

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 437

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 7, 2001
Tuesday, 9:02 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Invocation – Kevin Clark, Catholic, gave the invocation.

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

Minutes -- approved

The Minutes of the regular meeting of July 17, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

NEW BUSINESS

**PRESBYTERIAN
MANORS, INC.**

REQUEST FOR LETTER OF INTENT FOR HEALTH CARE FACILITIES REFUNDING REVENUE BONDS – PRESBYTERIAN MANORS, INC.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0881.

In 1990, the City Council issued refunding and improvements revenue bonds to finance or refund previous financing on Presbyterian Manor, Inc. ("PMI"), facilities throughout Kansas. Presbyterian Manor Inc., a Kansas not-for-profit corporation, wishes to refinance its outstanding bonds and is requesting City Council approval of a Letter of Intent to issue its Health Care Facilities Refunding Revenue Bonds in an approximate amount of \$25,000,000.

Several years ago, PMI requested that the City of Wichita act as a "host" bond issuer for consolidated financings of PMI facilities located throughout Kansas. The City then entered into interlocal cooperation agreements with the Kansas communities that have PMI facilities. These agreements authorize the City of Wichita to issue Revenue Bonds on behalf of, and with the consent/approval of, the participating municipalities located in the state of Kansas. PMI has twelve retirement community facilities serving Kansas, 765 licensed intermediate care (IMF) and skilled nursing (SNF) beds to provide service and health care for Kansas' older adults. Its Kansas facilities have over 1 million square feet of various types of living and health care space on 143 acres of Kansas land. PMI employs 1,155 individuals in Kansas including 21 employees at their corporate headquarters and 92 employees at its 139,400 square foot retirement community in Wichita. PMI serves over 1,700 senior adult residents in Kansas and Missouri.

CITY COUNCIL PROCEEDINGS

Bond proceeds will be used primarily to refinance currently existing debt and pay costs of issuance. A small portion of the bonds will be used to construct improvements and acquire equipment for the PMI facilities in Kansas.

An estimated analysis of the uses of project funds is:

USES OF FUNDS

Amount needed to refund outstanding bonds	\$19,190,495
New money capital project	180,100
Debt service reserve fund	2,201,500
Costs of issuance including underwriters discount	500,000
Contingency for original issue discount and other	
Potential costs	<u>2,927,905</u>
Total cost of Refinancing Project	\$25,000,000

The firm of Hinkle Elkouri Law Firm, L.L.C., will serve as bond counsel in the transaction. Ziegler Capital Markets Group, in Chicago, Illinois, has agreed to underwrite the bonds. Presbyterian Manor, Inc., is in compliance with the Standard Conditions contained in the City's IRB Policy.

Presbyterian Manor, Inc., agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Presbyterian Manor, Inc., does not request a property tax abatement in conjunction with the IRBs.

Bond documents needed for the issuance of the bonds have been prepared by bond counsel. The City's Attorney's Office will review and approved the form of bond documents prior to the issuance of any bonds. The public hearing held in conjunction with this item satisfies the TEFRA Hearing requirement in the federal tax code for tax-exempt bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the public hearing be closed; and the Letter on Intent for Health Care Facilities Refunding Revenue Bonds to Presbyterian Manor, Inc., in an amount not-to-exceed \$25,000,000, subject to the Standard Letter of Intent Conditions, be approved. Motion carried 7 to 0.

-- carried

CASA DEL NORTE

REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS - CASA DEL NORTE APARTMENTS. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report 01-0882.

The City has received a request from C.E.R. Corporation, Inc. for a letter of intent it issue industrial revenue bonds in an amount not to exceed \$10,000,000 to finance the costs of developing Phase I of a multi-family housing project (Casa Del Norte Apartments), located at 505 West 33rd Street North, in north-central Wichita. C.E.R. intends to use the letter of intent as evidence of City support in its application to the State of Kansas for low income housing tax credits. C.E.R. is also requesting City Council approval of a property tax rebate under the Neighborhood Revitalization Program, equal to all taxes paid on improvements for a period of five years, plus an additional five years subject to City Council review.

In its initial phase of development, Casa Del Norte Apartments will consist of five residential buildings containing a total of 71 units, and an office facility that will include two learning centers and a central laundry room. The proposed project is not only designed to provide a quality apartment living community targeted to (but not limited to) the Hispanic Community, but residents will also have available a full range of educational opportunities to help in adjusting to the American culture and gaining access to the workforce.

CITY COUNCIL PROCEEDINGS

The proposed project will be owned by Casa del Norte I, L.P., A Kansas limited partnership whose general partner will be C.E.R. corporation, Inc., a 501(c)(3) corporation. C.E.R. is the local affiliate of S.E.R. Corporation, Inc., a national workforce training organization. The project will be funded with the proceeds of tax-exempt multifamily housing revenue bonds and low income housing tax credits. It is the intent of the owner to qualify 100% of the apartment units for the tax credit program by reserving the units for tenants whose income does not exceed 60% of the area median income. Tax credit investors will be limited partners in the ownership entity. Casado-McKay, Inc. will also be a substantial investor in the project and will serve as developer and general contractor.

An estimated analysis of the sources and uses of project funds is:

<u>SOURCES OF FUNDS</u>	Phase I	Phase II	Total
Bond Proceeds	\$5,000,000	\$5,000,000	\$10,000,000
Tax Credit Equity	<u>1,300,000</u>	<u>1,300,000</u>	<u>2,600,000</u>
Total Sources	\$6,300,000	\$6,300,000	\$12,600,000

<u>USES OF FUNDS</u>			
Land	\$ 125,000	\$ 125,000	\$ 250,000
Constructions Costs	5,825,000	5,825,000	1,650,000
Issuance Costs	125,000	125,000	250,000
FHA Financing Fee	125,000	125,000	250,000
Miscellaneous	100,000	100,000	<u>200,000</u>
Total Uses	\$6,300,000	\$6,300,000	\$12,600,000

It is anticipated that construction of Phase I will proceed immediately and Phase II will start within two years. The firm of Hinkle Elkouri Law Firm, L.L.C., will serve as bond counsel in the financing transaction. The bonds will be underwritten by Froggatte & Company and either privately placed with a financial institution or publicly reoffered to investors.

C.E.R. agrees to comply with the Standard Conditions contained in the City's IRB Policy, with the exception of condition #7 which requires, in part, selection of general contractors based on procedures that do not exclude minority or women-owned firms. C.E.R. has advertised for subcontractors in a way that is inclusive of minority and women-owned firms; however Casado-MacKay, Inc. was pre-selected to serve as general contractor because of its financial interest in the project.

C.E.R. originally requested a property tax abatement on the bond-financed improvements, which is not allowed under current IRB policy. An alternative that is provided for under current policy is a property tax rebate under the Neighborhood Revitalization Program. Under the approved guidelines for this program, the City Council may approve a rebate of taxes on all real property improvements for a term of five years, plus an additional five years, on a case-by-case basis. Staff recommends this approach as an alternative to approving a tax abatement outside of the IRB policy.

C.E.R. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The amount of the proposed tax rebate for Phase I would be approximately \$72,000 per year, of which \$21,000 would be from the City of Wichita, \$20,000 from Sedgwick County and \$31,000 from USD 259.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City's Attorney's Office will review and approved the form of bond documents prior to the issuance of any bonds. The public hearing held in conjunction with this item satisfies the TEFRA hearing requirement in the federal tax code for tax-exempt bonds, as well as the public hearing requirement in the City's policy governing support for low income housing tax credits. Notices of the tax credit public hearing have been mailed to owners of all property located within 200 feet of the proposed project site. Under the tax credit policy, C.E.R. still must present the project to the District Advisory Board and the Housing Advisory Board before receiving a resolution of support for the tax credit application required by the State of Kansas.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 440

- Mayor Knight Mayor Knight inquired if anyone wished to be heard.
- Sen. Paul Feliciano Sen. Paul Feliciano explained that success for the project would not be possible without involvement of SER and its considerable experience. The proposed project is located within the HUD designated Neighborhood Revitalization Area. Senator Feliciano requested a waiver of City Council Policy and urged approval of tax abatement, rebate, and credits.
- Floyd Crawford Floyd Crawford, resident one house south of the proposed project, said he had no idea what was being built. Mr. Crawford said Jackson Street is unpaved and if the project has an entrance/egress on Jackson, the situation would be intolerable. If the project is done, someone should be required to pave the street. Many of the residents in the area are on fixed incomes and the cost of paving would be too expensive for them.
- Wilma June Lang Wilma June Lang, resident across the street from the proposed project, asked that the project not be approved until people in the area are aware of what is being proposed. The project sounds like a business training center that would be adjacent to residential – an undesirable situation. Ms. Lang said her grand children are at her home every week and she was unsure the project would be a good neighbor.
- Judy Shuffy Judy Shuffy said there is already a lot of high-speed traffic and there is a concern about increased traffic and opening of Jackson Street.
- Motion -- Fearey moved that the public hearing be closed; and the City Council decision be deferred to September 11, 2001, to allow the project developer to meet with neighbors and DAB VI. Motion
-- carried carried 7 to 0.

