

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 5, 2008
Tuesday, 9:03 A.M.

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

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

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

Reverend Diane Monger, Presbyterian faith gave the invocation.

The Minutes of the regular meeting of January 15, 2008, approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamation

Proclamation: Girl Scout Cookies Month

Mayor Brewer read aloud the Proclamation for Girl Scout Cookies Month.

Service Awards

Distinguished Service Awards: Dean J. Albert and Robert M. Barrett.

Mayor Brewer acknowledged Dean Albert and presented him with a plaque for his 11 years of service with the water department.

Mayor Brewer acknowledged Robert Barrett and thanked him for his 33 years of service with the Fire Department. Mr. Barrett was not present to accept his plaque.

PUBLIC AGENDA

Sgt. Brenda Dietzman-Racial Diversity.

Sgt. Brenda Dietzman

Sgt. Dietzman with the Sedgwick County Sheriff's office stated the Racial Diversity Opportunity and Harmony Alliance goal is to insure that South Central Kansas understands, celebrates and embraces all cultures and racial diversity and makes it evident in all community efforts. The Alliance is currently conducting a month long diversity perception survey of the Wichita MSA. There are 12 questions that ask people's perceptions on healthcare, leadership opportunities, race relations, education, and employment opportunities. The survey will be available online at the Visioneering Wichita website until February 22, 2008. The survey's will help measure the progress they are making and also show where we need to improve as a community.

Eugene Anderson-Construction Training for Disadvantaged Youth and Young Adults on Tax-Supported Projects.

Eugene Anderson

Mr. Anderson stated he is Vice Chair of United Builders and Contractors Inc., which is an association of African American business owners seeking to enhance opportunities for 18 to 25 year old young adults and disadvantaged youth to acquire marketable skills in the construction industry. He asked that City Council adopt an ordinance that requires skilled training is made available for disadvantaged youth on all tax supported construction projects in the City of Wichita. African American craftsman are

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almost non-existent in this community. He asked the City Council to adopt this concept as a training initiative for local school dropouts and other disadvantaged citizens who can benefit from skilled training that will lead to well paying jobs in the construction industry. He stated that we cannot grow or prosper without a skilled workforce. It is more cost effective to help our youth develop marketable skills than to put them in the Sedgwick County jail.

- Councilmember Gray Councilmember Gray asked Mr. Anderson to define an individual as a disadvantaged youth.
- Eugene Anderson Mr. Anderson explained that they look at the economic status, educational and social status of the race.
- Councilmember Gray Councilmember Gray stated that displacement is for Caucasian workers also by the immigrant work force. The work force is getting older. He does not want to see this limited to any one specific ethnicity. He feels it is a generational problem.
- Eugene Anderson Mr. Anderson stated that was not their intent.
- Vice-Mayor Fearey Vice-Mayor Fearey encouraged Mr. Anderson to look into the Youth Build Program. She stated that it is a well established program.
- Councilmember Williams Councilmember Williams stated the after school programs associated with USD 259 and the YMCA also do some type of carpentry and construction after school. She feels that is another great opportunity to reach middle school youth to show them some trade at their young age and to possibility get them interested. She feels that is a great way to get them interested and mentor them in that direction.
- Councilmember Skelton Councilmember Skelton stated he is aware of many businesses that have programs within themselves for disadvantaged youth. He is in the construction industry himself as a business owner and he is willing to train people personally.
- Perry L. Schuckman-Presentation of survey non-profit executives, Clean Indoor Air Ordinance.
- Perry Schuckman Mr. Schuckman Executive Director of the Non Profit Chamber and presented a survey conducted in December of 2007 of the Non- Profit members. He feels the City of Wichita should move forward with the non smoking ordinance. He reviewed his newsletter's smoking ban results. The results had 198 respondents and they supported an across the board smoking ban.
- Charlie Claycomb-Clean Indoor Air Ordinance.
- Charlie Claycomb Mr. Claycomb stated that he is the Co-Chair of Tobacco Free Wichita and resides at 151 North Rock Island. He has read the 2006 surgeon general's report on second hand smoke and in that report the surgeon general stated that there is massive and conclusive scientific evidence documenting the adverse effects of involuntary smoking on children and adults, including SIDS, cancer and heart disease. Stated he would like more freedom of choice. He suffers with asthma and does not want to risk his own health going to establishments that allow smoking. Stated he feels he has fewer choices than the smoking population and clean air does not harm anyone's rights. Tobacco Free Wichita Clean Air Campaign is asking the City Council to adopt an ordinance and a comprehensive ordinance is the only way to give all businesses a level playing field.
- Carolyn Gaughan-Clean Indoor Air Ordinance.
- Carolyn Gaughan Ms. Gaughan resides at 1232 North Shefford and is requesting that the City Council support for a comprehensive clean indoor air ordinance to protect the air that people who live and work in Wichita breathe. Stated the public supports a comprehensive ordinance and 73 percent of Wichita's registered voters support a comprehensive ordinance including restaurants and bars. Stated that the Hutchinson City Council did not pass a comprehensive ordinance the first time and are now are reconsidering and going back to figure out how to expand it and benefit all workplaces. Encouraged the Wichita City Council to pass a comprehensive ordinance the first time around and do it right.

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- Councilmember Longwell Councilmember Longwell questioned whether their organization has taken a position on placing the smoking ban on the November ballot or have they advocated that the State take on this responsibility?
- Carolyn Gaughan Ms. Gaughan stated that she had asked the State.
- Councilmember Skelton Councilmember Skelton stated that his District Advisory Board passed a resolution that he makes it a point with the City Council that they should consider a vote on the smoking ban.

Janet L. Miller-Clean Indoor Air Ordinance.

- Janet Miller Ms. Miller stated that policy makers need to create a policy protects health and safety of citizens and this extends and concludes work environments. She is in support of a clean indoor ordinance that requires employer to provide safe work environments for employees. Employees should not be subjected to a hazardous work environment and encouraged the City Council to support this ordinance in all public places and work environments.

CONSENT AGENDA

- Motion-- Brewer moved that Consent items 7 to 27b, be approved in accordance with the recommended action
--carried shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 4, 2008

Bids were opened January 18, 2008, January 25, 2008, and February 1, 2008, pursuant to advertisements published on:

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

Lateral 4, Main 11, Sanitary Sewer #23 to serve The Pines at Sawmill Creek Addition (north of 45th Street North, east of Rock Road) (468-84456/744264/480953) Does not affect existing traffic. (District II)

WB Carter Construction - \$55,706.00

Water Distribution System to serve The Pines at Sawmill Creek Addition (north of 45th Street North, east of Rock Road) (448-90347/735396/470069) Does not affect existing traffic. (District II)

Utilities Plus - \$17,197.00

Crossmark from 21st Street North to and including the cul-de-sac to serve Cross Pointe 2nd Addition (south of 21st Street North, east of Greenwich) (472-84640/766184/490202) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$213,832.25

Decel Lane on the south side of 21st Street North to serve the entrance between Lot 1, Block 2 Cross Pointe 2nd Addition and Lot 10, Block 1, Cross Pointe Addition Cross Pointe 2nd Addition (south of 21st Street North, east of Greenwich) (472-84231/766185/490203) Traffic to be maintained using flagpersons & barricades. (District II)

Cornejo & Sons Construction - \$35,879.30

Left Turn Lane on 21st Street North to serve the eastern most entrance, between Lot 10, Block 1, Cross Pointe Addition and Lot 1, Block 2, Cross Pointe 2nd Addition, approximately 430 feet west of K-96

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Cross Pointe 2nd Addition (south of 21st Street North, east of Greenwich) (472-84234/766186/490204) Traffic to be maintained using flagpersons & barricades. (District II)

Cornejo & Sons Construction - \$17,737.50

2006-2007 Traffic Signalization, Phase II: Signal Installation at I-235 & Meridian (472-84424a/706956/206422) Traffic to be maintained using flagpersons & barricades. (District VI)

Phillips Southern Electric Co., Inc. - \$208,937.00

Lateral 387 Four Mile Creek Sewer to serve Country Hollow Addition (south of Kellogg, east of 127th Street East) (468-84103/744267/480956) Does not affect existing traffic. (District II)

Nowak Construction - \$104,209.80

Water Distribution System to serve Country Hollow Addition (south of Kellogg, east of 127th Street East) (448-90157/735399/470072) Does not affect existing traffic. (District II)

McCullough Excavation - \$66,100.00

Lateral 43, Main 21, Sanitary Sewer #22 to serve Mesa Verde Addition (south of 37th Street North, east of Meridian) (468-84284/744259/480948) Does not affect existing traffic. (District VI)

Nowak Construction - \$85,399.50

Water Distribution System to serve Mesa Verde Addition (south of 37th Street North, east of Meridian) (448-90260/735390/470063) Does not affect existing traffic. (District VI)

Nowak Construction - \$26,828.50

Stormwater Sewer Improvements and Repairs (various locations north of 71st Street South, east of 167th Street West) (468-84478/660513/855103) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, V, VI)

WB Carter Construction - \$126,131.00

Water Distribution System to serve Loveall Addition (along West Street from 47th Street South) (448-90309/735377/470050) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Nowak Construction - \$42,016.00

2008 Sanitary Sewer Reconstruction, Phase 1 (various locations east of Hillside, south of 21st Street North) (468-84482/620499/668618) Traffic to be maintained during construction using flagpersons and barricades. (District I, III)

WB Carter Construction - \$181,231.00

Logan Water Main Replacement (north of 13th Street North, east of Hillside) (448-90210/636157/776550) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Mies Construction - \$1,149,928.75

Left Turn Lane on 13th Street North for eastbound traffic into Veranda to serve Waterfront Residential Addition and Greenwich Office Park Addition (north of 13th Street North, west of Greenwich) (472-84645/766190/490208) Traffic to be maintained during construction using flagpersons and barricades (District II); Left Turn Lane and Right Turn Lane on 13th Street North at Lindberg to serve Waterfront 6th Addition (north of 13th Street North, west of Greenwich) (472-84627/766191/490209) Traffic to be maintained during construction using flagpersons and barricades. (District II)

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Lafarge North America - \$119,527.35 Group 1
- \$104,082.50 Group 2
- \$223,609.75 Total Aggregate Bid

55th Street South from the east line of the plat, west to the west line of Meadowview; Meadowview from the north line of 55th Street South, north to the west line of Maywood; Maywood from the west line of Meadowview, east to the east line of Elmhurst Circle; Shoffner from the west line of Meadowview, west to the west line of Lot 14, Block B; Elmhurst Circle from the south line of Maywood, south to and including the cul-de-sac; Meadowview Court (Lots 33 thru 40, Block C) from the east line of Meadowview, east to and including the cul-de-sac; Meadowview Court (Lots 83 thru 91, Block A) from the west line of Meadowview, west to and including the cul-de-sac; Meadowview Court (Lots 16 thru 21, Block B) from the west line of Meadowview, west to and including the cul-de-sac; Sidewalk on 55th Street South, Meadowview and Shoffner to serve Meadowlake Beach Addition (north of 55th Street South, west of Clifton) (472-84540/766154/490172) Does not affect existing traffic. (District III)

Cornejo & Sons Construction - \$375,223.20

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

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

AIRPORT/ENGINEERING DIVISION: North Air Cargo Facility & Site Improvement

Snodgrass & Sons Construction Co., Inc. - \$5,547,717.00 Base Bid
- \$ 78,000.00 Option 1

WATER UTILITIES DEPARTMENT/PRODUCTION & PUMPING DIVISION: Construct Bendway Weir, Little Arkansas River

Heartstone, Inc. - \$35,000.00

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: 30,000 GVWR Cab & Chassis with Flatbed

Roberts Truck Center - \$206,985.00 Base Bid
- \$ 422.00 Option 1
- \$ (27,650.00) Option 2 Deduct

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Replace Picnic Shelter at Chisholm Creek Park

Commerce Construction Services, Inc. - \$166,397.00 Alternate Bid #2

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

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

Motion--
--carried

Brewer moved that the report be received and filed; the Contracts approved; and the necessary signatures authorized. Motion carried 7 to 0.

