west of 127th Street East. (468-84183/751423/485314) Does not affect existing traffic. (District II) - \$568,000.
- e) 2007 Utility Cut Repair of Streets, Driveways and Sidewalks - north of 71st Street South, east of 167th Street West. (472-84480/132035/620447/665567) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V, VI) - \$1,717,800.
- f) Sunview from Lulu, east to Ellis; Ellis from the south line of Lot 30, Block B, north to 44th Street South; Marie from Ellis east to the east line of Lot 3, Block B; 44th Street South from the east line of Lot 3, Block E, east to the west line of Lot 1, Block D to serve Hidden Glen Addition - north of 47th Street South, west of Hydraulic. (472-83626/766118/490136) Does not affect existing traffic. (District III) - \$133,000.00
- g) Special Waste Transportation and Disposal (Wichita & Waterman Street Area) - north of Lewis Street, east of Wichita Street. (472-84478/751422/633773/485313/755194) Does not affect existing traffic. (District I) - \$117,600.00

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 5

STMTS OF COST

STATEMENTS OF COST:

Water

- a) Improving Water Distribution System to serve Equestrian Estates Addition (south of Harry, east of 127th Street East). Total Cost - \$94,352.49 (plus idle fund interest - \$1,351.91, plus temporary note interest - \$3,395.60). Financing to be issued at this time - \$99,100.00. (735287/448-89614/470-958).
- b) Improving Water Distribution System to serve Woodland Lakes Estates 3rd and 4th Additions (north of Harry, west of 127th Street East). Total Cost - \$49,561.27 (plus idle fund interest - \$1,938.73, plus temporary note interest - \$0). Financing to be issued at this time - \$51,500.00. (735311/448-89788/470-982).
- c) Improving Water Distribution System to serve Woodland Lakes Estates 3rd and 4th Additions (north of Harry, west of 127th Street East). Total Cost - \$25,885.21 (plus idle fund interest - \$1,014.79, plus temporary note interest - \$0). Financing to be issued at this time - \$26,900.00. (735298/448-89789/470-969).
- d) Improving Water Distribution System to serve Harvest Ridge Addition (north of MacArthur, west of Maize). Total Cost - \$58,846.16 (plus idle fund interest - \$2,653.84, plus temporary note interest - \$0). Financing to be issued at this time - \$61,500.00. (735305/448-89850/470-976).
- e) Improving Water Distribution System to serve Brighton Courts Addition (south of 21st Street, west of Webb). Total Cost - \$36,144.52 (plus idle fund interest - \$1,155.48, plus temporary note interest - \$0). Financing to be issued at this time - \$37,300.00. (735323/448-89857/470-994).
- f) Improving Water Distribution System to serve Liberty Park 2nd and 3rd Additions (south of 13th Street North, east of 135th Street West). Total Cost - \$100,364.19 (plus idle fund interest - \$4,835.81, plus temporary note interest - \$0). Financing to be issued at this time - \$105,200.00. (735306/448-89895/470-977).
- g) Improving Water Distribution System to serve Reed's Cove 3rd Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$47,161.86 (plus idle fund interest - \$740.37, plus temporary note interest - \$1,697.77). Financing to be issued at this time - \$49,600.00. (735290/448-89957/470-961).
- h) Improving Water Distribution System to serve Turkey Creek Addition (north of Pawnee, west of 119th Street West). Total Cost - \$80,912.70 (plus idle fund interest - \$3,487.30, plus temporary note interest - \$0). Financing to be issued at this time - \$84,400.00. (735304/448-89962/470-975).
- i) Improving Water Distribution System to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$64,914.03 (plus idle fund interest - \$2,885.97, plus temporary note interest - \$0). Financing to be issued at this time - \$67,800.00. (735303/448-89984/470-974).
- j) Improving Water Distribution System to serve Fontana and Fontana 2nd Additions (north of 29th Street North, east of 119th Street West). Total Cost - \$173,054.39 (plus idle fund interest - \$6,492.49, plus temporary note interest - \$2,053.12). Financing to be issued at this time - \$181,600.00. (735288/448-89999/470-959).
- k) Improving Water Distribution System to serve Evergreen 5th Addition (south of 29th Street North, west of Maize). Total Cost - \$52,437.40 (plus idle fund interest - \$1,085.85, plus temporary note interest - \$1,776.75). Financing to be issued at this time - \$55,300.00. (735278/448-90013/470-949).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 6

- l) Improving Water Distribution System to serve Fontana Addition (north of 29th Street North, east of 119th Street West). Total Cost - \$114,333.01 (plus idle fund interest - \$2,210.88, plus temporary note interest - \$3,356.11). Financing to be issued at this time - \$119,900.00. (735293/448-90045/470-964).
- m) Improving Water Distribution System for a new Goddard School Building (north of Kellogg, east of 167th Street West). Total Cost - \$396,866.70 (plus idle fund interest - \$16,672.56, plus temporary note interest - \$3,660.74). Financing to be issued at this time - \$417,200.00. (735245/448-90060/470-916).
- n) Improving Water Distribution System to serve North Ridge Village Addition (north of 37th Street North, west of Ridge). Total Cost - \$53,469.96 (plus idle fund interest - \$1,595.68, plus temporary note interest - \$1,234.36). Financing to be issued at this time - \$56,300.00. (735258/448-90062/470-929).
- o) Improving Water Distribution System to serve Krug North 2nd Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$65,468.58 (plus idle fund interest - \$2,831.42, plus temporary note interest - \$0). Financing to be issued at this time - \$68,300.00. (735310/448-90096/470-981).
- p) Improving Water Distribution System to serve Casa Bella Addition (north of Pawnee, west of 127th Street East). Total Cost - \$133,483.68 (plus idle fund interest - \$5,516.32, plus temporary note interest - \$0). Financing to be issued at this time - \$139,000.00. (735295/448-90112/470-966).
- q) Improving Water Distribution System to serve Auburn Hills 16th Addition (south of Maple, east of 151st Street West). Total Cost - \$147,851.98 (plus idle fund interest - \$2,233.57, plus temporary note interest - \$5,014.45). Financing to be issued at this time - \$155,100.00. (735284/448-90121/470-955).
- r) Improving Water Distribution System to serve Timberlands Addition (north of Harry, west of 127th Street East). Total Cost - \$19,573.78 (plus idle fund interest - \$726.22, plus temporary note interest - \$0). Financing to be issued at this time - \$20,300.00. (735314/448-90125/470-985).
- s) Improving Water Distribution System to serve R & P Addition (south of Harry, west of West Street). Total Cost - \$11,848.79 (plus idle fund interest - \$216.94, plus temporary note interest - \$434.27). Financing to be issued at this time - \$12,500.00. (735286/448-90127/470-957).
- t) Improving Water Distribution System to serve Eberly Farm Office Park Addition (south of 21st Street North, east of 135th Street West). Total Cost - \$28,046.45 (plus idle fund interest - \$1,353.55, plus temporary note interest - \$0). Financing to be issued at this time - \$29,400.00. (735294/448-90140/470-965).
- u) Improving Water Distribution System to serve Blue Sky Addition (north of Douglas, west of West Street). Total Cost - \$16,407.60 (plus idle fund interest - \$692.40, plus temporary note interest - \$0). Financing to be issued at this time - \$17,100.00. (735309/448-90160/470-980).
- v) Improving Water Distribution System to serve Reed's Cove 4th Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$45,235.84 (plus idle fund interest - \$2,064.16, plus temporary note interest - \$0). Financing to be issued at this time - \$47,300.00. (735307/448-90173/470-978).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 7

Sewer

- w) Constructing Lateral 314, Four Mile Creek Sewer to serve Equestrian Estates Addition (south of Harry, east of 127th Street East). Total Cost - \$162,933.39 (plus idle fund interest - \$2,680.95, plus temporary note interest - \$5,685.66). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$171,300.00. (744155/468-83318/480-843).
- x) Constructing Lateral 346, Four Mile Creek Sewer to serve Woodland Lakes Estates Addition (north of Harry, west of 127th Street East). Total Cost - \$70,548.26 (plus idle fund interest - \$3,051.74, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$73,600.00. (744178/468-83589/480-866).
- y) Constructing Lateral 2, Main 5, Cowskin Interceptor Sewer to serve Harvest Ridge Addition (south of 31st Street South, west of Maize). Total Cost - \$148,862.44 (plus idle fund interest - \$6,737.56, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$155,600.00. (744174/468-83660/480-862).
- z) Constructing Lateral 7, Main 5, Northwest Interceptor Sewer to serve Liberty Park 2nd and 3rd Additions (south of 13th Street North, east of 135th Street West). Total Cost - \$168,577.46 (plus idle fund interest - \$8,122.54, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$176,700.00. (744175/468-83730/480-863).
- aa) Constructing Lateral 2, Main 6, Cowskin Interceptor Sewer to serve Turkey Creek Addition (north of Pawnee, west of 119th Street West). Total Cost - \$186,762.11 (plus idle fund interest - \$8,737.89, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$195,500.00. (744173/468-83819/480-861).
- bb) Constructing Lateral 1, Main 15, Sanitary Sewer #23 to serve Rio Vista 4th Addition (north of 61st Street North, west of Meridian). Total Cost - \$284,613.93 (plus idle fund interest - \$3,163.64, plus temporary note interest - \$14,422.43). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$302,200.00. (744112/468-83842/480-800).
- cc) Constructing Lateral 5, Main 7, Northwest Interceptor Sewer to serve Fontana and Fontana 2nd Additions (north of 29th Street North, east of 119th Street West). Total Cost - \$350,974.78 (plus idle fund interest - \$6,530.27, plus temporary note interest - \$11,094.95). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$368,600.00. (744156/468-83877/480-844).
- dd) Constructing Lateral 507, Southwest Interceptor Sewer to serve Woodland Heights 2nd Addition (south of Central, east of Ridge). Total Cost - \$31,446.09 (plus idle fund interest - \$454.86, plus temporary note interest - \$1,351.05). Sewer Main Benefit Fee - \$11,548.00. Financing to be issued at this time - \$44,800.00. (744137/468-83972/480-825).
- ee) Constructing Lateral 21, Main 19, Southwest Interceptor Sewer to serve North Ridge Village Addition (west of Ridge Road, south of K-96). Total Cost - \$145,612.62 (plus idle fund interest - \$4,504.49, plus temporary note interest - \$3,582.89). Sewer Main Benefit Fee - \$85,310.00. Financing to be issued at this time - \$239,010.00. (744126/468-83977/480-814).
- ff) Constructing Lateral 6, Main 4, Northwest Interceptor Sewer to serve Whistling Walk Estates Addition (south of 13th Street North, west of 119th Street West). Total Cost - \$207,277.91 (plus idle fund interest - \$2,741.38, plus temporary note interest - \$10,080.71). Sewer Main Benefit Fee - \$0, less Interfund Transfer \$4,700.00. Financing to be issued at this time - \$215,400.00. (744124/468-84005/480-812).
- gg) Constructing Lateral 69, Main 9, Sanitary Sewer #23 to serve Killarney Plaza East Addition (north of 29th Street North, west of Rock). Total Cost - \$53,704.06 (plus idle fund interest - \$1,037.66, plus temporary note interest - \$1,658.28). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$56,400.00. (744138/468-84018/480-826).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 8

- hh) Constructing Lateral 1, Main 1, Boeing Sewer to serve Clifton Cove Addition (south of 63rd Street South, east of Hydraulic). Total Cost - \$518,249.59 (plus idle fund interest - \$21,257.80, plus temporary note interest - \$2,092.61). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$541,600.00. (744166/468-84023/480-854).
- ii) Constructing Lateral 379, Four Mile Creek Sewer to serve Krug North 2nd Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$141,000.56 (plus idle fund interest - \$6,199.44, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$147,200.00. (744177/468-84055/480-865).
- jj) Constructing Lateral 6, Main 13, Sanitary Sewer #23 to serve Falcon Falls 2nd Addition and Unplatted Tract "A" (north of 45th Street North, west of Hillside). Total Cost - \$583,588.40 (plus idle fund interest - \$10,308.77, plus temporary note interest - \$21,202.83). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$615,100.00. (744147/468-84065/480-835).
- kk) Constructing Lateral 7, Main 13, Sanitary Sewer #23 to serve Falcon Falls 2nd and Falcon Falls 3rd Additions (north of 45th Street North, west of Hillside). Total Cost - \$87,097.37 (plus idle fund interest - \$1,383.46, plus temporary note interest - \$3,119.17). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$91,600.00. (744148/468-84066/480-836).
- ll) Constructing Lateral 2, Main 18, Four Mile Creek Sewer to serve Casa Bella Addition (north of Pawnee, west of 127th Street West). Total Cost - \$138,797.51 (plus idle fund interest - \$5,910.26, plus temporary note interest - \$592.23). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$145,300.00. (744165/468-84072/480-853).
- mm) Constructing Lateral 12, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 16th Addition (south of Maple, east of 151st Street West). Total Cost - \$171,123.18 (plus idle fund interest - \$3,272.69, plus temporary note interest - \$5,804.13). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$180,200.00. (744154/468-84089/480-842).
- nn) Constructing Lateral 385, Four Mile Creek Sewer to serve Timberlands Addition (north of Harry, west of 127th Street East). Total Cost - \$84,331.80 (plus idle fund interest - \$3,668.20, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$88,000.00. (744179/468-84093/480-867).
- oo) Constructing Lateral 9, Main 13, Sanitary Sewer #23 to serve Falcon Falls 3rd Addition (north of 45th Street North, west of Hillside). Total Cost - \$179,550.75 (plus idle fund interest - \$8,249.25, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$187,800.00. (744181/468-84096/480-869).
- pp) Constructing Lateral 6, Main 3, Northwest Interceptor Sewer to serve Eberly Farm Office Park Addition (south of 21st Street North, east of 135th Street West). Total Cost - \$81,065.01 (plus idle fund interest - \$3,600.72, plus temporary note interest - \$434.27). Sewer Main Benefit Fee - \$12,630.00. Financing to be issued at this time - \$97,730.00. (744164/468-84109/480-852).
- qq) Constructing Lateral 5, Main 10, Four Mile Creek Sewer to serve Dillon's 12th Addition (north of 13th Street North, east of Greenwich). Total Cost - \$63,384.19 (plus idle fund interest - \$1,025.75, plus temporary note interest - \$2,290.06). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$66,700.00. (744161/468-84124/480-849).
- rr) Constructing Lateral 394, Four Mile Creek Sewer to serve Whispering Lakes Estates Addition (south of Harry, west of 159th Street East). Total Cost - \$71,093.21 (plus idle fund interest - \$3,206.79, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$74,300.00. (744168/468-84142/480-856).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 9

- ss) Constructing Lateral 6, Main 14, Four Mile Creek Sewer to serve Reed's Cove 4th Addition (east of 127th Street East, south of 21st Street North). Total Cost - \$103,346.71 (plus idle fund interest - \$4,853.29, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$108,200.00. (744176/468-84153/480-864).

Storm Water Sewer and Storm Water Drain

- tt) Constructing Storm Water Drain No. 201 to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$124,068.41 (plus idle fund interest - \$1,590.81, plus temporary note interest - \$3,540.78). Financing to be issued at this time - \$129,200.00 (751400/468-83598/485-291).
- uu) Constructing Storm Water Drain No. 224 to serve Avalon Park 2nd Addition (north of 37th Street North, east of Tyler). Total Cost - \$292,784.14 (plus idle fund interest - \$5,468.66, plus temporary note interest - \$8,047.20). Financing to be issued at this time - \$306,300.00 (751374/468-83750/485-265).
- vv) Constructing Storm Water Drain No. 228 to serve Krug North Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$467,727.34 (plus idle fund interest - \$7,084.68, plus temporary note interest - \$21,187.98). Financing to be issued at this time - \$496,000.00 (751405/468-83793/485-296).
- ww) Constructing Storm Water Drain No. 249 to serve Cheryl's Hollow Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$185,728.29 (plus idle fund interest - \$1,004.56, plus temporary note interest - \$6,967.15). Financing to be issued at this time - \$193,700.00 (751389/468-83938/485-280).
- xx) Constructing Storm Water Drain No. 250 to serve The Waterfront Addition (north of 13th Street North, east of Webb). Total Cost - \$292,279.03 (plus idle fund interest - \$8,401.98, plus temporary note interest - \$3,418.99). Financing to be issued at this time - \$304,100.00 (751394/468-83950/485-285).
- yy) Constructing Storm Water Drain No. 253 to serve Southern Ridge 3rd Addition (south of Pawnee, west of Maize). Total Cost - \$640,852.65 (plus idle fund interest - \$21,728.47, plus temporary note interest - \$3,218.88). Financing to be issued at this time - \$665,800.00 (751406/468-83968/485-297).
- zz) Constructing Storm Water Sewer No. 614 to serve Maple Shade Addition (east of Webb, north of Pawnee). Total Cost - \$75,305.56 (plus idle fund interest - \$2,994.44, plus temporary note interest - \$0). Financing to be issued at this time - \$78,300.00 (751407/468-83995/485-298).
- aaa) Constructing Storm Water Drain No. 262 to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$167,150.82 (plus idle fund interest - \$4,939.74, plus temporary note interest - \$1,609.44). Financing to be issued at this time - \$173,700.00 (751398/468-83996/485-289).
- bbb) Constructing Storm Water Drain No. 264 to serve Avalon Park Addition (north of 37th Street North, east of Maize). Total Cost - \$163,319.55 (plus idle fund interest - \$2,939.67, plus temporary note interest - \$3,540.78). Financing to be issued at this time - \$169,800.00 (751401/468-84011/485-292).
- ccc) Constructing Storm Water Drain No. 265 to serve Avalon Park Addition (north of 37th Street North, east of Maize). Total Cost - \$223,546.16 (plus idle fund interest - \$3,725.52, plus temporary note interest - \$4,828.32). Financing to be issued at this time - \$232,100.00 (751402/468-84012/485-293).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 10

- ddd) Constructing Storm Water Drain No. 267 to serve Prairie Pond Plaza Addition (north of Kellogg, east of 143rd Street East). Total Cost - \$121,782.64 (plus idle fund interest - \$4,517.36, plus temporary note interest - \$0). Financing to be issued at this time - \$126,300.00 (751397/468-84014/485-288).
- eee) Constructing Storm Water Drain No. 278 to serve Auburn Hills 16th Addition (south of Maple, east of 151st Street West). Total Cost - \$627,782.18 (plus idle fund interest - \$27,417.82, plus temporary note interest - \$0). Issued at this time - \$655,200.00 (751418/468-84092/485-309).
- fff) Constructing Storm Water Drain No. 286 to serve Emerald Bay Estates Addition (south of 29th Street North, west of West Street). Total Cost - \$496,401.68 (plus idle fund interest - \$17,949.60, plus temporary note interest - \$5,448.72). Financing to be issued at this time - \$519,800.00 (751417/468-84140/485-308).

Motion--carried Mayans moved to approve and file. Motion carried 7 to 0.

PETITION

CONSTRUCT A STORM WATER DRAIN FOR CRESTLAKE ADDITION, NORTH OF CENTRAL, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-1277

On April 18, 2006, the City Council approved a Petition to construct a Storm Water Drain for Crestlake Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of Central, west of 127th St. West.

The existing Petition totals \$442,000 with the total assessed to the improvement district. The new Petition totals \$568,000 with the total paid by Special Assessments.

This project will address the Efficient Infrastructure goal by providing drainage improvements for a new residential development.