CASE CORP

TAX EXEMPTION REQUEST – CASE CORPORATION. (District V)

- Allen Bell Financial Projects Director reviewed the Item.
- Agenda Report No. 01-0883.
- Case, headquartered in Racine, Washington, has manufactured agricultural equipment for over 155 years. Since 1994, Case has undertaken several comprehensive expansion projects that have resulted in \$9.7 million capital investments. Since 1994, the Case multi-phase expansion plan has created 306 new jobs.
- On January 1, 1999, the City of Wichita annexed property, including Case Corporation, located at 3301 S. Hoover Road, in southwest Wichita. On September 14, 1999, City Council approved a 100% tax exemption on personal property improvements for a five-year term. Case has sustained consistent growth in sales and production and is moving forward with plans to expand their manufacturing capabilities of the Wichita plant by purchase of additional new equipment. Case is now requesting the City of Wichita approval of a five-year 100% Economic Development Tax Exemption on the new manufacturing equipment, in conjunction with the ongoing expansion of their Wichita facility.
- Since 1968, the Wichita Case facility has manufactured tractors, primarily Uni-Loaders and Case Trenchers. Case recently added the manufacture of the Skid Steer tractor to their Wichita production line. Case currently has over 600 employees at the Wichita facility and plans to create 101 new jobs over the next five years as a result of the 2001 expansion project. The new \$21,260,790 expansion will consist of acquisition of new manufacturing equipment. Under the City's Business Incentives Policy, Case is eligible for the following:

CITY COUNCIL PROCEEDINGS

TAX EXEMPTION ELIGIBILITY

<u>ELIGIBLE %</u>	<u>INCENTIVE</u>	<u>EXPLANATION</u>
100.00%	New Job Creation:	Case will create at least 101 new full-time jobs.
<u>100.00%</u>	Capital Improvements:	Case will invest; approximately \$21,260,790
200.00%	Total Business Incentives	
50.00% - TOTAL ELIGIBLE - BUSINESS INCENTIVES (Max. allowed is 50%)		
50.00%	Export Premium:	Case exports 97% of its product outside Kansas.
<u>50.00%</u> - TOTAL ELIGIBLE FOR EXPORT PREMIUM (Maximum allowed is 50%)		
100.00% TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY		

Case is eligible for a 100% tax exemption for five years on the new personal property. A notice of public hearing has been published. Case has agreed to comply with the conditions for receiving an economic development tax exemption set forth in the Business Incentive Policy.

The estimated first year taxes on the proposed \$21,260,790 expansion would be \$528,175 on personal property, based on the 2001 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$528,175 of new taxes for personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$142,844; County/State - \$137,109; and USD 261 - \$248,222.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	2.05 to one
Sedgwick County	1.91 to one
USD 261	1.41 to one
State of Kansas	11.70 to one

Mayor Knight Mayor Knight momentarily absent with Vice Mayor Pisciotte in the Chair.

Allen Bell Financial Projects Director explained that the tax exemption recommended would be for 100% on a five-year plus five-year review basis, 100% Economic Development Tax Exemption on the new manufacturing equipment, in conjunction with the ongoing expansion of their Wichita facility.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Martz moved that the public hearing be closed and the Ordinance granting a 100% tax exemption for five-years with an additional 5 years upon review and approval by the City Council, on personal property improvements for a five-year term be placed on first reading. Motion carried 7 to 0.
-- carried

ORDINANCE

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Case Corporation, so exempted, introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 442

21ST STREET IMP. 21ST STREET IMPROVEMENT – HILLSIDE TO OLIVER (District I)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 01-0884.

The 2001 Capital Improvement Program includes a project to improve 21st Street between Hillside and Oliver. The proposed project has been presented to Wichita State University (K.S.A.) officials, District One Advisory Board, and affected property owners at a neighborhood meeting.

K.S.A. is relocating and extending a perimeter road along the north side of campus and moving its existing entrance at 21st on the west side of Eck Stadium to a new location on the east side of the Braeburn Golf Clubhouse. The 21st Street project will provide traffic signals and a left turn lane into the new campus entrance and a five-lane (four through lanes and center two-way left turn lane) east to Oliver Street.

The project budget is \$3,000,000, with \$800,000 to be funded by General Obligation Bonds and \$2,200,000 to be funded by Federal Funds administered by the Kansas Department of Transportation.

Mike Lindebak City Engineer, responding to a question, explained that the signal and Yale and the pedestrian crosswalk would remain. There would be a new signal at a new location. Construction will start in late fall and continue through next spring. Twenty-first street will remain open through construction.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Brewer moved that the project and Federal/State Agreements be approved; the Ordinance be placed on
-- carried first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring 21st Street North, between Hillside and Oliver, 472-83368, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

INTERSECTION IMP. IMPROVEMENTS TO INTERSECTION OF CENTRAL AND HILLSIDE. (Districts I and II)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 01-0885.

The 2001 Capital Improvement Program (CIP) includes a project to relieve traffic congestion in the Hillside corridor. One part of the project is improvements to the intersection of Central Avenue at Hillside. Affected property owners have been notified.

The project will reconstruct the intersection to provide a smooth driving surface, improve the storm water sewer system, install a right turn/decel lane in the southeast quadrant of the intersection, and widen Hillside near 3rd Street to match the improvement of Hillside between Kellogg and Central scheduled for 2002.

The project budget is \$2,000,000. The funding source is General Obligation Bonds. Approximately \$1,170,000 is currently budgeted for this project in the 2000 Arterial Corridors CIP project. The remaining \$830,000 is proposed to be funded from the 2001 Arterial Corridors project.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 443

Motion --
-- carried

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

ORDINANCE

An Ordinance declaring the intersection of Central Avenue and Hillside, 472-83408, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

SENECA STREET IMP. SENECA STREET IMPROVEMENT – MAPLE TO MCLEAN BOULEVARD. (District IV)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 01-0886.

The Capital Improvement Program includes funds to improve Seneca between Maple and McLean Boulevard. On November 3, 1998, following extensive neighborhood meetings, the City Council approved a four-lane design concept for the project. Options for a boulevard or a five-lane roadway were rejected in order to minimize removal of several large elm trees. Since that time, support has developed for the boulevard design concept. The Delano Revitalization Plan, which was adopted by the City Council on March 6, 2001, proposes a boulevard concept. The City's Design Council also supports the boulevard plan. The Delano Neighborhood Association and the Delano Business Association sponsored neighborhood meetings on the project. It was the consensus of both groups to support the boulevard concept.

A Supplemental Design Contract to prepare construction drawings for the boulevard concept has been prepared.

Seneca, between Kellogg and Maple was reconstructed last year. The pavement north of Maple is badly deteriorated. It is a primary access road to the Museum District.

The four-lane concept preserves some existing trees that were initially thought to retain some aesthetic value in the corridor and to also provide a buffer between the roadway and adjacent properties. No turn lanes would be provided at 2nd Street.

The boulevard concept would necessitate the removal of existing street trees, but the overall visual impact would be improved. A landscaped median would be provided, as well as additional landscape planting at selected locations along the sides of the road. Median breaks will provide access to commercial properties. Protected left turn lanes would be provided at 2nd Street in addition to those at Douglas. Because of right-of-way restrictions, the sidewalk would be close to the curb, but could be relocated with the future redevelopment of adjacent property when additional right-of-way would be available.

