

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 10, 2008
Tuesday, 9:00 A.M.

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

Ed Flentje, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

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

Sami Moussa, Islamic Society of Wichita, gave the invocation.

The Minutes of the regular meeting of June 3rd and special meeting of June 6, 2008, approved 6 to 0, (Williams absent.)

AWARDS AND PROCLAMATIONS

--Proclamations

Mayor Brewer read aloud the following proclamations:

World Elder Abuse Awareness Day
Improved Benevolent Protection Order of Elks of the World
Real Men, Real Heroes

--Service Citation

Distinguished Service Citation-Kenneth A. Richey.

Mayor Brewer recognized Kenneth Richey for his 30 years of service with the Public Works Department and presented him with a plaque.

PUBLIC AGENDA

Chris Atherton-River City Drum Circle.

Mr. Atherton was not present.

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UNFINISHED COUNCIL BUSINESS

CONDEMNATION

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

Agenda Item No. 3.

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

This case was before Council on July 3, 2007 and was deferred until August 7, 2007, at the request of Council Member Fearey. On August 7, 2007, this case was before the Council and was deferred because of the pending tax foreclosure sale. On September 11, 2007, this case was before Council and was deferred for 90 days.

This case was back before Council on December 4, 2007. The new owner represented the property, and Council passed a resolution giving him ninety (90) days to complete the exterior repairs.

Staff made an inspection of the property on April 14, 2008; some window and porch repairs had been completed. On May 5, 2008, staff met with Council Member Fearey, and the owner, Don Lobmeyer. Mr. Lobmeyer requested more time to complete the exterior repairs, and staff was directed to bring this case back before the City Council, for review, in early June.

As of May 7, 2008, the 2007 taxes were past due, in the amount of \$887.80, including a special assessment for emergency board up in the amount of \$278.89.

Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

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.

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

Council Member Fearey Council Member Fearey stated she has not had the opportunity to speak with Kurt Schroeder on this and the property owner is having surgery this morning and would like to give the owner 30 more days. Stated it would give her more time to talk to him and staff a little more and the place has been kept clean and the neighbors are happy to what is happening there and feels like it looks much better than it used to.

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Motion--
--carried

Fearey moved to give the owner of 1149 North Market an additional 30 days to make sure taxes are current and that everything is secure and moving along. Motion carried 6 to 0, (Williams absent).

NEW COUNCIL BUSINESS

RETIREMENT

WICHITA EMPLOYEES' RETIREMENT AND POLICE AND FIRE RETIREMENT SYSTEMS ACTUARIAL VALUATION REPORTS, (JANUARY 1, 2007 - DECEMBER 31, 2007).

Kelly Carpenter

Director of Finance introduced Pat Beckham who is our Milliman representative and she is going to review the 2007 actuarial report for the Wichita Employee's Retirement System and the Police and Fire Retirement Systems.

Pat Beckham

Ms. Beckham gave an overview of the results of the December 31, 2007 Actuarial Evaluation Report..

Agenda Item No. 4.

The Board of Trustees for both the Wichita Employees' Retirement (WER) System and the Police & Fire (P&F) Retirement System employ Milliman, Inc. to serve as technical advisor/consultant, supplying the Boards with required actuarial services and information pertaining to the Retirement Systems. The actuary recommends the mortality, interest rates, and other required actuarial tables; prepares an annual valuation of liabilities and reserves; and makes an annual determination of the amount of contributions necessary to meet requirements for annuities and benefits, certifying the results to the Boards; and reviews the operating experience of the Retirement Systems as an evaluation of the adequacy of the recommended actuarial standards.

The funding objective of the WER and P&F Retirement Systems is to establish and receive contributions, expressed as percents of active member pensionable payroll, which will remain approximately level from year to year, minimizing increases for future generations of citizens. This funding objective should be attainable so long as the benefits and the demographic make-up of members does not change materially, and experience assumptions are realized. The Retirement Systems are supported by: (1) member contributions; (2) City contributions; and (3) investment income from the Retirement Systems' assets.

1. The actuary's valuations state that for the fiscal year beginning January 1, 2009, the range for the City's required contribution to the WER System is 4.2% to 8.4%. The range for the City's required contribution to the P&F System is 16.0% to 17.5%. Contribution rates are stated as a percent of active member pensionable payroll. These rates are based on the benefit provisions and active member contribution rates in effect on December 31, 2007. Of the total dollar amount contributed to WER, City contributions for Plan 3 (a defined contribution plan) are allocated to Plan 3 individual members' accounts.
2. The funded ratios (liabilities covered by assets) and employer (City) contributions for the WER and P&F Retirement Systems over the past three (3) years are shown below:

Budget	Funded	<u>Employer Contributions</u>			
		Pension	Pension	Trust	Reserve
WER	Period Ending	Year	Ratios		
	December 31, 2005	2007	110.6%	4.7%	0.0%
	December 31, 2006	2008	110.2%	4.7%	0.3%
	December 31, 2007	2009	110.5%	4.7%	0.8%

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Budget P&F	Funded Period Ending	<u>Employer Contributions</u>		Pension Trust	Pension Reserve
		Pension Year	Pension Ratios		
December 31, 2005		2007	99.7%	17.5%	0.9%
December 31, 2006		2008	101.2%	17.5%	0.9%
December 31, 2007		2009	102.7%	17.5%	0.0%

3. In summary, the actuary's reports reflect that the aggregate experience of the Retirement Systems during the twelve (12) months ended December 31, 2007 resulted in a small net gain for both WER and P&F, due to favorable experience. The change in the funded ratios and the employer contribution rates from 2008 to 2009 reflect the experience during the year.

In conjunction with the actuary's recommendation and in keeping with the City's current policy of maintaining level contribution rates, the Department of Finance recommends the City's contribution rates, expressed as a percent of active member pensionable payroll, increase to 5.5% for WER, and decrease to 17.5% for P&F for the fiscal year 2009. Of the 5.5% WER contribution rate, 4.7% will be paid into the trust and the remaining 0.8% will be directed to the pension reserve to assist in meeting possible future increases in contribution rates resulting from unfavorable market conditions or other negative plan experience.

The Internal Perspective is impacted through the fair presentation of the financial condition of the City's pension systems to the City Council, the citizens of Wichita, plan participants and other interested parties.

Under the Ordinances creating the two pension systems, the City is statutorily required to contribute the actuarially required contributions to the Retirement Systems.

Mayor Brewer

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

Motion--

Brewer moved to receive and file the Wichita Employees' Retirement and Police & Fire Retirement Systems' Actuarial Valuation Reports (January 1, 2007 – December 31, 2007) as submitted, and approve the 2009 employer retirement fund contribution rates. Motion carried 6 to 0, (Williams absent).

--carried

E*JUSTICE

PROPOSED UPGRADE TO CRIMINAL JUSTICE SOFTWARE (E*JUSTICE).

Kay Gales

Municipal Court Administrator reviewed the item.

Agenda Item No. 5.

In 2006 the E*Justice Steering Committee was formed to evaluate whether the City of Wichita should purchase a replacement public safety records management system or continue to use the current application, E*Justice. The committee included staff from the City Manager's Office, Wichita Police Department, Wichita Municipal Court, IT/IS, the City Prosecutor's Office, and a representative for the Municipal Court Judges.

Over the past year, the team conducted a review of nine (9) records management systems. Although each company presented software applications that could meet some of our needs, they did not meet the base requirements to replace the existing public safety system. Additionally, most vendors demonstrated software applications that were primarily designed for district court systems - not for high volume municipal courts such as ours. It was determined, therefore, to continue improving the existing system for increased operational efficiencies through enhancements and upgrades while continuing to review other software as it becomes available.