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

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

RESOLUTION NO. 06-666

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 294 (north of Central, west of 127th Street East) 468-84183 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 11

BOARDS/COMMISS. MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Deferred Compensation Board of Trustees Quarterly Meeting, August 10, 2006
Wichita Airport Advisory Board, September 11, 2006
Wichita Public Library Monthly Report, October, 2006
Board of Code Standards and Appeals, October 02, 2006
District V Advisory Board, October 02, 2006
District III Advisory Board, October 04, 2006
Wichita Airport Advisory Board, October 09, 2006
Board of Electrical Appeals, October 10, 2006
Deferred Compensation Board of Trustees Special Meeting, October 12, 2006
Deferred Compensation Board of Trustees Special Meeting, October 18, 2006
District VI Advisory Board, October 18, 2006
Housing Advisory Board, October 18, 2006
Wichita Employees' Retirement System Regular Board Meeting, October 18, 2006
Police & Fire Retirement System Regular Meeting, October 25, 2006
District VI Advisory Board, November 06, 2006
District VI Advisory Board, November 15, 2006
Wichita Public Library Regular Meeting, November 21, 2006

Motion--carried Mayans moved to receive and file. Motion carried 7 to 0.

STREET CLOSURE CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

CONTRACTS CONTRACTS AND AGREEMENTS FOR NOVEMBER 2006.

Motion--carried Mayans moved to receive and file. Motion carried 7 to 0.

CRESTLAKE CONSTRUCTION ENGINEERING AND STAKING IN CRESTLAKE ADDITION, NORTH OF CENTRAL, WEST OF 127TH STREET EAST. (DISTRICT II)-SUPPLEMENTAL.

Agenda Report No. 06-1278

The City Council approved the water and drainage improvements in Crestlake Addition on April 18, 2006. On July 11, 2006 the City approved an Agreement with Ruggles & Bohm, PA. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and R&B 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 R&B will be on a lump sum basis of \$35,600 and will be paid by special assessments.

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

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

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

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 12

FOX RIDGE

CONSTRUCTION ENGINEERING AND STAKING IN FOX RIDGE ADDITION, NORTH OF 29TH STREET NORTH, WEST OF TYLER. (DISTRICT V)-SUPPLEMENTAL.

Agenda Report No. 06-1279

The City Council approved the paving improvements in Fox Ridge Addition on October 4, 2005. On August 1, 2006 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 \$89,100 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design 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

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

PAWNEE/MCLEAN

INTERSECTION OF PAWNEE AND MCLEAN. (DISTRICTS III AND IV)-SUPPLEMENTAL.

Agenda Report No. 06-1280

On May 4, 2004, the City entered into an Agreement with Ruggles & Bohm, P.A. (R&B) for designing improvements to the intersection of Pawnee & McLean. The fee was \$29,800. Kansas Department of Transportation (KDOT) agreed to participate in the project funding, so on April 25, 2006; the City Council approved Supplemental No. 1 having R&B convert the plans to KDOT format. The fee was \$28,400

R&B was asked by the City to make some changes to the plans after the final plans were submitted. A Supplemental Agreement No. 2 has been prepared to authorize the additional design services.

Payment to R&B for this Supplemental Agreement will be made on a lump sum basis of \$4,828, and will be paid by General Obligations Bonds.

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

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

Motion--
--carried

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

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 13

SYCAMORE POND

CONSTRUCTION ENGINEERING AND STAKING IN SYCAMORE POND ADDITION, OUTH OF 47TH STREET SOUTH, EAST OF SENECA. (DISTRICT IV)-SUPPLEMENTAL.

Agenda Report No. 06-1281

The City Council approved the water and paving improvements in Sycamore Pond Addition on June 6, 2006. On October 3, 2006 the City approved an Agreement with Ruggles & Bohm, PA. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and R&B 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 R&B will be on a lump sum basis of \$22,600 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of 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 Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

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

RR SIGNALS

INSTALLATION OF RAILROAD SIGNALS. (DISTRICT I)

Agenda Report No. 06-1282

Representatives of the City, State, and Railroad Company reviewed the railroad crossing on Hillside, south of K-96. As a result of this review a signal system upgrade, including the installation of straight post signals and gates, was recommended at this location.

The Agreement will authorize the recommended signal revisions. The Burlington Northern Santa Fe Railroad (BNSF RR) will coordinate the installation and upgrade of the existing signal system. The proposed signal installation work should not affect existing traffic on Hillside at this location.

The total cost of the proposed signal system improvements will be funded one hundred percent (100%) using Federal Section 130 Funds. The estimated cost of the signal improvements is \$171,188.00 at this crossing on Hillside. The Agreement obligates the City to install and maintain the necessary advance warning signs and pavement markings at the crossing area. These signs and markings are presently in place at this location.

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

The Law Department has approved the Agreement as to legal form.

Motion--
-carried

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

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 14

EQUUS BEDS

EQUUS BEDS AQUIFER STORAGE AND RECOVERY PROJECT, PHASE I - SUPPLEMENTAL.

Agenda Report No. 06-1283

On April 4, 2006, the City Council approved a Contract with Professional Engineering Consultants to provide construction inspection services for Phase I of Equus Beds Aquifer Storage and Recovery Project (ASR).

The first phase of the ASR project has evolved into several construction projects. To provide appropriate inspection, Staff determined the best course of action is to obtain field inspection services for the projects independently from the design of the projects. Because of the need for inspection services beyond the anticipated date in April, this Supplemental Agreement is required.

The cost for the Supplemental Agreement will increase the cost of the Contract by \$24,850 for a total of \$280,713. Funding is included in CIP W-549, Water Supply Plan Phase III, which has available funding of over \$29 million in 2006.

The Supplemental Agreement will ensure efficient infrastructure by providing reliable, compliant and secure utilities.

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

Motion--
--carried

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

C & D LANDFILL

CONSTRUCTION OF HAUL ROAD AT BROOKS CONSTRUCTION AND DEMOLITION (C&D) LANDFILL, HERZOG ENVIRONMENTAL, INC. (DISTRICT VI)-SUPPLEMENTAL.

Agenda Report No. 06-1284

On July 25, 2006, the City Council approved an agreement with Herzog Environmental, Inc. for the extra work required to divert and process the large quantities of roofing material brought in to Brooks C&D Landfill from storm damage last spring. The excess waste has been diverted to a separate area of the landfill that is being prepared to open as a future phase. Due to severe spring hail storms; an unusually large number of roofs were being replaced in Wichita and the surrounding area. As a result, Brooks had been receiving triple the debris it typically receives and most of the increase is due to the large number of residential shingles. Because the current phase of the C&D Landfill is nearing capacity, it was unable to receive this large quantity of material.

The Kansas Department of Health and Environment (KDHE) approved diverting the roofing material to the separate area, and using the material to prepare the area as a future landfill phase. This phase has just recently been permitted, on November 9, to begin taking C&D waste once the current phase is closed.

Herzog Environmental Inc, the City's landfill operations contractor, provided the City with costs per ton for the extra work needed to divert this material to the new location and prepare access to the new site. Assuming the quantity of roofing material would decline over the summer and fall months, the agreement with Herzog was approved at a cost not to exceed \$75,000. However, the volume continued through the fall months. Additional authorization in the amount of \$15,000 was necessary to continue this operation. Failure to continue this would have caused the capacity of the present phase to be rapidly exceeded, and would have required the landfill to be closed until the permit for the next phase was approved by KDHE.

This Supplemental Agreement authorizes the additional \$15,000 to provide for this necessary extension of the contractors work, at the same rates per ton as the original agreement.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 15

Funds for this work are available in the 2006 Brooks C&D Landfill operating budget.

This work supports the Core Area and Neighborhood Goal by continuing to provide affordable C&D waste disposal for the public and City of Wichita cleanup crews. The continued operation of the C&D Landfill is vital to maintain the cleanliness and vitality of the city.

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

Motion--
--carried

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

VICTIM'S RIGHTS

EXTENSION AND MODIFICATION OF CONTRACT, VICTIM'S RIGHTS SERVICES.

Agenda Report No.06-1285

Kansas law requires that municipalities provide notice to crime victims of certain court proceedings in conformity with the Victim's Bill of Rights contained in the Kansas Constitution and statutes. The City of Wichita has adopted Resolution. No. R-93-327 to implement these notification requirements. The services to implement this resolution have been provided to the City of Wichita through a contract with Correctional Counseling of Kansas.

Correctional Counseling of Kansas has provided services in the past and is willing to continue to provide the services on behalf of the city to comply with the Kansas Constitution.

Funds in the amount of \$35,385 have been approved in the Law Department Budget for purposes of paying for this program in 2007. The revised contract would increase compensation \$4,000, to \$39,385. Fund transfers would be needed to move that amount into OL3 2560 of the Law Department Budget to cover these costs.

Internal Perspective. The contract will provide for a function mandated by state law.

The City Attorney's office has prepared the Agreement and has approved it as to form.

Motion--
--carried

Mayans moved that the contract, budget transfer be approved and authorize the Mayor to sign the contract. Motion carried 7 to 0.

TERRADYNE WEST

TERRADYNE WEST ADDITION, NORTH OF CENTRAL, WEST OF 159TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-1286

The City Council approved the water and sanitary sewer improvements in Terradyne West Addition on November 28, 2006.

The proposed Agreement between the City and Poe & Associates, Inc. provides for the design of bond-financed improvements consisting of water and sanitary sewer in Terradyne West Addition. Per Administrative Regulation 1.10, staff recommends that Poe 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 Poe will be on a lump sum basis of \$31,150 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 and sewer 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.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 16

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

Motion--
--carried

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

OAK CREEK

OAK CREEK SECOND ADDITION, SOUTH OF 21ST STREET, WEST OF GREENWICH. (DISTRICT II)

Agenda Report No. 06-1287

The City Council approved the water and paving improvements in Oak Creek 2nd Addition on September 26, 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 and paving in Oak Creek 2nd Addition. 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 PEC will be on a lump sum basis of \$82,800 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 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

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

CHANGE ORDER

2006 CONCRETE STREET REPAIR PROJECT. (DISTRICTS I, V AND VI)

Agenda Report No. 06-1288

On August 15, 2006, the City Council approved a construction contract with Kansas Paving, Inc. to repair Ridge/Mid-Continent Drive, between Kellogg Drive and Taft; and Hydraulic south of the K-96 Freeway. During construction, it was determined that the amount of concrete pavement to be removed and replaced was greater than expected at the time of letting.

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

The total cost of the additional work is \$18,968. The funding source is Street Maintenance funds. The original contract amount is \$174,800. This Change Order represents 10.85% of the original contract amount.

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

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

Motion--
--carried

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

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 17

CHANGE ORDER

EQUUS BEDS AQUIFER STORAGE AND RECOVERY PROJECT PHASE I.

Agenda Report No. 06-1289

On January 10, 2006, City Council approved a Design/Build project with CAS Construction to construct a surface water treatment plant. On February 2, 2006, the City Council approved a Contract with Snodgrass Construction to construct facilities associated with Phase I of the Equus Beds Aquifer Storage and Recovery. On June 20, 2006, the City Council approved Change Order No. 1 with Snodgrass Construction. On October 17, 2006, the City Council approved Change Order No. 2 and adopted a Resolution granting an exception to the Change Order policy for this project because the aggregate total of Change Orders exceeded 10 percent of the initial bid.

Phase I with Snodgrass Construction includes a surface water intake, four recharge and recovery wells and two recharge basins. Change Order No. 3 consists of the cost associated with the increased depth of some of the monitoring wells and piezometers (per unit cost included in the Contract). Included is the cost to replace three monitoring wells belonging to the Equus Beds Groundwater Management District, installing additional erosion control around inlets to the recharge basins, installing let-down tubes in the recharge wells to improve well operation and altering the location of fencing around one of the recharge basins.

Change Order No. 1 included the addition of three miles of pipeline to separate the surface water and diversion well recharge systems. The cost for this modification was \$920,000; however by separating the facilities, the construction costs of the treatment plant were reduced by approximately \$3.5 million. When the cost of separating the recharge systems is not considered, total Change Orders have increased the Contract by only \$165,128 or 1.8 percent.

The original Contract was \$9,173,480. Change Order No. 1 increased the Contract by \$862,934, to \$10,036,414. Change Order No. 2 increased the Contract by \$152,082 and Change Order No. 3 will increase the Contract by \$69,122 to \$10,257,618. All Change Orders total \$1,084,138 or 11.8 percent of the original Contract. Funds are available in CIP W-549, Water Supply Plan, which has over \$26 million available in 2006.

Change Order No. 3 will ensure efficient infrastructure by providing reliable, compliant and secure utilities. The project assures adequate water supplies now and in the future, and is a critical component of the City's infrastructure.

Ordinance No. 198 requires that City Council approve Change Orders in excess of \$25,000. The Ordinance authorizes approval of Change Orders up to 25 percent of the original price on engineering projects and up to 10 percent of the original price for building contracts. City Council may, by Resolution, approve an exemption to the restrictions when deemed to be in the best interest of the City. Policy further restricts engineering projects to projects that have all line-item bids. Since this project was generally a lump sum bid, it is considered a building project and Change Orders, either individually or collectively, are limited to 10 percent of the original Contract price. The proposed Resolution allows City Council to consider Change Orders in excess of 10 percent of the original Contract. The Law Department has approved Change Order No. 3 and the Resolution as to form.

Motion--

Mayans moved that Change Orders No. 3; 2 be approved; the Resolution establishing Administrative Regulation 6.8 as its Change Order policy adopted and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 06-667

A Resolution of the Governing body of the City of Wichita permitting an exception to the change order policy as provided by City of Wichita Charter Ordinance No. 198, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

RESOLUTION NO. 06-668

A Resolution of the governing body of the City of Wichita adopting a change order policy as provided by City of Wichita Charter Ordinance No. 198 presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I AND II)

Agenda Report No. 06-1290

On December 4, 2006, the Board of Code Standards and Appeals (BCSA) held a hearing on the following five (5) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

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

| <u>Property Address</u> | <u>Council District</u> |
|--------------------------------|-------------------------|
| a. 917 North Beech | II |
| b. 2207 East Mossman | I |
| c. 2715 East 13th Street North | I |
| d. 1954 North Ash | I |
| e. 9743 East Chamberlin | II |

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

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

Motion--

Mayans moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on February 6, 2007 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 7 to 0.

--carried

RESOLUTION NO. 06-669

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the south half of Lot 4, Block 3, Lynch Addition to Travel Air City, Wichita, Sedgwick County, Kansas. Known as 917 North Beech may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-670

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 2, Block 4, Parkmore Addition to the City of Wichita, Sedgwick County, Kansas. Known as 2207 East Mossman may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure presented. Mayans

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 19

moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 20

RESOLUTION NO. 06-671

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the east half of Lot 2,4,6 and 8, on Mabe, now Estelle Avenue, Fairmount Park Addition to Wichita, Sedgwick County, Kansas. Known as 2715 East 13th Street North may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-672

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 1 and 3, on Strong, now Ash Street, Stout's Addition to Wichita, Sedgwick County, Kansas. Known as 1954 North Ash may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-673

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 1 and 2, Block 2, Travel Air City, Wichita, Sedgwick County, Kansas. Known as 9743 East Chamberlin appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

COWTOWN

CONTRACT FOR ARCHITECTURAL SERVICES FOR HISTORIC WICHITA-SEDGWICK COUNTY, INC. (COWTOWN) WITH RANDAL STEINER ARCHITECT, P.A. (DISTRICT VI)

Agenda Report No. 06-1291

The City has a 99-year lease with Cowtown and owns Cowtown's historical structures and the land it sits on. The City has an obligation to remain good stewards of the museum and restore the structures, while also ensuring that necessary safety requirements are put in place to protect the visiting public. A Memorandum of Understanding between the City, County and Cowtown states that the City will hire a historical architect to act as a consultant and inspect the facilities. Upon completion of the inspection process, the consultant will deliver a report on the condition of each building within the museum, which will be used to develop work plans for the upkeep and historical preservation of various buildings.

Following the standard RFP process set forth by the City, it was deemed by a committee that Randal Steiner Architect, P.A. be recommended to provide the professional services stated above. Based on Steiner's presentation and qualifications, the committee feels they will provide the detailed information necessary to develop a thorough work plan for Cowtown. Services will be completed hereunder on or before March 31, 2007.

The Professional Service cost shall not exceed \$58,000. The Arts and Cultural services are budgeted to receive the equivalent of one mill for 2007. The amounts allocated were based on preliminary assessed valuation estimates. Based on the final assessed valuation provided by the Sedgwick County Clerk, an additional \$58,982 is available

Enhance the Quality of Life

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 21

The Law Department has prepared and approved the Contract for Architectural Services as to legal form.

Motion-- Mayans moved that the contract with Randal Steiner Architect, P.A. to provide Architectural Services for Historic Wichita-Sedgwick County, Inc. (Cowntown) in the amount of \$58,000 and necessary budget adjustments be approved. Motion carried 7 to 0.
--carried

PARK WEST PLZA CONSENT TO TRANSFER OF PARK WEST PLAZA AND ASSIGNMENT/ASSUMPTION OF LAND USE RESTRICTION AGREEMENTS. (DISTRICT V)

Agenda Report No. 06-1292

In 1995 and 1997, the City issued Revenue Bonds to finance independent living facilities and assisted care facilities operated by Park West Plaza, LLC. All of the Bonds were paid in or prior to 2005, and the City conveyed the project back to Park West Plaza, LLC in 2005. Because some of the 1995 Bonds and 1997 Bonds were issued as tax exempt, under the Tax Code rules for qualified residential rental facility bonds (sometimes referred to as affordable housing bonds), the property had to be subjected to certain restrictions and requirements for occupancy by low-income tenants, for a period of years that has not yet expired. These requirements and restrictions were imposed by Land Use Restriction Agreements filed of record in 1995 and 1997, and these agreements continue to affect the property until the end of the restricted period, even though the Bonds have been paid and the property has been conveyed back to Park West Plaza, LLC. Park West Plaza, LLC would now like to sell the property to another entity, Legend Senior Properties, LLC, but under the terms of the Land Use Restriction Agreements, may do so only with the consent of the City and the Bond Trustee, and only after the proposed transferee agrees to take assignment of, and assume, all Park West Plaza, LLC's obligations under the Land Use Restriction Agreement. The proposed transferee must also furnish an opinion of its legal counsel that its agreement in this regard is binding.

Counsel for the proposed transferee has represented that the transferee is willing to furnish the agreement and legal opinion required to support the City's consent to the proposed transfer. Although the transfer is not proposed to be finalized until January 2007, Park West Plaza, LLC and the proposed transferee intend to proceed with an escrow closing prior to the end of 2006. Because this meeting is the only available agenda setting prior to the scheduled escrow closing, it is appropriate to approve the consent at this time, with delivery subject to the proposed transferee's execution of an appropriate Assignment and Assumption Agreement and delivery of a legal opinion that the same is binding upon the proposed transferee.

The requested consent will be without cost to the City. The conditions which the Land Use Restriction Agreement requires to be met prior to the delivery of the City's consent are designed to ensure that the land use restrictions continue to be binding on any transferee until such time as the period of the required restrictions expires under the terms of the agreement.

Economic Vitality and Affordable Living. The grant of the Consent, subject to the conditions imposed by the Land Use Restriction Agreements will demonstrate the continued flexibility of the City's bond financing program for housing developers, while at the same time preserving the affordable housing character of the project through the applicable period of restrictions.