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LICENSES

APPLICATIONS FOR LICENSES:

Renewals

Sandra Jean Lacy	Jessie's Primetime Entertainment	304 South Laura
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Motion--carried

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

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Renewal

Wilmark Stasberry

Kenny Nguyen

Dwayne Kahns

2008

Omkar LLC dba Valero

PP-Station

Sunrise Car Care

(Consumption off Premises)

1826 West 13th Street North

2601 North Broadway

6327 East 13th Street

Renewal

Paul Oropesa

2008

Tex Consolver Golf Course*

(Consumption on Premises)

1931 South Tyler Road

New Operator

Naghma Shahzada

Rick Brazile

2008

Heartland Business Group,

dba Easy Trip #2

Wal-Mart Supercenter #4321

(Consumption off Premises)

1203 East Pawnee

5475 North Meridian

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

Motion--
--carried

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

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. Waterwalk Phase 2 Package 3 Public Improvements (east of Arkansas River, north of Kellogg) (472-84554/792424/635674/435352/765747) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$600,200.00
- b. Lateral 1 Main 24 Southwest Interceptor Sewer to serve Edge Water Addition (north of K-96, west of Hoover) (468-84365/744260/480949) Does not affect existing traffic. (District VI) - \$1,145,000.00
- c. Water Distribution System to serve Edge Water Addition (north of K-96, west of Hoover) (448-90313/735391/470064) Does not affect existing traffic. (District VI) - \$258,000.00
- d. The cost of the Intersection of Broadway and 55th Street South. (472-84581/706967/207-433) (District III). - Total Estimated Cost \$1,175,000.00
- e. Lateral 4, Main 11, Sanitary Sewer #23 to serve The Pines at Sawmill Creek Addition (north of 45th Street North, east of Rock Road) (468-84456/744264/480953) Does not affect existing traffic. (District II) - \$84,000.00
- f. Water Distribution System to serve The Pines at Sawmill Creek Addition (north of 45th Street North, east of Rock Road) (448-90347/735396/470069) Does not affect existing traffic. (District II) - \$40,000.00
- g. Crossmark from 21st Street North to and including the cul-de-sac to serve Cross Pointe 2nd Addition (south of 21st Street North, east of Greenwich) (472-84640/766184/490202) Does not affect existing traffic. (District II) - \$355,000.00
- h. Decel Lane on the south side of 21st Street North to serve the entrance between Lot 1, Block 2 Cross Pointe 2nd Addition and Lot 10, Block 1, Cross Pointe Addition Cross Pointe 2nd Addition (south of 21st Street North, east of Greenwich) (472-84231/766185/490203) Traffic to be maintained using flagpersons & barricades. (District II) - \$61,000.00
- i. Left Turn Lane on 21st Street North to serve the eastern most entrance, between Lot 10, Block 1, Cross Pointe Addition and Lot 1, Block 2, Cross Pointe 2nd Addition, approximately 430 feet west of K-96 Cross Pointe 2nd Addition (south of 21st Street North, east of Greenwich) (472-84234/766186/490204) Traffic to be maintained using flagpersons & barricades. (District II) - \$32,000.00

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- j. 2006-2007 Traffic Signalization, Phase II: Signal Installation at I-235 & Meridian (472-84424a/706956/206422) Traffic to be maintained using flagpersons & barricades. (District VI) - \$375,000.00
- k. Lateral 387 Four Mile Creek Sewer to serve Country Hollow Addition (south of Kellogg, east of 127th Street East) (468-84103/744267/480956) Does not affect existing traffic. (District II) - \$222,000.00
- l. Water Distribution System to serve Country Hollow Addition (south of Kellogg, east of 127th Street East) (448-90157/735399/470072) Does not affect existing traffic. (District II) - \$134,000.00
- m. Lateral 43, Main 21, Sanitary Sewer #22 to serve Mesa Verde Addition (south of 37th Street North, east of Meridian) (468-84284/744259/480948) Does not affect existing traffic. (District VI) - \$154,000.00
- n. Water Distribution System to serve Mesa Verde Addition (south of 37th Street North, east of Meridian) (448-90260/735390/470063) Does not affect existing traffic. (District VI) - \$56,000.00
- o. Stormwater Sewer Improvements and Repairs (various locations north of 71st Street South, east of 167th Street West) (468-84478/660513/855103) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, V, VI) - \$150,000.00
- p. Water Distribution System to serve Loveall Addition (along West Street from 47th Street South) (448-90309/735377/470050) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$64,960.00
- Motion--carried Brewer moved to receive and file. Motion carried 7 to 0.

PETITION

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

Agenda Item No. 11a.

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

The projects will provide sanitary sewer and water service for undeveloped property located north of Kellogg, west of 119th St. West.

The Petitions total \$222,000. The funding source is special assessments except for the water distribution system, which includes \$28,800 paid by the Water Utility for over sizing the pipe to serve future development outside the improvement district.

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

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

Motion--
--carried

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

RESOLUTION NO. 08-033

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90367 (north of Kellogg, west of 119th St. West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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RESOLUTION NO. 08-034

Resolution of findings of advisability and Resolution authorizing construction of Lateral 43, Main 1, Cowskin Interceptor Sewer, (north of Kellogg, west of 119th St. West) 468-84491, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

PETITION

PAVING AND WATER IMPROVEMENTS IN OAK CREEK ADDITION, SOUTH OF 21ST STREET, WEST OF GREENWICH. (DISTRICT II)

Agenda Item No. 11b.

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

The projects will provide paving and water improvements for a commercial and residential development located south of 21st, west of Greenwich.

The Petitions total \$353,000. The funding source is special assessments.

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

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

Motion--
--carried

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

RESOLUTION NO. 08-035

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90358 (south of 21st, west of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-036

Resolution of findings of advisability and Resolution authorizing constructing an accel/decel lane on the south side of 21st St. North from the west property line of Oak Creek Addition to Greenwich Road (south of 21st, west of Greenwich) 472-84206, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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PETITION

STORM WATER SEWER FOR WATERFRONT RESIDENTIAL ADDITION, NORTH OF 13TH STREET, WEST OF GREENWICH. (DISTRICT II)

Agenda Item No. 11c.

On November 6, 2007, the City Council approved a Petition for drainage improvements in Waterfront Residential Addition. Based on recent bid prices, it is doubtful that there is sufficient funding in the Petition budget to award a construction contract. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The projects will serve a new residential development located north of 13th, west of Greenwich.

The existing Petition totals \$547,000. The new Petition totals \$842,000. The funding source is special assessments.

The projects address the Efficient Infrastructure goal by providing drainage improvements required for a new residential subdivision.

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

Motion--
--carried

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

RESOLUTION NO. 08-037

Resolution of findings of advisability and Resolution authorizing improving Storm water Sewer No. 638 (north of 13th, west of Greenwich) 468-84423, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

PETITION

PAVING IN MONARCH LANDING ADDITION, SOUTH OF 21ST STREET, WEST OF 159TH STREET EAST. (DISTRICT II)

Agenda Item No. 11d.

On February 13, 2007, the City Council approved a Petition to pave streets in Monarch Landing Addition. The improvement district included an adjoining unplatted tract. The developer has submitted a new Petition that reduces the amount of the unplatted tract in the improvement district. The signatures on the new Petition represent 7 of 8 owners of property in the improvement district. The assessment to the non-signers' property has not been increased.

The project will serve a new residential development located south of 21st, west of 159th St. East.

The project budget is unchanged.

This project will address the Efficient Infrastructure goal by providing paved streets in a new residential development.

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

Motion--
--carried

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

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RESOLUTION NO. 08-038

Resolution of findings of advisability and Resolution authorizing constructing pavement on Flutter Lane/24th Street, from the north line of 21st Street North to the west line of Lot 1, Block 2; paving Boxthorn, from the east line of Flutter Lane/24th Street to the east line of Lot 2, Block 3; paving Camden Chase, from the east line of Flutter Lane/24th to the east line of Lot 2, Block 4; paving Chelmsford/Camden Chase/Graystone, from the south line of Flutter Lane/24th Street to the north line of Lot 38, Block 1; paving Chelmsford Circle, from the south line of Chelmsford to and including the cul-de-sac serving Lots 16 through 24, Bloc 1; and paving Camden Chase Court, from the north line of Camden Chase to and including the cul-de-sac serving Lots 8 through 19, Block 2; sidewalk to be constructed on one side of Graystone, Camden Chase, 24th Street, Flutter Lane, and Chelmsford (north of 21st, west of 159th St. East) 472-84505 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

DEEDS/ESMNTS

DEEDS AND EASEMENTS:

- a. Utility Easement dated September 27, 2007 from Wichita Country Club Association for tracts of land lying in Lot 1, Block 1, Wichita Country Club Second Addition, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- b. Sanitary Sewer Easement dated September 28, 2006 from Dennis and Carrol Hancock for a tract of land lying in Lot 2, J.B. Muller Addition, Sedgwick County, Kansas, and (OCA # 607861). No Cost to City
- c. Sanitary Sewer Easement dated December 7, 2006 from Pat Price for a tract of land lying in Lot 1, J.B. Muller Addition, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- d. Sanitary Sewer Easement dated July 17, 2006 from Betty Belshe for a tract of land lying in Lot 3, Riverside Acres Addition, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- e. Sanitary Sewer Easement dated July 26, 2006 from David Schmidt for a tract of land lying in Lot 2, Riverside Acres Addition, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- f. Utility Easement dated January 8, 2008 from Edward L. and Dana D. Gillespie, for a tract of lying in Section 23, Township 28 south, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA # 735377). No Cost to City

Motion--carried

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

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

GYPSUM CREEK

CONSTRUCTION ENGINEERING FOR GYPSUM CREEK CHANNEL IMPROVEMENTS FROM WICHITA DRAINAGE CANAL TO HILLSIDE. (DISTRICT III)-SUPPLEMENTAL.

Agenda Item No. 14b.

On July 30, 1991, PB Booker Associates, Inc. was hired to design channel improvements for Gypsum Creek from Wichita Drainage Canal to Hillside. The Design Agreement with PB requires PB to provide construction engineering services if requested by the City.

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

Payment to PB will be on an hourly basis not to exceed \$92,184 and will be paid by General Obligation Revenue Bonds.

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

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

Motion--
--carried

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

COUNTRY HOLLOW

COUNTRY HOLLOW ADDITION, SOUTH OF KELLOGG, EAST OF 127TH STREET EAST, (DISTRICT II)

Agenda Item No. 15a.

The City Council approved the water and sewer improvements in Country Hollow Addition on January 10, 2006.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of water and sewer in Country Hollow Addition. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$27,300 and will be paid by special assessments.

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

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

Motion--
--carried

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

CROSS POINTE

CROSS POINTE AND CROSS POINTE SECOND ADDITIONS, SOUTH OF 21ST STREET, EAST OF GREENWICH. (DISTRICT II)

Agenda Item No. 15b.

The City Council approved the water and paving improvements in Cross Pointe & Cross Pointe 2nd Additions on December 11, 2007.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements consisting of water and paving in Cross Pointe & Cross Pointe 2nd Additions. Per Administrative Regulation 1.10, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$33,700 and will be paid by special assessments.

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

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

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Motion--
--carried

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

I-35 TO OLIVER

13TH STREET NORTH FROM I-135 TO OLIVER. (DISTRICT I)

Agenda Item No. 15c.

On December 13, 2005, the City entered into an Agreement with Poe & Associates, Inc. to prepare a design concept to improve 13th Street North from I-135 to Oliver. The fee was \$194,500. On November 6, 2007 the City Council approved the design concept.

The proposed design concept is a five-lane roadway with four through lanes and a center two-way left turn lane. A storm water sewer will be constructed to improve drainage and wider sidewalks will be constructed on both sides of 13th. A supplemental agreement with Poe has been developed for the preparation of construction plans for I-135 to Oliver only.

Payment to Poe will be on a lump sum basis of \$594,200 and will be paid by General Obligations Bonds.