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Wichita Municipal Court and Wichita Police Department are requesting enhancements to E*Justice that will ensure the Public Safety System continues to meet our needs.

A list of approximately sixty enhancements was prioritized and ranked by members of the E*Justice Steering Committee. By consensus, nine enhancements were chosen which would have the biggest impact on business processes. Currently there are seven enhancements submitted by Wichita Municipal Court. These enhancements streamline data entry, improve handling of warrants, enhance subpoena issuing capabilities and provide increased operational efficiency. The two enhancements submitted by the Wichita Police Department will improve record "search" capability.

In order to implement these enhancements, city staff will upgrade E*Justice to the latest version (9.1) and CrimeCog will put the enhancements into the newest version reducing the overall cost for these enhancements. Further, CrimeCog will assist staff in upgrading the system, act as a technical resource, and will include training for key staff members.

The cost of the software upgrade and enhancements will be \$202,370 plus funds for actual travel expenses for the vendor and IT/IS contingency for a total of \$232,370. Funds are available in the Software Replacement Fund for this purpose.

This project addresses the Safe and Secure goal by improving the efficiency of the Public Safety Records Management System.

The Law Department has approved the contract as to form.

Mayor Brewer

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

Motion--
--carried

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

BOXING EVENT

PROFESSIONAL BOXING / MIXED MARTIAL ARTS EVENT AT CENTURY II.

Doug Kupper

Park and Recreation Director reviewed the item.

Agenda Report No. 6.

Promoter Dr. Shawn Carpenter of Link MMA, Wichita, Kansas, has requested usage of Century II for a Professional Boxing / Mixed Martial Arts event on August 16, 2008, after a very successful event in Convention Hall on May 10, 2008. State statute 74-50,189 requires a license from the Kansas Athletic Commission and the governing body of the city to adopt a resolution approving professional and amateur boxing, kickboxing, full-contact karate, and mixed martial arts.

Dr. Shawn Carpenter has successfully obtained a promoters license with the Kansas Athletic Commission to conduct professional and amateur Boxing and Mixed Martial Arts events. Dr. Carpenter has requested to lease Convention Hall at Century II to conduct an event on August 16, 2008.

Link MMA is expecting 2,000 attendees and will sign a facility-use lease. Link MMA has assured Century II that they will have a \$1,000,000 liability insurance policy on file for the event. Event security will consist of six (6) uniformed police officers and six (6) t-shirt security.

Century II will expect \$3,500 in hall rental revenue from this event, plus additional sales from concession, merchandise and ticket sales.

This project will impact the Quality of Life goal by providing a variety of entertainment options to citizens.

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The City Attorney has reviewed this request.

Mayor Brewer

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

Motion--
--carried

Brewer moved to approve Dr. Shawn Carpenter and Link MMA to hold their August 16, 2008 event at Century II. Motion carried 6 to 0, (Williams absent).

EVENTPRO

EVENTPRO - EVENT MANAGEMENT SOFTWARE FOR CENTURY II.

Doug Kupper

Parks and Recreation Director reviewed the item.

Agenda Report No. 7.

Century II has been operating for years without industry specific software. Space is blocked through a program called Envision (a proprietary system of Hyatt) and the remaining operations of the facility are done through various Microsoft Office applications. Because of this, Century II staff spends hours on inefficient processes and re-work. There is no centralized area for client information, and the tracking of events and sales leads is difficult resulting in minimal accountability. In addition, inventory management, floor plan layouts, and event worksheets are handled manually resulting in inefficient processes and frequent errors. Account invoices are difficult to produce and accurate reporting is problematic.

Century II staff researched various companies that provide event management software. After reviewing four different companies through webinars, Century II staff decided to pursue EventPro due to its ability to meet the needs of the facility and the price of the software.

The purchase and use of EventPro will dramatically improve the customer service to Century II clients and help further promote a professional image of Century II. It will also improve the internal processes and communications among the Century II staff while eliminating duplicate data entry and event details. This type of program will also help in the sales process, track inventory, and produce accurate floor plans and event worksheets. Invoices will be generated via the event worksheets resulting in accurate billings for the clients. Bookings, reporting and accounting functions all relate to each other in this software. The software will automatically identify found conflicts between each hall.

A specific module of EventPro called EPWeb will allow the Hyatt Regency Wichita, the Greater Wichita Convention & Visitors Bureau, Music Theatre of Wichita, the Wichita Grand Opera, and the Wichita Symphony to review availability and contracted space of the facility by web site. All of these entities have been notified of Century II's desire to acquire this software and all are in support of the purchase.

EventPro has provided a quote for the purchase of their event management software for \$21,719.80. Additional costs will be incurred for an EventPro trainer to come on-site to train Century II staff on the new program, and costs include meal per diems, hotel, and air travel. These costs are estimated at approximately \$1,500. The 2008 Century II budget has sufficient capacity to purchase and implement the software.

The purchase of EventPro will greatly impact the customer service provided to clients and enhance and streamline the internal operations of Century II.

The purchase price of EventPro will be under \$25,000 and does not require a formal bid process. The procurement process was approved by Purchasing.

Mayor Brewer

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

Motion--
--carried

Brewer moved that the purchase of EventPro for Century II be approved and any necessary budget adjustments approved. Motion carried 6 to 0, (Williams absent).

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RAILROAD SIGNALS AGREEMENT FOR THE INSTALLATION OF RAILROAD SIGNALS. (DISTRICT III)

Chris Carrier Public Works Director reviewed the item.

Agenda Item No. 8.

Representatives of the City, State, and Railroad Company reviewed the railroad crossing on 31st St. South, west of K-15. As a result of this review, the installation of an active signal system with gates and cantilever signals was recommended at this location.

The Agreement authorizes the installation of the recommended signal system. The BNSF Railway Company will coordinate the installation of the signal system. The proposed signal installation work should have minimal impact to the existing traffic 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 at the BNSF crossing of 31st St. South is Three Hundred Seventy-Two Thousand, Seven Hundred Seventy Three Dollars (\$372,773.00).

The Agreements obligate the City to install and maintain the necessary advance warning signs and pavement markings at the crossing area. The advance warning signs are presently in place at these locations.

This project addresses the Efficient Infrastructure goal by improving traffic safety.

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

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

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

ICOP DIGITAL CONTRACT WITH ICOP DIGITAL, INC. FOR THE IN-CAR DIGITAL SURVEILLANCE SYSTEM.

Robert Lee Deputy Chief reviewed the item.

Agenda Item No. 9.

The Police Department has been researching the use of in-car video cameras. In fall 2007, the department began planning a pilot program, in which a limited number of cameras will be purchased. The benefits and operating costs of the pilot group of cameras will be evaluated, with potential program changes possible after the evaluation period. Eight vehicles (two at each patrol bureau) that are used predominantly for traffic enforcement will initially be outfitted with In-Car Digital Surveillance systems.

A Request for Proposal (RFP) was developed and sent to thirty-four (34) vendors to provide newest technology for In-Car Digital Surveillance System. There were four (4) vendors that submitted and responded to the proposal. A staff screening selection committee selected ICOP Digital Inc., based in Lenexa, Kansas. The ICOP product selection was based on ease of installation, less drain on car batteries, and lowest proposed cost along with their qualifications, competence and capacity to provide the most beneficial solution for the Police Department.

The proposed contract with ICOP Digital Inc. is for a not to exceed amount of \$76,520.44. This will fund eight video systems, as well as servers, software and other computer equipment to download and store data. The recommended funding source for the cameras and vehicle related equipment is the Fleet Fund. The Fleet Fund will recover its investment through the lease rates charged on Police vehicles.

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For the computer hardware and software, funding is available in the IT Equipment Replacement Fund.