The City Attorney's Office has reviewed the proposed Assignment and Assumption Agreement and the proposed Consent form, and has approved the same as to form.

Motion-- Mayans moved that the execution of the requested Consent, and its subsequent delivery, dependent on satisfaction of necessary conditions be approved. Motion carried 7 to 0.
--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 22

EXPO HALL

EXPO HALL OPERATING BUDGET ADJUSTMENT. (DISTRICT IV)

Agenda Report No. 06-1293

Expo Hall is a multi-functional public facility equipped with a full service kitchen, convention and exhibitor halls, and offers meetings rooms, which are accessible from the 2nd floor of the Hyatt Regency Hotel. On December 18, 2001, the City Council approved a management agreement for direct management of the hotel by the Hyatt Corporation. One of the services included in the management agreement is the responsibility to service, setup and disassemble the meeting rooms.

The 2006 Revised Park Department's Operating Budget for the operation at Century II Bob Brown Expo Hall included charges for the Hyatt Management contract in the amount of \$175,000, however the Hyatt service fees continue to increase each year. Currently, the contractual payments for the Hyatt are \$23,712 for October, \$25,107 for November and an estimate of \$28,200 for December due to an increase of holiday rentals. This will require a budget adjustment from the Century II Operating Budget to the Expo Hall Operating Budget of \$77,000. It is estimated that the Hyatt 2006 revenues for services provided will be \$510,000 and expenses will be 250,000 thus resulting in a net profit of \$260,000.

The 2006 Century II Operating Budget will have year-end personal services, contractual, and commodity budget savings. However, to cover the additional increase in Hyatt service fees, a budget adjustment needs to be made from the Century II to the Expo Hall Operating Budget. Sufficient budget authority is available due to savings to move from Century II to Expo Hall, to cover the shortfalls in the contractual budget.

The Bob Brown Expo Hall is a public facility that provides citizens with Quality of Life by offering a public facility that hosts local, regional and national conventions, trade shows, and other venues.

Budget transfers in excess of \$25,000 require the City Council approval.

Motion--
--carried

Mayans moved that the transfer of funds within the department's operating budget be approved.
Motion carried 7 to 0.

PARK LIGHTING

PARK LIGHTING. (DISTRICTS V AND VI)

Agenda Report No. 06-1294

In keeping with the recent approved Safe and Secure Community Goal approved by City Council, the Park and Recreation Department strives to improve nighttime use of park facilities and recreation centers through these various lighting projects.

The 2007 Park Capital Improvement Program (CIP) includes \$100,000 for the placement of outdoor lights in new and existing parks and replacement of damaged or obsolete light fixtures at existing parks, park facilities, and recreation centers. Funding will provide for improvements to Country Acres Park, Sycamore Park, and Park Villa in North Riverside Park.

The 2007 Park CIP includes \$100,000 for the construction and replacement of park lighting at City parks, park facilities, and recreation centers. The funding source is general obligation bonds.

Replacement and additional new lighting for parks will help to improve community safety and will satisfy citizens with improved quality of life through extended hours of use of parks.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 23

The Law Department has approved the Resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted; the initiation of the project authorized and all necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-674

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the placement and replacement of outdoor lights at Country Acres Park, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-675

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the placement and replacement of outdoor lights at Park Villa Shelter in North Riverside Park, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-676

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the placement and replacement of outdoor lights at Sycamore Park, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

PLAYGROUND

PLAYGROUND REHABILITATION AND DEVELOPMENT. (DISTRICTS III, IV, AND VI)

Agenda Report No. 06-1295

Starting in 2000, the City has been in the process of renovating playgrounds and replacing playground equipment across the city of Wichita to enhance this community resource and address safety concerns associated with current configurations.

The 2007 Park Capital Improvement Program (CIP) includes \$200,000 in funding to rehabilitate park playgrounds and amenities in various locations. The following sites have been identified for renovation and equipment replacement in 2007: West Millbrook, O. J. Watson, Buffalo, and Sycamore Parks.

Investment in West Millbrook will be to replace the wood play features that are worn and create safety concerns. O. J. Watson will receive a new swing set on the East playground to replace the existing swing that does not meet current safety standards. Buffalo will include complete renovation by removing the very old playground features and replacing them with a new playground system and independent play elements to replace the concrete play features that were removed approximately two years ago. Sycamore Park will receive a new spacenet climber to replace an old merry-go-round whirl and several concrete features that were removed approximately two years ago.

The 2007 Park CIP includes \$200,000 for renovating playgrounds and replacing playground equipment. The funding source is general obligation bonds.

Playground improvements will help to support vibrant neighborhoods and will increase a sense of community, neighborhood involvement and satisfaction.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 24

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that bonding resolution be adopted; initiation of the project authorized and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-677

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the renovation and replacement of playground equipment presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-678

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the renovation and replacement of playground equipment presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-679

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the renovation and replacement of playground equipment presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION No. 06-680

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the renovation and replacement of playground equipment presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

PARKING LOTS

PARKING LOTS, SIGNAGE AND ENTRY DRIVES.

Agenda Report No. 06-1296

The Park and Recreation Department has a number of parking lots across the city, which, by city code, must be paved. In addition, entry drives and parking lots at a number of Park and Recreation facilities and sites are in various stages of disrepair and in need of major reconstruction. Facilities and sites impacted include; recreation centers, swimming pools, athletic fields, and parks. Furthermore, the Park and Recreation Department has utilized the same design for park signs for many decades and the current system of park signs is outdated. A new City logo developed and adopted several years ago has become a strong symbol for our city and current signs do not have the City seal to promote the parks correlation with other important City amenities.

The 2007 Park Capital Improvement Program (CIP) includes funding for park signs and the paving and reconstruction of parking lots and entry drives. The City has identified the need to develop a new sign standard for the park system. In 2005 design services were contracted to McCluggage, Vansickle and Perry that established a new standard and identity for the park system. This new entry sign standard will be constructed at several major parks. In addition, paving and reconstruction of entry drives and parking lots will protect the City's investment in Park and Recreation facilities and amenities and enhance their use by fee-paying users, neighborhood groups, and citizens. A parking area requiring paving for code compliance that will be addressed this year is the main parking lot for West Side Athletic Field.

The 2007 Park CIP includes \$450,000 for the paving and reconstruction of parking lots and entry drives at Park and Recreation facilities and sites across the city. The funding source is general obligation bonds.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 25

New park signs and reconstruction or paving of unpaved parking lots in parks will improve the quality of parks and help to increase and sustain neighborhood vibrancy and community satisfaction.

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted; initiation of the project authorized and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-681

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the repair and construction of entry drives and parking lots at the West Side Athletic Field presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-682

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the repair and construction of entry drives and parking lots at the West Side Athletic Field presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

PARK PATHWAYS

PARK PATHWAYS AND SIDEWALKS.

Agenda Report No. 06-1297

The Park and Recreation Department is responsible for ensuring that the City's park paths and sidewalks comply with ADA requirements and provide for the safety of park users.

The 2007 Park Capital Improvement Program (CIP) includes \$40,000 for the construction and repair of paths and sidewalks in City parks. Funding will provide for necessary installations and safety improvements at a number of parks. Investment will be made in Harvest Park to constructed sidewalks along the North and West sides of the park, Riverside Park to repair broken and uneven sections of sidewalk and sidewalk replacement at other park locations as these locations are noticed or brought to the attention of Park Department staff throughout the year.

The 2007 Park CIP includes \$40,000 for the construction and repair of pathways and sidewalks in City parks. The funding source is general obligation bonds.

Improved pedestrian access and safety of sidewalks in public parks will improve the quality of parks and help to increase and sustain neighborhood vibrancy and community satisfaction.

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted; initiation of the project authorized and the all necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-683

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the construction and replacement of sidewalks at Harvest, Riverside and various other parks as needed presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 26

SWIMMING POOLS SWIMMING POOL IMPROVEMENTS.

Agenda Report No. 06-1298

The 2007 Park and Recreation CIP will provide funding for improvements to various swimming pools across the city on a periodic, as-needed basis. Council has approved this yearly CIP fund since 2000. Past projects using this fund include diving and lifeguard stand replacement, shade structure installation, bench and picnic table replacement, sandblasting/painting of pools and water slides.

The Park and Recreation Department maintains and operates eleven (11) municipal pools within the City's park system. Plans for 2007 swimming pool improvement projects include interior bathhouse renovations at Harvest pool, waterslide at Aley pool, diving stand replacement at Boston and Linwood pools, diaper changing stations at all pools. Chemical controllers will be updated at Aley, Evergreen, Linwood, McAdams, Minisa and Orchard pools. These improvements will allow more efficient chemical usage, address bathhouse issues, and help keep the pools operating in a safe manner for the citizens of Wichita.

Funding in the amount of \$100,000 will be available within the Park & Recreation Department's 2007 CIP budget to fund the improvements. The source of funding is General Obligation bonds.

This project will impact the Quality of Life Goal by providing citizens quality aquatic facilities. The improved pools and mechanical systems will provide on-going family recreational aquatic activities, swimming lessons and competitive swim opportunities for Wichita citizens and visitors to enjoy

The Law Department will review the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted and initiation of the project authorized.
Motion carried 7 to 0.

RESOLUTION NO. 06-684

A Resolution authorizing the issuance of Bands by the City of Wichita at Large for the replacement of pool vacuums at Aley, Boston and Harvest swimming pools and installation of baby changing stations and update of caulking on decks and basins at all swimming pools presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-685

A Resolution authorizing the issuance of Bands by the City of Wichita at Large for the renovations of the bathhouse at Harvest Swimming Pool, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-686

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the replacement of waterslide at Aley swimming pool, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-687

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the replacement of chemical controllers at Aley Swimming Pool, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 27

RESOLUTION NO. 06-688

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the replacement of diving stands at Boston Swimming Pool, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-689

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the replacement of chemical controllers at Evergreen Swimming Pool, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-690

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the replacement of the diving stand at Linwood Swimming Pool, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-691

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the replacement of the chemical controller at Linwood Swimming Pool, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-692

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the replacement of the chemical controller at McAdams Swimming Pool, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-693

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the replacement of the chemical controller at Minisa Swimming Pool, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-694

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the replacement of the chemical controllers at Orchard Swimming Pool, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

PROS PLAN

PARK RECREATION AND OPEN SPACE (PROS) PLAN.

Agenda Report No.06-1299

The City of Wichita Park and Recreation Department currently utilizes the 1996 Parks and Pathways plan and the 1999 Park and Recreation Facilities Study to guide the provision of City Park, Recreation, and Open Space (PROS) resources. The 1996 Parks and Pathways Master Plan updated the prior 1976 Wichita-Sedgwick County Park and Open Space Plan, providing a vision for a countywide park, open space and pathway system to the Year 2010. In 1999 the Parks and Recreation Facilities study was completed with the principle purpose of inventorying and analyzing the conditions of the major parks, recreation facilities, and other park amenities. This study also provided a comparison of the available park and recreation resources to the priorities of Wichita's citizens.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 28

The Park Department, Wichita Board of Park Commissioners and the Wichita-Sedgwick County Metropolitan Area Planning Department are developing a new Wichita PROS Plan to update the 1996 Plan and 1999 Study. The new PROS Plan will enable the Park Board and City Council to ensure that the provision of the PROS resources reflect the priorities and needs of Wichita citizens. In addition to the PROS Plan development processes, the project will also involve fundraising activities for a lecture/speaker series, charettes, public input and other project expenditures not included in the RFP for this project.

An RFP was released in August 2006 and the City of Wichita Purchasing Department officially received six formal submissions for the request. Of those firms that submitted, four firms were selected for a final interview presentation to present their ideas and plan to the Staff Screening and Selection Committee (SSSC). Based on the interviews and the overall proposal evaluations, the SSSC is recommending Moore Iacofano Goltsman, Inc (MIG) to complete the plan.

The Capital Improvement Plan has \$250,000 that has been specifically identified for the plan.

The PROS Plan is a long-range plan that will provide an opportunity for citizens to provide input into future park development, programming and open space to improve their quality of life.

The Law Department has reviewed the contract as to form.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

ROOF

REPLACEMENT OF THE WICHITA CITY HALL ROOF. (DISTRICT VI)

Agenda Report No. 06-1300

The Wichita City Hall roof was replaced in early 1994 and has served two (2) years beyond its ten (10) year warranty and life expectancy. In addition, the roof received hail damage in the summer of 2006.

Currently the EDPM membrane has broken adhesion due to hail damage and other undetermined factors and is in a deteriorating condition with a limited life expectancy. A new roof needs to be installed before next summer.

City Hall Roof Replacement is in the current CIP for funding in 2006. The Bonding Resolution has been written and is ready to be issued. An Organizational Cost Account has been established (OCA 792492) for the purchase of materials and labor to replace the roof in the amount of approximately \$150,000.00.

This project addresses the Efficient Infrastructure goal by maintaining and optimizing public facilities and assets by replacing the roof membrane to maintain and protect a public facility.

The Law Department has approved Resolution as to form.

Motion--
--carried

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

CITY COUNCIL PROCEEDINGS

RESOLUTION NO. 06-695

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of replacing the roof at Wichita City Hall, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

STREET MAINT.

PROPOSED 2007 CONTRACTED STREET MAINTENANCE PROGRAM.

Agenda Report No. 06-1301

Each year, funding is allocated in the City's budget for contracted repairs and resurfacing of City streets. The Contracted Street Maintenance Programs provide maintenance work including concrete repairs, curb and gutter repairs, bridge repairs, crack repairs, and asphalt surface treatments of city streets. The Street Maintenance budget is the primary funding source for this program.

The 2007 Budget, approved by the City Council in August, provides for the following funding levels for contracted street repairs:

| | |
|---|----------------|
| Street Maintenance Budget | \$ 6,068,910 |
| Capital Investment Maintenance Program (General Fund) | <u>762,400</u> |
| Total Contracted Street Maintenance Program | \$ 6,831,310 |

The City of Wichita is responsible for maintenance of approximately 1,700 miles of paved streets, and 96 miles of dirt streets. In addition, the City maintains 300 bridges and 30 pedestrian bridges. The Department of public works utilizes a computerized Pavement Management System (PMS) to assess the street conditions throughout the City, and prioritize needed repairs. Staff uses this information, along with citizen input and CIP planning documents, to develop the maintenance programs.

The 2007 program will provide repairs to approximately 8 miles of arterial streets, 3.25 miles of collector streets and 24.5 miles of residential streets. The work will focus on concrete repairs, crack repairs, and asphalt resurfacing.

The proposed total expenditure for Contracted Street Maintenance Programs is \$6,831,310. Funds have been approved in the 2007 budget for these programs.

This project will support the Efficient Infrastructure Goal by providing improved, safer streets throughout the City.

Motion--
--carried

Mayans moved that the 2007 Contracted Street Maintenance Program be approved. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 30

KELLOGG/ROCK

AMENDING ORDINANCE, KELLOGG/ROCK INTERCHANGE. (DISTRICT II)

Agenda Report No. 06-1302

On May 8, 2001, the City Council approved an ordinance with a budget of \$27,210,000 to begin acquisition of right-of-way for the Kellogg/Rock interchange project. On April 2, 2002, the City Council approved an ordinance to increase the budget by \$77,790,000 to complete the right-of-way acquisition and begin the early phases of the construction work. On October 24, 2006, the City Council approved an ordinance to increase the budget to \$145,000,000 to complete the final phase of construction. An attempt to award a construction contract within the approved budget was not successful. An amending ordinance has been prepared to increase the project budget.

This is the final project needed to complete the Kellogg Freeway to Cypress, east of Rock.

The existing budget is \$145,000,000 with \$110,348,000 paid by the City and \$34,652,000 paid by Federal and State Funds. The increased budget is \$155,000,000 with \$120,348,000 paid by the City and \$34,652,000 by Federal and State Funds. The funding source for the City share is the Local Sales Tax.

This project addresses the Efficient Infrastructure goal by providing a safe and efficient transportation system. It addresses the Economic and Affordable Living goal by providing a public improvement, which reduces the cost of transportation. It also improves the air quality of the region whereby the goal of a Safe and Secure Community is met by improving environmental health.

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

Motion--

Mayans moved that the supplemental funding be approved; the amending Ordinance placed on First reading, and the signing of State/Federal agreements as required authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, amending sections 1 and 2 of Ordinance no. 47-276 of the city, in order to restate the estimated cost of improvements and the manner of payment of said improvements therein authorized, introduced and under the rules laid over.

KICE BUILDINGS

DEMOLITION OF FORMER KICE INDUSTRIES BUILDINGS, NORTH OF PAWNEE, AT THE UNION PACIFIC RAILROAD CORRIDOR. (DISTRICT III)

Agenda Report No. 06-1303

The City of Wichita acquired the Kice Industries Buildings, 2020 S. Mead and 808 E. Clark, in 2003 as part of the Pawnee, UPRR grade separation project. The vacant buildings, which have been broken into and vandalized, should be demolished

Upon completion of the railroad corridor project, any remaining surplus property can be returned to private ownership and redeveloped

The estimate demolition cost is \$200,000. Funding is available from the Wichita Rail Corridor project.

This project addresses the Efficient Infrastructure goal by improving a vital transportation route.

Motion--

Mayans moved that the demolition of the Kice Industries buildings be authorized. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 31

RAILROAD PERMIT RAILROAD PERMIT FOR A WATER DISTRIBUTION SYSTEM TO SERVE CLIFTON COVE ADDITIONS, NORTH OF 63RD STREET SOUTH, ALONG BOTH SIDES OF CLIFTON. (DISTRICT III)

Agenda Report No. 06-1304

On November 15, 2005, the City Council approved a water line project to serve the Clifton Cove Additions, a new residential and commercial development located north of 63rd St. South, along both sides of Clifton.

A permit from the BNSF Railroad Company is required to allow construction of the water line through railroad right-of-way.

The permit fee totals \$3,500, and shall be paid by the improvement district and Water Utility as a shared expense to the project.

This project addresses the Efficient Infrastructure goal by providing water system improvements required for new development.

The Law Department has reviewed the permit agreement and approved it as to form.

Motion--
--carried

Mayans moved that the railroad permit agreement be approved; payment to the railroad authorized and the necessary signatures authorized. Motion carried 7 to 0.

TRAILS GRANT KANSAS DEPARTMENT OF WILDLIFE AND PARKS-RECREATIONAL TRAILS GRANT. (DISTRICT III)

Agenda Report No.06-1305

Environmental Services Wichita Area Treatment, Education and Remediation (WATER) Center, has enhanced Herman Hill Park through construction of a creek, walking trails, an aquarium and educational signage. The Kansas Department of Wildlife and Parks (KDWP) Recreational Trails Program is a grant program to be used to enhance outdoor recreation. ES Department project will create an illustrated trail guide for use along the trail to enhance the visitor's experience to the park.

The grant application deadline was August 1, 2006. Under authority of City of Wichita Administrative Regulation No. 61, the City Manager is authorized to submit the grant application where delay would invalidate the grant application. The City Manager did authorize submittal of the grant application.

Environmental Services requests authorization to apply for and accept the Recreational Trails Program grant. The WATER Center is partnering with a Boy Scout Eagle candidate to develop and construct an interpretive trail and corresponding guide, which will enhance the recreational opportunities in Herman Hill Park and educate users on Kansas' native flora and fauna. The grant will fund the supplies needed to install identification posts along the ADA-accessible side of the WATER Center trail as well as the layout and printing of a color trail guide. The trail area impacted by the project is approximately 0.5 miles and leads from the WATER Center to the Arkansas River.