The current Capital Improvement Program budget is \$2,950,000. The estimated cost of the four-lane project is \$2,950,000. The boulevard cost estimate is \$3,300,000. The funding source is General Obligation Bonds. The proposed Supplemental Design Contract is for \$77,000.

It is expected that there will be funding available from the following 2001 CIP project budgets: Museum District Streets; Central, Oliver to Woodlawn design; Harry, I-135 to George Washington Boulevard design; and 13th, I-135 to Hillside design. Should the Council wish to proceed with the boulevard concept, staff recommends that the additional \$350,000 be funded from expected budget under runs in these projects.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 444

Ray Rancuret Ray Rancuret, Delano Neighborhood Association, suggested the section from McLean to Kellogg be renamed "Seneca Boulevard."

Motion -- Gale moved that the project and Supplemental Contract be approved; the Ordinance be placed on
-- carried first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Seneca Street, from Kellogg to McLean Boulevard (Project No. 472-82966) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

SSMID

REQUEST FOR ADVANCE OPERATING COSTS.

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 01-0887.

On March 20, 2001, the City Council adopted an ordinance creating a Self-Supported Municipal Improvement District ("SSMID") in downtown Wichita. The ordinance authorizes the City Council, as the governing body of the SSMID, to levy an assessment on all taxable real property located within the district for the purpose of marketing, developing and improving the downtown area. Under the ordinance, the City will contract with the Wichita Downtown Development Corporation ("WDDC") for implementation of the SSMID-funded programs. Since funding for these programs will come from assessments paid in conjunction with annual or semi-annual property taxes, normal funding for SSMID programs will begin in January 2002. The WDDC has requested advance funding, in the amount of \$100,000, in order to start preliminary operations as early as September 1, 2001.

The WDDC has proposed a budget of \$484,690 in SSMID funding for 2002 operations. Included in this amount is \$25,000 for an installment for repayment of the requested \$100,000 loan. On this basis, the loan will be repaid over four years, without interest. The loan proceeds will be used by the WDDC to pay salary and benefits for an Acting Executive Director and a support staff for four months, to pay costs associated with planning and program development, and to pay for sponsorship of several public events to be scheduled in the downtown prior to the end of 2001.

The source of funding the \$100,000 loan will be the appropriated general fund reserve. Loan funds will be disbursed by the City to the WDDC pursuant to invoices for actual expenses submitted by the WDDC.

A formal loan agreement will be executed by the parties prior to the disbursement of loan funds.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Fearey moved that the City Manager be authorized to enter into a loan agreement with the Wichita
-- carried Downtown Development Corporation in the amount of \$100,000 to be repaid (without interest) in four installments of \$25,000 beginning in 2002. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 445

U.S. 54/400

PROPOSED U.S. 54/400 ROUTE DESIGNATION CHANGE.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0888.

The Kansas Department of Transportation (KDOT) is considering eliminating the K-254 route designation between El Dorado and Wichita, replacing it with US-54, and subsequently removing the US-54 designation from Kellogg. The new US-54 designation will also apply to the future Northwest Wichita and Goddard Bypass. Actual signing changes will not take effect until the Northwest Wichita and Goddard Bypass are built.

The proposed routing would leave the US-400 designation on Kellogg, but would eliminate approximately 52 miles of dual signing where US-54 runs dual with US-400 from west of Goddard and continuing east through Wichita, Andover, and Augusta to Pickrell Corner where US-54 then currently runs dual with US-77 to El Dorado.

There will be no impact to the funding City receives from KDOT for maintenance of the non-freeway sections of Kellogg Avenue.

Input from local communities is not binding upon KDOT. The Wichita-Sedgwick County Metropolitan Planning Organization (MPO) voted unanimously on July 19, 2001 to support the KDOT proposal.

Mayor Knight

Mayor Knight said he is convinced the proposed change is a mistake for the City of Wichita. A tremendous amount of money has been spent on the Core Area and on attracting visitors to downtown Wichita. It seems odd to take the State's largest city and change the highway designation.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Jerry Winkelman

Jerry Winkelman said US 54 runs from Chicago to El Paso. This has been a very traditional route and it has an old designation. The US 54 designation should remain on Kellogg through Wichita.

Council Member Pisciotte

Council Member Pisciotte said this will have a financial impact on communities and businesses. The City of Wichita has spent hundreds of millions of dollars figuring out Kellogg and its impact on Wichita. This matter ought to be sent to the Tourism Bureau for its sense of the impact on Wichita.

Mayor Knight

Mayor Knight stated that a message should be sent to KDOT to come up with another plan. This proposal works against everything the City of Wichita is trying to do.

Motion -- carried

Knight moved that the City Council oppose redesignation of US 54 to 400. Motion carried 7 to 0.

BUDGET

COMMENTS ON THE 2002 BUDGET.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Harold Schlechtweg

Harold Schlechtweg, SEU Representative, spoke regarding the budget proposed for the Water and Sewer Department, Sewage Treatment Division. Mr. Schlechtweg said the Union believes the budget should be amended to provide for employment of one additional plant operator and two additional operator helpers, for a total of 11 operators and five helpers. The reason for the additional help is that State and Federal laws require around-the-clock competent, qualified personnel. The current number of employees does not account for absences of one or more of the employees due to vacations, illnesses, or injuries. The absenteeism requires other personnel to routinely work overtime which causes stress for the employees.

Mr. Schlechtweg provided a Petition and statement of grievances.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 446

Mayor Knight Mayor Knight asked that the City Manager meet with appropriate subordinates and provide the City Council with recommendation and reasons (why or why not) for approval or disapproval.

Motion -- carried Knight moved that the comments be received and Petition be received and filed. Motion carried 7 to 0.

CITY COUNCIL AGENDA

TRAVEL APPROVAL APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBERS TO ATLANTA, GA., DECEMBER 4-8, 2001, TO ATTEND NLC 78TH CONGRESS OF CITIES MEETING.

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

APPOINTMENTS

BOARD APPOINTMENTS

Motion -- Fearey appointed Gregory Chinn (WER) and moved that the appointment be approved. Motion
-- carried carried 7 to 0.

Motion -- Gale appointed Iola Crandall and Tom Kessler (DAB VI), Dorman Blake (MAPC), and Ed Wilson
-- carried (Police and Fire) and moved that the appointments be approved. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 19g, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 7, 2001.

Bids were opened July 27, and August 3, 2001, pursuant to advertisements published on:

Intersection improvements at Central and Rock Road - Central and Rock Road.
(87 N-0196-01; 472-83393/706819/636081/201285) Traffic to be maintained during construction using flagpersons and barricades. (District II)

APAC - Kansas Inc. - \$1,242,478.89

Wichita Drainage Canal Improvements Phase 2 - 10th Street North to 17th Street North - I-135 Corridor from 10th Street to 17th Street. (468-82950/660785/861002) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Wittwer Enterprises - \$2,618,876.70

2001 Contract maintenance ultrathin asphalt overlay of Harry, Hillside to Oliver - north of Pawnee, east of Hillside. (472-83407/706809/405274) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Ritchie Paving - \$165,000.00 (Engineer's estimate)

Sanitary Sewer Reconstruction Block C - Planeview Subdivision 2 to serve Planeview Addition - Pawnee and Hillside. (468-83198/622232/641340) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$102,031.00

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 447

Storm Water Drain No. 168 to serve Flat Creek Addition - east of 119th Street West, north of Pawnee - (468-83261/751299/485190) Does not affect existing traffic. (District V)

Bergkamp Construction - \$299,073.71 (Correction)

Lateral 473 Southwest Interceptor Sewer to serve Westlink Christian Church Addition - south of 21st, west of Maize. (468-83302/743878/480566) Does not affect existing traffic. (District V)

K C Excavating - \$16,087.00

Greenwich Road from the south line of the plat to Kellogg including a traffic signalization system at the major entrance to One Kellogg Place Second Addition at Greenwich Road, five lane pavement improvements including continuous left turn to serve northbound traffic at Kellogg and to serve the major entrance to One Kellogg Place Second Addition, medial removal, and channelization as necessary to accommodate the traffic signal. One Kellogg Place Second Addition - south of Kellogg, east of Greenwich. (472-83370 /765682/490793) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$466,850.26

Water distribution system to serve Westlink Christian Church Addition - south of 21st, west of Tyler. (448-89602/735020/470690) Traffic to be maintained during construction using flagpersons and barricades. (District V)

McCullough Excavation - \$24,200.00

2001-2002 CDBG Street, curb, gutter and sidewalk improvements - north of Douglas, East of Seneca. (472-83399/602375/800101) Traffic to be maintained during construction using flagpersons and barricades. (District I & VI)

McFadden Construction - \$287,037.00 (Engineer's estimate)

Knight moved that the contract(s) 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.