Provide a safe and secure community for the City of Wichita.

The Law Department will review and approve the contract as to form.

Mayor Brewer

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

Motion--
--carried

Brewer moved that the contract be approved; the appropriate signatures authorized; and any necessary budget transfers approved. Motion carried 6 to 0, (Williams absent).

PLANNING AGENDA

CUP2008-10

CUP2008-10 AND CUP2008-11 AND ZON2008-013 AND ZON2008-16 – CREATION OF DP-312 GIRRENS ADDITION COMMERCIAL COMMUNITY UNIT PLAN AND ZONE CHANGE FROM SF-5 SINGLE-FAMILY RESIDENTIAL TO LC LIMITED COMMERCIAL AND GC GENERAL, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF 119TH STREET WEST AND PAWNEE AVENUE. (DISTRICT IV)

John Schlegel

Planning Director reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Item No. 10.

MAPC Recommendations: Approve, subject to staff recommendations with modification (12-2).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve CUP2008-10 and ZON2008-13, subject to staff recommendations (9-0-1). (DAB did not make recommendation on CUP2008-11 and ZON2008-16 because the property was in the unincorporated area of Sedgwick County when DAB IV heard the case).

The applicant proposes to create a commercial community unit plan (“CUP”) containing 33.97 acres with eight parcels. Originally this case included property in the City of Wichita (CUP2008-10 and ZON2008-13) and the unincorporated area of Sedgwick County (CUP2008-11 and ZON2008-16). However, the unincorporated area was annexed by the City of Wichita effective May 23, 2008.

CUP2008-10 and ZON2008-13 consists of Parcels 1-6 and Parcel 8. Requested zoning for Parcels 1 through 3 is GO General Office (“GO”). Requested zoning for Parcels 4-6 and Parcel 8 is LC Limited Commercial (“LC”), but the recommendation of MAPC was to limit Parcel 6 and the southern 350 feet of Parcel 8 to GO zoning.

CUP2008-11 and ZON2008-16 consists of one parcel (Parcel 7-5.44 acres) located one-fourth mile south of the intersection of Pawnee Avenue and 119th Street West. Proposed zoning for this parcel is GC General Commercial (“GC”). The property is subject to a conditional use for a rural home occupation for a landscape contractor’s business (CON2000-58), granted for a 10-year period that expires December 21, 2010. The annexation of the property would render the conditional use for a rural home occupation (which is a use only allowed in the unincorporated portions of Sedgwick County) no longer valid. Prior to approval of CON2000-58, a zone change to LI Limited Industrial (“LI”) to operate the contractor’s business (without the associated rural home occupation) was withdrawn after recommendation for denial by staff and opposition from surrounding landowners. LI zoning was viewed as inappropriate due to its intensity and its potential to be a deterrent to future residential development in the area. Another factor was the mid-mile location of the site, which is contrary to commercial locational guidelines. The ten year time-frame anticipated the operation of a use that is more rural in character until the time when the vicinity was ripe for urban-type development.

As recommended by MAPC, Parcel 7 would be restricted to GO uses or the rural home occupation operated in conformance to the conditions of CON2000-58.

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Other uses excluded by the CUP are: adult entertainment establishment sexually oriented business, correctional placement residences, nightclub in the City, nightclub in the County and tavern or drinking establishment. Restaurants with drive-through windows, convenience stores, service stations and vehicle repair, limited, will not be permitted within 200 feet of residential uses, and drive-through lanes are to be designed to ensure queuing lanes do not align vehicle headlights facing residential zoning. No overhead doors shall be allowed within 200 feet of residential uses and shall not be facing any residential zoning district. Exterior audio systems that project sound beyond the boundaries of the CUP are prohibited.

The applicant requested wood as a possible screening wall material on the west property line since it is separated by a wide creek bed from the adjacent residential development. Use of wood material requires approval by the Governing Body as a deviation from the UZC CUP requirements, based on finding that it meets good planning practice and the purpose of the community unit plan standards of the Unified Zoning Code. Screening of trash receptacles, loading docks, outdoor storage and loading areas and roof-top equipment and exterior setbacks would be in addition to the wood fence and be per the UZC. The CUP also provides architectural compatibility, shared landscape palette and consistency in parking lot elements with heights limited to 24 feet for base, pole and fixtures to enhance the planned appearance of the development.

Monument signage would be limited to 20 feet in height. Portable and off-site signs would be prohibited. Flashing signs (except time and temperature signs and public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement would be prohibited; window signs would be limited to 25 percent of window area and wall signage on the rear of buildings prohibited. The CUP requires cross-lot circulation, pedestrian connectivity between the buildings and the arterial streets and internal circulation not impeding movement between parcels.

The property is in agricultural use except for the residence on Parcel 6, located on land zoned SF-5, and except for the residence associated with the rural home occupation for the landscape contractor's business on Parcel 7, located on land zoned SF-20 with CON2000-58. The property to the north is being developed with a single-family subdivision, Turkey Creek Addition, on property zoned SF-5. A nine-acre vacant tract zoned SF-20 is located at the northwest corner. A church is located on the northeast corner on property zoned SF-5, surrounded by Flat Creek Addition with single-family residences. The land to the east of 119th Street West is zoned SF-20 and is in agricultural use. The property to the south also is zoned SF-20 and is in agricultural use. The remnant of CON2000-58 extends about 400 feet south of Parcel 7 to include a "future building" that has not been built. The tributary to the Calfskin Creek and its floodplain is located to the west of the CUP on property zoned SF-5 and SF-20. West of the Calfskin tributary, single-family residences are being developed in the Southwest Passage Addition.

At the DAB IV meeting held April 2, 2008, DAB voted (9-0-1) to recommend approval of the zoning of the property located in the city (CUP2008-10 and ZON2008-13) subject to staff comments and the use of the wood materials. A representative of the landowner to the east expressed opposition to the GC zoning and concerns over the size of the proposed development as being larger than typical for local commercial development. At the MAPC meeting held April 10, 2008, MAPC voted (10-2) to approve subject to staff recommendations. Counsel for one property owner to the east presented evidence in opposition to the request, and a representative for the other landowner to the east spoke in opposition. Both speakers opposed the size of the rezoning and particularly the more intensive (GC) use of the property located one-fourth mile south of Pawnee.

Protest petitions have been filed representing 46.5 percent of the property within the legal protest area for ZON2008-13 and 48.6 percent of the property within the legal protest area for ZON2008-16 based on its original notice as being in Sedgwick County. A three-fourth majority vote is required to override the protest for both the city case and the county case.

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After the MAPC hearing, the applicant asked for deferral of forwarding the request to Wichita City Council until the unincorporated portion was annexed.

The MAPC recommendation is it be: APPROVED, subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2008-13) to GO for Parcels 1, 2, 3, 6 and the south 350 feet of Parcel 8 and LC for Parcels 4 and 5 and Parcel 8 except the south 350 feet.
- B. APPROVE the zone change (ZON2008-16) to GC subject to Note A for Parcel 7.
- C. APPROVE the Community Unit Plan (DP-312), subject to the following conditions:
 1. Provide guarantees for left turn center lanes and right turn decel lanes to all full movement approaches at time of platting.
 2. Align a western drive on Pawnee Avenue with Upland Hills Street.
 3. Restrict Parcel 7 to those uses permitted in the GO zoning district and the rural home occupation as approved by CON2000-58.
 4. Restrict Parcel 6 and the southern 350 feet of Parcel 8 to GO zoning.
 5. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 6. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 7. The ordinance/resolution establishing the zone change shall not be published until the platting has been recorded with the Register of Deeds.
 8. Prior to publishing the ordinance/resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-312) includes special conditions for development on this property.
 9. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Promote Economic Vitality and Affordable Living.