Expanding the recreational and learning opportunities in Herman Hill Park and at the WATER Center helps meet the implementation initiatives of the South Central Neighborhood Revitalization Plan including "increasing recreational opportunities" and "promoting the river as a community destination." The trail enhancement also helps meet the public demand for more miles of trail as expressed in the 1996 Park and Open Space Master Plan.

The Department of Environmental Services is requesting KDWP Recreational Trail Program grant funding of \$10,000. The grant requires a 20% match (\$2,500) that is provided through the in-kind effort of WATER Center Staff and the assisting Eagle Scout candidate.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 32

Enhance Quality of Life – Citizens would like to enhance Wichita’s quality of life.

The Law Department has reviewed the application as to form.

Motion--
--carried

Mayans moved that the grant application and in-kind match be approved; the grant award accepted and the necessary signatures authorized. Motion carried 7 to 0.

SENIOR WEDNES.

SENIOR WEDNESDAYS PROGRAM. (DISTRICT III)

Agenda Report 06-1306

Senior Wednesdays has been a program officered by the WATER Center since 2005 and was funded in 2006 by a portion of a Kansas Health Foundation Recognition Grant. This program utilizes the WATER Center’s mission as the basis for the program to focus on senior citizens. It directly impacts the health of senior adults by enhancing their quality of life through community involvement, lifelong learning and the opportunity to socialize with other senior adults.

The WATER Center is part of a local, informal coalition of museums focusing their efforts once a month specifically on seniors. The WATER Center received notice recently that the Senior Wednesday program had been awarded a Kansas Health Foundation Recognition Grant. The grant will be managed by the Sedgwick County Zoo (who submitted the grant application). The grant money will be used to offset the marketing expenses associated with the program and to fund the program supplies and presentations of the ten museums involved in presenting Senior Wednesday programs including Environmental Services WATER Center.

The WATER Center has been awarded \$1852.00 for the 2007 Senior Wednesday program from the Kansas Health Foundation Recognition Grant received by the Sedgwick County Zoo. There is no match required. The WATER Center agrees to:

- To use the grant monies toward Senior Wednesdays programming, and
- To make available, on request by the Kansas Health Foundation, all financial and other records relating to Senior Wednesdays.

Enhance Quality of Life by educating senior citizens on water pollution and conservation concepts to protect the City of Wichita’s natural resources.

The Department of Law has approved the grant award as to form.

Motion--
--carried

Mayans moved that the grant application be approved; the grant award accepted and the necessary signatures authorized. Motion carried 7 to 0.

ICP MASS

ICP MASS SPECTROMETER PURCHASE

Agenda Report No.06-1307

The drinking water laboratory in the Production & Pumping Division budgeted for the purchase of an inductively coupled plasma mass spectrometer (ICP Mass Spec) to test water samples for drinking water regulations. The present equipment, a SimaAA6000 Graphite Furnace Atomic Adsorption Spectrophotometer, was purchased in 2000 and will be six years old. The current instrument has had an increasing number of problems during the past year, which has forced raising the detection limits of some key elements, such as selenium and antimony.

Requests for Proposals were sent to equipment manufacturers with two firms responding. The Staff Screening & Selection Committee met November 8, 2006, to discuss the qualifications. The committee met again November 16, 2006, and conducted telephone interviews with the two manufacturing firms. Perkin-Elmer was selected to provide the equipment.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 33

The Production & Pumping Division has \$210,000 allocated in the 2006 operating budget for purchase of the equipment. The purchase from Perkin-Elmer will total \$196,246.

This purchase will support the goal of Efficient Infrastructure by providing reliable and compliant water utility service.

There are no legal considerations.

Motion--
--carried

Mayans moved that the purchase be approved and the necessary signatures authorized. Motion carried 7 to 0.

CUSTOMER INFO.

REALLOCATION OF BUDGETED FUNDS FOR CUSTOMER INFORMATION SYSTEM UPGRADE FROM OPERATING BUDGET TO CAPITAL BUDGET.

Agenda Report No. 06-1308

As part of the 2006 adopted budget, the City Council approved the upgrade of the utility billing software. A total of \$748,480 was budgeted, with \$487,000 budgeted in 2006 and \$261,480 budgeted in 2007.

Contract negotiations with the two vendors involved in the project (Indus and MAK Solutions) have taken longer than anticipated. Further, implementation has been extended somewhat because of the belief that the version of the software that is slated to be installed needs to mature and be more fully tested at other site locations.

To secure funding for the software, the monies currently budgeted in the Operating Budget need to be reallocated to the Capital Budget. To streamline payment of the purchase, the 2007 budgeted amount will be initiated in the Capital Budget, as well, with funds being transferred from contingency in order to cover the reallocation of the 2007 monies in 2006. This action does not increase overall project expenditures for CIP W-006, Upgrade of Utility Billing Software.

This proposed action will promote achievement of Efficient Infrastructure by improving customer service for Utility customers.

Budget transfers over \$25,000 require City Council approval. The Law Department has approved the Resolution as to form.

Motion--
--carried

Mayans moved that the reallocation of funds and expenditure be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-709

A Resolution of the City of Wichita, Kansas, Declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$748,475 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 34

WATER DISTRIB.

WATER DISTRIBUTION MAINS FOR FUTURE DEVELOPMENT.

Agenda Report No. 06-1309

This project is included in the ten-year Capital Improvement Program to serve future developments and newly annexed areas. It provides for the City's share of funding the installation of new water mains. These mains serve as the backbone of the system and establish the current service area of the water distribution system.

The Water Master Plan indicates the need to extend the water distribution system where future growth and development is occurring. This is primarily due to growth outside of, or in addition to, the growth area of the City that was anticipated at the time the Water Master Plan was prepared. The projects are identified when a petition for water system extensions is received. The water utility pays for links and oversizing of the water system in developments. Additionally, funds are used to design and relocate water mains for future Public Works projects.

Unidentified Water Mains (CIP W-65) has a budget of \$2,000,000 in 2007. It will be funded from future revenue bonds and/or Water Utility cash reserves.

This project addresses the Ensure Efficient Infrastructure goal by providing reliable water service to the Water Utility customers.

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

Motion--
--carried

Mayans moved that the project expenditures for 2007 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-696

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$2 Million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SANITARY SWER

RECONSTRUCTION AND/OR REHABILITATION OF SANITARY SEWERS.

Agenda Report No. 06-1310

The Sewer Maintenance Division of the Water & Sewer Department maintains the sanitary sewer system. Preventive maintenance includes the use of closed circuit cameras in evaluating the old sewer lines. The sewer lines that are in the poorest condition are scheduled for reconstruction or rehabilitation.

The reconstruction and rehabilitation of sanitary sewers helps to eliminate stoppages, backups, failures, and reduces inflow and infiltration into the system. Maintenance costs are thereby reduced, as well as inconvenience to customers.

Capital Improvement Program, Reconstruction and/or Rehabilitation of Sanitary Sewers (CIP S-4) has a budget of \$4,500,000 for 2007 and will be funded from future revenue bonds and/or Sewer Utility cash reserves.

This project addresses the Ensure Efficient Infrastructure goal by providing reliable sewer service to the Sewer Utility customers.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 35

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

Motion--
--carried

Mayans moved that the project expenditures for 2007 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-699

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$4,500,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SANITARY SEWER

SANITARY SEWER MAINS FOR FUTURE DEVELOPMENT.

Agenda Report No. 06-1311

This project is included in the ten-year Capital Improvement Program as sanitary sewer extensions to serve future developments, newly annexed areas and to provide for the City's share of costs to construct new sanitary sewer mains to serve existing areas without sewer service. These funds are used to plan, model, design, construct and/or relocate sanitary sewers for future growth.

The Sewer Master Plan indicates future needs to expand the sanitary sewer service area. This project is in support of the City of Wichita Sewer Master Plan.

Capital Improvement Program (CIP S-5), Mains for future Development, has a budget of \$2,500,000 for 2007 and will be funded from future revenue bonds and/or Sewer Utility cash reserves.

This project addresses the Ensure Efficient Infrastructure goal by providing reliable sewer service to the Sewer Utility customers.

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

Motion--
--carried

Mayans moved that the project expenditures for 2007 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-701

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$2.5 Million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 36

PLANEVIEW WATER PLANEVIEW WATER SYSTEM IMPROVEMENTS. (DISTRICT III)

Agenda Report No. 06-1312

The 2007 adopted Water Utility Capital Improvement Program provides for improvements to the water system in Planeview. Water mains were recently replaced and relocated in various portions of Planeview because the old mains were leak prone. The water mains were relocated from the backyards into street rights-of-way where maintenance of the mains will be more convenient and less expensive.

Authorized improvements include the installation of new consumer lines by a licensed plumber. All new consumer lines are to be metered, as previously some individual accounts were not. Metering the old flat-rate accounts will reduce unaccounted for water and is a conservation measure recommended by the State of Kansas. The Wichita Water Conservation Program includes the state's conservation recommendation.

Capital Improvement Program, Planeview Consumer Line Improvements (CIP W-70) has a budget of \$100,000 for 2007 and will be funded from future revenue bonds and/or Water Utility cash reserves.

This project addresses the Ensure Efficient Infrastructure goal by providing reliable water service to the Water Utility customers in the Planeview area.

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

Motion--
--carried

Mayans moved that the project expenditures for 2007 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-703

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$100,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

GOB & NOTE SALE GENERAL OBLIGATION BOND AND NOTE SALE.

Agenda Report No. 06-1313

The City is planning to offer for sale two series of general obligation temporary notes in an amount not to exceed \$62,093,000 (Series 218 and 219) and two series of general obligation bonds (Series 788 and 788A) totaling \$19,915,000 for the purpose of providing interim and permanent financing for capital improvement projects of the City. The public sale of the bonds and notes is scheduled for 10:30 a.m. on January 9, 2007, at which time bids will be opened and the City Council will award the sale of bonds and notes to the bidders whose proposed interest rates result in the lowest overall cost to the City.

The City's Winter 2007 general obligation bond and note sale includes the following issues:

Temporary Notes

The proceeds from the sale of the Series 218 Renewal and Improvement Temporary Notes will be used to provide interim financing for City-at-large, improvement district projects and public improvements located within the East Bank Tax Increment Financing District. The Series 219 Taxable Renewal Temporary Notes will also be used to provide interim financing for improvements located within the East Bank Tax Increment Financing District.

CITY COUNCIL PROCEEDINGS

Special Assessment Bonds

The proceeds from the sale of the Series 788 and 788A Bonds will be used to permanently finance neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 788 and Series 788A Bonds. The General Obligation Bonds, Series 788 will be issued in the par amount of \$14,930,000 and the General Obligation Bonds, Series 788A will be issued in the par amount of \$4,985,000.

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

The Series 218 and 219 Temporary Notes will mature on August 9, 2007 and will be retired using the proceeds of both permanent financing bonds, renewal notes and cash.

The Series 788 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 788 Bonds are payable from the collection of special assessments levied against benefiting properties, and if not so paid, from Citywide ad valorem taxes. The Series 788 Special Assessment Bonds will be callable in 2014 with a 1% call premium.

The Series 788A Special Assessment Bonds will mature serially over 20 years with principal maturities structured to produce level annual payments of principal and interest. The Series 788A Bonds are payable from the collection of special assessments levied against benefiting properties, and if not so paid, from Citywide ad valorem taxes. The Series 788A Special Assessment Bonds will be callable in 2017 with a 1% call premium.

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

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

Motion--

Mayans moved that the resolution be adopted; the general obligation bond and note sales authorized; the distribution to prospective bidders of the Preliminary Official Statement, subject to such minor revisions as may be determined necessary by the Director of Finance and Bond Counsel approved; finding that such Preliminary Official Statement is in a form "deemed final" for the purpose of the Securities Exchange Commission's Rule 15c2-12(b)(1), subject to revision, amendment and completion in the final Official Statement; and publication of the Notice of Sale authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO.06-704

A Resolution of the City of Wichita, Kansas, authorizing and providing for the public sale of general obligation renewal and improvement temporary notes, Series 218, general obligation renewal temporary notes, Series 219 (taxable under Federal Law) and general obligation bonds, Series 788 and 788A; and providing for the giving of notice of the public sale, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 38

TRANSIT BUDGET BUDGET INCREASE-TRANSIT OPERATING BUDGET

Agenda Report No.06-1315

As a result of a mediated settlement of litigation approved by Council on November 7, 2006, it is necessary to transfer additional funds to provide for payment of that settlement that will need to be made before year-end 2006. That agenda report inadvertently omitted language to increase Transit Operating Budget expenditures by \$40,000 to pay the settlement.

Existing fund balances will allow a transfer of \$40,000 to fund legal this settlement.

Funds for the transfer are available in the Transit Fund.

The transfers are necessary to pay a mediation award and to pay costs of that mediation as previously approved by Council. Because the Transit Fund is not certified, the operating budget can be increased by City Council action without re-certifying the budget with the State of Kansas.

Payment of this sum addresses the City's obligation to provide efficient infrastructure by resolving a dispute over operating procedures for the transit system.

Motion--
--carried

Mayans moved that an increase of \$40,000 in the 2006 Revised Transit Fund expenditure budget be approved. Motion carried 7 to 0.

BUDGET ADJUST. BUDGET ADJUSTMENT (2006 YEAR-END).

Agenda Report No.06-1316

The City of Wichita's fiscal year operates on a calendar year basis. At year-end, various budget adjustments are typically necessary to allow the City to accomplish fiscal year-end closing, including paying vendors in a timely manner. Typically, these issues can be addressed by shifting funding between budgeted line items, and not increasing overall fund expenditures. Any adjustment over \$25,000 requires authorization by the City Council.

The predominant need for year-end budget adjustments is due to the payroll. The final payroll of the 2006 spans two fiscal years. To properly account for vacation and payroll, accrual adjustments are made, as necessary, to place salary and benefit expenditures in the correct fiscal year prior to closing out the current year. Payroll amounts may exceed budgeted cost center amounts typically if positions are reassigned among cost centers, or if the employee usage of fringe benefits differs from budgeted, presumed usage. To facilitate year-end closeout and address any accrual adjustments or other personal services expenditures that might cause year-end budget failures, authority to transfer between operating accounts up to \$400,000 is requested. Adjustments will not alter or increase total expenditure authority for any fund.

The City has actively utilized temporary part time employees and contractual vendors in 2006. Typically, these contractual employees are utilized to continue providing service during periods of full time employee turnover, or to provide short-term labor resources for assignments, which are not inherently suited for full time employment. Since labor costs are ordinarily budgeted in the personal services line item, any unforeseen use of temporary employees or contractors can cause budget failures. Since the usage of temporary staff or contractors is nearly always less expensive than full time employees the practice of using temporary staff generally reduces overall City expenditures. Two examples of part time usage include Police Records – using temps for typing and clerical duties during periods of permanent employee turnover - \$50,000, and Public Works Building Services – using a custodian contractor in lieu of full time staffing - \$75,000. To facilitate year-end closeout and address any usage of temporary staffing and contractors in lieu of full time employees, that might cause year-end budget failures, authority to transfer up to \$250,000 between General Fund operating accounts is requested.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 39

High fuel and utility prices continue to impact line item budgets. The 2006 budget did incorporate an increased price assumption for gasoline and diesel fuel. However, fuel prices have remained higher than anticipated (particularly in the first half of 2006). Fuel prices impact primarily non-fleet rental vehicles, such as Fire apparatus, golf maintenance equipment, the police helicopter and transit vehicles. In many cases, increased natural gas consumption due to cold weather is offset by reductions in other utility line items. However, in several budgets, prolonged cold weather in December will cause natural gas and utility expenditures to exceed budgeted amounts. To facilitate year-end closeout and address any issues arising from higher than budgeted expenditures for fuel and utilities that might cause year-end budget failures, authority to transfer up to \$155,000 between General Fund operating accounts, \$148,000 in the Water Fund, \$78,000 in the Sewer Fund, and \$20,000 in the State Office Building Fund is requested.

City support for the Wichita Art Museum is expensed in a Special Revenue Fund, to segregate the City subsidy for the museum and to allow unexpended balances to re-appropriate for future years. Expenditures from the fund are budgeted annually first to cover projected personal services costs, with remaining funds budgeted for utilities. The Wichita Art Museum has experienced employee turnover in 2006, resulting in salary savings. The Wichita Art Museum is requesting up to \$240,000 in salary savings be reprogrammed to fund additional utility costs. Because the Museum operates within its own Special Revenue Fund, any unexpended portion of their 2006 appropriation will roll to cash balance in the Art Museum Fund and would be re-appropriated in future years. Executing a budget adjustment now makes the funding available to the Museum this year.

To the extent possible, budget adjustments will be made from within line items in the impacted departments. General Fund departments that have insufficient expenditures elsewhere will use appropriated reserves. Appropriated reserves have been maintained (within legal levels and according to sound financial management). Funds are available to meet the accrual needs without adverse consequence to resources needed for future programs/operations.

These budget adjustments impact the Internal Perspective by preserving the financial viability of City operations.

Budget adjustments in excess of \$25,000 require City Council approval. Adjustments will be within certified expenditure limits for each fund.

Motion--
--carried

Mayans moved that the necessary year-end budget adjustments to facilitate fiscal year-end closing be approved. Motion carried 7 to 0.

FARE ADJUST.

FARE ADJUSTMENTS.

Agenda Report No.06-1317

Wichita Transit provides over two million fixed-route and 330,000 curb-to-curb paratransit rides annually. Since the fall of 1996 (over ten years), the fare rates have remained static. Currently, a fare of \$1.00 is charged for riders on the fixed-route bus service; in addition, riders must pay 25¢ for transfers if moving to another bus. Since Wichita Transit operates a radial pulse system with a centralized transit center, transfers are common. Hence, the effective fare for most fixed-route riders (with a transfer) is currently \$1.25. Wichita Transit also provides over 330,000 curb-to-curb paratransit rides annually, as required by federal law. By federal law, the maximum fare for these rides is twice the fixed-route rate. Currently, the fare is \$2.00 per ride.

Wichita Transit proposes to increase its base bus fare from \$1.00 to \$1.25 and to increase its base van fare from \$2.00 to \$2.50 per ride. In addition, Wichita Transit proposes to eliminate charges for transfers. The loss of transfer revenue (25¢ per transfer) based on transfer use will reduce the anticipated additional revenue gained from the 25¢ fare increase by 65 percent. In other words, the fixed-route (bus) fare increase will only affect the 35 percent of current bus riders who do not transfer.

CITY COUNCIL PROCEEDINGS

Transit operations are financed mostly from City subsidies from the General Fund (\$3.5 million), federal and state operating grants (approximately \$3 million), and fare box income (approximately \$1.5 million). These funding sources have provided a relatively stable funding platform for Transit operations. However, in the past few years, dramatic increases in fuel prices have occurred (more than doubling from approximately \$425,000 in 2004 to \$975,000 projected for 2006). In addition, the increasing cost and demands for specialized (ADA) accessible transportation (purchased ADA ride costs increased from \$550,000 in 2004 to a projected \$1.1 million in 2006) have put pressure on the Transit Fund.

Transit fares in Wichita are low in comparison to other cities in our region. The fares in Tulsa, Omaha, Oklahoma City, Little Rock, Des Moines, and Kansas City are all set at \$1.25 for an adult ride, \$2.50 for ADA van rides, and are generally \$1.00 for youth and \$.60 for senior/special citizen. The proposed increase for Wichita Transit will put Wichita on par with these peer cities.