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Window and Plate Glass. (130591)

Bell Mirror & Glass Inc. - \$ 1.25 (Item 1/per square foot)
\$ 1.50 (Item 2/per square foot)
\$ 2.75 (Item 3/per square foot)
\$ 2.20 (Item 4/per square foot)
\$ 3.00 (Item 5/per square foot)
\$ 2.20 (Item 6/per square foot)
\$ 2.75 (Item 7/per square foot)
\$ 3.00 (Item 8/per square foot)
\$ 3.20 (Item 9/per square foot)
\$ 3.20 (Item 10/per square foot)
\$ 4.75 (Item 11/per square foot)
\$ 5.75 (Item 12/per square foot)
\$ 5.75 (Item 13/per square foot)
\$ 6.25 (Item 14/per square foot)
\$ 4.25 (Item 15/per square foot)
\$ 3.50 (Item 16/per square foot)
\$ 4.50 (Item 17/per square foot)
\$ 9.90 (Item 18/per square foot)
\$ 9.90 (Item 19/per lump sum)
\$10.00 (Item 20/per lump sum)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 448

\$45.00 (Item 21/per lump sum)
\$30.00 (Item 22/per lump sum)
\$35.00 (Item 23/per lump sum)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Removal and Replacement of Roofing and Guttering. (0978040)

Midwest Roofing Services/dba Industrial Roofing - \$27,750.00 (Group 1 total)
\$35,500.00 (Group 2 total)
\$35,600.00 (Group 3 total)
\$28,621.00 (Group 4 total)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Vibratory Compact Rollers and Trailers. (130807)

Foley Equipment Co. - \$71,154.00 (Group 1/base bid total)
<\$ 3,600.00> (Group 1/option 1/lump sum <deduct>)

Berry Tractor & Equipment Co. - \$14,982.00 (Group 2/base bid total)
<\$ 4,000.00> (Group 2/option 1/lump sum <deduct>)

Knight 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.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Xin B. Liu	Fortune Cookie Restaurant, Inc.*	620 South Holland Street
		<u>(Consumption off Premises)</u>
P.D. Barrington	Lynncrest 66 #26635	1250 South Rock Road
P.D. Barrington	Crossroads 66 #27080	7136 West Central
P.D. Barrington	Williamsburg 66 #27216	1350 North Oliver
P.D. Barrington	Town West 66 #27222	4414 West Maple
P.D. Barrington	Broadway 66 #27375	4821 South Broadway
P.D. Barrington	North Seneca 66 #27645	515 West Seneca
P.D. Barrington	Tyler 66 #27747	1254 South Tyler
P.D. Barrington	Reflection Ridge 66 #27754	7236 West 21st Street
P.D. Barrington	Expressway 66 #27904	3311 North Rock
P.D. Barrington	Mount Vernon 66 #27981	2001 South Oliver
Henry R. Waguespack	Kwik Shop, Inc. #714	4811 South Seneca
Henry R. Waguespack	Kwik Shop, Inc. #722	3959 South Hydraulic
Henry R. Waguespack	Kwik Shop, Inc. #731	710 West 39th Street North
Henry R. Waguespack	Kwik Shop, Inc. #748	2909 East Douglas
Henry R. Waguespack	Kwik Shop, Inc. #772	2750 South Oliver

New Establishment

Angel Lopez La Sierra Mexican Restaurant* 2001 South Seneca

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

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 449

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2001-2002 CDBG sidewalk improvements - north of Douglas, east of Seneca. (472-83399/602375 /800101) Traffic to be maintained during construction using flagpersons and barricades. (Districts I & VI) - \$100,000.00
- b) Tara Falls, from the south line of Michelle to the south line of Lot 42, Block A, Tara Falls Addition; Tara Falls Court, from the south line of Tara Falls to and including cul-de-sac; and Tara Falls Court, from the north line of Tara Falls to and including cul-de-sac to serve Tara Falls Addition and Tara Falls Second Addition - south of Harry, west of 127th Street East. (472-83374/ 765679/ 490790) Does not affect existing traffic. (District II) - \$290,000.00
- c) 12 inch water line in 37th Street North across the Little Arkansas River - 37th Street North between Amidon and Arkansas Avenue. (448-89438/633718/750560) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$153,700.00
- d) Lotus, from the east line of Maize to the south line of Lydia; Lydia Circle/Lydia, from the west line of Crestline to and including cul-de-sac; Lotus Court, from the south line of Lotus, to and including cul-de-sac (Lots 76-80, Block 1); and Lotus Court, from the south line of Lotus to and including cul-de-sac (Lots 61-75, Block 1). sidewalk along Lotus/Lydia, Shelly's Orchard - east of Maize, north of Pawnee. (472-83326/765678/490789) Does not affect existing traffic. (District V) - \$425,250.00
- e) Paving Woodchuck from Learjet Way to Kellogg and Learjet Way from Mid Continent Drive to 1800 feet west of Mid Continent Drive - south of Kellogg, east of Tyler. (472-83286/706808/500960/635635 /500950/201273/451225/761694) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$1,040,000.00
- f) Lateral 309, Four Mile Creek Sewer to serve Smithmoor 10th Addition - south of Harry, west of Greenwich - 468-83281/743877/480565. Does not affect existing traffic. (District II) - \$165,000.00
- g) Second Street North, Woodlawn to Highland; Norfolk, Douglas to Park Hollow Street reconstruction (Eastborough Improvements - north of Douglas, East of Edgemoor. (472-83395/702291/401258) Traffic to be maintained during construction using flagpersons and barricades. (District II/Eastborough) - \$207,700.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

STREET CLOSURES STREET CLOSURE: 119TH STREET WEST AT 21ST STREET NORTH

Agenda Report No. 01-0916.

Wildcat Construction Company, Inc. has contracted to install a 12" Force Main and 24" gravity flow sanitary sewer in 21st Street from an area west of 119th Street to a point west of Maize Road. The Contractor will begin work on the project approximately August 8th and proceed from west of 119th toward the east. Although the project specifications require the contractor to bore this section of sewer under 119th Street, the Contractor has proposed a project credit of approximately \$129,000 if they are allowed to use open cut installation across 119th Street. The Contractor is requesting a seven (7) day closure of 119th at the south side of 21st Street to allow the open cut installation. Weather permitting, the requested closure is scheduled to begin Monday, August 20, 2001 at approximately 8:30 a.m. and be completed by 6:00 a.m. Monday, August 27, 2001. The sewer is approximately 28 feet deep at this location and will require special excavation and shoring requirements to accomplish the sewer pipe installation.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 450

During the proposed closure, 119th Street traffic will be detoured using 21st Street, Maize Road, and 13th Street. 21st Street traffic will be carried past the work area in the north side of the existing 21st Street pavement at the work area.

The Contractor is responsible for construction barricades, detour signing and notification of affected businesses and residents. The Maize school district, USD 266 has been notified and has identified temporary bus route revisions during the closure.

Motion -- carried Knight moved that the street closure request be approved

FINANCIAL REPORT QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDED JUNE 30, 2001.

Motion -- carried Knight moved that the report be received and filed. Motion carried 7 to 0.

SPECIALS AGREEMENT TO RESPREAD ASSESSMENTS, AUBURN HILLS 11TH ADDITION - ALONG 151ST STREET WEST, NORTH OF KELLOGG. (District V)

Agenda Report 01-0890.