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

Council Member Gray Council Member Gray stated he does not have any problems with this and have been following this since it was first proposed. Stated the request to defer this so his DAB can hear just the reclassification of one portion of it, he does not find it to be reasonable. Stated that portion was discussed significantly by his DAB anyway and his DAB was unanimous in supporting this with one abstention because that individual is on the planning commission so he could not vote. Stated he sees no reason to defer this and is very familiar with this area and feels this is the most appropriate way to zone something commercial.

Motion-- Gray moved that the findings of the MAPC be adopted and the community unit plan and the zone change approved; the publication of the ordinance withheld until the plat is recorded.

John Schlegel Planning Director asked if the motion included allowing the wood material for the west property line screening wall.

**Amended
Motion--carried**

Gray amended his motion to reflect that. Motion carried 6 to 0, (Williams absent).

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ORDINANCE

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

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.

DER2008-01

DER2008-01: 47TH-55TH STREET SOUTH JOINT AREA PLAN, 2008-2030, (WITHIN UNINCORPORATED SEDGWICK COUNTY).

John Schlegel

Planning Director reviewed the item.

Agenda Item No. 11.

In mid-2007, the City of Derby, the City of Wichita and Sedgwick County jointly agreed to develop a tri-jurisdictional land use plan for the unincorporated area located between 47th and 55th Street South, and K-15 to 159th Street East. It was determined that a plan with a 2030 planning horizon was needed to address issues related to the possible future extension of urban water and sewer services into portions of the plan area, and coordinate the long term 2030 urban growth areas for the cities of Derby and Wichita.

A joint Plan Steering and Technical Advisory Committee advised and directed the development of this plan. The Committee also discussed the appropriateness of modifications to the 2030 growth areas for Derby and Wichita, and the current water agreement between Derby and Wichita.

The plan contains an 'existing conditions' analysis of natural features, land uses and services, zoning and land use policies affecting the plan area, as well as projections of future population and employment growth to the year 2030. The plan proposes an anticipated / desired future land use concept that reflects the efficient, future extension of various urban municipal services into portions of the plan area.

The overall plan concepts are as follows:

1) Future Land Use Concept

Based on research and Steering Committee and Technical Advisory Committee discussions, a Future Land Use Concept has been developed for the Plan Area that largely reflects the Future Land Use Map within the *City of Derby 2006 Comprehensive Plan*, and is consistent with the Wichita-Sedgwick County 2030 Functional Land Use Guide. The Future Land Use Concept developed for the Plan Area is a compilation of population and employment projections, existing and desired future land use patterns, future service area potential, implementation of a series of recommendations of the McConnell AFB Joint Land Use Study and other current trends.

2) Existing Water Agreement between Wichita and Derby

It is proposed that the existing water agreement between the City of Wichita and the City of Derby not be modified at this time, and the Plan Area remains within the City of Wichita's water servicing area. The draft plan recommends that the City of Derby and the City of Wichita should continue to work together by allowing some flexibility in the agreement for situations/cases that arise in which the water agreement boundaries may need to be modified for economic and efficiency purposes.

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3) 2030 Urban Growth Area

The *City of Derby 2006 Comprehensive Plan* identifies a portion of the Plan Area (along Rock Road) as a part of the Derby 2030 Growth Area, while at the same time *The Wichita-Sedgwick County Comprehensive Plan* includes a portion of the Plan Area within the City of Wichita's 2030 Urban Growth Area, from K-15 to just east of Greenwich Road. The *47th-55th Street South Joint Land Use Plan, 2008-2030* does not resolve future growth area/annexation issues. It is recommended that annexation continue to occur as the market demands.

4) Zoning Area of Influence

The City of Derby's Zoning Area of Influence currently covers the majority of the Plan Area from K-15 to 127th Street. The *47th-55th Street South Joint Land Use Plan, 2008-2030* does not propose changes to Derby's Zoning Area of Influence.

5) Tri-Jurisdictional Task Force

The plan recommends that the Managers of the City of Wichita, the City of Derby and Sedgwick County create a Tri-Jurisdictional Task Force to continue efforts to coordinate the future growth and servicing issues that may develop over time. The Task Force would meet once a year, (or more often as needed) and would consist of one person from each jurisdiction that is familiar with these issues. Although this Plan provides land use guidance, there are some unresolved issues that the Committee felt that it was too early to make further decisions.

The *47th-55th Street South Joint Area Plan, 2008-2030* outlines formal policy, which is proposed to be jointly adopted by Sedgwick County, and the Cities of Derby and Wichita as elements of their respective comprehensive plans. Property owners within the Plan Area were invited to an informal Open House held January 28, 2008, that provided information regarding the plan concepts and provided property owners an opportunity to submit comments or concerns. Approximately 43 property owners attended the Open House.

Adopting the *47th-55th Street South Joint Area Plan, 2008-2030* involves no commitment of funding.

The Metropolitan Area Planning Commission, in accordance with Kansas state statutes, published the required public hearing notice in the official City newspaper on March 6, 2008, held a public hearing for the proposed *47th-55th Street South Joint Area Plan, 2008-2030* and approved a resolution adopting the Plan as an amendment to *The Wichita-Sedgwick County Comprehensive Plan* on March 27, 2008. The City of Derby's Planning Commission also published a public hearing notice, held a public hearing and approved a resolution adopting the Plan as an amendment to the Derby Comprehensive Plan on March 20, 2008. The Plan is ready for adoption by the governing bodies of Derby, Wichita and the Board of Sedgwick County Commissioners. The adopting Ordinance has been reviewed and approved as to form.

Motion--

--carried

Brewer moved that the *47th-55th Street South Joint Area Plan, 2008-2030*, be adopted as an amendment of *The Wichita-Sedgwick County Comprehensive Plan*; approve first reading of the Ordinance; and the ordinance in the office City newspaper after adoption be published. Motion carried 6 to 0, (Williams absent).

ORDINANCE

An ordinance adopting the *47th-55th street south joint area plan* as an amendment to the *Wichita-Sedgwick county comprehensive plan*, introduce and under the rules laid over.

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DED2008-04

DED 2008-04-DEDICATION OF A UTILITY EASEMENT WEST OF SENECA AND NORTH OF MACARTHUR ROAD. (DISTRICT IV)

Agenda Item No. 12.

Staff Recommendation: Accept the Dedication.

This Dedication is associated with Lot Split Case No. SUB 2008-07 (Carpenter's Local Union No. 201 Addition). The Dedication is for construction and maintenance of public utilities.

Ensure Efficient Infrastructure.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Brewer moved that the Dedication be accepted. Motion carried 6 to 0, (Williams absent).

VAC2008-00011

VAC2008-00011 - REQUEST TO VACATE A PORTION OF A PLATTED SETBACK; GENERALLY LOCATED SOUTH OF MAPLE STREET AND EAST OF TYLER ROAD. (DISTRICT V)

Agenda Item No. 13.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the east 13 feet of the platted 25 foot street side yard setback, making a 12 foot setback in its place. The site is the west half of Lot 1, Woodchuck Villas 2nd Addition. The zoning of the subject site is TF-3 Duplex Residential ("TF-3"). The lot has been split by two separate owners and developed with a single-family residence on each half of the lot. The lot, as split, does meet the Unified Zoning Code's (UZC) minimum standards for a single-family residential lot in the TF-3 zoning district. The UZC requires a minimum of a 15 foot street side yard setback for the TF-3 zoning district. If this was not a platted setback, the applicant could have applied for an Administrative Adjustment, which would reduce the TF-3 zoning district's 15 foot street side yard setback by 20%, resulting in a 12-foot setback, which is what the applicant is requesting. The applicant proposes to build a room addition onto the residences, thus the vacation request. There is a platted easement located within the south end of the remaining setback, which covers a sewer line; this easement will remain in place. There are no water lines or other utilities located within the platted setback. The Woodchuck Villas 2nd Addition was recorded with the Register of Deeds on July 2, 1979.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

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

Motion--
--carried

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

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HOUSING AGENDA

GRANT APP.

HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY GRANT APPLICATION.

Agenda Item No. 14.

The United States Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for continued funding of the Family Self-Sufficiency Program Coordinator positions and the Homeownership Coordinator position.

HUD requires that Housing Authorities operate a Family Self-Sufficiency (FSS) program in order to receive additional Section 8 Housing Choice Vouchers. Though it is a HUD requirement for Housing Authorities, participation by Section 8 Housing Choice Voucher holders is voluntary. The advantage to the client is the program provides the opportunity for them to increase their income potential and eventually become independent of public assistance. The Family Self-Sufficiency and Homeownership Coordinators work with program participants to connect them with community resources such as job training, to help them achieve self-sufficiency. Many FSS participants have become homeowners through the Homeownership 80 program and/or the Housing Choice Voucher Homeownership program as a result of their participation.

HUD requires the Family Self-Sufficiency program.

This program contributes to the City goal of Economic Vitality and Affordable Living.

The amount of the application is \$172,912, which covers the salary and fringe benefits of one Homeownership Coordinator and two Family Self-Sufficiency program coordinators. All positions are currently filled.

Motion--

Allan Murdock moved that the application and the grant award upon receipt be approved and the necessary signatures authorized. Motion carried 7 to 0, (Williams absent).

SECTION 8

SECTION 8 ADMINISTRATIVE PLAN REVISIONS.

Agenda Item No. 15.

The Governing Board of the Housing Authority must approve revisions to the Section 8 Administrative Plan before changes can be implemented. The revisions to the existing plan are requested in order to include strategies to further fair housing.

Revisions to the Section 8 Administrative Plan include documents that provide Wichita Housing Authority strategies to affirmatively further Fair Housing requirements. Federal Register, Volume 73, No. 92 requires Housing Authorities submitting grant applications for Family Self-Sufficiency Coordinator funding to include strategies to affirmatively further Fair Housing in the Section 8 Administrative Plan.

This action will support the City's goal of Economic Vitality and Affordable Living.

Amendments are required or permitted in accordance to Rules and Regulations for administration of Section 8 Housing Choice Voucher Program.

Motion--

--carried

Allan Murdock moved that the revisions to the Section 8 Administrative Plan for the Section 8 Housing Choice Voucher Program be approved. Motion carried 7 to 0, (Williams absent).

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COUNCIL MEMBER AGENDA

TRAVEL EXPEND. TRAVEL APPROVAL FOR MAYOR BREWER TO ATTEND THE NLC NBC-LEO ANNUAL SUMMER CONFERENCE, ATLANTA, GA, ON JULY 23-28, 2008.

Motion--carried Vice-Mayor Schlapp moved that the expenditures be approved. Motion carried 6 to 0, (Williams absent).

COUNCIL MEMBER APPOINTMENTS

There were no appointments to be made.

CONSENT AGENDA

Motion-- Brewer moved that consent items 17 through 31e, be approved in accordance with the recommended
--carried action shown thereon. Motion carried 6 to 0 (Williams absent).

BOARD OF BIDS

REPORT OF BOARD OF BIDS AND CONTRACTS DATED JUNE 9, 2008.

Bids were opened June 6, 2008, pursuant to advertisements published on:

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

Water Distribution System to serve Edge Water Addition (south of 45th Street North, west of Hoover) (448-90312/735393/470066) Does not affect existing traffic. (District VI)

Duling Construction - \$161,538.00

Taft Street Rehabilitation (various locations south of Maple Street, east of Maize Road) (472-84578/132721/N/A) Traffic to be maintained during construction using flagpersons & barricades. (District V)

Kansas Paving Company - \$344,795.00 (Engineer's Estimate)

Water Main Replacement in Arkansas, 16th Street North to 20th Street North (north of 13th Street North, west of Broadway) (448-90119/633721/750815) Traffic to be maintained during construction using flagpersons & barricades. (District VI); Sanitary Sewer Improvements in Arkansas, 15th Street North to 20th Street North (north of 13th Street North, west of Broadway) (468-84372/620480/667598) Traffic to be maintained during construction using flagpersons & barricades. (District VI)

Wildcat Construction - \$907,850.00 Group 1(Negotiated to Engineer's Estimate)
\$ 72,920.00 Group 2
\$980,770.00 Total Aggregate Bid

Water Distribution System to serve Foliage 4th Addition (north of 13, west of Webb) (448-90391/735421/470094) Does not effect existing traffic. (District II)

Mike Love Construction - \$22,514.25

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Lateral 57, Main 24 War Industries Sewer Foliage 4th Addition (north of 13th, west of Webb) 468-84519/744285) Does not effect existing traffic (District II)

Mies Construction - \$49,600.00 Negotiated to Engineer's Estimate

Storm Water Sewer #644 to serve Foliage 4th Addition (north of 13th, west of Webb) (468-84520/751476/485367) Does not effect existing traffic. (District II)

Mies Construction - \$43,005.00

Motion--

Brewer moved that the contracts be awarded as outlined above, same being the lowest and best bids within the Engineer's construction estimate, and the necessary signatures be authorized. Motion carried 6 to 0, (Williams absent).

--carried

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Mid-Size Hybrid Vehicle

Scholfield Honda - \$182,282.48

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Rubber tired tractor 55 HP

Prairieland Partners, Inc. - \$ 86,010.00 Base Bid
- \$ 498.45 Group 1, Option 3

WATER UTILITIES DEPARTMENT/SEWAGE TREATMENT DIVISION: Wheel Loader w/General Purpose Bucket

Foley Equipment Co., Inc. - \$ 172,500.00 Base bid
- \$ (33,500.00) Group 1, Option 1 Deduct
- \$ 7,500.00 Group 1, Option 2
\$ 3,825.00 Group 1, Option 3
- \$ 26,450.00 Group 1, Option 4

Motion--

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

--carried

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Loan H. Le	KC Gas & Groceries #1	1102 West Maple
Kim T. Huynh	Kim Son Asian Food Market	960 East Pawnee

<u>Renewal</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Paul A. Eck	Family Homes Association, Inc.*	3202 West 13th

<u>New</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Mandeep S. Sira	North Corporation dba Infinite	6330 East 21 Street North
Mandeep S. Sira	South Corporation dba Infinite	3405 South West Street
Mandeep S. Sira	South Corporation dba Infinite	277 South Ridge Road
Mohammed L Hossain	D & D Enterprise	5562 South Seneca

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

Motion--

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

--carried

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PRELIM. ESTS.