The bus fare increases are projected to generate approximately \$70,000 per year based on the above-mentioned percentages. The \$2.50 paratransit ride is twice the base fare as allowed by the Federal Transit Administration and the ADA. The increase will generate an additional \$165,000 per year. The 2007 adopted budget included this fare increase, as well as a restructuring of an underutilized route, in the Transit budget. Without these adjustments, the Transit Fund would be projected to dwindle significantly, which would necessitate more severe service reductions if done later.

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

Proposals to increase public transit fares require providing an opportunity for the public to comment on the proposed changes. A public hearing was held on November 16, 2006, at City Hall and only 24 citizens attended, with only 4 complaining about the fare adjustment. All District Advisory Boards have been briefed, and they support the recommended fare adjustments.

Motion--
--carried

Mayans moved that the proposed fare adjustments for transit services, effective January 2, 2007 be approved. Motion carried 7 to 0.

ROUTE CHANGES

ROUTE CHANGES. (DISTRICTS IV AND VI)

Agenda Report No.06-1318

Wichita Transit last reduced route service in 1996, when approximately 30 percent of service was cut due to federal operating subsidy cutbacks. Since then, federal operating funding has stabilized, KDOT assistance increased from about \$50,000 to over \$1 million, and some service cut in 1996 was added back in 2000.

Recently, the City of Wichita's transit fund has been experiencing a dwindling fund balance due to increases in fuel cost, insurance, ADA paratransit contracting of service, and labor. Without corrective actions (fare increase and Meridian route changes), the transit fund would be projected to dwindle significantly, which would necessitate more severe service reductions if done at a later time.

Wichita Transit offers 18 fixed routes to the public throughout the city. The Meridian and West Street area are now covered by two routes, traveling in opposite directions. The North Meridian Route is Wichita Transit's least productive route, ranking last in ridership. By cutting the North Meridian Route, and making adjustments to the South Meridian route, practically all the service area by the North Meridian can still be covered.

By cutting the North Meridian route, a total operating cost (operators and fuel) of \$160,000 will be saved.

While there is no proven formula for ridership tendencies, Wichita Transit estimates most North Meridian riders will utilize the South Meridian, with about one-third of trips lost, or less than \$5,000 in farebox revenues.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 41

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

Proposals for the Meridian route changes require providing an opportunity for the public to comment on the proposed changes. A public hearing was held on November 21, 2006, at City Hall and only six citizens showed up, with only one citizen complaining about the actual changes. All District Advisory Boards have been briefed, and they support the recommended route changes.

Motion--
--carried

Mayans moved that the proposed Meridian route changes, effective January 2, 2007 be approved.
Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 12, 2006)

a) Nuisance Abatement Assessments.

ORDINANCE NO. 47-307

1. An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-308

2. An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, be it ordained by the governing body of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

b) Abatement of Dangerous and Unsafe Structures. (Districts I, III, IV and VI)

ORDINANCE NO. 47-309

1. An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings, which have been declared a nuisance (building emergency board-up) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-310

2. An ordinance making a special assessment to pay for removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (building condemnation-demolition) under the revision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansa, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 42

- c) Acquisition of Easement by Eminent Domain for the Main 5 Sewer Sanitary Lateral Line near 13th Street North and Hoover. (District VI)

ORDINANCE NO. 47-311

An ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of sanitary sewer to serve an area bounded by Hoover on the west, 13th street north on the north, Smith on the east, and an approximate half mile north of 11th Street North on the south in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- d) Industrial Revenue Bonds, The Coleman Company, Inc. (District I)

ORDINANCE NO. 47-312

An ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series VII, 2006 (The Coleman Company, Inc.), in the aggregate principal amount of not to exceed \$5,500,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Maize, Kansas and the City of Wichita, Kansas; prescribing the form and authorizing execution of a twelfth supplemental trust indenture by and between the city and the Bank of New York Trust Company, N.A., as trustee, with respect to the bonds; prescribing the form and authorizing execution of a twelfth supplemental lease agreement by and between the City and the Coleman Company, Inc.; approving the form of a guaranty agreement; authorizing the execution of a bond purchase agreement by and between the City and the Coleman Company, Inc., as purchaser of the bonds; and authorizing execution of a bill of sale.

- e) Industrial Revenue Bonds, Cessna Aircraft Company. (Districts III and IV)

ORDINANCE NO. 47-313

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series VIII, 2006 (Cessna Aircraft Company), in the original aggregate principal amount of not to exceed \$99,000,000 for the purpose of purchasing, acquiring, constructing and installing an industrial and commercial facility; authorizing execution of a sixteenth supplemental trust indenture by and between the City and the Bank of New York Trust Company, N.A., St. Louis, Missouri, as trustee with respect to the Series VIII, 2006 bonds; authorizing the city to lease said project to Cessna Aircraft Company; authorizing the execution of a sixteenth supplemental lease by and between the City and Cessna Aircraft Company; authorizing the execution of a bond purchase agreement by and between the City and Cessna Aircraft Company, as purchaser of the bonds; and authorizing execution of a bill of sale, termination and release of fifth supplemental lease and cancellation, discharge and release of fifth supplemental trust indenture, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 43

- f) Industrial Revenue Bonds, Bombardier Learjet. (Districts IV and V)

ORDINANCE NO. 47-314

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds in the original aggregate principal amount not to exceed \$2,569,247 for the purpose of providing funds to purchase, acquire, construct, install and equip certain improvements and additions to existing facilities located in the City of Wichita, Kansas; prescribing the form and authorizing execution of an eleventh supplemental trust indenture by and between the City and the Bank of New York Trust Company, N.A., St. Louis, Missouri (the "trustee"), as trustee with respect to the bonds; prescribing the form and authorizing the execution of an eleventh supplemental lease by and between Learjet Inc. and the City; approving the form of a guaranty agreement; and authorizing the execution of a bond purchase agreement by and between the City and Learjet Inc., as purchaser of the bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- g) Issuance of Intent for Industrial Revenue Bonds, Envision, Inc. (District III)

ORDINANCE NO. 47-315

An Ordinance authorizing the City of Wichita, Kansas to issue its Industrial Revenue Bond, Series V, 2006 (Envision, Inc.) in the principal amount of \$2,700,000 for the purpose of acquiring the first four stories of an existing commercial building facility; authorizing execution of a trust indenture by and between the City and UMB Bank, N.A., Kansas City, Missouri, as trustee; authorizing the City to lease such facility to envision, inc. and authorizing execution of a lease between said City and Envision, Inc.; authorizing execution of a tax compliance agreement between the City, Envision, Inc. and UMB Bank, N.A.; approving the form of a guaranty agreement by and between Envision Xpress, Inc., as guarantor, and GE Capital Public Finance, Inc.; authorizing the execution of a bond purchase agreement for the bonds by and between the City, Envision, Inc. and GE Capital Public Finance, Inc., as purchaser of the bonds; and authorizing the execution of additional documents necessary or desirable to effect the transaction contemplated hereby, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- h) Industrial Revenue Bonds, Lee Real Estate, LLC. (District II)

ORDINANCE NO. 47-316

An Ordinance authorizing the City of Wichita, Kansas to issue its Industrial Revenue Bonds, Series X, 2006 (Lee Real Estate, LLC), in the aggregate principal amount of \$2,500,000 for the purpose of acquiring a manufacturing facility; and authorizing the execution of certain documents in connection with the issuance of the bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 44

- i) Industrial Revenue Bonds, Old Town Courtyard by Marriott Hotel Project.. (District VI)

ORDINANCE NO. 47-317

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of Taxable Industrial Revenue Bonds, Series VI-A, 2006 (Old Town Lodging, LLC) in the aggregate principal amount of not to exceed \$13,250,000 and its subordinated Taxable Industrial Revenue Bonds, Series VI-B, 2006 (Old Town Lodging, Inc.) in the aggregate principal amount of not to exceed \$1,750,000 for the purpose of acquiring, improving, equipping, furnishing, repairing and renovating an existing building for use as a courtyard by Marriott Hotel; prescribing the form and authorizing execution of a trust indenture by and between the City and UMB Bank, N.A., Kansas City, Missouri, as trustee with respect to the bonds; prescribing the form and authorizing the execution of a lease by and between the City and Old Town Lodging, LLC; approving the form of a guaranty agreement; authorizing the execution of a bond purchase agreement by and among the City, Old Town Lodging, LLC, and Nationwide Life Insurance Company, as purchaser of the Series VI-A, 2006 Bonds; and the execution of a bond purchase agreement by and between the City and Old Town Lodging, LLC, as purchaser of the Series VI-B, 2006 Bonds, read for the second time. Fearey moved that the Ordinance be placed upon, its passage and adopted. Motion carried 6 to 1. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, no)

- j) Approval of Forgivable Loan Addendum for Invista. (District I)

ORDINANCE NO. 47-318

An Ordinance of the City of Wichita, Kansas, authorizing prescribing the form and authorizing the execution of a forgivable loan agreement addendum by and between Invista S.A.R.L. and the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- k) Approval of Forgivable Loan Addendum for Swift-Cor Aerospace, Inc. (District IV)

ORDINANCE NO. 47-319

An Ordinance of the City of Wichita, Kansas, authorizing, prescribing the form and authorizing the execution of a forgivable loan agreement and promissory note by and between Swift-Cor Aerospace, Inc. and the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- l) Amendments to non-exempt Salary Ordinance for 2007.

ORDINANCE NO. 47-320

An Ordinance providing for a uniform schedule of standard pay ranges for non-exempt employees of the City of Wichita, repealing Ordinance No. 47-268.

CITY COUNCIL PROCEEDINGS

- m) ZON2006-41-generally located south of Kellogg Avenue, west of State Highway K-42, on the northwest corner of Sheridan and McCormick Avenue. (District IV)

ORDINANCE NO. 47-323

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

NEW BUSINESS

MCCORMICK

EXTENSION OF IRB TAX EXEMPTION, MCCORMICK-ARMSTRONG CO., INC. (DISTRICT I)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No.06-1319

On July 27, 1999, City Council approved issuance of Industrial Revenue Bonds in the amount of \$2.3 million to McCormick-Armstrong Co., Inc. In conjunction with the bond issue, City Council approved 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to finance the purchase, rehabilitation, and installation of manufacturing equipment located at their existing facility. On December 31, 2004, the initial five-year period for tax exemption expired.

On June 14, 2005, City Council approved of a one-year extension of the property tax exemption and directed Staff to return to Council at the end of the year for consideration of an additional extension. On December 20, 2005, City Council approved of an additional extension due to McCormick-Armstrong creating 17 new employees, but wanted to further review the company on a year-to-year basis. McCormick-Armstrong request the City Council approve the remaining three-years of the tax exemption on bond-financed property.

McCormick-Armstrong is among the largest and oldest commercial print product manufacturers in Kansas. McCormick-Armstrong utilizes state-of-the-art printing technology for the production of advertising, catalogs, short-run publications, calendars, etc. The company used industrial revenue bonds to acquire a new state-of-the-art printing press and associated production equipment used in the process of manufacturing printed products. The new equipment upgrade allowed for the Company's prepress department to implement "direct-to-plate" technologies, which included new proofing and plate setting equipment.

As a condition of the bond issue and tax exemption, McCormick-Armstrong committed to: purchase, and install certain manufacturing equipment, with a total investment of \$2,300,000, and create 50 new jobs within five years of the bond issue.

A measure of McCormick-Armstrong's initial five-year project commitments and outcomes are as follows:

1999 Commitment

December 31, 2006 Status

- Purchase Manufacturing Equipment: Purchased equipment worth over \$2,300,000
- Create 50 new jobs in five years: Created 13 new job since December 2005

CITY COUNCIL PROCEEDINGS

The economy has begun to rebound and the company has started to increase its capacity and is now hiring again. Since December 2005, McCormick Armstrong has added 13 new jobs, bring their total job creation to a total of 30 and remains committed to add as fast as their business allows.

In 2000, the appraised value of the exempted property was approximately \$1,971,000. That property's current appraised value is approximately \$856,661 on real property and \$. Based on the 2005 mill levy, the 2006 taxes on the exempted property will be approximately \$52,000. McCormick-Armstrong is current in payments of administrative service fees.

McCormick-Armstrong is current in payments of administrative service fees. New benefit-to-cost ratios are as follow:

| | |
|-----------------|-------------|
| City of Wichita | 1.05 to one |
| Sedgwick County | 1.01 to one |
| USD 259 | 1.00 to one |
| State of Kansas | 1.48 to one |

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

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

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

Motion-- Brewer moved that the tax exemption on McCormick-Armstrong's IRB-financed personal property be extended for a one-year period and the further extensions in December 2007 be reviewed. Motion
--carried carried 7 to 0.

DECORATOR AUTHORIZE A SECOND FIVE-YEAR TAX EXEMPTION, DECORATOR AND CRAFT CORPORATION. (DISTRICT II)

Allen Bell Economic Development Administrator reviewed the item.

Agenda Report No. 06-1320

On December 19, 2001, City Council approved an Economic Development Tax Exemption for Decorator & Craft Corporation (Decorator & Craft). Under the previous City's Business Incentive Policy, Decorator & Craft qualified for a 68.5 percent tax exemption for real and personal property, and 35 percent on the real property only, for a second five-year period. On December 31, 2006, the initial five-year period for tax exemption will expire. Decorator & Craft requests City Council extend the tax exemption to include the second five-years tax exemption on real property only.

As a result of the tax exemption, Decorator & Craft committed to undertake an expansion consisting of construction of a 10,800 s.f. additional warehouse facility, at an investment of \$350,000, and acquisition of new manufacturing equipment, and creation of 5 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

| | |
|-------------------------------------|--|
| 2001 Commitment | December 31, 2006 |
| · Construction of building addition | Completed 10,800 s.f. facility by December, 2001 |
| · Purchase Manufacturing Equipment | Purchased equipment worth over 10,000 |
| · Create 5 new jobs in five years | Created 1 new jobs |

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 47

Staff conducted a site-monitoring visit on May 25, 2006. Decorator & Craft has fallen short of its projection. The company reports that the terrorist attacks of 9-11-2001 and the ensuing economic downturn has prevented the company from adding employees. As the economy has started to rebound, the company does anticipate a significant increase in employment levels over the next few years.

A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita 1.32 to one
Sedgwick County 1.13 to one
USD 259 1.09 to one
State of Kansas 1.72 to one

Under the City's old Business Incentive Policy, the Company qualifies for a 35% ad valorem tax exemption for an additional five-years on real property only.

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

The second five-year tax exemption on the real property in conjunction with the original expansion project is at the discretion of the City Council.

Mayor Mayans

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

Motion--

Schlapp moved that the tax exemption on Decorator & Craft Corporation's real property only for a one-year period be extended and the further extensions in December 2007 be reviewed. Motion

--carried

carried 7 to 0.

TIF

RESOLUTION CONSIDERING THE ADOPTION AND REDEVELOPMENT PLAN, TAX INCREMENT FINANCING, DOUGLAS AND HILLSIDE REDEVELOPMENT DISTRICT, (DISTRICT II)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1321

On August 15, 2006, the City Council adopted an ordinance establishing a redevelopment district in the area of Douglas and Hillside for the purpose of providing tax increment financing (TIF) to pay a portion of the costs of developing a mixed-use residential project in that area. The next step in establishing the legal authority to use tax increment financing is the adoption by the City Council of a redevelopment project plan, which provides more detailed information on the proposed project and how tax increment financing would be used, and demonstrates how the projected increase in property tax revenue will amortize the costs financed with tax increment financing.

Similar to the process for establishing the TIF district, adoption of the TIF project plan also requires a public hearing to be held by the City Council, following the giving of proper notice, prior to adopting an ordinance that approves the project plan. The action needed to set the public hearing is by adoption of a resolution.

The developer has presented the details of a redevelopment project in the Douglas and Hillside area, which is referred to as the College Hill Urban Village Project. A Project Plan has been prepared in consultation with the Wichita-Sedgwick County Metropolitan Planning Commission, which has made a finding that the project is consistent with the Comprehensive Plan for development of the area. The date of February 6, 2007 at the regular City Council meeting is proposed for the public hearing on the College Hill Urban Village Project Plan.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 48

If adopted by the City Council, the attached resolution calling for the public hearing will be sent to the owners and occupants of all property located within the Douglas and Hillside Redevelopment District, by certified mail. The resolution includes a map that shows the boundaries of the redevelopment district. The resolution will also be published in the Wichita Eagle and copies will be provided to the Board of County Commissioners and Board of Education.

After closing the public hearing, the City Council may adopt the Project Plan by ordinance, by two-thirds majority vote. Once adopted, the City will be authorized to use tax increment financing to finance eligible project costs. However, any expenditure of public funds on any project costs will be governed by the terms of a development agreement to be approved by the City Council, and all other necessary proceedings governing the expenditure of public funds.

All costs of reproducing, mailing and publishing the resolution will be paid from the City's Economic Development Fund and will be ultimately reimbursed from the proceeds of tax increment financing.

Economic Vitality and Affordable Living and Quality of Life. Redevelopment of blighted and declining areas are needed to avoid economic stagnation. Business prospects and workers seeking to relocate are attracted to a city that takes care of its older sections.

The attached Resolution has been reviewed by the Department of Law and approved as to form.

Mayor Mayans

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

Motion--
--carried

Schlapp moved that the resolution be adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-705

A Resolution stating the City of Wichita Is Considering the adoption of a redevelopment project plan for the Douglas and Hillside Redevelopment District, presented. Schlapp moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

BURNHAM

ECONOMIC DEVELOPMENT INCENTIVE FOR BURNHAM COMPOSITE STRUCTURES, INC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No.06-1322

For the last five years, Burnham Composites, Inc. has manufactured composite structures and assemblies. Their customer base includes Boeing's Commercial, Military and Helicopter Divisions; Cessna; Raytheon; Bombardier; as well as Northrop Grumman, Rockwell Collins, and Bell Helicopter. The company has very recently restructured into Burnham Composites Structures, Inc., and is one of the leading companies in the development of the aerospace composites industry.

Rapid growth experienced by Burnham Composites Structures, Inc. has led to the need for a new manufacturing plant and corporate headquarters. A number of sites were considered both within and outside the Wichita area. The Greater Wichita Economic Development Coalition (GWEDC) coordinated an incentive proposal that included \$62,000 forgivable loans from each of Wichita and Sedgwick County, and a structured property tax abatement if the facilities were located within the City of Wichita. The offer exceeds the required 1.3 ROI and the wages are above average for the NAICS Code.

After a lengthy search and evaluation, the company has accepted the proposal and will be establishing new facilities within the City of Wichita. GWEDC is also assisting the company in utilizing programs offered by the State of Kansas that will be helpful in offsetting the costs of business expansion.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 49

Burnham Composite Structures, Inc. will establish its new corporate headquarters and manufacturing facility on a 10-acre site located in the Ecco Industrial Park on South Hoover Road south of 31st Street South, immediately south of the Case New Holland plant.

Burnham commits to maintaining the current 29 jobs and to adding 60 jobs over the next five years at an average wage of \$32,665. The company also plans a capital investment of \$5.55 million. The terms and conditions of the Forgivable Loan Agreement include expectations of growth in the number of jobs and total wages per year until December 1, 2011; the Agreement also includes remedies if benchmarks are not reached.