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

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

Motion--
--carried

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

CHANGE ORDER

PAWNEE IMPROVEMENT, BETWEEN WASHINGTON AND HYDRAULIC. (DISTRICT III)

Agenda Item No. 16a.

On August 22, 2006, the City Council approved a construction contract with APAC-Kansas, Inc. to improve Pawnee, between Washington and Hydraulic. A part of the work is the removal and replacement of driveway approaches. After the work began, it was determined that the amount of driveway quantities was greater than anticipated.

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

The total cost of the additional work is \$15,497 with the \$3,099 paid by City General Obligation bonds and \$12,398 paid by Federal grants. The original contract amount is \$2,593,462. This Change Order plus a previous change order represents 00.92% of the original contract amount.

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

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

Motion--
--carried

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

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37TH ST. NORTH

37TH STREET NORTH IMPROVEMENT, BETWEEN TYLER AND RIDGE. (DISTRICT V)

On November 11, 2006, the City Council approved a construction contract with Lafarge North America to improve 37th St. North, between Tyler and Ridge. A part of the work is the reconstruction of the intersection of 37th St. North and Tyler. After the work began it was determined that the south approach to the intersection should be extended farther south to allow a smoother transition for north bound Tyler traffic.

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

The total cost of the additional work is \$34,971 with \$6,995 paid by City General Obligation bonds and \$27,976 paid by Federal grants. The original contract amount is \$4,452,893. This Change Order plus previous change orders represents 1.06% of the original contract amount.

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

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

Motion--
--carried

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

PROP. ACQUIS.

PARTIAL ACQUISITION OF VACANT LAND AT NORTHEAST CORNER OF NORTH 37TH STREET WEST AND HOOVER FOR THE EDGEWATER WATER PROJECT. (COUNTY)

Agenda Item No. 17a.

On August 7, 2007, City Council approved the petition and adopted a resolution authorizing construction of the Edgewater Water Distribution System along Hoover, North 37th Street West. The project requires the acquisition of three, twenty-foot wide permanent easements along Hoover. This particular property consists of 31.89 acres and is currently in agricultural production. The proposed permanent easement consists of 25,613.8 square feet, or .588 acres.

The owner has agreed to accept the appraised offer of \$1,200, or \$0.05 per square foot. The easement was valued at 20% of the full value of \$10,000 per acre.

A budget of \$1,400 is requested. This includes \$1,200 for the easements and \$200 for title work and recording costs. The funding source is through municipal bonds paid for by the benefit district and/or Water Improvement Fund.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the contract and easements as to form.

Motion--
--carried

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

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PROP. ACQUIS.

PARTIAL ACQUISITION OF 5920 EAST MT. VERNON FOR THE GYPSUM CREEK - PAWNEE TO WOODLAWN FLOOD CONTROL AND STREAM RESTORATION PROJECT. (DISTRICT III)

Agenda Item No. 17b.

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the natural channel of Gypsum Creek between Pawnee and Woodlawn by channel benching. The project requires partial acquisitions of ten parcels along the creek. This will allow for access to the creek and the ability to maintain the creek. The property located at 5920 E. Mt. Vernon is one of the ten parcels. This is the site of the former Booth School owned by USD 259. The acquisition involves the southwest part of the site.

The proposed acquisition area is 18,003.8 square feet for Gypsum Creek. The proposed area includes the existing drive from Mt. Vernon and parking. The improvements are not impacted by the project. The landowner accepted the appraised offer of \$22,505 (\$1.25 per square foot).

\$24,005 is the requested budget for the acquisition of this parcel. This amount includes the \$22,505 purchase price and \$1,500 for closing costs and title insurance. The funding source is General Obligation Bonds repaid by Stormwater Utility Funds.

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

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

Motion--
--carried

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

PROP. ACQUIS.

PARTIAL ACQUISITION OF 15800 EAST HARRY FOR THE CRESTVIEW COUNTRY CLUB INTERCEPTOR, PHASE II. (COUNTY)

Agenda Item No. 17c.

On May 18, 2004, City Council approved the resolution authorizing construction of the Crestview Country Club Sanitary Sewer Interceptor. The second phase of the sanitary sewer project will run parallel with the existing service line and will provide capacity relief due to the rapid growth in northeast Wichita. This project requires the acquisition of six permanent easements and seven temporary construction easements. This particular site is comprised of 53.85 acres, of which 1.74 acres will be granted for permanent easement and 1.79 acres as temporary construction easement.

The subject parcel is on vacant city-owned land and adjacent to the north of the Water & Sewer Department Four-Mile Creek facility. The permanent easement will be forty-five feet wide. The temporary easement is also forty-five feet wide. All improvements will be underground with the exception of manholes. The site will be restored to its current state and continue to be maintained as open space.

There is no cost to the City.

Granting this easement assists in providing efficient infrastructure and supporting core neighborhoods.

The Law Department has approved the easements as to form.

Motion--
--carried

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

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EXPENSES

SENIOR MANAGEMENT EXPENSES FOR DECEMBER 2007.

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

PROPOSED ASSESS.

PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for Twenty-one (21) paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held February 25, 2008 at 11:00 a.m.

Motion-- Brewer moved to set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, March 4, 2008 and direct the City Clerk to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing. Motion carried 7 to 0.
--carried

BOARDS/COMMISS.

MINUTES OF ADVISORY BOARDS/COMMISSIONS, FEBRUARY 5, 2008.

Wichita Employees' Retirement System, October 17, 2007
District II Advisory Board, November 5, 2007
Board of Electrical Appeals, November 13, 2007
Board of Code Standards and Appeals, December 3, 2007
District I Advisory Board, December 3, 2007
District II Advisory Board, December 3, 2007
District VI Advisory Board, December 3, 2007
Wichita Airport Advisory Board, December 3, 2007
Board of Appeals of Plumbers and Gas Fitters, December 5, 2007
Board of Park Commissioners, December 10, 2007
Wichita Historic Preservation Board, December 10, 2007
Wichita Public Library, December 18, 2007
Wichita Employees' Retirement System, December 19, 2007

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

UNSAFE STRUC

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

Agenda Item No. 21.

On January 7, 2008, the Board of Code Standards and Appeals (BCSA) held a hearing on the following two (2) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

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

Property Address

a. 608 North Madison
b. 2308 East Random

Council District

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Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures

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demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

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

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

Motion--

Brewer moved that the resolutions to schedule a hearing and place this matter on the agenda for a Hearing before the Governing Body on March 18, 2008 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 7 to 0.

--carried

Resolution No. 08-039

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 38 and 40, on Locust Street, now Madison Avenue, in Stites Bros. Second Addition, Wichita, Sedgwick County, Kansas, known as 608 N. Madison may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

Resolution No. 08-040

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 23, Block 4, Parkmore Addition, Wichita, Sedgwick County, Kansas, known as 2306 E. Random, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

CHISHOLM CREEK

CHISHOLM CREEK PARK SHELTER REPLACEMENT. (DISTRICT I)

Agenda Item No. 22.

On April 20th, 2007, a fire created by vandals completely destroyed the existing large picnic shelter in Chisholm Creek Park. Nothing remains of the previous structure.

The park shelter, built in the spring of 1986, was used extensively by park visitors for picnics and gatherings. The shelter was a custom built all wood structure, approximately 52 feet by 72 feet in size.

The park shelter needs to be replaced to meet public demand. The shelter will be replaced with a metal post and standing seam metal roof structure to match the architectural character of the existing Great Plains Nature Center and to prevent reoccurrence of vandalism by fire. The new shelter will be similar in layout and configuration as the original structure.

To replace the shelter to the original design specifications will cost \$101,710. The cost for a metal post and standing seam metal roof structure is \$166,397. The City's self insurance fund will pay the first \$97,000 and the Park Department will pay the \$3,000 deductible, and Travelers Insurance Company

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will pay \$1,710 to cover the replacement cost of the existing structure. The remaining amount of \$64,687 will be transferred from the balance of funds in the 2007 Park Facilities Renovation project.

The shelter replacement will satisfy citizens with quality of life and help retain citizens in the community. The investment will also help optimize public facilities and assets.

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

Motion--
--carried

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

RESOLUTION NO. 08-041

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for replacement of Chisholm Creek Picnic Shelter, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

CLAIM

SETTLEMENT OF CLAIM.

Agenda Item No. 24.

This claim results from a motor vehicle accident on January 30, 2005 between a private vehicle and patrol car driven by a Wichita Police officer while on duty. There are three claimants; the driver and two passengers; a child and his mother. The accident resulted in two separate lawsuits.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a payment of \$92,500 to the vehicle driver, \$17,500 to the adult female passenger and \$60,000 to the minor child in full settlement of their claims arising out of this accident. The total settlement would total \$170,000. Settlement would include a full release of liability for the City and the City employee and resolution of existing hospital liens. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

Funding for this settlement payment of \$170,000 is from the Tort Claims Fund.

Settlement of this claim contributes to the City goal of providing a safe and secure community.

The Law Department recommends acceptance of the offer of settlement.

Motion--
--carried

Brewer moved that payment of \$170,000 as full settlement of all possible claims from the vehicle passenger arising out of the transactions which are the subject of this claim be authorized. Motion carried 7 to 0.

X-RAY EQUIP.

PURCHASE OF X-RAY EQUIPMENT FOR EOD TEAM.

Agenda Item No. 25.

The Wichita Police Department has employed members trained as explosives technicians for years. These personnel make up the Explosives Ordinance Disposal (EOD) team for the Department, the only such unit in the south central region of the state. The x-ray equipment is an integral part of their ability for an effective response and is valued as an important safety tool. The x-ray equipment currently used by the EOD team is obsolete as parts for repair are not available and the film used with the current equipment will not be manufactured after this year.

All EOD technicians are required to attend annual recertification training sponsored by the federal government. During the past 12 months, the "bomb techs" have been trained on real-time x-ray

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equipment manufactured by LOGOS. The LOGOS x-ray system has been adopted by Department of Homeland Security (DHS) and is the only system technicians are trained on during their recertification. Additionally, all other EOD teams in Kansas have transitioned to the LOGOS. It is important that all EOD teams throughout the state operate with the same equipment in the event a large-scale disaster occurs, which would require these teams to work together. LOGOS is the only company making the x-ray system with a self-wiping screen. The fact that WPD "bomb techs" have already trained with this equipment during recertification and with other EOD teams would negate expenditures for training by the manufacturer reducing the cost of this purchase.

The cost for the LOGOS system is \$32,476.00. This will be funded with JAG grants.

Provide for a safe and secure community.

Motion--
--carried

Brewer moved that the purchase of the LOGOS system as a sole source vendor be approved. Motion carried 7 to 0.

INSURANCE SERV.

INSURANCE PLACEMENT SERVICES.

Agenda Item No. 26.

On December 7, 2004, the City Council approved a contract for placement services for property and casualty insurance with Marsh USA. The original contract amount was \$45,000. The contract was for one term ending on December 31, 2005, with the option of four one-year renewals. City administration has exercised the contract renewals through December 31, 2008. Under the terms of the existing contract, if the City elects to add additional insurance coverage not then in effect, the parties will negotiate additional fees to cover such additional services.

Over time, the scope of services has increased. The City has increased Museum Fine Arts insurance coverage by \$20,000,000 and added a new Airport excess liability policy for an additional \$50,000,000. In addition the City purchased new Federal and Out of State Excess Liability Insurance increasing the placement fees to \$54,500.

This amendment provides an additional placement fee of \$1,000 per year for the new Foreign Travel and Accident Insurance for City Council and City staff.

Due to the purchase of additional insurance coverage and modifications to the City's risk protection program, staff has negotiated a \$1,000 increase in placement fees. If approved, maximum fees will not exceed \$55,500. The Self Insurance fund budget includes funding for this contract.

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

This amendment affects the Internal Perspective and will provide the City Council and City staff world-wide travel and accident insurance coverage at a very modest cost.

Motion--
--carried

Brewer moved that the contract amendment be approved and the Mayor authorized to sign. Motion carried 7 to 0.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JANUARY 15, 2008)

a. Revision of Section 11.52.020 (25) Relating to ADA Accessible Parking.