Preliminary Estimates:

- a. 2008 Sanitary Sewer Reconstruction Phase 5 (east of Broadway, north of 2nd Street) (468-84513/620510/668629) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$200,000.00
- b. Water Distribution System, Phase 2 to serve Silverton Addition (north of 13th Street North, west of 135th Street West) (448-90239/735413/470086) Does not affect existing traffic. (District VI) - \$148,000.00
- c. Water Distribution System, Phase 3 to serve Silverton Addition (north of 13th Street North, west of 135th Street West) (448-90240/735414/470087) Does not affect existing traffic. (District V) - \$112,500.00
- d. 2008 Contract Maintenance Bridgedeck Repairs (Amidon over the Big Arkansas and Arkansas over the Big Ditch) (472-84665/132721/) Traffic shall be maintained during construction using flagpersons and barricades. (District VI) - \$550,000.00
- e. Lead Services Replacement West, Ph 2 (north of MacArthur, east of Broadway) (448-90387/636186/777577) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV) - \$208,515.00
- f. 26th Street North from the west line of Lot 1, Block 1, Power CDC Third Addition, to and including the intersection of 26th Street North and Madison Avenue; the west half of Madison Avenue, from 26th Street North to the north line of Lot 14, Block 1, Power CDC Third Addition; Piatt Circle, from the north line of 26th Street North to and including the cul-de-sac; sidewalk on one side of Third Addition to Madison Avenue 26th Street North, from the west line of Lot 1, Block 1, Power CDC Third Addition to Madison Avenue to serve Power CDC 3rd Addition (north of 26th Street North, west of Grove) (472-83774/766171/490189) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$426,000.00
- g. The cost of Mark Randal, Cortina, and Shefford to serve Fontana 3rd Addition (north of 29th Street North, east of 119th Street West). (472-84091/766131/490-149) (District V). – Total Estimated Cost \$556,000.00
- h. The cost of Zelta Drive from the north line of Kellogg Drive to the south line of Waterman (north of Kellogg, east of Greenwich). (472-84300/765972/490-087) (District II). – Total Estimated Cost \$320,000.00
- i. Water Distribution System to serve Edge Water Addition (south of 45th Street North, west of Hoover) (448-90311/735392/470065) Does not affect existing traffic. (District VI) - \$907,000.00
- j. 10th Street from the east line of St. Paul to the west line of Edwards to serve Park Vista Addition (south of 13th, west of McLean) (472-84454/766117/490134) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$178,350.00
- k. 2007-2008 CIP Wheelchair Ramp and Sidewalk - Phase 2 N/A (east of 159th Street West, north of 71st Street South) (472-84604/706971/207437) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, V & VI) - \$227,221.40
- l. Lateral 11, Main 26 War Industries Sewer to serve Regency Lakes Commercial 2nd Addition (north of 21st Street North, west of Greenwich) (468-84509/744284/480973) Does not affect existing traffic. (District II) - \$34,000.00
- m. Water Distribution System to serve Woodland North Addition (east of Hood, south of 29th Street North) (448-90359/735420/470093) Does not affect existing traffic. (District VI) - \$28,000.00
- n. Lateral 152, Main 4, Sanitary Sewer #23 to serve Woodland North Addition (east of Hood, south of 29th Street North) (468-84479/744282/480971) Does not affect existing traffic. (District VI) - \$30,000.00
- o. Water Distribution System to serve Hunter Health Clinic 2nd Addition (north of Central, east of Hydraulic) (448-90291/735403/470076) Traffic to be maintained during construction using flagpersons & barricades. (District I) - \$25,990.00

Motion--carried

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

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PETITION

SANITARY SEWER TO SERVE PART OF RUBOTTOM ADDITION, EAST OF SENECA, SOUTH OF HARRY. (DISTRICT IV)

Agenda Item No. 20a.

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide sanitary sewer service for a commercial development located east of Seneca, south of Harry.

The Petition totals \$31,350. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer improvements required for new commercial 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

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

RESOLUTION NO. 08-301

Resolution of findings of advisability and Resolution authorizing construction of Lateral 10, District E, Sanitary Sewer No. 21 (east of Seneca, south of Harry) 468-84523 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0, (Williams absent). Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, and Brewer.

PETITION

WATER DISTRIBUTION SYSTEM TO SERVE PART OF WHEATRIDGE ADDITION, NORTH OF KELLOGG, WEST OF 119TH STREET WEST. (DISTRICT V)

Agenda Item No. 20b.

The Petition has been signed by three owners representing 100% of the improvement district.

The project will provide water service for a commercial development located north of Kellogg, west of 119th St. West.

The Petition totals \$130,000 with \$84,500 paid by special assessments and \$45,500 by the Water Utility. The Utility share is for over sizing the pipe to serve future development outside the improvement district.

This project addresses the Efficient Infrastructure goal by providing water service for new commercial 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

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

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RESOLUTION NO. 08-302

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90392 (north of Kellogg, west of 119th St. West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0, (Williams absent). Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, and Brewer.

PETITION

SANITARY SEWER TO SERVE PART OF MCCARTY SECOND ADDITION, SOUTH OF 31ST STREET SOUTH, WEST OF THE KANSAS TURNPIKE. (DISTRICT III)

Agenda Item No. 20c.

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide sanitary sewer service for a commercial development located south of 31st St. South, west of the Kansas Turnpike.

The Petition totals \$50,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer improvements required for new commercial 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

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

RESOLUTION NO. 08-303

Resolution of findings of advisability and Resolution authorizing construction of Lateral 6, Main 14, War Industries Sewer (south of 31st St. South, west of the Kansas Turnpike) 468-84524 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0, (Williams absent). Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, and Brewer.

DEEDS/ESMNTS

DEEDS AND EASEMENTS:

- a. Drainage and Utility Easement dated May 6, 2008 from Ron Peake Design-Build, Inc for a tract of land lying in Lots 10, 11, and 12, Block 1, Legacy Park Wilson Estates 3rd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- b. Utility Easement dated May 5, 2008 from Beech Lake Investment, LLC, a Kansas limited liability company for a tract of land lying in Lot 1, Block 1, Foliage Center Second Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- c. Utility and Drainage Easement dated April 7, 2008 from Ritchie Associates, Inc for a tract of land lying in the Northeast Quarter, Section 11, Township 27 South, Range 2 East, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- d. Sidewalk Easement dated May 19, 2008 from Kenneth W. and Deana L. Herington, for a tract of land lying in Lots 2 and 4, East Street (now Crestway), Blue Grass Subdivision of Blocks C & F, Browns Subdivision, College Hill Addition to Wichita, Sedgwick County, Kansas (OCA # 132001). No Cost to City

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- e. Sanitary Sewer Easement dated May 8, 2008, 2008 from Ritchie Development Corp. for a tract of land lying in Lot 11, Block 2 Reed's Cove Addition, Sedgwick County, Kansas (OCA # 624078). No cost to City
- f. Sanitary Sewer Easement dated May 8, 2008, 2008 from Ritchie Development Corp. for a tract of land lying in Lot 12, Block 2 Reed's Cove Addition, Sedgwick County, Kansas (OCA # 624078). No cost to City
- g. Sanitary Sewer Easement dated May 12, 2008, 2008 from Jerome George and Connie S. George for a tract of land lying in a portion of vacated York Street between Lot 9, block 22 and Lot 28, Block 21. All in Diamond Addition to Oatville, Kansas, in Sedgwick County, Kansas (OCA # 744113). No cost to City

Motion--carried

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

WEBB BUSINESS

STAKING IN WEBB BUSINESS PARK ADDITION, NORTH OF 37TH STREET NORTH, WEST OF WEBB. (DISTRICT II)- SUPPLEMENTAL

Agenda Item No. 22a.

The City Council approved the drainage improvements in Webb Business Park Addition on October 16, 2007. On March 18, 2008 the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for 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 PEC will be on a lump sum basis of \$8,000 and will be paid by special assessments.

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

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

Motion--
--carried

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

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CAMBRIA ADD.

STAKING IN CAMBRIA ADDITION, EAST OF 143RD STREET EAST, NORTH OF PAWNEE. (DISTRICT II)- SUPPLEMENTAL

Agenda Item No. 22b.

The City Council approved the sewer improvements in Cambria Addition on February 5, 2008. On March 18, 2008 the City approved an Agreement with Ruggles & Bohm, P.A. to design the improvements. The Design Agreement with Ruggles & Bohm requires Ruggles & Bohm to provide construction engineering and staking services if requested by the City.

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

Payment to Ruggles & Bohm will be on a lump sum basis of \$11,300 and will be paid by special assessments.