The City's incentive package includes a forgivable loan in the amount of \$62,000 and a 100% property tax exemption on real property improvements for a 5+5 year term. Implementation of both incentive elements will require additional approvals by the City Council. The property tax exemption will be provided under the City's Economic Development Exemption Program (EDX), which requires adoption of an ordinance at the time the improvements are completed. The forgivable loan requires the execution of a loan agreement, which must be authorized by means of a home-rule ordinance.

The forgivable loan to Burnham Composite Structures, Inc. will be paid by funds budgeted in the City's Economic Development Fund, that are appropriated for cash incentives. Approval of the incentive package at this time will allow the City to utilize funds remaining in the 2006 budget for incentives.

As part of its due diligence, GWEDC commissioned an analysis of the fiscal impact the Burnham expansion would have on the City of Wichita, which shows a ratio of benefits to costs of 1.84 to one.

Economic Vitality. This economic development incentive will strengthen the area's aerospace industry, stimulate the economy through the creation of new jobs and diversify the economy by nurturing a composite materials cluster.

Documents required for the approval of the forgivable loan agreement and property tax exemption will be reviewed and approved by the City's Law Department and brought back for City Council approval.

Mayor Mayans

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

Motion--

Mayans moved that the economic development incentive package for Burnham Composite Structures, Inc., including a \$62,000 forgivable loan and property tax exemption on real property improvements be approved. Motion carried 7 to 0.

--carried

COWTOWN

HISTORIC WICHITA-SEDGWICK COUNTY, INC. (COWTOWN) MEMORANDUM OF UNDERSTANDING. (DISTRICT VI)

John DAngelo

Arts and Cultural Services Manager reviewed the item.

Agenda Report No.06-1323

City staff conducted an assessment of the Historic-Sedgwick Co., Inc. (Cowntown) to identify deficiencies and develop a stabilization plan. Following a month of detailed assessments, City and County representatives concluded that Cowntown faces three major challenges: 1) Present and Projected budget deficit, 2) Safety violations pertaining to the museum's historical structures and facility deficiencies, 3) Organizational and capacity deficiencies on the Board of Trustees. City staff developed and presented a museum proposal that outlined City assessments, conclusions and recommendations to the Cowntown Board of Trustees' general meeting on August 28th. The Board of Trustees countered by developing their own proposal that they presented at the following month's general board meeting. Ultimately, the two sides have agreed on a Memorandum of Understanding that addresses the City/County concerns listed above, while also outlining funding allocations from both the City and County.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 50

The Memorandum of Understanding (MOU) addresses the concerns identified by the staff assessment and clearly defines the roles the City, County and Museum Board of Trustees will play in managing and overseeing the museum. City staff will act as a consultant to the Board of Trustees. Staff will work in conjunction with Cowtown's interim Executive Director in an advisory capacity in preparing budgets and developing operational plans, with a goal towards bringing financial stability to Cowtown. Cowtown's Board of Trustees will trim its staff as indicated by budgetary and operational requirements, and will operate the facility on a limited basis until fire and safety violations are rectified. The restructured Board of Trustees will implement and adopt a five-year strategic plan. The City will hire a structural engineer and historical architect to act as consultants and inspect the facilities. Upon completion of the inspection process, the consultants will deliver a report on the condition of each building within the museum, which will be used to develop work plans for the upkeep and historical preservation of various buildings. Work plans and maintenance work that needs to be implemented will be the financial responsibility of Cowtown, as will all other administrative expenses incurred while the strategic plan is being developed.

The MOU states that the City will provide funding for Cowtown for 2007 in an amount up to \$291,850. Funds will be distributed to the museum on a quarterly basis, as per historical standards set with past funding contracts. The MOU states that all City funding must be restricted to use for the maintenance and restoration of grounds and facility. The City shall approve the maintenance plan, its implementation, and provide oversight for expenditures incurred and payments made for such implementation.

Quality of Life.

Law Department has prepared and approved the Memorandum of Understanding.

Mayor Mayans

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

Motion--

Fearey moved that the Memorandum of Understanding between Historic-Sedgwick Co., Inc. (Old Cowtown Museum) and City of Wichita and City funding for Cowtown in the amount of \$291,850 be approved. Motion carried 7 to 0.

--carried

FLEET MAINT.

AGREEMENT FOR CONTRACT MANAGEMENT AND OPERATIONS OF FLEET MAINTENANCE.

Chris Carrier

Director of Public Works reviewed the item.

Agenda Report No. 06-1324

In January of 2006, the City issued a Request for Proposals for private operation of the Fleet Maintenance Division. Four responsive proposals were received including one from a current employee group. On July 18, 2006, the City Council had a workshop presentation on the Staff Screening and Selection Committee's recommendation for a vendor for fleet maintenance services, First Vehicle Services, Inc. The employee proposal was not selected for several reasons: it was not as comprehensive as the others; the private companies have a nationwide structure in place for training, quality assurance, purchasing, and the like, and are more likely to be successful in implementing customer service initiatives. Negotiations with First Vehicle Services, Inc. were unsuccessful and on November 14, 2006, staff commenced negotiations with the second ranked proposer, CH2M HILL OMI/ Kelley Fleet Services. An agreement has been negotiated with CH2M HILL OMI/Kelley Fleet Services to provide fleet maintenance services for the City.

Staff is providing: 1) a signed agreement with CH2M HILL OMI, Inc., 2) an analysis of the pay and benefits that the SEIU union represented employees receive from the City today and what they would receive under the agreement with CH2M HILL OMI; and 3) a summary of the budget adjustments that would be required to implement the contract if approved by Council.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 51

Under the contract, CH2M HILL OMI will provide all labor, supervision, and parts necessary to provide normal maintenance for 2,388 units in the City's combined vehicle fleet as well as for small equipment.

Under the proposed contract, all current fleet management employees, except for the Fleet Services Manager, would become CH2M HILL OMI employees. They would receive the same pay and a benefit package that is comparable or better than their current package, with the exception of the retirement program. The City's retirement program cannot be extended to employees of a private company. All Fleet employees in Plan 3 (defined contribution) with less than seven years of City service will be entitled to their vested Plan 3 account balance. All Plan 1 and Plan 2 (both defined benefit) fleet employees that elect to leave their contributions in the retirement system will be entitled to a monthly benefit, based on their City service, that can be drawn upon the employee reaching age eligibility. The monthly benefit will receive compounded annual indexing during the deferral period, which is from the employee's termination date until the employee becomes age eligible and elects to draw their benefit. For example, a current City employee with 20 years of service in Plan 2 has an earned benefit of 45% (2.25% per year x 20 years) of the employee's final average salary, based upon their highest consecutive 36 months of salary. During the deferral period, this benefit will increase between 0 and 5.5% annually, based upon increases in the national average earnings as reported by the Social Security Administration. At age 62, this example employee would be able to draw this benefit. Under the CH2M HILL OMI benefit package, this employee would also be eligible to participate in a 401(k) defined contribution retirement program. Under this program, an employee may elect to contribute a percentage of their salary to the plan, based upon IRS limits. CH2M HILL OMI will match all employee contributions up to five percent. CH2M HILL OMI has also waived their normal vesting requirements and these employees will automatically be 100% vested in all CH2M HILL OMI employer contributions.

There are six employees for whom the change in employment would present a most significant hardship. Within the next fifteen months these employees would reach a significant qualifying retirement milestone. Three would be eligible to retire with a full pension under Plan 1, one would reach age 62 (normal retirement age under Plan 2) and two would reach seven years of service and be eligible to convert from Plan 3 to Plan 2. It is proposed, and the agreement with CH2M HILL OMI reflects, that these employees would remain City employees until they reach their milestone date. During this time, they would work under the direction of CH2M HILL OMI and the Contractor's invoices to the City would represent a credit for their services up to the cost that the Contractor would have incurred had they been working for the Contractor. At the point of their individual milestone dates, these employees would be allowed to become CH2M HILL OMI employees under the same terms and conditions as those that transitioned at the start of the CH2M HILL OMI contract.

If Council approves the CH2M HILL OMI contract, Mr. Brian Richey would be appointed as Fleet Maintenance Services Manager and will remain a City employee at least until he is eligible for full Plan 1 retirement (estimated as March of 2008). He is well qualified to manage the project for the City as he has over twenty-seven years of experience in fleet management. Since 1992, he has worked on the maintenance of Fire Department equipment and has prior service in all of the shop areas operated today.

The adopted 2007 Fleet Maintenance Division Budget totals \$14,757,790. Of this total, \$9,582,010 represents the budgeted amount that would still be incurred by the City beyond the service provided by the contract with CH2M HILL OMI. These expenses include the purchase of items such as fuel, replacement vehicles, IT charges, CMF rental, and City administrative charges.

Based on the proposed contract with CH2M HILL OMI, the cost for their work would be \$4,675,000 for 2007 and the same amount for 2008.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 52

In addition to the ongoing budget considerations above, there are three types of one-time expenses that must be considered. One-time expenses are:

1. Transition cost of CH2M HILL OMI in establishing their operations for the City. Transition costs are those onetime costs that represent the start up team that will deploy the new and improved fleet maintenance practices and processes. For CH2M HILL OMI the transition cost is \$424,780.
2. Capital improvements to the Central Maintenance Facility. These improvements provide for reconfiguration of the shop spaces and the creation of an employee break room. The estimated cost of the building capital improvements is \$225,000.
3. Diagnostic equipment and shop tools. There is a need for these items to properly equip the shops. These items would be owned by the City and are estimated to cost \$76,000.

It is proposed to pay for the one-time costs, other than the improvements to the Central Maintenance Facility, (a one-time total of up to \$500,781) from the budgeted Fleet funds for 2007. The capital facilities improvements, of up to \$225,000, would be paid for from an existing budgeted Central Maintenance Facility Expansion project which is included in the Adopted 2005-2014 Capital Improvement Program. The requested facility improvements are included in the design concept for the CMF capital project, but will be constructed sooner than previously anticipated.

This budget is predicated on not exceeding the adopted expenditure budget for the Fleet Maintenance Division. The proposals received and the financial analysis that were a key part of the negotiations with two proposers, along with the City's 2001 Maximus fleet study, have demonstrated that the City's fleet maintenance operation is under funded by \$1,000,000 to \$2,000,000 annually, not including overdue vehicle and equipment replacement. Vehicle and equipment replacement is under funded as reflected in the fact that some 60% of the current fleet units exceed industry standard best practices for replacement that are based on minimizing the total life cycle cost of ownership and operation.

The existing budget has necessitated a structure for the cost proposal of CH2M HILL OMI/Kelly Fleet Services that is predicated on two types of costs. Project Base Costs represent personnel costs, project general costs (those that can not be associated with a particular piece of equipment), and corporate support costs and management fees. These costs are budgeted at \$3,968,000. Project Variable Costs represent fleet parts and supplies, outside services, emergency road services, collision and abnormal use repairs. These costs are budgeted at \$796,850 for year one and \$706,000 for year two.

The Project Variable Costs budgets of \$796,850 for year one and \$706,000 for year two are significantly less than the \$1,391,401 the City has averaged for these costs over the last eight years. The anticipation is that through a combination of cost savings on parts procurement, careful management of the technicians' work and data-driven decisions on repair/replacement of equipment that variable cost expenditures can be properly managed and reduced. It remains to be seen if the Project Variable Costs budget is sufficient to meet the actual need. Actual needs vary in part because of variations in elements such as accidents. To mitigate the impact of these external elements, internal business processes and policies will be reviewed, and where needed, changed to assign costs to the appropriate cost center and to utilize better risk management practices.

This agreement will directly address the "Maintain and optimize public facilities and assets" customer service external indicator for the Efficient Infrastructure Goal.

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

Mayor Mayans

Mayor Mayans stated that there was an effort that was taken by the City and the manager, which was Transforming Wichita and thousands of dollars has been spent and many hours for employees and management, to transform the organization. Stated that he does not understand why it is that the consultants whom we have been spending thousands of dollars to come in and look at the organization cannot transform this particular part of the organization.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 53

- Chris Carrier Director of Public Works stated he is unable to describe the transformation that we are talking about but has seen it. Stated that it is everything from employee empowerment to all of the other things that we have been talking about with Transforming Wichita. Stated that if the Council does not support this today, they do not have a choice and will not give up their fleet. State that they will still have to maintain the fleet and will do so to the best of their abilities, make the changes that they know need to be made, and the employees have a lot of good ideas. Stated that will be a much longer and harder process but they will get there. Stated that these national firms that do this bring with them a lot of expertise in customer service and in efficiencies. Stated that they have had many discussions about why we should do this and why not do it themselves and it is his opinion that this community will be a much better community if we do this and have someone like OMI/Kelly as a partner as we move forward.
- George Kolb City Manager stated Transforming Wichita is a journey to become a high performance organization and specifically there are some areas of our operation that are just not there and fleet happens to be one of them. Stated we do not have the expertise, nor should we in terms of running fleet maintenance facility and we have demonstrated that and have made some mistakes that have just been devastating to us to the point that it is hurting our fleet. Stated we could probably do it ourselves but it is a trial and error situation and in order for us to stay on this journey to move towards a more efficient high performing operation, we believe we need some help. Stated by bringing in professional management and this company, he believes we can get there much faster and save money by doing it this way then by trying to take it on ourselves.
- Chris Carrier Director of Public Works stated he thinks we are under funding fleet today and does not want to tell the Council that he thinks we are going to save money by doing this in the first year or two because he does not think that they will. Stated they would put the processes in place so that if there is money to be saved, it will happen but because we are under funding, what he would propose is that if we can save money in operations, he would like to see us keep that money in fleet and turn around and spend more for replacement equipment and replacement vehicles so they could start lessening the age of the fleet that they are running with. Stated that right now over 60% of the City's fleet is beyond the age that most companies would tell you we should have. Stated we need to keep investing in fleet and if we save money in operations, he would like to keep the budget the same and buy replacement equipment, at least for a while.
- George Kolb City Manger stated we should use the term "cost avoid" instead of saying we are going to save money. Stated that he feels that if we do this ourselves with trial and error, he feels that would spend money to try something that maybe someone else would say we should not do.
- Mayor Mayans Mayor Mayans stated that another angle that some communities have encountered is that when we do this internal outsourcing, the company is now a private company so if things go wrong the open record law is not applicable to a private entity so if something went wrong, people can have access to records of the maintenance facility to see what is wrong and be made public. Stated for a private entity the open record is not applicable and does not have to provide information if the media requests it.
- Chris Carrier Director of Public Works stated the way they have this structured they anticipate that they will be using our existing records management system that they have in place at fleet and not try and change that out as they once thought they would. Stated OMI/Kelly has looked at the records management system and thinks that it will provide them with the information they need to provide and that system is a public system and is our system and they own it and will continue to operate it.
- Gary Rebenstorf Director of Law stated that any documents that the City would have pertaining to this fleet management company or any other operation of the company would be open records. Stated under the open records law, any documents in the possession of the City are deemed to be open records unless there is an exemption for them. Stated the personnel records are now subject to an exemption where you only have to give name, rank and serial number, so that same exemption would apply for the employees as they went to this company. Stated that he feels that any documents that the City would have pertaining to this company would be subject to the open records law.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 54

- Mayor Mayans Mayor Mayans stated that there has to be an element of trust and that he is concerned about the message, not only to the employees that took a job with the City because the City is a good employer and has a good benefit package and people expect to stay with the City until they retire. Stated right now in the private sector, there is many times that is not the case. Stated people who work for the government, whether a municipality, state or federal level, expect to stay if they want to stay and if they are doing a good job. Asked what message are we sending out to them and their families who expect a certain retirement and there has been a trade off. Stated when we renege on that, then what are we saying to the families about what their futures may be. And the message to other units of government, who is next in the City's organization and what department will be next for internal outsourcing. Stated he would hate to see employees from other departments looking for other jobs and leave early because they cannot trust that they will have a job with the City. Stated the morale of the City organization could be endangered and this is not a Christmas present that he is prepared to give the employees this year.
- Council Member Skelton Council Member Skelton stated that anytime we are going to run an under funded operation we are going to run into problems that we would not normally encounter if we had properly funded it. Stated he thinks that is the result of the age of the fleet, which causes problems that we probably should not have. Stated there are some good things in this plan but sees ASC certification as something that could boost performance and these are independent of finding a new contract manager or privatizing. Stated updating equipment is another thing that would boost performance and renovating the CMF. Asked why this has not been done in the past and why would we not be willing to see if we could implement some of these things such as ASC certification; equipment updates, especially the diagnostic equipment; and renovations.
- Chris Carrier Director of Public Works stated that we certainly can and try to do those things and that those things have been on the radar screen with our formal fleet manager that we had and that he had set goals and objectives for him a few years back to accomplish a lot of that. Stated a lot of those things can be done and need to be done and whether we do this with OMI/Kelly or not, some of that has got to happen and we will have to sit down and organize a game plan within ourselves to make those things happen. Stated his concern is that they have a lot of things to do now and he does not think that these improvements can happen as quickly if we do it in-house then if we hire a partner like OMI/Kelly to work with us and help us. Stated they have a lot of resources available to them that we do not have.
- Council Member Skelton Council Member Skelton stated we have run almost \$1.4 million a year in variable costs and now we estimate for next year almost \$800,00. Stated that is significantly less so how are some of these things estimated and what happens if we bust the budget.
- Chris Carrier Director of Public Works stated it has been very frustrating for all of them working on this to try and put numbers together and make sense out of the numbers. Stated they have structured this around the approved 2007 budget, which is the basis of the variable costs budget of almost \$800,000.00 that was mentioned. Stated that they admit that is going to be tight and he asked OMI/Kelly if they were sure that they could do this and their answer was yes they can do it. Stated there are a lot of variables that enter into the budget number when you get to the actuals at the end of the year. Stated there are things like accident reimbursements and a lot of issues that he did not realize they would run into in putting this together. Stated they are willing to work as a team to work with that budget and meet that budget number if need be and will do what they need to do and that is the commitment that they have from Staff and OMI to work within those budget constraints. Stated they will look at other issues to bring more revenue into that fund to ease that budget concern and it will take some time.
- Council Member Skelton Council Member Skelton stated the rumor he heard was that you are going to shop for is recap tires and ask if that was true.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 55