An ordinance amending section 11.52.020 (25) (a) (i) and (d) and creating section 11.52.020 (25) (k) of the code of the City of Wichita, Kansas pertaining to parking. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

b. A07-19R-Request by Cory Shackelford of LCS Enterprises, Inc. to annex land generally located east of 143rd Street East, between Pawnee Road and Harry Street, (Island Annexation). (District II)

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (Island Annexation - A07-19) Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

UNFINISHED BUSINESS

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES, 1641 NORTH PENNSYLVANIA. (DISTRICT I)

Kurt Schroeder

Office of Central Inspection reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Item No. 28.

This property was before the Board of Code Standards and Appeals (BCSA) on July 9, 2007. No one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

On September 11, 2007 this case was deferred by City Council until October 2, 2007.

On October 2, 2007 this case was before City Council. City Council directed sixty (60) days to substantially complete repairs and ninety (90) days to pay back taxes.

On January 7, 2008 Council Member Lavonta Williams requested this property appear back before Council on the next available date.

Staff made an inspection of the property on January 16, 2008. No repairs have been made to the structure. The structure has an open south window and during the time of inspection premises condition are in accordance to city code and no further action is needed at this time.

As of January 14, 2008, the 2006 and 2007 taxes are delinquent in the amount of \$1597.12. There are no special assessments.

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

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tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

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

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

Kurt Schroeder

Office of Central Inspection stated that Staff's recommendation is to give the owner a final 30 days to pay all the taxes and if paid within that 30 day period, an additional 30 days to get the work completed.

Mayor Brewer

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

Motion--carried

Williams moved to take Staff's recommendation. Motion carried 7 to 0.

Resolution No. 08-073

A Resolution finding that the structure/s located on the south half of Lot 61 and all Lots 63, Short now Ash Street, Butler and Fisher's Subdivision of Lot 2, In Butler and Fisher's Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 331 N. Ash, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

NEW BUSINESS

CITY MANAGER

RECRUITMENT PROFILE FOR CITY MANAGER.

Ed Flentje

Interim City Manager reviewed the item.

(Vice-Mayor Fearey momentarily absent)

Agenda Item No. 29.

The Wichita City Council is in the process of recruiting a City Manager. A recruitment profile has been prepared for potential candidates. It includes information on the background of the Wichita community, Wichita city government, the duties of the City Manager and other information relevant to the recruitment.

The recruitment profile for hiring the next City Manager provides information on the history and demographics of the Wichita community. It highlights the many amenities the City has to offer to potential candidates. Additionally, information is provided on the council-manager form of government along with a description of the powers and duties of the City Manager. The profile also articulates the qualifications and qualities that are expected for this position.

A tentative timetable is suggested beginning with approving the profile on February 5, 2008. It is suggested that a Citizens Committee screen the applications between April 1-15 and the City Council conduct interviews during the May 1-15 time period. The target date for a new City Manager to begin work is July 3, 2008.

Upon approval of the recruitment profile, the position will be advertised nationally. Applicants will submit resumes to the Chair of the Citizens Committee in care of the Interim City Manager.

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Costs will be incurred for the publication of the recruitment brochure, advertisement of the position along with other activities associated with the selection process. Funding is available from the City Manager's Budget.

The City Council has the authority to recruit and hire a City Manager.

Hiring a City Manager will address the implementation of all of the City Council's goals.

- Council Member Longwell Council Member Longwell stated that one of the things that may fit under the qualifications is to recruit a candidate that has some understanding or some connection to the Midwestern people so that they can connect to the way that we do business here. Stated he does not want to eliminate quality candidates but does not want to get into a position where we find someone that is highly intelligent but does not seem to connect. Stated he is asking if this would be something that would be appropriate to insert under those qualifications that we are simply looking for also a candidate that either was born, raised, went to school, worked, or had some kind of connection to the Midwest.
- Ed Flentje Interim City Manager stated that can be added and his suggestion would be to add this under the preferred qualifications.
- Mayor Brewer Mayor Brewer stated we had the discussion that we are going out to talk to the various different companies and asking them to send their top three and if we end up hiring that person then we would look at the possibility of what we would do to compensate them for that, like a head hunter. Asked if the City Manager has explored a way to get the word out to the individuals that fit these criteria so that we do not have to use a consulting firm.
- Ed Flentje Interim City Manager stated that the message that came to him from the workshop on this subject is that this proposal assumes we are going to do as much as we can in this search process in-house and he is going to be available to work with the Mayor and the Council on this search. Stated there are two areas that he feels we will need some help with. Stated he has talked to the heads of two of the leading search consultants for city manager searches and there is some willingness to help us in that regard. Stated he will get back with the Council on that kind of service and what kind of support we could get from the search consultants. Stated the other piece that he would recommend we secure some assistance is in the background research. Stated by having the final candidates go through a screening process, the Council would be assured that those final candidates are qualified and meet the Council's criteria. Stated these are the two pieces that he feels we may need some help on and he has some ideas about how we could do that.
- Council Member Schlapp Council Member Schlapp stated she has some concern regarding Council Member Longwell's suggestion and thinks that when we look at the candidates, we will all know that it would be important for somebody to have that qualification but is afraid it would cut some people that might be of great value and if you were to add that, you would scare people off. Stated that she would suggest that is not added to preferred qualifications.
- Council Member Gray Council Member Gray stated he agrees with Council Member Schlapp and has the same feeling about the suggestion of putting that in the preferred qualifications.
- Council Member Skelton Council Member Skelton he also agrees and that it might scare somebody off that would be a good candidate.
- Mayor Brewer Mayor Brewer he thinks that everyone may be correct on this and when you start looking at the City of Wichita, you start looking at our economy, what opportunities are here, and what our future looks like, which are very promising. Stated he thinks that you see people throughout the entire United States looking at the City of Wichita and there are some unique opportunities here for them to make a significant impact. Stated he feels we should leave this open because our number one goal is to look for the best qualified person and the best person to bring new ideas and can take the City to where we think we need to go.

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Council Member Longwell Council Member Longwell this is not a huge concern of his but he is just telling people right up front his personal preference is simply to find somebody that truly connects. Stated he thinks we can find that connection in a variety of different ways. Stated he does not think it excludes anyone from all corners of this country having some kind of connection.

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

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

RIVER CORRIDOR ARKANSAS RIVER CORRIDOR ACCESS PLAN. (DISTRICTS I, III, IV, V, & VI)

Doug Kupper Parks and Recreation Director reviewed the item.

Agenda Item No. 30.

On November 7, 2006 City Council approved the selection of Applied Ecological Services and Patti Banks Associates to provide design and planning services for the development of the Arkansas River Corridor Access Plan (ARCAP). The ARCAP project was a multi-jurisdictional plan that included project partners from a three county area. The partners in this plan include the Arkansas River Coalition, Reno County, Sedgwick County, Sumner County, Hutchinson, South Hutchinson, Wichita, Derby, Oxford, and the Kansas Department of Wildlife and Parks. Each partner provided financial contributions to this plan. The ARCAP steering committee included representatives from each partner listed above to guide and direct activities for the planning and design services.

The ARCAP project was developed to evaluate the possibility of creating recreational opportunities by utilizing existing access points and assess possible future access points. The river corridor extends from the Rice and Reno county line downstream to the city of Oxford, Kansas. The ARCAP included a series of six Public Input meetings at three locations. Meetings were held in South Hutchinson, Wichita, and Oxford, Kansas. The ARCAP also included a Technical Workshop Meeting at the Herman Hill Water Center working with local canoe and kayaking experts, which included the study of dam obstructions at the 21st St. and Lincoln St. dams for recreational transition. The final Master Plan report was recently presented to the ARCAP steering committee and was accepted on December 7, 2007. The plan was previously reviewed and accepted by the Wichita Park Board on November 19, 2007.

The completion of this plan provides a general guideline and recommendations to the project partners for potential access point development. The information provides a blueprint for possible new recreational opportunities along the Arkansas River for the City of Wichita and surrounding communities. Within the City of Wichita the plan identifies three recreational transitions for watercraft at the 21st Street "tubes", the 21st Street dam and the Lincoln Street dam. Two additional potential access points are identified as well at Herman Hill Park and Sim Park.

Currently there are no Capital Improvement Program (CIP) funds identified to execute any portion of the plan. All future improvements will be funded either through the CIP if approved by City Council, or Kansas Department of Wildlife and Park grants. This plan will be brought back to the City Council for future action in authorizing all or a portion of the plan to move forward with additional recreational opportunities as outlined in this report.

The approval of this plan will enable the city and surrounding communities to enhance and improve the Quality of Life by creating recreational opportunities. The completion of this plan also increases the probability of future state and federal grant funding for river recreation projects.

Vice-Mayor Fearey Vice-Mayor Fearey stated he agrees that we need to take this out to the DABs and after reading through the plan and attending some of the meetings working on the Arkansas River Citizens' Advisory Committee; she is very excited about this. Stated she feels that cities that take advantage of their river and have a way to get on it and paddle boats and canoes, really add to the experience of the City both for residence and visitors that we have come here. Stated she looks forward to having more public comment and thinks it will be generally positive and looks forward to the public possibly recommending some other additions to it and getting it back to the Council for adoption.

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- Ed Flentje Interim City Manager stated this community and region is blessed to have a natural resource through it like the Arkansas River. Stated we are realizing in regards to economic development, that it is not only the creation of jobs but creating a quality of life that attracts people to our region that is critical. Stated he feels the City has shown some leadership in working with other jurisdictions on this and continues to have responsibility for helping carry that discussion. Stated this is a very important element and thinks the Council's direction to continue to engage public comment on this and raise visibility of this is essential.
- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.
- James Johnson Mr. Johnson stated he resides at 1211 Perry and is the past president of the Kansas Canoe and Kayak Association and have been a kayak instructor for the American Red Cross for 22 years. Stated he is asking the Council to consider passing the Arkansas River Corridor Access Plan. Stated paddling is an important recreational sport and is enjoyed by a number of people in Wichita as well as across our State. Stated Kansas has the least amount of public lands of all the 50 states and the law pertaining to river access is the most restrictive in the 50 States. Stated that paddlers are limited by these laws and as a result, they take their boats and money out of the State of Kansas. Stated this initiative by the Kansas Department of Wildlife and Parks and their partners, would be the first step in developing the economic and social benefits of this venerable sport. Asked the City Council to vote in favor of this item and recognize this project as important for recreational and well as economic returns. Stated we have in the Arkansas River an asset that is the envy of many cities in this country and with development, it will bring Wichita a level of recognition that we deserve.
- Bill Cather Mr. Cather stated that in 1997 he had the privilege to be Vice-Mayor under Bob Knight and represented District III. Stated this is an economic development issue and if this proposal goes through, the Council will see a lot of his friends from Manhattan, Kansas City, and Topeka come down here to see this swift water component of this plan and they are going to bring their money, which will impact this community financially. Stated there a lot more people out there using the river than you would think. Thanked the Council for the two ramps that were built, which helped make
- Tom Neil Mr. Neil resides at 6110 Edinberg in Belaire and is representing the Arkansas River Coalition and has been a board member for five years. Stated as a partner in this project, they are in support of it and it is not only for those of them who currently recreate on the river but it is also a drawing card for economic development for the area. Stated the more of it we can promote the river and show that it is a point of beauty and recreation for the City and for the area and has ready access for people to use, it will be a drawing card to bring people to the area and City to settle here. Stated he sees this as a gem that we need to enhance.
- Council Member Williams Council Member Williams stated she cannot wait until this project goes into affect and thinks this ties in very well with the Visioneering Project's health piece and alliance of the Visioneering Project. Stated she sees this as an avenue of bringing people into the downtown area as the river goes along the WaterWalk and sees many advantages for us to use with the river project.
- Motion-- Brewer moved that the Council send this back to the District Advisory Board and bring it back to City
--carried Council after it has been to all six District Advisory Boards. Motion carried 7 to 0.

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NAT'L NIGHT OUT

NATIONAL NIGHT OUT PRESENTATION.