The developer, West Wichita Development, Inc., platted Auburn Hills 11th Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The Agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

There is no cost to the City.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

KDOT CITY/STATE AGREEMENTS FOR SYSTEMS ENHANCEMENT PROJECTS. (Districts II, III, and IV)

Agenda Report No. 01-0891.

The Comprehensive Transportation Program enacted by the 1999 Legislature includes a System Enhancement Program. The purpose of the program is to allow cities and counties to request projects that improve safety, relieve congestion, improve access, or enhance development..

The Kansas Department of Transportation (KDOT) selected 3 projects in Wichita for System Enhancement funding. They are:

Kellogg/Woodlawn Interchange construction
Kellogg/Rock Road Interchange construction
Broadway (U.S.-81)/47th Street/I-135 Traffic Study
Northwest Bypass

Kellogg/Woodlawn Interchange Agreement provides that KDOT will provide construction funding to a maximum of \$35,690,000. The City will provide design and right-of-way acquisition funding. The City is also responsible for construction costs that exceed \$35,690,000.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 451

Kellogg/Rock Interchange Agreement provides that KDOT will provide construction funding to a maximum of \$34,652,000. The City will provide design and right-of-way acquisition funding. The City is also responsible for construction costs that exceed \$34,652,000.

Broadway (U.S-81)/47th Street/I-135 Agreement provides that KDOT will fund 50% of the cost for a traffic study of the area. The City is required to fund the remaining 50%. The total cost of the study is estimated to be \$200,000.

Northwest Bypass Agreement provides the City of Wichita and Sedgwick County will equally share costs of right-of-way acquisition until a maximum of \$3,000,000 is reached. KDOT will be responsible for the cost of preliminary engineering and right-of-way acquisition in excess of \$3,000,000. Sedgwick County will be the lead local agency for the project.

The City's share of the costs will be paid from the Local Sales Tax.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

FARM & ART MKT. FARM AND ART MARKET IMPROVEMENTS AND RENOVATIONS. (District I)

Agenda Report No. 01-0892.

On November 23, 1999, the City Council approved an architectural Contract with Law/Kingdon Inc. to design improvements and renovations to the Farm and Art Market. Law/Kingdon Inc. has exhausted the original Contract as it has developed and provided designs, specifications and served in an advisory capacity for the installation of lighted bollards and a parking restraint system on the plaza; replacement of the building's parapet and repair of the roof; replacement of the building's windows; and repair and sealing of the building's exterior brick walls.

This Contract Amendment will enable Law/Kingdon to provide designs to improve the safety, security and appearance of the Farm and Art Market facility allowing it to function more effectively and efficiently as a commercial center and a tourist attraction. The total design concept promoted by Law/Kingdon, Inc. will benefit the entire Old Town area, as well as increase the use, serviceability and traffic at the Farm and Art Market.

The 2000-2001 CIP (PB-350002) has a total of \$510,000 budgeted for these improvements and renovations. This Contract Amendment requesting \$8,000 for project design, including working drawings, specifications bidding and construction phase monitoring will not exceed the CIP project budget. Payments to the design consultant will be made after September 1, 2001.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

ONE KELLOGG PL. SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING FOR ONE KELLOGG PLACE SECOND ADDITION - SOUTH OF KELLOGG, EAST OF GREENWICH. (District II)

Agenda Report No. 01-0893.

The City Council approved the project on April 3, 2001. On July 10, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in One Kellogg Place 2nd Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 452

Payment will be on a lump sum basis of \$99,600 and will be paid by General Obligation Bonds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

SAVANNAH PLACE **SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING FOR SAVANNAH PLACE ADDITION – WEST OF TYLER, SOUTH OF MAPLE.** (District V)

Agenda Report No. 01-0894.

The City Council approved the project on March 27, 2001. On May 25, 2001, the City approved an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) to design the improvements. The Design Agreement with SRB requires SRB to provide construction engineering services if requested by the City.

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

Payment will be on a lump sum basis of \$6,380 and will be paid by General Obligation Bonds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

RELOC. UTILITIES **RELOCATION OF UTILITIES ALONG GREENWICH FROM GILBERT TO KELLOGG.** (District II)

Agenda Report No. 01-0895.

On April 3, 2001, the City Council approved a Petition to improve Greenwich Road from Gilbert to Kellogg. Resolution R-01-141 authorized the construction of a continuous left turn lane to serve north-bound traffic at Kellogg and to serve the major entrance to One Kellogg Place Second Addition, as well as the installation of a traffic signal at the major entrance. Utilities will need to be relocated as a part of this project.

Estimated costs to relocate SWB lines are \$45,621.33.

Funds are available in the project to provide for utility relocation costs. The funding source is special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

WORKFORCE BD. **CONTRACT RENEWAL FOR SERVICES TO LOCAL WORKFORCE INVESTMENT BOARD.** (Item 19g)

Council Member Pisciotte declared a conflict of interest and abstained from participation on this Item.

Agenda Report No. 01-0896.

The City of Wichita is designated as the fiscal agent for federal Workforce Investment Act (WIA) funds that are used to implement workforce development programs in a six-county service area. The WIA emphasizes local governance and control over workforce related programs by requiring the

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 453

empowerment of a local workforce investment board, which in this service area is the Workforce Alliance of South Central Kansas.

At its August 8, 2000 meeting the City Council authorized the City Manager to negotiate and sign a contract between the City of Wichita and the WSU Hugo Wall School for Urban Studies for the provision of staff support services for Workforce Alliance Board. The contract ran from July 1, 2000 through June 30, 2001 and contained a provision for the renewal of the contract.

An amendment to renew the Hugo Wall School Contract to supply staff support services has been developed and is being brought before the Council. The amendment renews the contract from July 1, 2001 through June 30, 2002.

The budget for the renewed contract is \$80,737 with additional contract reimbursements possible for Workforce Alliance Board directed projects. Reimbursements in excess of \$80,737 will be paid from federal grant funds earmarked for such board directed projects. The source of funding for the contract renewal will be the various WIA grants that fund workforce development programs, each of which includes an allowance for administrative support services, and the contract obligates no general fund monies.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized
-- carried Motion carried 6 to 0. (Pisciote abstained)

DESIGN SERVICES **DESIGN SERVICES AGREEMENT FOR YMCA SOUTH ADDITION – WEST OF MERIDIAN, NORTH OF MACARTHUR.** (District IV)

Agenda Report No. 01-0897.

The City Council approved the project on May 22, 2001.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in YMCA South Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$16,100, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **DESIGN SERVICES AGREEMENT FOR ROCKY CREEK ADDITION – NORTH OF 13TH, EAST OF 127TH STREET EAST.** (District II)

Agenda Report No. 01-0898.

The City Council approved the project on December 15, 1998.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Rocky Creek Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$22,000, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 454

DESIGN SERVICES **DESIGN SERVICES AGREEMENT FOR SMITHMOOR TENTH ADDITION – SOUTH OF HARRY, EAST OF GREENWICH.** (District II)

Agenda Report No. 01-0899.

The City Council approved the project on June 19, 2001.

The proposed Agreement between the City and K.E. Miller Engineering provides for the design of bond financed improvements in Smithmoor 10th Addition. Per Administrative Regulation 7a, staff recommends the selection of K.E. Miller because K.E. Miller provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$33,350, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **DESIGN SERVICES AGREEMENT FOR RIVERBANK PEDESTRIAN BRIDGES.** (District II)

Agenda Report No. 01-0900.

The City Council approved the project on November 28, 2000.

The proposed Agreement between the City and HNTB Corporation provides for the design of two cable-stayed pedestrian bridges linking the Keeper of the Plains to both the east and west banks of the river, crossing the Arkansas and Little Arkansas Rivers. HNTB with Law/ Kingdon Architects, was the consultant providing the conceptual design options for the pedestrian bridges, and this proposed Agreement extends HNTB's services to complete the design and construction documents for the bridges.

Payment will be made on a cost plus percentage of cost basis and not to exceed \$745,426. The funding source is General Obligation Bonds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

WHEELCHAIR RAMP **CHANGE ORDER - 2000/2001 WHEELCHAIR RAMP PROGRAM.**

Agenda Report No. 01-0901.

On September 26, 2000, the City Council approved a project to install wheelchair ramps at various street locations within the City. Because of favorable bid prices, funding is available within the project budget to construct additional ramps.