- Chris Carrier Director of Public Works stated that is not true and that they get some tires now that are questionable and he had an employee in the tire shop who asked one of his assistants why are we buying these cruddy tires. Stated that in that point in time they did not know that they were and after looking into it, asked them to revise the specifications so that they make sure that they are not doing that. Stated that he does not know if there have been any problems with tires out on the streets and if there have, it has not been brought to his attention. Stated that the mechanics are concerned about it under existing conditions. Stated it can only get better in his opinion and they are not going to jeopardize the safety of anything they have out on the street.
- Council Member Martz Council Member Martz asked why these changes could not be done without changing the whole structure, such as the replacement of vehicles. Stated if we need to replace vehicles, we should replace them and changing the whole management team does not justify that and would happen regardless of whether we do that or not. Asked for an example of where a better efficiency would come from them versus what we can do right now.
- Chris Carrier Director of Public Works stated a lot of the efficiencies that are needed are organizational efficiencies and thinks that they have been operating fleet with roughly 61 employees and these individual companies, both First Vehicle and OMI/Kelly looked at our employee structure and said that they think they could operate this for a number that is in the low 40's. Stated a lot of that is training and efficiencies in operations that they bring and that we do not presently have. Stated that we could get there with a lot of hard work but they are there now.
- Council Member Martz Council Member Martz stated that the City hires consultants all the time to look at our structure, what we have, how we can become more efficient without making major changes and does not know if we have ever considered that. Stated that if we just make a major change like this it could become more costly in the long run then if we do a study somehow internally. Stated that he feels we would have better control internally on issues such as equipment. Stated he is having a major struggle with this proposal because he feels to a degree that it is shirking our duty instead of doing what we are suppose to do. Stated we are supposed to be managing what we have and handling our own. Stated if it is a personnel issue then it is our responsibility to change personnel so that we are more efficient within. Stated we can do that without redoing the whole structure and there should be a way that if we have employees that are not doing their jobs, then they should be replaced and at the same time they should be rewarded when they are doing a very good job.
- Chris Carrier Director of Public Works stated in 2001 they hired a consultant and that was the Maximus report who recommended that we make many changes in the way we operate fleet from fleet rate structures, to how we operate shops, and what we do in those shops. The fact that we do more preventative maintenance work because they are so bogged down right now with unscheduled repairs, due largely because of the age of the fleet. Stated that he had set out goals and objectives for our former fleet management director almost two years ago and they were not successful in getting those things done and that is why he is no longer here. Stated that they decided to look at what was available and what the options were and that is when they issued the RFP and they accepted proposals from employees and evaluated those and staff screening made their recommendation based on the reasons that he set forth in his report. Stated if the Council does not think that this is the right thing to do, then they do not have a choice but to run the fleet and do their best to make the changes that they think need to be made.
- Council Member Martz Council Member Martz stated we could make changes internally that is less expensive and would be more efficient that way. Stated he feels that we should first look at what we have done and if we had a study several years ago, then we should be implementing some of those and if we have not been implementing some of those changes, then why haven't we. Stated that his big concern is a cost in the long run and if we job this out, we do lose control of some of the cost because if we have OMI/Kelly handling all of the maintenance and the two year contract runs out and they say they cannot do it for this amount and then double the costs, then where are we. Stated we will have lost our manpower that is doing the job and lost all of the other controls internally and we cannot just go out and hire a new team to do this job.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 56

- Chris Carrier Director of Public Works stated that if you look at the history of OMI, you will find that is not their “modus operandi” and their “M.O.” is not to come into a community and be there for a year or two and then raise costs.
- Council Member Martz Council Member Martz stated that some of the things that have been mentioned are passing on costs and the bid is based on everything as is and yet there have been a number of things identified that are going to costs more money somewhere, sometime. Asked if we are just passing that costs on to OMI and if that is the case, then they are going to have to raise their fees at that time because they are not going to run it at a loss. Stated that he contends that we have a better opportunity to control our costs internally.
- Council Member Fearey Council Member Fearey stated she knows we hired someone to come in and look at the whole system but have we thought about hiring someone to come in for a year or two, keep the employees as our employees and to work here in a consulting basis to get this fixed.
- Chris Carrier Director of Public Works stated that they have thought about and looked at that and that is the kind of arrangement we have at transit now, where you have a private manager and public employees doing the things that need to be done. Stated that the reason they did not pursue that any further is he does not think those relationships are as effective when you do it over a long period of time. Stated they could look at something short term.
- Council Member Fearey Council Member Fearey stated that is going to be her suggestion.
- Council Member Brewer Council Member Brewer stated you had the consultants in here and asked if they said that we as a City could actually address the issue ourselves and if so, did they give us some recommendations or ideas on what we could actually do.
- Chris Carrier Director of Public Works stated they did and that was the Maximus study that was done in 2001 and they assumed that we would do just that, keep the operations in house and make the changes they recommended in house. Stated they did discuss the use of an outside partner but they approached from the point of view that we would do those things in house.
- Council Member Brewer Council Member Brewer asked if we looked at the possibility of bringing someone in to help us with our process and make it where it is more cost effective.
- Chris Carrier Director of Public Works stated part of the problem we have with materials is that the CMF is a big complex and we have materials stored all over that complex and do the best they can at keeping them under control but it is difficult.
- Council Member Schlapp Council Member Schlapp stated that her concern is the retirement system and is not sure she could do anything to jeopardize that for those employees who have done so much for the City.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Doyle Verdett Mr. Verdett stated he has been employed with the City for over 17 years and has some very grave concerns about what is happening here today and privatization and retirement is the biggest issue. Stated Mr. Carrier made the statement in every meeting that they have had regarding privatization, that if this adversely affected even one person, that he would stop it. Stated regarding his own circumstance, he could lose in excess of \$600.00 a month in his retirement and his retirement is planned for less than five years from now. Stated there is no way that he can recoup \$600.00 a month in any kind of 401K. Stated this would be devastating for him and his family if he loses his employment with the City. Stated someone his age has to project what his medical costs will be and could not do that with a loss of \$600.00 a month. Stated another issue is job security and since 1989 he has said that he has job security because he works for the City of Wichita and today he does not have any because they have taken it away from him no matter what happens here today. Stated he will never have the security that he had this time last year. Stated that the other issue is the lack of management in which they have suffered the last years at CMF. Stated Mr. Carrier has turned a deaf ear to their pleas for help in regards of an incompetent fleet director and management has been aware that they are under funding since 2001

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 57

and has done nothing to change it. Stated that is a lot of years to be aware of a problem and not take care of the problem. Stated they still cannot get the money to give him a diagnostic tool to do his job and now that we are thinking of privatizing, here is all the money you want. Asked why he couldn't have had it last year to do his job right. Stated they have no support from upper management, because if they had the support then they would not of had to continually try doing the job that they have done with nothing to do it with. Stated the employees at fleet maintenance feel that this is a very simple fix if management would hire an experience and competent fleet director and the funds to update and bring fleet maintenance to the level that any shop should be at. Stated by doing this, you would keep the tax dollars in Wichita and maintain the integrity of the City of Wichita as an employer.

Unidentified

Stated that some many times in local government we have a personnel issue and it turns into a policy issue. Stated that he would ask that the Council spend 1/10th of the money that was spent to research outsourcing and spend it to update their tooling and there are a lot of them in the shop that are certified that need money to continue this education and to update the fleet and diagnostic equipment that we need to do their jobs.

Bob Moon

Mr. Moon stated his first experience with OMI/Kelly was that when they came to meet and greet them, he asked them where they could see a profit in our present budget so that they could operate. Since his 401K and retirement would be tied to this company, this was a concern to him that they were going to be a profitable organization. Stated that their answer was that they did not know. Stated he also asked them what their biggest venture was and they said a city of about 83,000 and he asked them if they knew how large the City of Wichita is and they did not know. Stated that they say they are going to find a profit of about half the parts budget and the parts budget has been running the same for the last three years and he would like to see where the savings is going to come from. Stated he does not have any faith in OMI/Kelly, especially when they ended up with their last statement being that they did not like his face. Stated he urges the Council to vote no on the privatization issue. Stated they do have problems but feels that the City of Wichita can and should fix them internally themselves.

Unidentified

Stated he has worked for the City for 17 ½ years and needs the management cleaned so that they can do their jobs and the equipment repaired. Stated he wished for a better system then what they have.

(Council Member Brewer momentarily absent)

Doug Pickard

Mr. Pickard stated he represents the International Association of Fire Fighters Local 135 and distributed documents to the Council Members. Stated he does not represent any of these people but does represent 400 people who are directly effected by fleet maintenance and in his career he has had fire trucks that would not go, stop or pump and there were a couple of cases where they had aerial ladders that collapsed and fell down through the turntable and drove equipment that was almost dangerous and if it is dangerous to the fire fighter then it is dangerous to the public who is exposed to it. Stated the fire segment of fleet maintenance is under budget and has been consistently under budget. Stated the projected number in 2006 is 8% below the 2002 budget and he does not think any other department in the City is that efficient and he has heard a lot of talk about high performance organizations and thinks that this might be the epitome of a high performance organization in the City, and while every other department in the City has increased about 3% a year, these guys are underneath the budget they had in 2002 and how do we reward these people, we terminate their pensions, eliminate their positions and tell them that we do not need them anymore. Stated there is no money to be saved here, pensions are at risk and the promise we made to these employees and an employer is about to be broken.

(Mayor Mayans momentarily absent, Vice-Mayor Gray in the chair)

Jesse Andrews

Mr. Andrews stated he has worked for the City for 25 years and the original employees did propose a few ideas prior to the talk of privatization in a meeting with Mr. Kolb and they were told that they had very good ideas but lacked performance standards. Stated in their employee proposal that they turned in, they tried to develop that and were turned down for lack of content. Stated having read the new contract he would submit that it lacks content when compared to the requirements stated in the original RFP. Asked that the City Council consider moving fleet maintenance out from under public works and possibly place it under finance and provide them with the management and opportunity to be funded as City employees and move forward with the changes, which would benefit the departments we serve as well as the City of Wichita.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 58

Robert Kuda

Mr. Kuda stated he is Vice-President with CH2M Hill OMI and was requested by the City of Wichita to return to discussions with public works management and the opportunity to address the unusual situation that the City of Wichita has on their hands, which is an under funded fleet with know problems both from the operations and maintenance as well as the capital means. Stated their focus was on the maintenance tasks alone and discussing with the City they learned very quickly they had two key areas of concern. They wanted to make certain that should this opportunity take place for their company to be involved with the City of Wichita that the employees would be handled equitably and fairly and he believes that is the case given where we find ourselves today. Stated they have a tentative collective bargaining agreement before the union that he understands is to be voted on later today and is very similar in nature to that agreement that he understands was approved by that voting body offered by First Vehicle early this year. Stated it is important that the Council know that CH2M Hill OMI as they come into the relationship with Wichita, that your management is bringing before you one of the Fortune 100 best companies for employees to work for as listed in 2006. Stated it was asked what value will they bring, and he truly believes that they have a recipe for success for the operation of the fleet maintenance for the City of Wichita and they have known and demonstrated and awarded processes that can bring value to the constituents of the City of Wichita and bring opportunities to these employees as they consider transitioning to the company for employership. Stated there was mention about concern over control of purchase of parts in this contract and he submits that in this deficit situation, they will work hand in hand everyday with the City and the liaison to make important decisions of what is spent, where it is spent and what it is spent on. Stated that the City will have the decision as to what parts will be called for and control and input should they run up against funding shortfalls and where the priorities lay. Stated in his view the City has much of the control in this relationship going forward. Stated that the pension issue is a tough one and they are putting in front of the union a package that they think is fair and equitable and consistent with what has been approved before and stated we need this staff to be successful and would have opportunities that are not presented to them at this time. Stated that it has been asked if they can do it. Stated it is a fixed budget with 60% of its fleet beyond its expected serviceable life and there are tough decisions to be made as to how that repair budget is managed and he believes that CH2M Hill OMI/Kelly Fleet Services will spend those repair dollars as efficiently and prudently as possible.

(Council Member Fearey momentarily absent)

Don Kelly

Mr. Kelly stated he is the President and CEO of Kelly Fleet Sources and the question that he feels the City needs to entertain is, can you simply achieve what you are trying to get done by trying harder. Stated you probably cannot and that Kelly Fleet Services provides fleet maintenance to companies with names such as Frito Lay, Pepsi, Coors, and Pepsico itself operates 42,000 vehicles nation wide and in 2005, Pepsi made the decision despite running a fleet of 42,000 vehicles and having the resources that they have to outsource their fleet maintenance to his company, simply because that is their niche, focus and what they do. Stated they bring to the table, expertise that you cannot simply hire from outside bring in and create on your own. Stated that they bring to the table the expertise to take you from where you are now to where you want to be immediately, versus trial and error and that trial and error over time to try to get and create processes and systems that are already existing and already have an effective place in the marketplace. Stated in terms of the employees, nobody in their company is more focused in taking care of employees and the value of the employee relationship. Stated that they have done everything that they can possible do regarding the pension issue, to try and address it, compensate for it and perhaps there is more work to be done there but as far as in terms of the transition in making this an effective solution for the City of Wichita, he thinks outsourcing the fleet maintenance is the right thing to do and is the right thing for the citizens of Wichita and the employees that work in the fleet maintenance department.

Council Member Skelton

Council Member Skelton stated if we did not strive for change, trying harder by itself would not work but his view on this issue is that there are some things that need to be changed before he is ready to vote for privatization. Stated that updating the diagnostic equipment is needed, we should update the CMF and the fleet condition with 60% being beyond the useful service life, is not acceptable and it needs to be addressed immediately. Stated encouraging ASC certification is a way to increase productivity and morale and the implications that this decision is made difficult because of the implications of employer retirement and before we do this we need to follow through on some of the things he mentioned, give the employees the best and then reexamine this later. Stated he feels that the City should also follow

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 59

through on some of the recommendations of the Maximus study and if we have not done that he feels that we owe it to our employees and citizens of Wichita to do so. Stated he will not be able to support this today.

Council Member Brewer Council Member Brewer stated over the years we have established some habits and you have to have management to lead them and getting an outside consultant to manage this is a last resort. Stated we should look at whether or not we have done everything that we can possibly do and sit down and analyze to see if we can do more. Stated before we start going out and getting someone to manage this we need to sit down and evaluate the situation, contact Wichita State University and contact one of the manufacturing companies and ask them how they establish lean practices to be able to implement them and get them into place. Stated we need to wait and evaluate and go out and talk to those groups and ask for assistance.

Council Member Gray Council Gray stated that this is a very complex issue and has four problems and solutions that he has outlined. Stated first of all there is an issue with management and advocates that Staff get together with OMI/Kelly to try and come up with a solution in regards to using private management staffing to operate an organization or to consult on how we are going to do it such as we have done with transit, where all of the employees maintain their employment within the City and we just contract for the actual management of that because there are a lot of things that private management can come in and do if they have the skills and opportunities to take advantage of their resources and knowledge. Stated that the second problem is inventory optimization and if that is something that needs to be done, we should do it no matter what direction we choose. Stated the third problem is the funding of capital improvements and the lack of capital improvement is one of the things that has failed this organization and no matter who we go with or what scenario, we need to figure out a way to further fund our capital improvements for this facility, whether it be through new equipment, vehicles, machinery or just tools and the structure of the building itself. Stated those are the things that we need to look at and since Staff has already planned on doing that we need to go ahead and initialize those capital improvement expenditures regardless of the outcome of the management situation we take today. Stated lastly employment and a cultural change, and one of the reasons why a private industry does so much better at money making ventures then governments is the culture, the employment and what is expected of the people and what the employees expect of themselves and of the management. Stated that is something that no matter what we do we are going to have to change. Stated if we have multiple people come in here and say they are going to operate this facility with significantly less employees, then we do now, that may or may not be true. Stated we do need to make sure we assess that and we need to assess whether we really need replace that person.

Motion-- Gray moved to approve the expenditures for the capital investments, direct management to renegotiate some kind of new management structure all with the key premise that we are going to maintain the employment levels of the fleet service employees as they currently are. Motion carried 7 to 0.
--carried

DRAINAGE STRUC. COMPREHENSIVE CITYWIDE DIGITAL STORMWATER DRAINAGE STRUCTURE INVENTORY.

Jim Armour City Engineer reviewed the item.

(Council Member Skelton momentarily absent)

(Mayor Mayans left the bench, Vice-Mayor Gray in the chair)

Agenda Report No. 06-1325

The 2006 and 2007 annual stormwater-operating budget provides funding to begin to inventory the City's stormwater sewer system and use the data to create a stormwater GIS layer. The total budgeted amount is \$1.0 million dollars.

CITY COUNCIL PROCEEDINGS

The proposed project would allow staff to accurately maintain the appropriate records of existing structures, drainage complaints, flood plain inquires, etc. In the past, these records were not maintained optimally, therefore, creating a difficult task for the public to attain the most accurate information regarding drainage in the area.

The GIS layer will assist staff in complying with the public education program portion of the National Pollution Discharge Elimination System (NPDES) City permit. This will constitute the generation of displays, drawings, graphs, etc. In addition, Stormwater staff engineers can more effectively analyze the capacity of existing systems, determine cost effective solutions for proposed improvement projects and prioritize future CIP projects. The greatest benefit to the general public will be the implementation of database capabilities networked between stormwater maintenance and stormwater management staff. Ultimately, this project would allow the City's Public Works website to include a GIS mapping application that would provide detailed stormwater information. This will be very beneficial to homeowners, developers and the design/construction industry.

The budget includes \$1.0 million for the initial phase of this work, which includes purchasing the necessary equipment, computer programs, and services to begin mapping the stormwater inventory. The budget is not sufficient to complete all of the work. We presently estimate that the entire project could cost around \$3.0 to \$4.0 million total. However, this initial phase will be a significant start and the remaining phases will be proposed for funding in future years. Funding for this project is from the Utility's ERU fee revenues.

This project addresses the Ensure Efficient Infrastructure goal by providing public improvements for drainage throughout the City. The improvements will provide an easily accessible database of the City's infrastructure system. This, in addition, allows for staff networking which will improve the technology to provide quick and accurate public information service. Also, the increased efficiency these improvements will provide existing staff will be extremely cost effective due to the ability of less people to perform more tasks.

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

Vice-Mayor Gray

Vice-Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Vice-Mayor Gray moved that the project be approved; the bonding Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

RESOLUTION NO. 06-706

A Resolution finding it necessary to make certain Stormwater Improvements by completing Phase I of a Comprehensive City wide Digital Stormwater Drainage Structure Inventory. 468-84280 and authorizing the issuance of bands by the City of Wichita at Large, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 61

CVB CONTRACT

CONTRACT RENEWAL: CONVENTION AND VISITORS BUREAU.

Agenda Report No.06-1326

Jessica Johnson

Marketing Director reviewed the item.

2006 brought several successes to the GWCVB. They exceeded their primary goal of securing 102,250 convention room nights as well as 4,000 group tours. They also increased their membership and private sponsorship dollars, well exceeding their goal of \$185,000. They also increased national advertising for Wichita with ads in publications such as Fortune magazine and USA Today.

The Contract for the current fiscal year was negotiated with staff and representatives from the Greater Wichita Convention and Visitors Bureau. The results are a proposed 2007 contract with performance goals for the CVB outlined in detail in "Exhibit B." Exhibit B continues a special effort that began last year to include relevant and measurable goals in a performance matrix that will better showcase the progress of the CVB. These benchmark goals are establishing a better foundation to increase each year. The CVB continues to strive to exceed the base goal while securing larger conventions approximately every 5 years.

The proposed budget with the GWCVB provides for funding in the amount of \$1,883,340. The 2007 contract increases the CVB's allocation \$133,010. The Tourism and Convention Fund will also finance an additional payment of up to \$75,000 to the GWCVB, as a dollar for dollar match for the funds they raised in 2007 over the baseline goal of \$200,000.

According to the Transforming Wichita goals approved by City Council, this project will impact "Economic Vitality," because the City's quality of life is connected to the vitality of the tourism and service industries. "Enhanced Quality of Life" will also be impacted as the CVB helps promote attendance at various cultural attractions and events.

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

John Rolfe

CEO of the Greater Wichita Convention of Visitors Bureau gave a review of their performance for 2006.