Captain Nelson Mosley

Captain Mosley reviewed the item.

Agenda Item No. 31.

The National Association of Town Watch (NATW) began the National Night Out program in 1984 as a way for neighbors to join together to fight back against crime. The Block Party concept is designed to allow neighbors to get acquainted and to strengthen existing or form new Neighborhood Watch Groups to protect themselves and their neighbors by agreeing to call the police whenever illegal activity is observed.

Those organizing the neighborhood gatherings include Neighborhood Watch Groups, Neighborhood Associations and other community groups. The goal of National Night Out is to heighten crime and drug prevention awareness, generate local participation in anti-crime programs like Neighborhood Watch and to strengthen police-community partnerships.

On August 7, 2007, the City of Wichita had one hundred eighty-two (182) registered and numerous unregistered block parties, which amounted to an estimated 10,000 Wichitans participating in National Night Out. For 2007, the City of Wichita was nationally awarded tenth place by the National Association of Town Watch for participation of cities 300,000 or larger.

The City of Wichita has participated in National Night Out every year since 1990. 2007's tenth place award is the highest ranking achieved by the City of Wichita and matches the tenth place award received in 2005. The Wichita Police Department plans to make National Night Out 2008 an even bigger event.

Provide a safe and secure community by increasing community involvement in anti-crime efforts such as Neighborhood Watch and to strengthen police-community partnerships.

Chief Norman Williams

Police Chief Williams thanked the City Council for their participation in National Night Out 2007 and thanked the citizens of Wichita, Kansas because as a result of their involvement and commitment it made it possible to finish in the top ten in America, which is an encouraging accomplishment. Stated they have set a goal to be in the top five in 2008 throughout the United States and feel like with the community that we have, we can get that accomplished. Asked Mayor Brewer and Council Member Williams to come to the podium and presented each of them with a Certificate of Appreciation from the Wichita Police Department.

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURE. (DISTRICT I)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No. 32.

On December 18, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on February 5, 2008.

On December 3, 2007 the Board of Code Standards and Appeals (BCSA) held a hearing on seven (7) properties listed below:

<u>Property Address</u>	<u>Council District</u>
a. 331 North Ash	I
b. 1309 North Indiana	I
c. 1116 North Mathewson	I
d. 1121 North Green	I
e. 1421 North Grove	I
f. 1735 North Green	I

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g. 2911 East 24th North

I

Detailed information/analysis concerning this property are included in the attachments.

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

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

Pursuant to State Statute, the Resolutions were duly published twice on December 21, 2007, and December 28, 2007. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

- Motion-- Williams moved that the public hearing be closed; the resolutions declaring the building a dangerous and unsafe structure adopted; and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures be accepted. Any extensions of time granted to repair the structure would be contingent on the following: (1) All taxes have been paid to date, as of February 5, 2008; (2) the structure has been secured as of February 5, 2008 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of February 5, 2008, and will be so maintained during renovation for the properties listed as a) 331 North Ash, b) 1309 North Indian, c) 1116 North Mathewson, e) 1421 North Grove, f) 1735 North Green, and g) 2911 East 24th North.
- Kurt Schroeder Office of Central Inspection stated that the owner for the property listed as d) 1121 North Green is present and she has indicated to him that she cannot save this property and would like 30 to 60 days to initiate the wrecking of this property and clearance.
- Barbara Bicknell Ms. Bicknell stated that she would like to have 60 to 90 days considering the weather because she is turning this property over to her son and he is going to take care of it for her.
- Council Member Williams Council Member Williams stated that she thinks 90 days is too much time and regarding the appearance, does not want us to contribute more blight.
- Kurt Schroeder Office of Central Inspection stated by April 1st, she should have the permit in hand and have this underway or Staff will proceed, which will get us past the bad weather. Stated she is going to deed this to her son in the next week or two and he will take over from that point.
- Motion-- Williams moved to take Staff's recommendation of April 1st as the deadline for the start of the
--carried demolition process and to be completed within 30 days after that. Motion carried 7 to 0.

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Resolution No. 08-074

A Resolution finding that the structure/s located on Lot 41 and North 8 1/3 feet of Lot 43, Indiana Avenue, H.O. Burleigh's Third Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1309 N. Indiana, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

Resolution No. 08-075

A Resolution finding that the structure/s located on Lot 57 and 59 on Mathewson Avenue, in Getto's Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1116 N. Mathewson, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

Resolution No. 08-076

A Resolution finding that the structure/s located on Lot 18 and 20, Block 5, Esterbrook Park Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1121 N. Green, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

Resolution No. 08-077

A Resolution finding that the structure/s located on south half of Lot 169 and all of 171, Tyler, now grove Street, Logan Addition, Sedgwick County, Kansas to the City of Wichita, Sedgwick County, Kansas, commonly known as 1421 N. Grove, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

Resolution No. 08-078

A Resolution finding that the structure/s located on Lots 23 and 25 on Green Street, Walter Morris & Son's Fourth Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1735 N. Green, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

Resolution No. 08-079

A Resolution finding that the structure/s located on Lot 1, Bloc N, Audrey Matlock Heights First Addition, an Addition to to the City of Wichita, Sedgwick County, Kansas, commonly known as 2911 E. 24th Street North, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

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CUSTOM CUPBOARD PUBLIC HEARING AND TAX EXEMPTION REQUEST, CUSTOM CUPBOARDS, INC. **(DISTRICT IV)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 33.

On July 20, 2004, City Council approved a five-plus-five year 97.5% ad valorem tax exemption to Custom Cupboards, Inc. (Custom Cupboards) for an expansion that included construction of a building addition and purchase of new equipment. On May 3, 2005, City Council also approved a 75% five-plus-five year tax exemption on a building addition and new manufacturing equipment and on September 12, 2006, City Council approved a 72% tax exemption on new manufacturing equipment.

Custom Cupboards has continued to grow its business of manufacturing custom built cabinetry. Custom Cupboards has now expanded its manufacturing capacity through construction of a 12,000 s.f. building expansion and purchase of new machinery and equipment, for a total project cost of \$1,813,585. Custom Cupboards is requesting approval of an Economic Development Tax Exemption on the building addition and new machinery and equipment in conjunction with their expansion project.

Custom Cupboards located at 3738 S. Norman in southwest Wichita, was locally formed in 1981. Custom Cupboards is a leader in high quality, custom-built cabinetry for residential homes and commercial offices. Custom Cupboards, Inc. has two manufacturing facilities and a showroom located in Kansas. It is the largest manufacturer of residential cabinetry in the state. The company manufactures and sells high quality, custom built cabinetry for the home and office, and sold by approximately 160 dealers in 31 states. Custom Cupboard's products are made-to-order kitchen and bath cabinets, desks, bookcases, entertainment centers, hutches - all with unlimited custom possibilities in finish and design.

The main plant and corporate office which is approximately 200,000 s.f., is located at 3738 S. Norman. Custom Cupboards had another plant with approximately 24,000 s.f. of space located at 2432 S. Sheridan in Wichita which housed the rough mill where the cabinet drawer fronts and face frames were manufactured, but have since moved those operations to the expanded facility at the S. Norman location.

The expansion project includes construction of a 12,000 s.f. building expansion and the purchase of new machinery and equipment (see exhibit I attached hereto). Custom Cupboards currently employs 261 and plans to add at least 30 new jobs within the next three years. Custom Cupboards exports 95% of all production out of the State of Kansas.

The expansion project is itemized in Exhibit I attached hereto. Under the Economic Development Incentive Policy, Custom Cupboards is eligible for the following property tax abatement:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
54.0%	New Job Creation:	Custom Cupboards will create at least 30 new jobs.
26.0%	Capital Improvements:	Custom Cupboards will invest at least \$1,813,585.
80.0%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.0%	Location Premium:	Custom Cupboard is not located in the central redevelopment area.
80.0%	TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY	

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Under the Economic Development Incentive Policy, Custom Cupboards, Inc., is eligible for an 80% tax exemption on the identified real and personal property for a five-year term, plus an 80% tax exemption for a second five-year term on real property only, subject to City Council approval. A notice of public hearing has been published. Custom Cupboards has agreed to comply with the condition set forth in the Economic Development Incentive Policy.

The estimated first year real and personal property taxes on the expansion that requires City Council approval would be \$33,464, based on the 2007 mill levy. Using the allowable tax exemption of 80 percent, the City would be exempting (for the first year) \$26,771 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$6,788; County/State - \$6,969; and USD 265 - \$13,015.

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	3.20 to one
Sedgwick County	2.50 to one
USD 265	1.28 to one
State of Kansas	4.62 to one

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

The City Attorney's Office has approved the Ordinance as to form.

Mayor Brewer

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

Motion--

Gray moved that the public hearing be closed and first reading of the Ordinance approved granting an 80% tax exemption on the identified real and personal property improvements for a five year term, plus an 80% tax exemption for a second five-year term on real property only, subject to City Council review. 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 custom cupboards, inc. so exempted. Introduced and under the rules laid over.

ZTM, INC.

PUBLIC HEARING AND TAX EXEMPTION REQUEST, ZTM INC. (DISTRICT III)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 34.

On December 19, 2000, City Council approved a five-plus-five year 98% ad valorem tax exemption to ZTM, Inc. (ZTM) for an expansion that included acquisition of an existing facility and purchase of new manufacturing equipment. On November 20, 2001, City Council also approved a 74.5% five-year tax exemption on acquisition of new manufacturing equipment, February 3, 2004, approved a 61% tax exemption on new manufacturing equipment, and on May 3, 2005, City Council approved a 62.5% tax exemption on new manufacturing equipment. On April 18, 2006, City Council approved a 50% tax exemption on new manufacturing equipment.

Since establishment, ZTM has sustained consistent growth in manufacturing parts for the aerospace industry. ZTM has once again expanded its manufacturing capacity, to include construction of a 26,000 s.f. building addition and acquisition of new manufacturing equipment in the amount of \$3,010,838.

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ZTM is now requesting approval of an Economic Development Tax Exemption on the construction of a building addition and acquisition of new manufacturing equipment in conjunction with the expansion project.

ZTM located at 4011 E. 31st S. in southeast Wichita, was locally formed in 1996. ZTM is a manufacturer of large, complex precision machine parts and assemblies for the aerospace industry. ZTM mills close-tolerance component aircraft parts in support of Wichita's major aircraft manufacturers. ZTM has assembled an impressive and efficient array of equipment, including 3-axis and 4-axis machines. ZTM also performs tooling and prototype work for the aircraft industry. ZTM utilizes sophisticated computer-controlled manufacturing equipment for their precise milling work. ZTM uses state of the art computer automated part loading, high-speed tool changer and chip removal, for speed and efficiency. Their capabilities include manufacturing parts from aluminum, steel, titanium and inconell.

Staff conducted a site-monitoring visit on September 11, 2007; ZTM is in compliance with all the terms and conditions under which the City granted the 2006 exemption. ZTM currently employs 59 employees, which the company has added 12 new employees since 2004. ZTM projects to add an additional 22 new jobs over the next four years, at an average annual salary of \$39,341.

ZTM's major customers include Spirit Aerosystems/Boeing Wichita and Boeing Seattle. ZTM exports 100% of all production of out Kansas.

The expansion project is itemized in Exhibits I attached hereto. Under the Economic Development Incentive Policy, ZTM is eligible for the following property tax abatement:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
67.0%	New Job Creation:	ZTM will create at least 22 new jobs.
32.5%	Capital Investments:	ZTM will invest at least \$3,010,838.
99.5%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.0%	Location Premium:	ZTM is not located in the central redevelopment area.

99.5% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the Economic Development Incentive Policy, ZTM is eligible for a 100% tax exemption for a five-year term on the identified real and personal property, plus a 100% tax exemption for a second five-year term on real property only, subject to City Council approval. A notice of public hearing has been published. ZTM has agreed to comply with the conditions set forth in the Economic Development Incentive Agreement.