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

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

Motion--
--carried

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

ASBESTOS SURVEY

ASBESTOS SURVEY AND RELATED SERVICES.

Agenda Item No. 22c.

Various City Departments require asbestos survey and related services for demolition and remodeling projects as required by the Environmental Protection Agency (EPA) and the Kansas Department of Health and Environment (KDHE).

Request for Proposal (RFP) (FP800016) were mailed on February 1, 2008. Five (5) firms responded to the proposal as follows: Allied Environmental Consultants, Inc. (AEC) at \$88,785.00; B2 Environmental, Inc. at \$69,510.00; OCCU-TEC, Inc. at \$127,530.00; Precision Environmental Services (PES) at \$31,090.00; Versar, Inc. at \$103,425.00.

The Staff Screening and Selection Committee (SS&SC) at their April 24, 2008 meeting took the following actions:

- The committee decided to base its recommendations on cost and technical ability.
- Due to the big difference between the lowest bidder (Precision Environmental Services (PES) at \$31,090.00) and the second lowest bidder (B2 Environmental, Inc. at \$69,510.00); and the fact that PES is the current City of Wichita Asbestos Survey and Related Services vendor and they have also been performing their duties well over the last two years; the committee decided to deliberate on the proposals without interviewing the firms.

The committee voted unanimously to select the firm of Precision Environmental Services for this project based on their fee proposal, qualifications, and previous performance.

RFP respondents quoted delivered prices on the equipment, material and services based on the square feet of the facility to be surveyed and unit prices for testing and sampling. Quantities were estimates

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only. The contract will not obligate the City to any specific purchases or volume of purchases on asbestos surveys. It only provides the departments the ability to obtain asbestos surveys from the most qualified and cost-effective vendor. The contract is for one (1) year with an option to renew for one (1) successive year period by mutual agreement of both parties.

The primary objective of this contract is to provide Improved Environmental Health and Community Safety through detection and abatement of a hazardous material (asbestos) in a safe and professional manner which also conforms to State and Federal safety regulations.

The Law Department has approved the Contracts as to form.

Motion--
--carried

Brewer moved that the selection of Precision Environmental Services for this contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Williams absent).

HARVEST RIDGE

DESIGN SERVICES FOR HARVEST RIDGE ADDITION, WEST OF MAIZE, SOUTH OF 31ST STREET SOUTH. (DISTRICT IV)

Agenda Item No. 23a.

The City Council approved the paving improvements in Harvest Ridge Addition on July 15, 2003.

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

Payment to Baughman will be on a lump sum basis of \$25,800 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 paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

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

Motion--
--carried

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

PROP. ACQUIS.

PARTIAL ACQUISITION OF 4002 WEST CENTRAL FOR THE IMPROVEMENT PROJECT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Item No. 24.

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. On June 26, 2007 the City Council gave staff permission to initiate eminent domain on those parcels not yet acquired. The subject was included in this action. This acquisition consists of the south 10 feet (600 square feet) of the commercial property at 4002 West Central. The property is improved with a 2,107 square foot commercial/retail building on a 6,000 square foot lot.

The proposed acquisition consists of 600 square feet and is a ten-foot strip of land along the south property line/north right-of-way line of Central Avenue. The building is not directly impacted as a result of the project; however parking is eradicated as a result of the proposed acquisition. The owner will lose all five of the existing parking spaces however; with a reconfiguration of the site and paving of the western portion of the property, these spaces can be replaced. The appraised offer of \$8,100, or \$11.00 per square foot and \$1,500 for lost parking/drive area improvements were rejected by the owner.

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The owner has agreed to sell the proposed acquisition area for \$20,000, or \$11.00 per square foot for the take and \$13,400 as proximity damages which will allow for paving the alley adjacent to the building as replacement parking.

The funding source for the project is General Obligation Bonds. A budget of \$22,000 is requested. This includes \$20,000 for the acquisition and \$2,000 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the contract as to form.

Motion--
--carried

Brewer moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 6 to 0, (Williams absent).

WETLANDS

WETLANDS MITIGATION IN NORTHWEST WICHITA.

Agenda Item No. 25.

As part of the continued development of the commercial corridor along north Maize Road private developers have initiated a project to construct a large retail store at the intersection of 29th Street North and Maize Road. The building and associated facilities will be constructed in an area that has been designated to be a wetlands by the Corps of Engineers. In order to receive authorization to construct in this area, developers were required to identify an equally-sized area conducive to the creation of wetlands that will offset the area disturbed by the development property.

Developers made the proposal to use land owned by the City of Wichita Water Utilities as a site for the mitigation. The land is part of the Cowskin Creek Water Quality Reclamation Facility property. The Water Utility purchased the property with the intention of developing wetlands that could be used by the public for recreation and education. Also in the plans was to make use of the wetlands as a wastewater treatment component for the removal of nitrogen and phosphorus.

Private developers will fund the project. They will finance the construction of the facility and the original planting of the vegetative cover. The Water Utilities will be required to maintain the mitigation site for a period of five years, in accordance with standards set by a third-party auditor comprised of representatives from the state and other agencies. Water Utilities will then be responsible for the maintenance of the area in perpetuity without the outside oversight.

The area will be designated by a 404 permit as wetland which will be subject to the control authority of the Corps of Engineers. The control will prevent the use of this land for anything other than wetlands. In the future, if this land is needed for any other purpose, the Water Utilities will be required to mitigate the disturbed area.

The developer is contributing the cost of facility construction and permitting for this project. Project costs should not exceed \$272,000. Original estimates for the project were \$300,000. Site permitting has been paid by the developer and the remaining balance has been paid to Water Utilities.

Estimates for site maintenance are approximately \$10,000 per year. Site maintenance will be funded from the Water Utilities operating budget. A line item has been added to the budget for \$10,000 which will be used to perform the annual maintenance for the area.

This project will promote economic vitality and enhance the quality of life for citizens in the area.

There are no legal considerations.

Motion--
--carried

Brewer moved that a Capital Improvement Project in the amount of \$272,000 for the design and construction of a wetland to be used as a mitigation site be authorized. Motion carried 6 to 0, (Williams absent).

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WATER SUPPLY

WATER SUPPLY ENVIRONMENTAL IMPACT STATEMENT - UPDATE.

Agenda Item No. 26.

On October 3, 2000, the City Council approved and instructed Staff to begin implementation of the Concept Design Plan for the Integrated Local Water Supply Plan. On March 4, 2003, City Council authorized a project to evaluate the potential environmental impact of projects constructed as part of the Integrated Local Water Supply Plan (ILWS).

The Equus Beds Aquifer Storage and Recovery Project, which is part of the ILWS Plan, is the first of its kind in Kansas. To help assure the public that the project was safe, the City completed an Environmental Impact Statement. The study complied with all elements expected of an Environmental Impact Statement (EIS), but did not have any federal sponsorship. Now that the Aquifer Storage and Recovery Project (ASR) has received federal funding through the Bureau of Reclamation, the Bureau of Reclamation (BOR) is required to prepare another EIS with their sponsorship. Fortunately, most of the materials in the initial EIS can be used, which will help speed the process. Approval of the EIS is necessary in order to use federal funding on construction activities.

One of the items to be updated is the section on hydrology. It has been determined the most effective way is to have Burns & McDonnell Engineering, who did the initial EIS which included the hydrology section, complete the update. The Agreement for Professional Services includes a scope of services that the BOR agrees will meet their needs in preparing the EIS.

The cost for the update will not exceed \$66,530. Funding is included in CIP W-549, Water Supply Projects that has available funding of over \$5 million in 2008.