Vice-Mayor Gray

Vice-Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Vice-Mayor Gray moved that the Contract with the Convention and Tourism Bureau be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 62

SECTION 5.88.040

AN ORDINANCE CREATING SECTION 5.88.040 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE CRIME OF CARRYING A CONCEALED WEAPON IN PLACES PROHIBITED BY THE PERSONAL AND FAMILY PROTECTION ACT, PURSUANT TO CHAPTER 32 AND CHAPTER 210 OF THE 2006 SESSION LAWS OF KANSAS, AND AMENDMENTS THERETO.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No.06-1327

Pursuant to Senate Bill No. 418 and House Bill No. 2118, the Personal and Family Protection Act was created, which initiated a concealed carry law in the State of Kansas. Residents of the State of Kansas may apply for a concealed firearms permit upon meeting the statutory mandates. Additionally, the State of Kansas may allow concealed permit holders from other states, to carry concealed firearms within Kansas. The bills prohibit the carrying of concealed firearms by permit holders or those recognized out of state permit holders in certain places across the State of Kansas, or while under the influence of alcohol and/or drugs. Violations of these provisions under the Act, are classified as misdemeanor offenses. In order for the City of Wichita to enforce these violations in Municipal Court, a new ordinance prohibiting the same conduct must be adopted.

The City of Wichita Ordinance 5.88.040 must be passed, in order for the City of Wichita Municipal Court, to enforce the criminal prohibitions against a permit holder or recognized out of state permit holder from carrying a concealed weapon on prohibited premises, pursuant to the Personal and Family Protection Act, Chapter 32 and Chapter 210 of the 2006 Session Laws of Kansas, and amendments thereto.

Provide a Safe and Secure Community. This ordinance will allow the Police Department and Law Department to charge and prosecute violations of carrying a concealed firearm in prohibited places or while under the influence of alcohol and/or drugs.

The City of Wichita Law Department drafted the ordinance and approved it as to form.

(Council Member Martz momentarily absent)

Vice-Mayor Gray

Vice-Mayor Gray inquired whether anyone wished to be heard.

Cybil Strum

Ms. Strum stated that she is against this ordinance being passed and there is too much violence now.

Motion--

--carried

Vice-Mayor Gray moved that a public emergency be declared and adopt City Code Section 5.88.040. Motion carried 6 to 0, (Mayans absent).

ORDINANCE NO. 47-321

An Ordinance creating Section 5.88.040 of the Code of the City of Wichita, Kansas, pertaining to the crime of carrying a concealed weapon in places prohibited by the personal and family protection act, pursuant to Chapter 32 and Chapter 210 of the 2006 Session Laws of Kansas, and amendments thereto. Vice-Mayor Gray moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 63

SECTION 5.88.050

AN ORDINANCE CREATING SECTION 5.88.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE CRIME OF CARRYING A CONCEALED WEAPON, WHEN POSTED OTHERWISE, OR WHEN UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS, WHICH IS PROHIBITED BY THE PERSONAL AND FAMILY PROTECTION ACT, CHAPTER 32 AND CHAPTER 210 OF THE 2006 SESSION LAWS OF KANSAS AND AMENDMENTS THERETO.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 06-1328

Pursuant to Senate Bill No. 418 and House Bill No. 2118, the Personal and Family Protection Act was created, which initiated a concealed carry law in the State of Kansas. Residents of the State of Kansas may apply for a concealed firearms permit upon meeting the statutory mandates. Additionally, the State of Kansas may allow concealed permit holders from other states, to carry concealed firearms within Kansas. The bills prohibit the carrying of concealed firearms by permit holders or those recognized out of state permit holders when employers have prohibited such in the course of the employment and when places open to the public are marked in a manner reasonable likely to come to the attention of the public that concealed firearms are prohibited on the premises. Violations of these provisions under the Act, are classified as misdemeanor offenses. In order for the City of Wichita to enforce these violations in Municipal Court, a new ordinance prohibiting the same conduct must be adopted.

City of Wichita Ordinance 5.88.050 must be passed, in order for the City of Wichita Municipal Court, to enforce the criminal prohibitions against a permit holder or recognized out of state permit holder from carrying a concealed weapon while employed by the City of Wichita and in the course of that employment. Law enforcement officers, armed security guards, and others designated by the City Manager to carry a concealed firearm in the course of their employment with the City of Wichita are excluded from the criminal provisions. With this ordinance, City of Wichita law enforcement and prosecutors would also be able to prosecute violations of carrying a concealed weapon on prohibited premises when there is signage indicating that concealed firearms are not allowed, pursuant to the Personal and Family Protection Act, Chapter 32 and Chapter 210 of the 2006 Session Laws of Kansas, and amendments thereto.

Provide a Safe and Secure Community. This ordinance will allow the Police Department and Law Department to charge and prosecute violations of carrying a concealed firearm while employed by the City of Wichita and in the course of that employment, or when a firearm is being concealed in prohibited places, when such restriction is posted by signage, in a manner reasonably likely to come to the attention of the permit holder or recognized out of state permit holder.

The City of Wichita Law Department drafted the ordinance and approved it as to form.

Vice-Mayor Gray

Vice-Mayor Gray inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Vice-Mayor Gray moved that a public emergency be declared and adopt City Code Section 5.88.050. Motion carried 6 to 0, (Mayans absent).

ORDINANCE NO. 47-322

An Ordinance creating Section 5.88.050 of the Code of the City of Wichita, Kansas, pertaining to the crime of carrying a concealed weapon, when posted otherwise, or when under the influence of alcohol and/or drugs, which is prohibited by the Personal and Family Protection Act, Chapter 32 and Chapter 210 of the 2006 Session Laws of Kansas and amendments thereto. Vice-Mayor Gray moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 64

PLANNING AGENDA

Motion-- Vice-Mayor Gray moved that consent items 55 to 58 be approved in accordance with the
--carried recommended action shown thereon. Motion carried 6 to 0, (Mayans absent).

(Item 54)
CON2006-00048

CON2006-00048-CONDITIONAL USE TO PERMIT A NIGHTCLUB, (RENTAL FACILITY FOR RECEPTIONS AND SPECIAL EVENTS WHERE MUSIC AND DRINKS MAY BE PROVIDED). GENERALLY LOCATED EAST OF BROADWAY AND NORTH OF MURDOCK, 828 NORTH BROADWAY. (DISTRICT VI)

John Schlegel Planning Director reviewed the item.

Agenda Report No. 06-1329

MAPC Recommendations: Approve, subject to original staff recommended conditions (11-0).
MAPD Staff Recommendations: Approve, subject to amended conditions recommended by DAB.
DAB Recommendations: Approve, subject to amended conditions (9-1).

The application area is a former church building located east of Broadway and north of Murdock in "LC" Limited Commercial zoning. A business is using the former church building for weddings, receptions and special events. The business desires to allow live music, dancing and alcoholic drinks. Nightclubs are a permitted use in LC zoning. However, the site is within 200 feet of residential zoning, and therefore a Conditional Use for a Nightclub is required for the desired activities. The residential zoning near this site is "B" Multi-family Residential zoning located east of the site, across the alley, and used for hospital parking.

The original staff recommended approval of the request subject to the following conditions:

- A. The Nightclub Conditional Use shall be for rented special events only.
- B. The site shall be in conformance with the approved site plan.
- C. No outdoor entertainment, food or drink service or community assembly shall be permitted on the site.
- D. The applicant shall obtain, maintain and comply with all applicable permits and licenses necessary for the operation of a Nightclub.
- E. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

District VI Advisory Board heard this request on November 15, 2006; no members of the public spoke on the request. The DAB recommended approval, subject to the staff recommended conditions amended to "define special events such as weddings, receptions, graduation parties and the like."

MAPC heard this request on November 16, 2006; no members of the public spoke on the request. Staff recommended approval of the request with amended conditions, as recommended by DAB VI. The MAPC approved the request, subject to the original staff report conditions.

No formal protest petitions have been filed.

There are no financial considerations.

Promote Economic Vitality and Affordable Living.

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

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 65

- Council Member Fearey Council Member Fearey stated when her DAB heard this they felt the problem might be that someday someone could rent this every Monday night and have a night club and someone else could rent every Tuesday night and have a night club and they want to make sure that kind of thing did not happen and that was the reason that they suggested adding this special wording.
- Motion-- Fearey moved to adopt the findings of the MAPC with the approval of the conditional use of the DAB recommended amended conditions, which would make a) read the night club conditional use shall be for rented special events only, rented special events shall be defined as weddings, receptions, graduation parties and the like. Motion carried 6 to 0.
- carried
- George Kolb City Manager stated the motion that was made was correct but if you look at the second page of the agenda report it is already included in the subject to the following conditions and the motion may have unintentionally deleted the rest unless that was the intent.
- Council Member Fearey Council Member Fearey stated she thought she said to approve subject to the conditional uses and the DAB recommendations.
- John Schlegel Planning Director stated the motion did not include the adoption of the conditional use resolution that was attached.
- Council Member Fearey Council Member Fearey stated she wanted those five items with item a) amended to include rented special events
- Gary Rebenstorf Director of Law stated you will need to do a motion for reconsideration first under the rules to reconsider this item since it was already voted on and then make that motion.
- Motion--carried Vice-Mayor Gray moved to reconsider the item. Motion carried 6 to 0, (Mayans absent).
- Motion-- Council Member Fearey moved to adopt the findings of the MAPC; approve the conditional use subject to the DAB recommended amended conditions; and adopt the conditional use resolution. Motion carried 6 to 0, (Mayans absent).
- carried

RESOLUTION NO. 06-707

A Resolution authorizing a conditional use to permit a night club (rental facility for receptions and special events where music and drinks may be provided on .49 acres zoned "LC" Limited Commercial, located east of Broadway and north of Murdock (828 N Broadway) in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended. presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans, absent).

ZON2004-00048

ZON2004-00048-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM "SF-5" SINGLE-FAMILY TO "LC" LIMITED COMMERCIAL. GENERALLY LOCATED NORTH OF KELLOGG AND EAST OF MAIZE ROAD. (DISTRICT V)

Agenda Report No. 06-1330

Staff Recommendation: Approve a two-year extension of the platting deadline to November 9, 2007.

On November 9, 2004, the City Council approved the zone change from "SF-5" Single-Family to "LC" Limited Commercial. Approval of the request was subject to the condition of platting the property within one year.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 66

The applicant indicates in a letter from their agent that platting has been delayed as a contract purchaser left the project, and the owner is marketing for a new buyer. Therefore, the applicant is requesting a platting extension with a new deadline of November 9, 2007.

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

Ensure Efficient Infrastructure.

There are no financial considerations.

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

Motion--
--carried

Vice-Mayor Gray moved to approve the extended platting deadline of November 9, 2007. Motion carried 6 to 0, (Mayans, absent).

ZON2004-00046

ZON2006-00046-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF CENTRAL AND ON THE WEST SIDE OF SHERIDAN. (DISTRICT VI)

Agenda Report No. 06-1331

MAPC Recommendations: Approve, subject to staff recommendations (11-0).

MAPD Staff Recommendations: Approve, subject to platting within one year.

DAB Recommendations: Approve (9-1).

The application area is a vacant SF-5 Single-family Residential zoned portion of a lot located south of Central Avenue and west of Sheridan Avenue (635 N. Sheridan). The site is .44 acre in size and is owned by the Family Video Movie Club, which plans to develop this property along with other Limited Commercial zoned property located to the north with a video rental store. The application area is part of Lot 1, Knight Acres Addition, which appears to have multiple owners without benefit of a replat or lot split. There are at least two other owners of portions of this lot, and staff was unable to find any record of a re-plat or lot split. The Office of Central Inspection will probably require a re-plat or lot split before a building permit is granted. Approval of the request would provide uniform zoning under the applicant's ownership.

Surrounding properties are either zoned LC Limited Commercial or SF-5 Single-family Residential and developed with a mix of residential, commercial and radio broadcast studio uses.

LC signage standards permit .5 square feet of signage times the property's frontage along a collector street.

There were no speakers in opposition to the request at the MAPC meeting on November 16, 2006. The MAPC voted unanimously to recommend approval of the zone change from "SF-5" Single-family to "LC" Limited Commercial, subject to platting within one year.

There are not any protest petitions.

There are no financial considerations.

Promote Economic Vitality and Affordable Living.

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

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 67

Motion-- Vice-Mayor Gray moved that the findings of the MAPC be adopted; the Zone, subject to platting within one year, be approved; and the Ordinance placed on first reading, with publication of the ordinance being withheld until the plat is recorded. Motion carried 6 to 0, (Mayans, absent).
--carried

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. (ZON2004-00046)

DED2006-27

DED2006-27-DEDICATION OF A UTILITY EASEMENT LOCATED SOUTH OF 37TH STREET NORTH AND ON THE EAST SIDE OF WOODLAWN. (DISTRICT I)

Agenda Report No. 06-1332

Staff Recommendation: Accept the Dedication.

This Dedication is associated with Lot Split No. SUB 2006-84 (Lot 1, Linder Addition). The Dedication is for construction and maintenance of public utilities.

There are no financial considerations.

Ensure Efficient Infrastructure.

The Dedication has been recorded with the Register of Deeds.

Motion--carried Vice-Mayor Gray moved that the dedication be accepted. Motion carried 6 to 0, (Mayans, absent).

DED2006-28

DED2006-28-DEDICATION OF A UTILITY EASEMENT LOCATED SOUTH OF HARRY AND WEST OF HILLSIDE. (DISTRICT III)

Agenda Report No. 06-1333

Staff Recommendation: Accept the Dedication.

This Dedication is associated with Lot Split No. SUB 2003-35 (Lot 1 and Reserve A, Cedardale Addition). The Dedication is for construction and maintenance of public utilities.

There are no financial considerations.

Ensure Efficient Infrastructure.

The Dedication will be recorded with the Register of Deeds.

Motion--carried Vice-Mayor Gray moved that the dedication be accepted. Motion carried 6 to 0, (Mayans, absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 68

AIRPORT AGENDA

Motion-- Vice-Mayor Gray moved that airport consent items 59 to 62 be approved in accordance with the
--carried recommended action shown thereon. Motion carried 6 to 0, (Mayans absent).

CHANGE ORDER MID CONTINENT AIRPORT, TAXIWAY L, H AND H-1, CHANGE ORDER NO. 3.

Agenda Report No. 06-1334

On August 9, 2005 the Wichita Airport Authority approved a contract with Cornejo & Sons for construction of Taxiway L, H and H-1.

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

The change order amount is \$93,412.40 will be funded with FAA AIP funding, PFC funding and General Obligation bonds paid for with Airport revenue. A budget increase of \$95,000.00 is requested and will result in a total project budget of \$7,075,000.00. With this change order the cost of change orders is approximately 2.4% of the initial construction contract amount.

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

The change order has been approved by the Law Department and the FAA. The Law Department has approved the Authorizing Resolution as to legal form.

Vice-Mayor Gray Vice-Mayor Gray moved that the change order be approved; the resolution adopted; the budget
--carried adjustment approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

RESOLUTION NO. 06-017

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

CESSNA AIRCRAFT CESSNA AIRCRAFT COMPANY-SECOND AMENDMENT TO LEASE.

Agenda Report No.06-1335

In 2001, the Wichita Airport Authority entered into a bond lease agreement with Cessna Aircraft Company for the purpose of renovating and upgrading the fixed base operation facility located at 2010 Airport Road on Wichita Mid-Continent Airport. Cessna subleased this facility to Yingling Aircraft. In 2005, Cessna elected to construct an additional facility adjacent to its leasehold at 2010 Airport Road. The new facility, located at 2000 Airport Road, was also subleased to Yingling Aircraft to further develop its business of aircraft refurbishment and completion work. The layout of the buildings made it possible to utilize some of the area currently leased by Cessna for the fixed base operation. Some additional land was required for the new facility lease.

In that the land area is reflected in two separate leases, it is necessary to modify the fixed base operation lease to remove the land which is now included in the 2000 Airport Road lease.

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

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 69

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

Motion--
--carried

Vice-Mayor Gray moved that the amendment be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

SUPPLEMENT ONE CESSNA AIRCRAFT COMPANY-SUPPLEMENT ONE.

Agenda Report No. 06-1336

In 1991, the Wichita Airport Authority leased 27.42 acres to Cessna Aircraft Company for taxiway access and engine run-ups. The agreement allows for land rent increases at certain intervals.

Based upon the recommendation of the Martens Companies, both parties are agreeable to increasing the land rent from \$.03/sq.ft. to \$.045/sq.ft. for this land area.

The current annual land rent is \$35,832.46 per year. The \$.045 rate will result in revenue of \$53,748.68, for an increase of \$17,916.22 per year.

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

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

Motion--
--carried

Vice-Mayor Gray moved that the Supplement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

RUNWAY/TAXIWAY MID-CONTINENT AIRPORT, RUNWAY AND TAXIWAY SHOULDER REHABILITATION.

Agenda Report No. 06-1337

The airfield paving projects are included in the Capital Improvement Program.

The rehabilitation of runway and taxiway shoulders and runway blast pads is needed to preserve the infrastructure and minimize the occurrence of foreign object debris. Professional Engineering Consultants was selected by the Staff Screening and Selection Committee.

The contract amount for design and bid phase services is \$35,638. The total project cost is currently estimated to be \$700,000. Ultimate funding is expected from AIP Federal Grant funds, PFC funding, and General Obligation bonds paid for with Airport Revenue.

The Airport's contribution to the economic vitality of Wichita is promoted through maintaining airfield pavements to serve the aviation community.

The Law Department has approved the contract and the Authorizing Resolution as to legal form.

Motion--
--carried

Vice-Mayor Gray moved that the contract be approved; the resolution adopted; the capital budget approved and the necessary signatures authorized contingent on FAA approval. Motion carried 6 to 0, (Mayans absent).

RESOLUTION NO. 06-018

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Vice-Mayor Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

DECEMBER 19, 2006

PAGE 70

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Vice-Mayor Gray

Vice-Mayor Gray stated for the past few years he has served on the Wichita Area Board of Trustees for the Wichita Area Technical College and he has also served on the Sedgwick County Technical Education and Training Authority and in the past week the county has chosen to restructure that organization and its composition again. Stated all of the board members will resign including him effective immediately after the new board members are appointed. Stated the City Council will have another appointee to make on that board and he is asking if he could continue to serve on that board and if so, the Council will have to reaffirm that decision. Stated that they have been trying to turn the college around for the fiscal stewards of the technical college and in addition to that they have also been spear heading the construction and design and management of the Jabarra Training Center that is being worked on by the county right now and he has been very involved in those things and would be happy if the Council would allow him to continue to serve on that board.

Motion--
--carried

Council Member Schlapp moved to nominate Paul Gray to serve on the Board of Trustees for the Wichita Area Technical College and the SCKEDD Board. Motion carried 6 to 0, (Mayans absent).

Council Member Skelton

Council Member Skelton stated that each of them serve on various boards and commissions and he struggles to try and remember what they all are and would like to have a list of who is appointed on what board for the Council.

EXECUTIVE SESSION

Motion--

Vice-Mayor Gray moved that the City Council recess into Executive Session at 12:15 p.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice and preliminary discussions relating to the acquisition of real property for public purposes and that the Council return from Executive Session no earlier than 12:30 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 6 to 0, (Mayans absent).

--carried

RECONVENE

The Council reconvened in the Council Chambers at 12:35. Vice-Mayor Gray stated that no action was taken.

Motion--carried

Vice-Mayor Gray moved to close the Executive Session at 12:35 p.m. Motion carried 6 to 0, (Mayans absent).

Motion--carried

Vice-Mayor Gray moved to close the Regular Meeting at 12:36 p.m. Motion carried 6 to 0, (Mayans absent).

ADJOURNMENT

The City Council meeting adjourned at 12:36 p.m.

Respectfully submitted,

Karen Sublett CMC
City Clerk