The estimated first year taxes on the proposed \$3,010,838 expansion would be \$85,035 on real and personal property, based on the 2007 mill levy. ZTM made \$740,742 worth of equipment purchases after June 30, 2006, which makes it automatically exempt from personal property taxes. The estimated first year taxes on that personal property would be \$21,861. The estimated first year real and personal property taxes on the expansion that requires City Council approval would be \$63,173. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$63,173 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$17,113; County/State - \$17,570; and USD 259 - \$28,490.

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

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City of Wichita	2.28 to one
Sedgwick County	1.78 to one
USD 259	1.25 to one
State of Kansas	6.21 to one

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

The City Attorney's Office has approved the Ordinance as to form.

Allen Bell

Economic Development Administrator stated that he is asking for a one week deferral due to the law department upon further examination and analysis from the law department of the ordinance, it was determined that because the real property is owned by a related company and then leased to the operating company. In that circumstances the board of tax appeals has in the past required that the equipment which belongs to the operating company has to have the same term of tax abatement. Stated what has been done in the past is to give a five plus five year exemption on both building and equipment but for the second five years on the equipment, they have a payment in lieu of taxes agreement so that they will make payments in lieu of taxes on the equipment during the last five years. Stated to make the documents fully conformed to that arrangement, they need to come back next week with the documents as an unfinished business item.

Motion--carried

Skelton moved to defer this issue for one week. Motion carried 7 to 0.

COX MACHINE, INC.

**PUBLIC HEARING AND TAX EXEMPTION REQUEST, COX MACHINE, INC.
(DISTRICT V)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 35.

On November 20, 2001, City Council approved a five-plus-five year 98% Economic Development Tax Exemption to Cox Machine, Inc. ("Cox Machine") for an expansion project that resulted in the construction of a new facility and the purchase of new machinery and equipment. On April 6, 2004, City Council also approved a 61% tax exemption on new manufacturing equipment, April 18, 2006, approved a 70% tax exemption on new manufacturing equipment.

Cox Machine Inc., located at 5338 W. 21st N. in northwest Wichita, was locally formed in 1954. Since its establishment, Cox Machine has achieved consistent growth in its manufacturing of parts for the aerospace industry. Cox Machine recently expanded its manufacturing capacity through to include additional manufacturing space and acquisition of new machinery and equipment in the amount of \$1,300,734. Cox Machine is now requesting approval of an Economic Development Tax Exemption on the construction of a building addition and newly acquired manufacturing equipment in conjunction with the expansion project.

Cox Machine is engaged in the manufacture of high quality small parts for the aerospace industry. Cox Machine has a CDC milling department that uses CAD programs, which optimize programming capabilities. Cox Machine also has a grinding department that offers thread grinding and includes center less as well as cylindrical grinding. Other operations offered by Cox Machine are gun drilling, sheet metal fabrication, small assembly operations, kitting and engineering. Customers include Raytheon, Boeing, Bombardier, Cessna, Northrop, Lockheed Martin, Middle River, and the U.S. Government among others. Cox Machine exports 96% of its production outside of the State of Kansas.

Staff conducted a site-monitoring visit on August 15, 2006. Cox Machine is in compliance with the terms and conditions under which the City granted the 2004 exemption. Cox Machine currently has 73 employees and plans to add an additional 25 employees over the next three years at an average annual

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salary of \$34,360. The expansion project includes construction of a 12,000 s.f. building addition with a cost of \$565,873, and purchase of additional machinery and equipment at \$734,862.

Cox Machine's expansion project is itemized in Exhibit I attached hereto. Under the City's Economic Development Incentive Policy, Cox Machine is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
49.71%	New Job Creation:	Cox Machine will create at least 25 new jobs.
20.50%	Capital Investment	Cox Machine will invest at least \$1,300,734.
70.21%	Sub Total Business – Incentive Eligibility (Maximum allowed is 100%)	
00.00%	Location Premium: Cox Machine is not located in the central redevelopment area.	

70.21% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the Economic Development Incentive Policy, Cox Machine is eligible for a 70% tax exemption for a five-year term on the identified real and personal property, plus a 70% tax exemption for a second five-year term on real property only, subject to City Council approval. A notice of public hearing has been published. Cox Machine has agreed to comply with the conditions set forth in the Economic Development Incentive Policy.

The estimated first year taxes on Cox Machine's proposed \$1,300,734 expansion would be \$36,666 on real and personal property. Using the allowable tax exemption of 70 percent, the City would be exempting (for the first year) \$16,895.70 of new taxes from the real and personal property tax rolls, based on the 2007 mill levy. The tax exemption will be shared among the taxing entities as follows: City - \$4,630.96; County/State - \$4,754.63; and USD 266 - \$7,510.12.

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	2.91 to one
Sedgwick County	2.34 to one
USD 266	1.27 to one
State of Kansas	5.36 to one

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

The City Attorney's Office has approved the Ordinance as to form.

Mayor Brewer

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

Motion--

Longwell moved that the public hearing be closed and first reading of the Ordinance approved granting a 70% tax exemption on the identified real and personal property improvements for a five-year term and a 70% exemption on real property only, for a further five-year period, subject to City Council review.

--carried

Motion carried 7 to 0.

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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 Cox machine, inc, so exempted. Introduced and under the rules laid over.

DIVERSIFIED SERV. PUBLIC HEARING AND TAX EXEMPTION REQUEST DIVERSIFIED SERVICES, INC. (DISTRICT VI)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 36.

One December 19, 2000 City Council five-plus-five year 100% ad valorem tax exemption to Diversified Services, Inc. for an expansion that included acquisition of an existing facility and purchase of new manufacturing equipment located at its main plant at 1419 S. McLean Blvd.

Since establishment, Diversified Services, Inc. ("DSI") has sustained consistent growth with the aerospace industry. DSI has once again expanded its manufacturing capacity, through acquisition of the former Safelite facility at 701-721 E. Murdock and purchase of manufacturing equipment in the amount of \$1,383,500. Based on a letter of intent, DSI is now requesting approval of an Economic Development Tax Exemption on the acquisition of the manufacturing facility in conjunction with the expansion.

Diversified Services, Inc. was locally formed in 1961. DSI is a national leader in aerospace finishing and inspection. Diversified Services provides processing services including chemical conversion, chromic acid anodizing, penetrant, prime, painting, non-destructive testing and cryogenic treatment of tooling and materials.

Diversified Services, Inc. currently employs 107 persons and plans to add at least 37 new jobs over the next five years. The \$1,383,500 expansion project includes acquisition of the 59,000 s.f. former Safelite facilities building, and acquisition of manufacturing equipment

The expansion project is itemized in Exhibit I attached hereto. Under Economic Development Incentives Policy, DSI is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
59%	New Job Creation:	DSI will create at least 37 new jobs.
21%	Capital Improvements:	DSI will invest at least \$1,383,500
80%	Sub Total Business - Incentive Eligibility (Maximum allowed is 1000%)	
20.0%	Location Premium:	DSI is located in the central redevelopment area (additional 20% allowed)
100.0%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

Under the Economic Development Incentive Policy, DSI is eligible for 100% tax exemption for a five-year term on the identified real property, plus a 100% tax exemption on real property for a second five-year term, subject to City Council approval. A notice of public hearing has been published. DSI has agreed to comply with the conditions set forth in the Economic Development Incentive Policy.

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The estimated first year taxes on the proposed \$1,383,500 expansion would be \$28,037 on real property improvements, and \$10,964 on personal property, based on the 2007 mill levy. Diversified Services made the equipment purchases after June 30, 2006 which makes it automatically exempt from personal property taxes. Using the allowable tax exemption of 100 percent for the real property, the City would be exempting (for the first year) \$28,037 of new taxes from the real property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$7,595; County/State - \$7,797; and USD 259 - \$12,644.

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	2.49 to one	
Sedgwick County		1.87 to one
USD 259	1.25 to one	
State of Kansas		6.81 to one

The City Attorney's Office has approved the form of the Ordinance.

Mayor Brewer

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

Motion--

Vice-Mayor Fearey moved that the public hearing be closed and first reading of the Ordinance approved granting a 100% tax exemption on the identified real property improvements for a five-year term, with 100% tax exemption for a second five-year term on real property, subject to City Council review. 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 diversified services, inc., so exempted. Introduced and under the rules laid over.

AIRPORT TEAMSTER 2008-2009 AIRPORT TEAMSTERS LOCAL 795 MEMORANDUM OF AGREEMENT.

Sarah Gilbert

Human Resources Director reviewed the item.

Agenda Item No. 37.

The City Negotiating Team and Airport Teamsters Local 795 have reached an agreement on a Memorandum of Agreement for 2008-2009. The union membership ratified the agreement on January 18, 2008.

The agreement will be in effect for the period of December 15, 2007 through December 25, 2009 and will provide a 5.6% across the board increase the first year and a 4% across the board increase the second year of the agreement. Eligible employees may also receive step increases of 2.5% each year of the agreement.

A revised salary ordinance including the terms of this agreement will be on the City Council Agenda of February 5, 2008.

The wage portion of this agreement will cost approximately \$14,500 over the approved 2008 budget and \$15,170 over the 2009 budget. Those costs, along with minor supplemental pay and accrual issues, were not originally budgeted but can be accommodated by the Airport.

This agreement affects the city's goal of providing a Safe and Secure Community.

The Law Department has approved the agreement as to form.

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Mayor Brewer

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

Motion--
--carried

Brewer moved that the proposed 2008-2009 Memorandum of Agreement between the City and Airport Teamsters Local 795 be approved. Motion carried 7 to 0.

NON-EXEMPT ORD.

NON-EXEMPT EMPLOYEE SALARY AND CLASSIFICATION ORDINANCES FOR AIRPORT TEAMSTERS AGREEMENT.

Sarah Gilbert

Human Resources Director reviewed the item.

Agenda Item No. 38.

Amendments to the Non-exempt Employee Salary Ordinance are needed to reflect the new agreement with the Teamsters Union Local #795 (Airport Safety).

Amendments to the Non-exempt Employee Classification Ordinance are needed to change the job titles of the airport officers as agreed in the negotiations.

Non-exempt Employee Salary Ordinance

- Section 6, pay rates for Airport Safety Teamsters employees:
 - o Update the 2008 table for the new rates, retroactive to December 15, 2007, reflecting the negotiated 5.6% increase.
 - o Add the new table for 2009 rates, reflecting the 4% increase.
- Section 9 – Other Provisions, page 9:
Revise for changes negotiated in the new Teamsters agreement.
 - o Add paragraph a.(9). for new Education Pay for Airport Police and Fire Officers, \$50/month for a bachelors degree and \$75/month for a masters degree.
 - o Add paragraph a.(12) for the \$35 per pay period Emergency Medical Technician (EMT) pay which these employees will continue to receive under the new agreement.

Non-exempt Employee Classification Ordinance

- Change title of Airport Public Safety Officer I and II to Airport Police and Fire Officer I and II.
- Delete an unused Laboratory Assistant classification.

The costs of the amendments to the Salary Ordinance are scheduled for consideration by the City Council on February 5, 2008. There are no costs associated with the amendments to the Classification Ordinance.

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

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

Mayor Brewer

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

Motion--
--carried

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

ORDINANCE

An ordinance providing for a uniform schedule of standard pay ranges for non-exempt employees of the city of Wichita, repealing ordinance no. 47-700. Introduced and under the rules laid over.

ORDINANCE

An ordinance establishing position classifications for non-exempt employees of the city of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges repealing ordinance no. 47-699. Introduced and under the rules laid over.

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FLOOD CONTROL

WICHITA VALLEY CENTER FLOOD CONTROL LEVEE CERTIFICATION.

Chris Carrier

Public Works Director reviewed the item.

Agenda Item No. 39.