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

The total cost of the additional work is \$14,600. The funding source is General Obligation Bonds.

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

Motion -- Knight moved that the change order be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 456

(Public Works), Variable Message Boards (Public Works), Radar Trailer (WPD), and Fiber Optic Backbone Conduit for Kellogg (Public Works).

In November 2000, the City of Wichita received notification that funding would be available for two Variable Message Boards and two Portable speed monitor signs. The estimated total cost for these devices is \$72,500. The City's share will be 20% of the total cost, or \$14,500.

City/State Agreements to implement the projects have been prepared. The 2001 Capital Improvement Program (CIP) contains a project to fund the implementation of ITS improvements.

The Variable Message Boards are utilized to warn motorists of unexpected conditions ahead and/or provide information to the motorists. Some examples would be; inclement weather conditions (warn motorists of icing, flooded roadways, etc), lane closures (incidents and/or roadwork), and notifying motorists of future road closures.

The portable speed monitor signs are designed to be placed in areas with persistent speeding problems. They will be placed on arterial streets with high incidents due to speeding and on collector streets in residential areas, etc. to serve as a self-policing tool and bring awareness to motorists the speed in which they are traveling.

The City will be responsible for 20% of the cost, with the remaining 80% being paid by federal funds. The CIP project budget is \$1,100,000, with \$100,000 paid by the City and \$1,000,000 by State Grants. Staff is requesting authorization to initiate partial funding of this project in the amount of \$20,000 General Obligation Bond funding and \$75,000 federal funding at this time. If additional projects are approved, staff will request additional funding authorization at that time.

Motion --
-- carried

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

RESOLUTION NO. 01-322

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for an Intelligent Transportation System (472-83413), presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

COMPUTER

CUSTOMER SERVICE INFORMATION HARDWARE/SOFTWARE – WATER & SEWER.

Agenda Report No. 01-0905.

In June 1998, the City Council approved a plan for a new software implementation to facilitate Water & Sewer billing, service orders, and inventory. Due to current rates of data growth and system demand, it is necessary that the system be upgraded to meet increasing requests from City departments.

Staff is requesting to upgrade the server hardware and application software. SCT Utility Systems, the vendor, has specified that the software must be upgraded to the new version no later than May 2002. Current hardware related performance problems require that we upgrade to assure no disruption of service. Approving these simultaneously will be an economic advantage to the City, as the vendor will be required to make only one on-site visit. SCT estimates that it will take six-to-nine months from approval date to install the upgrade.

Estimates for the upgrade are \$70,000 for Server Hardware, \$36,100 for Database and Environmental Software, and \$170,000 for SCT Professional Services. Negotiations between the City and SCT are currently taking place to reduce the amount. CIP W-590, Replace Customer Information System, has \$100,000 budgeted for 2001, and \$185,000 will be transferred from CIP W-819, which has been completed and has funds available.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 457

City Council approval is required for projects of \$10,000 or more. Water & Sewer and IT/IS are working with the Law Department to draft an amendment to cover the requirements relating to the upgrade.

Motion --
-- carried

Knight moved that the expenditure be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-323

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 \$285,000 exclusive of financing costs, 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. Knight moved that the Resolution be adopted. Motion carried 7 to 0.

GIS

GEOGRAPHIC INFORMATION SYSTEM INFORMATION REQUEST CHARGES – WATER & SEWER.

Agenda Report No. 01-0906.

The Water & Sewer Department has spent over \$5 million in recent years to develop GIS, and has budgeted \$3 million to continue to develop and update GIS information. This is in digital format allowing quick access to information about the water distribution and sewer collection systems. Engineering firms request copies of this information, which enables them to have access to it without investing in the development of the information in digital form.

In 1998, City Council approved the implementation of charges to recover costs for providing GIS information. Due to increased demand for color copies and rising costs of printing supplies, we are forced to increase the charges for this service.

The Water & Sewer Department desires to be customer-friendly and facilitate work by consultants, private companies, and individuals. Providing this service requires Staff time and materials, in addition to the initial and ongoing developmental costs. It would not be equitable to all Water & Sewer customers to provide this information to consultants, contractors, private companies, and individuals at no cost. Therefore, Staff from the Water & Sewer and Finance Departments developed a schedule of charges in 1998, following the directives set forth in AR 76. Color copy requests and printing costs have increased since then requiring that we update the schedule of charges.

CHARGES FOR GIS INFORMATION

Aerial Photos, System Maps, etc.

<u>Item</u>	<u>1998</u>	<u>Proposed</u>
8.5 x 11	\$ 3.00	\$ 5.00
11 x 17	\$ 4.00	\$ 7.00
18 x 24	\$ 8.00	\$15.00
24 x 36	\$16.00	\$25.00
36 x 45+	\$30.00	\$35.00
	Digital CD-Rom	
Single Disk	\$150.00	\$ 200.00
Set of Aerials	\$1,500.00	\$2,000.00
	Xerox Copies	
Per Page	\$0.10	\$0.10

The recommendations in the updated schedule include materials used to reproduce the information and recover some of the original cost. The Director of Finance has approved these recommended charges,

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 458

which are comparable to those used by Sedgwick County. Charges are not applicable to interdepartmental requests.

Motion -- carried

Knight moved that the charges be approved. Motion carried 7 to 0.

UPWP

TRANSFER OF FUNDS – MAPD.

Agenda Report No. 01-0907.

Approve the \$120,000 transfer of funds within the Unified Planning Work Program (UPWP).

The UPWP provides a grant annually from 25th Federal Highway Administration and Federal Transit Administration through the Kansas Department of Transportation. This grant enables the Wichita-Sedgwick County Metropolitan Planning Organization (MPO) to complete short and long-range responsibilities related to its transportation-related work efforts within Wichita and Sedgwick County.

Within contractual services of the UPWP, there have been some major expenditures during this fiscal year. The expenditures are as follows: \$60,000 contract for railroad corridor preservation study; \$64,000 contract for access management plan; \$9,900 contract for specialized transportation work while recruiting for a new Senior Planner; \$7,900 contract for Chelsea Station CUP traffic study.

On June 30, there was a balance of \$3,845 in contractual services for the remainder of this fiscal year, and funds for the railroad corridor preservation contract have yet to be encumbered. The \$120,000 transfer is needed to fund the railbanking study and provide funds for normal operations for the remainder of this fiscal year.

Alternatives: Within UPWP, there have been some vacant planner positions in the Metropolitan Area Planning Department. The end-of-year projection is that there will be \$210,000 in unused salaries. These salary savings can be utilized to fund the \$120,000 transfer for approved studies and other general operating needs within contractual services.

The \$120,000 transfer has been reviewed by the Finance Department. No local funds are involved.

Motion -- carried

Knight moved that the transfer of funds be approved. Motion carried 7 to 0.

AMENDMENTS

AMENDING RESOLUTION AND ORDINANCES: CENTRAL - I-235 TO WEST STREET; ARKANSAS RIVER BIKEPATH; 1996 INTERSECTION PROGRAM; OLIVER – 25TH STREET TO 37TH STREET. (Districts I, III, IV, V, and VI)

Agenda Report No. 01-0908.

The City of Wichita and the State of Kansas have an ongoing program to match City funds with Federal Transportation Grants to improve arterial streets, bridges, and bikepaths. Upon completion of the work, the Kansas Department of Transportation notifies the City of final costs. Based on current projections, additional funding is needed for: the Central Avenue improvement, between I-235 and West Street, the Arkansas River Bikepath between Meridian and 13th, the 1996 Intersection Improvement Program, and the Oliver Improvement, from 25th Street North to 37th Street North.

An Amending Resolution and Amending Ordinances have been prepared to authorize the budget increases.