This project will ensure efficient infrastructure by providing reliable, compliant and secure utilities and will help assure that adequate water supplies are available for future customers.

The Law Department has reviewed and approved Agreement as to form.

Motion--
--carried

Brewer moved that the Agreement to assist in updating the Environmental Impact Statement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Williams absent).

NMF AMERICA, INC. CONSENT TO MORTGAGE AND ASSIGNMENT RELATED TO IRBS, NMF AMERICA, INC. (DISTRICT II)

Agenda Item No. 27.

On July 18, 2000, City Council approved issuance of Industrial Revenue Bonds in the amount of \$5 million to NMF America, Inc ("NMF"). 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 construct and equip a 40,000 s.f. manufacturing plant.

On November 18, 2003, the City Council approved the consent to transfer and sale of NMF America to SONACA America ("Sonaca"). SONACA (Societe Nationale de Construction Aeospaciale) NMF is a Belgian aerospace company. Sonaca now serves as the parent company to NMF America.

In 2005, the Canadian Imperial Bank of Commerce elected to withdraw the letter of credit that was required as a condition of the bonds and a new letter of credit was issued to NMF by HSBC Bank Canada. As a condition of the new letter of credit, Sonaca was required to provide a guarantee of the obligation of HSBC. NMF was then required to enter into a reimbursement agreement with Sonaca to

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pay any sums or damages that may be required of Sonaca by the guarantee to HSBC. The City's consent is required

The consent document and resolution provide the City's consent to the Mortgage and Assignment between NMF and Sonaca. The Lease Agreement on the bonds requires the City's consent in order for NMF to secure the obligations to Sonaca.

There is no fiscal impact to the City through consent to the mortgage and assignment.

Economic Vitality and Affordable Living. Efficient administration of economic incentive programs, such as IRB financing, contributes to the growth of the economy and prosperity of the community.

The City Attorney's Office has reviewed and approved the resolution and documents as to form.

Motion--
--carried

Brewer moved that the Sonaca Leasehold Mortgage be approved and the necessary signatures authorized. Motion carried 6 to 0, (Williams absent).

RESOLUTION NO. 08-304

A Resolution consenting to a certain mortgage and assignment relating to \$5,000,000 Industrial Revenue Bonds, Series 2000 (NMF AMERICA, INC.) of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0, (Williams absent). Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, and Brewer.

KSDD PROPERTIES

CONSENT TO SUBLEASE OF LAND RELATED TO IRBS, KSDD PROPERTIES, LLC. (DISTRICT II)

Agenda Item No. 28.

On October 3, 2006, City Council approved the issuance of IRBs in the amount not to exceed \$9,000,000, and a 90% five-plus-five-year property tax exemption on bond financed property to KSDD Properties, LLC ("KSDD") for the benefit of Delta Dental Plan of Kansas, Inc. ("Delta Dental"). The bonds were used to finance the acquisition and construction of a corporate headquarters facility to be leased to Delta Dental located in the Waterfront Addition at 13th & Webb. The Waterfront Addition is managed by Vantage Point Properties.

Vantage Point Properties has negotiated a sublease with KSDD for a small tract of their north drive in order to construct additional signage. The City's consent to the sublease of IRB financed property is required as a condition of the bond documents.

The tract of land will be used to construct a multi-panel sign. Vantage Point Properties is required by the City to control a certain amount of frontage on Waterfront Parkway relative to the sign dimensions. The tract will satisfy the requirement and will be leased by Vantage Point Properties from KSDD for a term of 25-years at a lease rate of one dollar per year.

There is no fiscal impact to the City by consent to the sublease.

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

The City Attorney's Office has reviewed and approved the documents as to form.

Motion--
--carried

Brewer moved that the consent to the sublease be approved and the necessary signatures authorized. Motion carried 6 to 0, (Williams absent).

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CONTRACTS

MAY 2008 MONTHLY CONTRACTS AND AGREEMENTS REPORT FOR COUNCIL.

Motion--carried

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

CADILLAC LAKE

APPROVAL OF EASEMENT DEDICATION FOR PUBLIC UTILITIES – CADILLAC LAKE PROJECT. (DISTRICT V)

Agenda Item No. 30.

On May 6, 2008, the City Council approved acceptance of a deed to land to be used for wetlands and storm water detention benefiting the Chadsworth residential development and the entire drainage basin near the intersection of 29th Street North and Maize Road. The property owners who donated that land also are dedicating easements across an adjacent parcel for drainage, stormwater sewer, sanitary sewer and water supply facilities that will benefit the commercial development (Lowe's store) planned for the site.

The easements dedicated are of the same character as those typically requested in the process of original platting. These easements were not included at that time because the size and nature of the easements were dependent on the intensity of use of the property they serve. Until the 404 permit was issued, it would not have been possible to commercially develop the property with the intensity now anticipated. The developer's agreement called for the easements to be described and dedicated after the 404 permit was obtained. Since that permit was issued earlier this month, these dedications can proceed.

There is not financial impact to the City arising from these dedications. They anticipate and allow the easements to be overlain with landscaping, parking, private roads, etc., but call for the Owner to bear the cost of initial installation, and to further bear the cost of moving the easements and facilities if further development makes that necessary.

This project contributes to the Economic Vitality goal by allowing the development of a large area in and near our City while protecting downstream lands from increased flooding.

The Law Department has reviewed and approved the language of the proposed easement dedications.

Motion--
--carried

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

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 3, 2008)

- a. A08-07R Request by John Philbrick, on behalf of the City of Wichita, to annex land generally located north of 55th Street South, between Clifton Avenue and Southeast Boulevard. (District III)

ORDINANCE NO. 47-908

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Williams absent) (A08-07)

- b. Charter Ordinance-Municipal Court Judges, Political Activity.

CHARTER ORDINANCE NO. 207

A charter ordinance of the city of Wichita, Kansas, repealing Section 7 of Charter Ordinance No. 90, pertaining to political activity of municipal court judges. Brewer moved that the Charter Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Williams absent)

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- c. Amendments to the Exempt Employees Classification Ordinance.

ORDINANCE NO. 47-909

An ordinance establishing position classifications for exempt employees of the city of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges repealing Ordinance No. 47-701. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Williams absent)

- d. ZON2008-15-City Zone change from SF-5 Single-family Residential to LC Limited Commercial; amended to NR Neighborhood Retail. Generally located on the north side of Harry Street between Todd and Shiloh Streets (District II)

ORDINANCE NO. 47-910

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. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Williams absent)

- e. ZON2008-17 – Zone change from SF-5 Single-family Residential to LC Limited Commercial; generally located north of Central and west of Elder. (District VI)

ORDINANCE NO. 47-911

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. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Williams absent)

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

RECESS

EXECUTIVE SESSION

Motion-- Brewer moved at 10:33 a.m. that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation; legal advice; and personnel matters of non-elected personnel and that the Council return from Executive Session no earlier than 11:00 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 6 to 0, (Williams absent).

--carried

RECONVENE

The City Council reconvened in the Council Chambers at 11: 14 a.m. Mayor Brewer announced that no action was taken.

Motion--carried Brewer moved to close the Executive Session. Motion carried 6 to 0, (Williams absent).

Motion-- Brewer moved that the City Council approve the City Manager's Agreement between the City of
--carried Wichita and Pat Salerno. Motion carried 6 to 0, (Williams absent).

Vice-Mayor Schlapp Vice-Mayor Schlapp stated the vote to accept the new manager's contract was a unanimous vote of 6 to 0, and that Council Member Williams was not present today.

Motion--carried Brewer moved to adjourn the regular meeting. Motion carried 6 to 0, (Williams absent).

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ADJOURNMENT

The Council Meeting was adjourned at 11: 17 a.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

Workshop followed in the first floor board room