The City of Wichita and Sedgwick County signed a FEMA Provisional Accredited Levee (PAL) Agreement last year as the owner and operator of the Wichita Valley Center Flood Control. The agreement requires the City to provide certification that the approximately 100 miles of levee surrounding the City meets FEMA levee standards. The certification process will require extensive topographic surveys, hydrologic and hydraulic modeling, soil testing and inspection to study the levee and its internal drainage systems. FEMA has assigned a deadline of February 2, 2009 for Sedgwick County and the City to ensure that the Wichita Valley Center Flood Control meets all Federal levee requirements for design, maintenance, and operation. This is a new FEMA program and Sedgwick County is one of the first communities in Region VII that is required to complete this type of study. The Wichita Valley Center Flood Control was completed in 1959 at a cost of \$20 million dollars and was under construction over a period of 10 years. Although the levee is annually inspected by the Tulsa Corp of Engineers, a comprehensive study proposed with this project has not been completed since the original design in the late 1930's.

The deadline to certify our community's levees is not feasible for a Flood Control Project because of its size and age. We will be coordinating with FEMA and our consultant to extend the deadline to December 2009. The Staff Screening and Selection Committee has selected AMEC Earth and Environmental to perform the study.

Payment to AMEC will be a not to exceed amount of \$2,237,612, and will be shared evenly between Sedgwick County and the City of Wichita. The Agreements requires the City's Stormwater Utility to pay \$1,118,806 for consulting fees with the remaining funds to be paid from Sedgwick County. These Adequate funds have been allocated are available in the 2007 Capital Improvement Program and the County's operating budget. Specifically, the City's share will come from the \$1.0 million allocated for this project in the CIP and \$118,806 from excess funds in the Digital Imagery Project.

The information received will help in providing a safe and secure community by ensuring our community's flood control project meets Federal safety requirements for the next fifty years.

The Agreement's have been approved as to legal form by the Law Department.

Mayor Brewer

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

Motion--
--carried

Brewer moved that the Joint Funding Agreements and design agreement be approved; the resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 08-043

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for levee certification for the Wichita Valley Center Flood control project (468-84475), presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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ELEVATION SURVEY COUNTYWIDE DIGITAL IMAGERY AND ELEVATION SURVEY AGREEMENT.

Chris Carrier Public Works Director reviewed the item.

Agenda Item No. 40.

The City of Wichita and Sedgwick County signed a FEMA Provisional Accredited Levee (PAL) Agreement last year as the owner and operator of the Wichita Valley Center Flood Control Project. The agreement requires the City to provide certification that the approximately 100 miles of levee surrounding the City meets FEMA levee standards. The certification process will require extensive topographic surveys to study the levee and its internal drainage systems. In addition, the City, County, and development community have struggled for years with inaccurate flood maps, costing homeowners and business hundreds to thousands of dollars to study each individual property to prove a structure is not located within a flood hazard area. The floodplain boundary limits rarely matched the true ground elevations because many of the surveys were based on pre-developed conditions or utilized United States Geological Survey mapping completed in 1962.

FEMA and State representatives met with the City, County and other community officials last month to discuss their desire to issue new flood maps for Sedgwick County. FEMA is currently at the scoping stage, identifying our community needs to develop more accurate flood insurance rate maps. This project will provide FEMA the necessary data to better map our next generation of flood maps. It will also provide our levee consultant the elevation data necessary to complete their drainage analysis, help community officials solve drainage problems, and aid engineers when planning new developments. The City will map 349 square-miles of 1-ft contour data and the County will map 569 square-miles of 2-ft contour data and 46 square-miles of 1-ft data. This mapping project in partnership with the Sedgwick County will map the entire county.

The Agreement requires the City to pay \$425,002 of the \$883,264 total program cost, with the County responsible for the balance of \$458,262. USGS plans to reimburse the City and County for a portion of the work not to exceed \$74,604 for the City and \$73,023 for the County. Budget for the City's cost is split between Water Utilities (\$25,990) and the Stormwater Utility (\$399,012). The USGS plans to reimburse the Water Utilities \$7,117 and the Stormwater Utility \$67,487. These funds have been allocated in the 2007 Capital Improvement Program.

The information received will help in providing a safe and secure community by providing information to improve our existing flood maps, help design future improvement projects, and evaluate current drainage systems.

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

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

Motion-- Brewer moved that the Joint Funding Agreements be approved; the resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.
--carried

RESOLUTION NO. 08-042

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for digital aerial imagery and elevation data, countywide (468-84489), presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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CENTER & TYLER

IMPROVEMENT TO THE INTERSECTION OF CENTRAL AND TYLER. (DISTRICT V)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 41.

The proposed 2007-2016 Capital Improvement Program (CIP) includes a project to improve the intersection of Central and Tyler. District V Advisory Board sponsored a January 10, 2006, neighborhood hearing on the project. The Board voted 5-0 to recommend approval of the project.

The project will reconstruct the intersection to provide dual left turn lanes at all four approaches and improved drainage. New traffic signals will be installed. Construction is planned to begin this spring and be completed this fall.

The CIP budget is \$2,800,000, with \$2,000,000 paid by the City and \$800,000 paid by Federal Grants administered by KDOT. The funding source for the City share is General Obligation Bonds. The current construction estimate is \$3,000,000 with \$2,200,000 paid by the City and \$800,000 by Federal Grants. The increased local share is due to the cost of the improved drainage system and less than anticipated Federal funding. Funding for the increased cost is available from savings from other CIP projects.

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

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

Mayor Brewer

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

Michael Marlor

Mr. Marlor stated he is the owner of Computer Doctor located at 8720 West Central. Stated that he request that the Council deny approval of a second left turn lane at Central and Tyler because his office building sits between Godfather's Pizza and Taco Bueno and this would impact his business. Stated they plan to take away three parking spaces and there is a right of way between the street and his parking so that cars can egress from Godfather's past Computer Doctor to Taco Bueno and come out on Central. Stated his office has three parking spaces on the street front, which allows his customers to pull up and he can come out and pick up their computers, which gives him a distinct competitive advantage to his competitors. Stated he learned yesterday of the plan to lose his three parking spaces when someone from the City came out. Stated two years ago before he moved into this building, his landlord redid the drive and created a drainage area so that this area could drain away from his building and this second left turn lane would impact that and all of that would be taken out and there are no drainage problems at this intersection. Stated there has been no accountability until now to address the impact of a second left turn lane on our businesses there and is appealing to the Council to consider the necessity for this. Stated he is asking the Council to recognize that a second left turn lane is not needed at Central and Tyler and rush hour traffic turning south from Central and Tyler, clears fine. Stated he has suggested that the City could lengthen the single left turn lane that is there now to improve the traffic flow and there is a median that could be taken out, which would be cheaper and they could add a traffic sensor to improve the turning as necessary with the rush hour traffic, which would be a minimal impact to the local businesses. Stated to relocate would be a financial burden for him and he has thousands of dollars invested in his signs and infrastructure.

Greg Nevell

Mr. Nevell stated he owns the building that Mr. Marlor rents from him at that intersection. Stated his dad and another man built that building in 1966, which started that corner. Asked for more clarification regarding the 25 feet and where it is going to cut them back to. Stated from the curb to the sidewalk is 11 ½ feet and from there to the building there is not a lot of room to get into the parking spaces at Godfather's Pizza and the Computer Doctor. Stated if this is coming past the sidewalk then there will be a problem with keeping two tenants in business there and for them to have any parking in front of the building. Stated we need the room there for the tenants parking because that is their only parking and stated he is afraid that he will loose two tenants there if the parking is not kept there.

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- Chris Carrier Public Works Director stated they are in the process of designing this project and the City's engineering staff has shown over and over again that they can work with people and work a lot of these issues out. Stated they are willing to sit down and talk to property owners and see what they can do with them.
- Jim Armour City Engineer stated their traffic engineer Paul Gunzelman did meet out on site yesterday with the owners and reviewed some of this. Stated it was reviewed a year ago with the DAB and were constructing this project as they felt that they were directed to at that time. Stated they can move the sidewalk two feet in from the right-of-way line and allow this to circulate with diagonal parking and circulation. Stated they do not have to build the sidewalk on the right-of-way line and can meet with the property owners and try and work out a solution, but is not guaranteeing that they can solve all of these problems and issues.
- Rita Nevell Ms. Nevell resides at 9625 West Maple and stated that she owns the Godfather's Pizza building. Stated there is no way that people can exit this building and it will go out of business. Stated this was brought to her about a year ago that this was in the works but over this last year whenever she would see one of the City's Staff, she would ask them what impact this would have on them, she was told it would not have much impact on them and now here we are. Stated she did not receive a notice prior to a year ago that this was going on. Stated if they were notified, they might have been able to work this out before hand.
- Chris Carrier Public Works Director stated they are agreeable to deferring this until the next meeting and meet with the Nevell's and Paul Gunzelman to see what they can work out regarding that corner. Stated there has been some non-conforming uses that have been going on there for quite some time and not sure if they can do anything about the amount of parking or not. Asked to be allowed to work with those people regarding the sign at Godfather's Pizza to see if they can work through that and then bring it back to the Council.
- Council Member Longwell Council Member Longwell stated this is the first time he has heard from property owners and tenants on this particular issue and thinks a deferral would be appropriate. Stated he is sensitive to the impact that this may have on those property owners and tenants in this area and is also sensitive to the 30,000 motorist that travel through there everyday and understanding that this is one of the top 10 traffic hazards in the City of Wichita and does not want to compromise an opportunity to improve an intersection that is going to continue to get busier and busier as west Wichita grows.
- Motion--carried Longwell moved to defer one week. Motion carried 7 to 0.

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PUMP STATION #11 PUMP STATION NUMBER 11 DESIGN SERVICE AGREEMENT. (DISTRICT VI)

Chris Carrier Public Works Director reviewed the item.

Agenda Item No. 42.

The structure under the levee of the Wichita Valley Center Flood Control south of the intersection of 37th Street North and Woodrow does not allow the area behind the levee from draining when the Little Arkansas River is diverting through the Flood Control system. This happens several times a year on average causing, Flood Control and Stormwater staff to regularly monitor this location during rain events to prevent flooding in the Sherwood Glenn neighborhood. Staff is required to mobilize two temporary pumps to dewater ponding area caused by the upstream 470-acre drainage basin. This project is included in the 2007 to 2016 CIP with \$250,000 for design in 2008, and \$5,000,000 for construction in 2009-2010.

Cook, Flatt and Strobel (CFS), was selected by the Staff, Screening and Selection Committee on December 17, 2007 to design the proposed permanent pump station to reduce neighborhood flooding and allow staff greater flexibility to respond to other flooding concerns throughout the City.

Payment to CFS will be a not to exceed amount of \$224,383, and will be paid by Stormwater Utility revenues. Right-of-way acquisition, including and other related fees are estimated at \$500,000. The Council action now requested is to approve the funds for final design and necessary right-of-way acquisition, which can be done for the amount included in the 2007-2016 CIP.

The information received will help in providing a safe and secure community by reducing potential flood losses to life and property.

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

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

Motion-- Vice-Mayor Fearey moved that the agreement be approved; the Resolution adopted; and the necessary
--carried signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 08-844

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for Pump Station #11 design and right-of-way acquisition (468-84477), presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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PLANNING AGENDA

Motion-- Brewer moved that Planning Agenda Consent items 44 through 59 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.
--carried

ZON2007-00043

ZON2007-00043 – ZONE CHANGE FROM “B” MULTI-FAMILY RESIDENTIAL TO “GO” GENERAL OFFICE. GENERALLY LOCATED EAST OF WOODLAWN AVENUE, WEST OF ARMOUR AVENUE, ON THE SOUTH SIDE OF CENTRAL AVENUE. (DISTRICT II)

John Schlegel

Planning Director reviewed the item.

Agenda Item No. 43.

DAB II Recommendation: Approve zone change with Protective Overlay #199, vote 8-0.
MAPC Recommendation: Approve zone change with Protective Overlay #199, vote 10-0.
MAPD Staff Recommendation: Deny

The applicant is seeking a zone change from the “B,” Multiple-family Residential to the “GO,” General Office district on property located east of Woodlawn Avenue, west of Armour Avenue, on the south side of Central Avenue (7015 E. Central). The property is currently developed with an office building containing space for four tenants.

Surrounding land uses are: single family residential (“SF-5”, Single family Residential) north of Central; multi-family residential (“B”, Multi-family Residential) on the east and south; and a synagogue (“SF-5,” Single family Residential) on the west. Access to the site is via two access points located on Central. Screening fencing currently exists along the south, east and west sides of the property.