The proposed funding increases are: Central Avenue, \$100,000 - Bikepath, \$30,000; 1996 Intersections, \$275,000; and Oliver, \$31,000. The \$275,000 for the 1996 Intersection project was included in the expected expenditures when the 2001-2010 CIP was prepared. The \$130,000 for the Bikepath and Central projects is available from the 2001 Intersection project. The funding for Oliver is available from under-expenditures in a project that improved Hillside between 27th and 37th Streets. The funding source is General Obligation Bonds.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 459

Motion --
-- carried

Knight moved that the Resolution be adopted and the Ordinances be placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. 01-324

A Resolution amending Resolution No. R-95-572 of the City of Wichita, Kansas, authorizing the issuance of Bonds by the City of Wichita at large to construct a bicycle path on the west bank of the Arkansas River, from Meridian to 13th Street, Project No. 472-82619, pursuant to Findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance amending Ordinance no. 42-792 of the City of Wichita, Kansas declaring Oliver Street, from 25th Street North to 35th Street North (472-82588) to be main trafficways within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Ordinance No. 43-204 of the City of Wichita, Kansas, declaring Harry & Edgemoor, Harry & West, Lincoln & Woodlawn, 47th Street & Emporia, Second/Third Streets & Broadway, 13th Street & Waco, 13th Street & Broadway, Lincoln & Edgemoor, Pawnee & Oliver and Seneca & Maple (1966 Intersection Reconstruction Program) 472-82668 to be main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Ordinance No. 44-478 of the City of Wichita, Kansas, declaring Central Avenue from the I-235 Freeway to West Street (472-83014) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JULY 24, 2001)

a) Watson Park, Naftzger Park, John's Sludge Pond Park Study, and Hydraulic Improvement. (Districts I and III)

ORDINANCE NO. 45-021

An Ordinance declaring Hydraulic, from 57th Street South to Macarthur (472-83324) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 460

- b) ZON 2001-05 - South side of 37th Street North, east of Ridge Road. (District V)

ORDINANCE NO. 45- 022

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 City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON 2001-05

- c) Z-3345 - North of 47th Street South, west of Broadway. (District IV)

ORDINANCE NO. 45- 023

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 City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. Z-3345

PLANNING AGENDA

Marvin Krout

Director of Planning said Items 28, 29, and 30 could be taken up as consent Items.

Motion -- carried

Knight moved that Items 28, 29, and 30 be approved as consent Items. Motion carried 7 to 0.

(Item 28)

VAC2001-00021

VAC2001-00021 – VACATE ACCESS CONTROL, LOCATED ON EDGEMOOR DRIVE AND PEMBROOK CIRCLE. (District I)

Agenda Report No. 01-0909.

Staff Recommendation: Approve vacation of access control.

MAPC Recommendation: Approve vacation of access control. (unanimous)

The applicant proposes to provide access to Blocks 2 & 3 of The Courts II Addition. The applicant will dedicate Lot 98, Block 2, The Courts II Addition for right-of-way, thus extending Edgemoor Drive north to the platted 24 lots in the subdivision.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --

Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

(Item 29)

SUB2001-34

SUB2001-34 – PLAT OF BELIEVER'S SOUTHERN BAPTIST CHURCH ADDITION LOCATED ON THE SOUTH SIDE OF 21ST STREET NORTH, WEST OF 135TH STREET WEST. (District V)

Agenda Report No. 01-0910.

Staff Recommendation: Approve the plat.

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

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 461

Background: This plat is zoned SF-20, Single-Family Residential and is located in the County within three miles of Wichita's City limits.

The site has been approved by the County Health Department for the use of on-site sanitary sewer and water facilities. Petitions, all 100%, have been submitted for future sanitary sewer and water improvements. A Certificate of Petitions has also been submitted.

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

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

Motion --
-- carried

Knight moved that the document and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-325

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89608, (south of 21st Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-326

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 4, Northwest Interceptor Sewer (south of 21st Street, west of 135th Street West), 468-83311, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

(Item 30)
SUB2001-34

SUB2001-39 – PLAT OF HINDU TEMPLE ADDITION LOCATED ON THE NORTH SIDE OF SECOND STREET, EAST OF GREENWICH. (District II)

Agenda Report No. 01-0911.

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

This site is zoned SF-6, Single-Family Residential.

Petitions, all 100%, have been submitted for sanitary sewer, water and paving improvements. A No Protest Agreement has been submitted for future improvements to Zelta.

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

The Certificate of Petitions and No Protest Agreement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the document and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-327

Resolution of findings of advisability and Resolution authorizing CONSTRUCTION OF water Distribution System Number 448-89598, (north of Second Street, east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 462

Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-328

Resolution of findings of advisability and Resolution authorizing construction of Lateral 312, Four Mile Creek Sewer (north of Second Street, east of Greenwich), 468-83295, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-329

Resolution of findings of advisability and Resolution authorizing improving of the north half of Second Street from Zelta Drive East to a hammerhead turnaround no farther east than the east line of Lot 1, Hindu Temple Addition (north of Second Street, east of Greenwich,) 472-89598, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CON2001-00034

CON2001-00034 – CONDITIONAL USE TO ALLOW USED CAR SALES, LOCATED ON THE SOUTHWEST CORNER OF THE NINTH STREET/WEST STREET INTERSECTION.
(District VI)

Agenda Report 01-0912.

MAPC Recommendation: Approve, subject to conditions (10-3).
Staff Recommendation: Deny.
DAB Recommendation: Deny (9-0).

The applicant, Edward Ring, is requesting a Conditional Use permit to allow used car sales on property zoned "LC" Limited Commercial. The property (approximately 13,750 square feet) is located on the southwest corner of the 9th Street - West Street intersection. 9th Street fronts the north side of the property and West Street fronts its east side. The Unified Zoning Code requires a Conditional Use for 'vehicle and equipment sales, outside' in the "LC" Limited Commercial zoning district. The zoning code provides that the Metropolitan Planning Commission determines Conditional Use request unless appealed properly to the governing body. In this case, the City Council voted on July 10 to appeal the MAPC's decision to approve this request.

Currently the site is developed as Central Auto Electric, which services all electrical components on automobiles. The current business is classified as 'vehicle repair limited' and is permitted by right in "LC" Limited Commercial zoning. The applicant proposes to continue the current business and add car and truck sales to it. The site has 3 existing entrances/exits; 1 on 9th Street and 2 on West Street. There is another off site entrance/exit on the west 65-foot of Lot 33 onto 9th Street, which provides access to the abutting shopping strip to the south and is also used by customers to the applicant's site. All work on automobiles is done in the existing building (approximately 1,536 square feet), which has 3 bays leading into the garage and an office in the north end. There is 1 canopy on the site, which the applicant proposes to use for vehicle display as well as 2 parking spaces abutting the canopy space on its east side; a total of 3 marked spaces for car sales. The required parking for this particular combination of 'vehicle and equipment sales' and 'vehicle repair, limited' is 13 spaces. The applicant has just that amount on site, with one additional space that is partially on his site.

The property to the north (across 9th Street) is zoned "SF-5" Single Family Residential and is a church. The property to the south is zoned "LC" Limited Commercial and is a strip shopping center containing retail and services; TV and VCR repair, watch repair, a restaurant, pool service, and other like businesses. "LC" Limited Commercial zoning and development is east of site (across West Street) and contains free standing businesses (some residential structures that have been converted to non-residential uses); a restaurant, tax services, beauty shop and sewing service. The MAPC recommended

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 463

a zoning change from "SF-5" Single Family Residential to "LC" Limited Commercial for a window tinting business in this eastern section at the 06-21-01 meeting. Property abutting the site on the west is "LC" Limited Commercial and contains parking for the strip center to the south of the site. There is "SF-5" Single Family Residential zoning and development abutting this 65 foot strip of parking and drive. There is stockade type fencing between this parking and the residences abutting it on the west

There are two established car lots south of 9th Street on West Street. One (BZA 22-90) was approved by the BZA and the other (CU 521) was recommended by the MAPC, then denied by the WCC (after sending it back to the MAPC for reconsideration, which recommended it again), after which the 8th Judicial District overturned the Council's decision. Besides these two lots there have been 3 other Conditional Use requests for used car sales lots on West Street in this area. All were either denied by the MAPC or the City Council.

At the July 2, 2001 DAB District VI meeting, no spoke against the request. The District VI DAB voted 9-0 to deny the Conditional Use, noting the following reasons for denial: (1) Neighborhood Association close to this area was very concerned with speeding cars along 9th Street; (2) This area is continually being looked at for the same type of business (vehicle sales); and (3) Businesses change owners.

At the July 5, 2001 MAPC hearing no one spoke against the request. The MAPC recommended approval (10-3) of the Conditional Use subject to the following conditions:

1. The applicant shall be permitted to continue to operate his current auto repair (current zoning classification "auto repair limited") business and sell 3 vehicles as shown on the revised site plan.
2. The applicant shall submit a revised site plan giving dimension control of display areas, vehicle circulation, ingress and egress, parking areas, queuing areas, dumpsters, current landscaping, signs, lighting and showing all easements and set backs. The location of display vehicles shall be limited to those 3 areas specified on the revised site plan. The revised site plan shall be reviewed and approved by the Planning Director, prior to the issuance of a building permit, per City Standards
3. Parking barriers shall be installed along all perimeter boundaries adjacent to streets and abutting properties, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
4. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
5. There shall be no use of elevated platforms for the display of vehicles.
6. No amplification system shall be permitted.
7. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
8. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.
9. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

Motion --

Fearey moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the DAB and Staff to deny as detailed in the July 5, 2001, Minutes, be approved and the request be denied. Motion carried 7 to 0.

-- carried

AIRPORT AGENDA

TRANS WORLD

TRANS WORLD AIRLINES – TERMINATION OF CARGO BUILDING AGREEMENT.

Agenda Report No. 01-0913.

Trans World Airlines has for a number of years occupied 1,500 sq.ft. of space located at 2213 Air Cargo Road in the 31,500 sq. ft. cargo building on Mid-Continent Airport. As a part of TWA's bankruptcy and merger with American Airlines, Robert Boschert, Regional Director of Properties for TWA, in a letter dated June 15, 2001, expressed TWA's intention to terminate their leasehold interest, effective

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 464

July 16, 2001.

As a result of TWA's bankruptcy and merger with American Airlines, TWA is no longer conducting a cargo operation on Mid-Continent Airport; and, consequently does not have a need for this space. Also included on the August 7 City Council Airport agenda is a lease agreement with Evergreen Aviation Ground Logistics Enterprises, Inc. for use of this space, effective August 13, 2001.

In that the space will be leased to Evergreen, there will not be a revenue loss to the WAA. The lease agreement with Evergreen commences August 13, 2000, and will generate an annual revenue \$9,750.

Motion -- carried

Knight moved that the termination letter be received and filed. Motion carried 7 to 0.

EVERGREEN AV.

EVERGREEN AVIATION GROUND LOGISTICS ENTERPRISES, INC. – CARGO BUILDING AGREEMENT.

Agenda Report No. 01-0914.

The 31,500 sq. ft. cargo building on Wichita Mid-Continent Airport is occupied by 15 tenants. Until recently, the space located at 2213 Air Cargo Road was occupied by Trans World Airlines. Evergreen Aviation Ground Logistics Enterprises has an interest in leasing this space through June 30, 2002.

Evergreen has been awarded a contract by the United States Postal Service to break down containers of mail flown into Mid-Continent Airport by FedEx and to then deliver the mail to the Post Office also located on Mid-Continent Airport.

Additionally, this company will pick up mail from the Post Office and build containers for FedEx to then transport the mail. Evergreen was awarded contracts for three of seven regions designated by the U. S. Postal Service. This award represents contracts with 35 facilities in the Midwest, Southwest, and Eastern United States. This is the company's first operation in Wichita. Thirteen positions will be created to provide this service.

The lease Agreement commences August 13, 2000. The area leased is 1,500 sq. ft. and rents for \$6.50 per sq. ft., for an annual revenue of \$9,750.

Motion --
-- carried

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

BESTWAY INT.

BESTWAY INTERNATIONAL, INC. – CARGO BUILDING AGREEMENT.

Agenda Report No. 01-0915.

The 31,500 sq. ft. cargo building on Wichita Mid-Continent Airport is occupied by 15 tenants. The space located at 2225 Air Cargo Road is currently vacant. This space was formerly leased by BAX Global on a month-to-month basis. Bestway International is now interested in leasing this space through June 30, 2002.

Bestway is an air freight forwarding agent for Exel Global Logistics. Exel Global Logistics is a worldwide air and ocean freight forwarder.

The lease Agreement commences August 1, 2000. The area leased is 1,200 sq. ft. and rents for \$6.50 per sq. ft., for an annual revenue of \$7,800.

Motion --
-- carried

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

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 465

EXECUTIVE SESSION

Motion -- Knight moved 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; preliminary discussions relating to the acquisition of real property for public purposes and the City Council return from executive session no earlier than 11:20 a.m. Motion carried 7 to 0.
-- carried

RECESS The City Council recessed at 11:00 a.m. and reconvened at 11:25 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the Executive Session.

RECESS The City Council recessed at 11:25 a.m. and reconvened at 7:00 pm.

Wichita, Kansas, August 7, 2001
Tuesday, 7:00 p.m.

The City Council met in recessed session at the Sedgwick County Extension Center Sedgwick County Extension Center, 7:00 p.m.

Mayor Knight in the Chair. Council Members Brewer, Fearey, Martz, Pisciotte, present. Council Members Gale, Lambke; absent.

Chris Cherches, City Manager; Pat Burnett, City Clerk; present.

A01-11

A01-11 – ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED NORTH OF 21ST STREET NORTH – EAST AND WEST OF HOOVER. (District V)

Marvin Krout Director of Planning reviewed the Item.

Agenda Report No. 01-0899.

On June 5, 2001, the City Council adopted a Resolution that established August 7, 2001, at 7:00 p.m. at the Sedgwick County Extension Center, 7001 West 21st Street North, Wichita, Kansas as the date, time and place for a public hearing for this annexation. The properties proposed for annexation are located north of 21st Street North and east and west of Hoover.

This is the fourth phase of a proposed six-phase annexation initiative for this area. The first phase became official on July 21, 2000, and brought 611 acres into the City of Wichita. The second phase was approved on November 21, 2000, and brought 92 acres and 42 properties into the City. The third phase became official on April 17, 2001, and brought 56 acres and 36 properties into the City of Wichita.

The subject area for the proposed annexation consists of approximately 21 acres and 29 properties (all are unplatted). The land-use pattern consists of 23 residential tracts, one (1) commercial tract, and five (5) vacant tracts in a mix of residential and agricultural uses, with some commercial and industrial uses concentrated along Hoover Road. The majority of the subject property is zoned "SF-20" Single-Family Residential, with several nearby areas zoned "LC" Limited Commercial and "LI" Limited Industrial. Those areas zoned "SF-20" will convert to the "SF-5" Single-Family Residential district upon annexation ("SF-10" if requested by property owner and approved by the governing body), while other properties will retain their existing zoning.

The majority of the land proposed for annexation is located within the area identified as "low-density residential" and "high-density residential" in the northern half of the area, with "commercial", "office", and "low-density residential" areas intermixed in the southern half according to the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change Land Use Guide Map, which has been approved by the Metropolitan Area Planning Commission and the Wichita City Council.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

AUGUST 7, 2001

PAGE 466

Additionally, the proposed annexation area is located within the "2010 Urban Service Area" boundaries found in the Comprehensive Plan amendments. The land use pattern within the annexation area is generally consistent with its land use designation in the updated Plan.

An informational meeting regarding the proposed annexation was held on July 10, 2001 at the Sedgwick County Extension Center, 7001 W. 21st Street N. Two (2) property owners and interested citizens attended the meeting and asked numerous questions regarding the proposed annexation.

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The Plan describes the means by which City services will be extended to the area. Map No. 2D in the Plan shows the properties proposed for annexation. The analysis of the proposed annexation is contained in the plan.

The total appraised value of the land and improvements proposed for annexation is \$1,129,810 resulting in an annual City Ad Valorem tax revenue of approximately \$4,102.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on June 21, 2001. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a vote of twelve to zero (12-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Nancy Scott

Nancy Scott said she had no questions but was present to learn.

Motion --

-- carried

Martz moved that the Public Hearing be closed; the annexation request be approved; and the Ordinance be placed on first reading. Motion carried 5 to 0. (Gale, Lambke; absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A01-11

ADJOURNMENT

The City Council meeting adjourned at 7:06 p.m.

Pat Burnett CMC
City Clerk