Planning staff recommended that the request be DENIED. However, staff gave the Planning Commission the option, if the commission felt the request was appropriate, that the application for a rezone to GO-General Office be APPROVED, subject to conditions in Protective Overlay #199. The Metropolitan Area Planning Commission (MAPC) reviewed this application on November 15, 2007 and recommended approval of the alternative recommendation, approving the rezone to GO-General Office, subject to the provisions contained in Protective Overlay #199:

A. Uses permitted on the site are limited to those permitted in the “B”, Multiple-Family Residential zoning district, and the only GO, General Office use permitted is “office, general.” Permitted “office, general” uses are the uses listed under “office, general” in the Unified Zoning Code, not the uses permitted in the “GO”, General Office zoning district.

B. The site shall be developed and utilized in general conformance with the site plan submitted with this request.

C. No off-site, portable, variable or electronic message signs (LED) are permitted.

There was one citizen that spoke in opposition of this request.

This case was heard at the District II Advisory Board meeting on November 5, 2007. The DAB approved the zone change with the Protective Overlay by a vote of 8-0. There were three people who spoke in opposition of this request at the DAB meeting.

At this time, there have been 20 protest petitions received and stamped by the city clerk, equating to 64% of the total real property within the area required to be notified by state statute. With the protest being more than 20% of the total real property within the area required to be notified by state statute of the proposed zoning map amendment, excluding streets and public ways and property excluded pursuant to Section V-C.10.b, such amendment may be approved by the Governing Body only by a vote of approval by at least three-fourths of all members of the Governing Body. (Article V, Section C.10(a) of the Unified Zoning Code)

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Promote Economic Vitality.

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

Council Member Schlapp Council Member Schlapp stated she feels strongly that neighborhoods need to be protected and we need to watch that things are going correctly in the neighborhoods. Stated this application would be of less intensity to the neighborhood than some of the things that are already allowed in the previous zoning and actually protects the neighborhood in a better way. Stated it was suggested by the Vice-Mayor after looking at the previous zoning, there was something in there that they felt was quite intrusive and that was the height of the building that could allow apartments in a very dense residential area. Stated the Vice-Mayor called the applicant who was agreeable to the fact that he would be willing to put a height restriction in this new overlay that would keep that intrusive use for that area, on to this application. Stated she is very comfortable with this and the applicant agreed with this and is very willing because he also wants to keep this less intrusive.

Motion-- Schlapp moved that the findings of the MAPC be adopted; the zone change subject to the provisions of Protective Overlay No. 199 (a) through (c) and adding (d) to state the maximum height of 40 feet be approved; and the ordinance establishing the zoning placed on first reading. Motion carried 7 to 0.
--carried

ORDINANCE

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

Z-3341 & DP249

Z-3341 AND DP249 – EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “GC” GENERAL COMMERCIAL AND FOR THE EWALD’S SOUTH TOWN CENTER COMMERCIAL COMMUNITY UNIT PLAN. GENERALLY LOCATED SOUTH OF 47TH STREET SOUTH AND EAST OF BROADWAY. (DISTRICT III)

Agenda Item No. 44.

Staff Recommendation: Approve a two-year platting deadline extension to November 23, 2009.

On November 23, 1999, the City Council approved a zone change from “SF-5” Single-Family Residential to “GC” General Commercial and DP-249 subject to the condition of platting the property within one year. Four platting extensions granted for this request have extended the platting deadline to November 23, 2007. The applicant’s attached letter indicates that the owner is seeking creation of a TIF or TDD district, and is working to resolve access, drainage, and funding issues. The applicant requests a two year platting extension to November 23, 2009 in order to complete the platting process.

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

Promote Economic Vitality and Affordable Living.

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

Motion-- Brewer moved that the extended platting deadline of November 23, 2009 be approved. Motion carried 7 to 0.
--carried

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ZON2004-00024

ZON2004-00024 – EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL AND “LC” LIMITED COMMERCIAL TO “LP” LIMITED INDUSTRIAL. GENERALLY LOCATED NORTHEAST OF THE 47TH STREET SOUTH AND BROADWAY INTERSECTION. (DISTRICT III)

Agenda Item No. 45.

Staff Recommendation: Approve two-year extension of time to complete platting with a new platting deadline of January 20, 2009.

On July 20, 2004, the Wichita City Council considered the above request. The action of the City Council was to approve, subject to platting within one year, and the provisions of Protective Overlay #142. The applicant has since received two platting extensions through January 20, 2007. The applicant indicates in the attached letter that the plat has been submitted and approved by MAPD; the applicant is in the process of revising the plat drainage plan in response to a new FEMA Drainage Study. Therefore, the applicant requests an additional two-year platting extension.

Staff recommends that a two-year extension of time to complete platting requirements be granted to January 20, 2009. The City Council may deny the request for an extension of time to complete platting. Denying the extension would declare the zone change null and void and would require reapplication and rehearing if the property owner still desired a zone change.

Promote Economic Vitality and Affordable Living.

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

Motion--
--carried

Brewer moved that a two-year platting extension to January 20, 2009 be approved. Motion carried 7 to 0.

ZON2005-00025

ZON2005-00025 – ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “LP” LIMITED INDUSTRIAL. GENERALLY LOCATED NORTH OF MERTON CIRCLE AND WEST OF BAEHR STREET. (DISTRICT IV)

Agenda Item No. 46.

Staff Recommendation: Approve.

On June 23, 2005, the MAPC approved the requested zone change subject to the dedication of five feet of right-of-way on Baehr and dedication of complete access control on Merton Circle. On August 2, 2005, the City Council also approved the requested zone change subject to the dedication of five feet of right-of-way on Baehr and dedication of complete access control on Merton Circle. The applicant has now completed the required dedications, see attached.

Staff recommends that the Council now approve the first reading of the ordinance establishing the zone change.

Promote economic vitality.

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

Motion--
--carried

Brewer moved that first reading of the ordinance establishing the zone change be approved. Motion carried 7 to 0.

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ORDINANCE

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

ZON2007-58

ZON2007-58 – ZONE CHANGE FROM “B” MULTI-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL WITH A PROTECTIVE OVERLAY. GENERALLY LOCATED NORTHEAST OF THE CENTRAL AND OLIVER INTERSECTION. (DISTRICT I)

Agenda Item No. 47.

MAPC Recommendations: Approve, subject to staff recommendations (14-0).

MAPD Staff Recommendations: Approve, subject to the provisions of the Protective Overlay.

DAB recommendation: Approve, subject to staff recommendations (9-0).

The applicants are requesting “LC” Limited Commercial zoning on Lots 40, 39, 38, 37, 28, 27, 26, 25, 24 and 23, Block 4, East Highland Addition. The site is currently zoned “B” Multi-family Residential. The site’s Oliver side has two vacant (built 1942 and 1944) single-family residences on it and a parking lot, in need of maintenance, along its Glendale Avenue side. The two residences on the Oliver side have driveways onto Oliver and they face Oliver, which is a four-lane minor arterial. The parking lot on the Glendale side has several drives onto Glendale, which is a residential street.

A vacant bingo hall (1948, originally a movie theater), zoned “LC,” abuts the site’s south side and a portion of its west side. One of the applicants owns this bingo hall, which could become a part of a redevelopment of the subject site. A “LC” zoned vacant liquor store (1947) is located south, across a vacated portion of Elm Street (V-1250), from the bingo hall. The vacation of this portion of Elm prevents traffic off of the Glendale side of the site from access onto Oliver and forces traffic through a residential neighborhood. West of the site, across Oliver, there is a two-story apartment building (1977) and a single-story office building (1977) that are zoned “GO,” General Office. A “LC” zoned single-story office (1985) and a Quick Trip (1991, on the northwest side of the Central and Oliver intersection) convenience store are south of the “GO” site. Abutting the north side of the subject site, there are “B” zoned single-family residences and what appears to be a vacant duplex (all built in the 1940s).

East of the site, across Glendale, there are “TF-3” duplex residential zoned single-family residences. Generally speaking, the intersection of Central and Oliver has mostly commercial and some office zoned sites on all four of its corners, which are occupied by a small Dillon’s, fast food, small strip retail/office and free standing retail/office, a Quick Trip, restaurants, auto garages and some vacant retail/office buildings. Residential neighbors are located behind these developments, generally beginning where the commercial or office zoning ends along Central and Oliver.

At the December 20, 2007 MAPC public hearing meeting, the MAPC recommended approval of the requested “LC” zoning with the subject to the following provisions of Protective Overlay (PO) #201: (1)(a) Dedication of additional right-of-way along Oliver Avenue to meet the 50-foot of half street right-of-way standard for this intersection. (b) Dedication of cross lot access between the site and one of the applicants’ abutting southern (bingo hall) property. (c) Dedication of access control onto Oliver Avenue and possible complete access control onto Glendale Avenue. All reviewed and approved by the Traffic Engineer, all accomplished either through the replatting process or by dedication by separate instruments.

(2) Because the site is partially in a FEMA flood area provide a drainage plan for review and approval by the Storm Water Engineer.

(3) No signage allowed along the north and east sides of the site, where the site is abutting and adjacent to residential development. No off-site signs. Monument signs are allowed per the sign code for the “LC” zoning district.

(4) On site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development. No pole lighting will be placed within setbacks.

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There were no protest at the MAPC meeting and staff received no phone calls protesting the requested zone change. At its January 7, 2008 meeting, DAB I unanimously (9-0) recommended approval of the requested "LC" zoning, subject to the provisions of Protective Overlay (PO) #201. There were no speakers against this request at the DAB meeting. No protest petitions have been submitted, and staff has received no telephone calls protesting the proposed zone change.

Promote Economic Vitality.

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

Motion--

Brewer moved to concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of the Protective Overlay; and place the ordinance establishing the zone change on first reading; and instruct the Clerk to withhold publication until the provisions of the Protective Overlay is completed. Motion carried 7 to 0.

--carried

ORDINANCE

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

ZON2007-00059

ZON2007-00059 – AMENDMENT TO PROTECTIVE OVERLAY #4 (SCZ-0721) TO ALLOW PLACEMENT OF ONE (1) OFF-SITE SIGN. GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ZOO BLVD. AND NORTH LAKEWAY CIR., 5936 WEST 21ST STREET NORTH. (DISTRICT V)

Agenda Item No. 48.

MAPC Recommendation: Approval, vote 14-0.

MAPD Staff Recommendation: Approval

The application area is 1.2 acres located north of West 21st Street North, one-quarter mile west of Hoover Road. The application area is zoned "LI," Limited Industrial, but is subject to Protective Overlay P-O #4 that contains a single provision that states the following: "The placement of any off-site sign on this property is prohibited." The applicant is seeking to amend this Protective Overlay to allow an off-site sign to direct parents and others to the Rainbows United facility, which does not have 21st Street frontage, and is located behind the Cox Machine Shop property.

Property surrounding the application area includes the Horseshoe Lake Community Unit Plan, that is located within CUP DP-75, is zoned "GO," General Office, but is developed with single-family residences and is located to the west of the application area. Immediately to the north and east of the application area is property containing the Cox Machine Shop that is zoned "LI" Limited Industrial, but not part of DP-75. Further to the north and east is two lots zoned "GC," General Commercial, also part of CUP DP-75. The lot furthest to the north is developed with the offices of Rainbows United, while the property to the east is developed with a strip center.

When this case was originally heard by the MAPC on October 17, 1996, it was deferred at the MAPC meeting in order for the applicant to meet with property owners to the north of the site. During the October 31, 1996 Planning Commission's discussion of this matter, the agent for the applicant stated that concern over the expansion of industrial zoning voiced by a representative of Rainbow's United during the October 17th MAPC meeting had been lessened. Questions concerning groundwater contamination, the compatibility of industrial uses with the surrounding land uses and the screening requirements of this site were asked by the Planning Commission. After discussion, the MAPC voted (12-0) to approve the request as recommended by staff, including a Protective Overlay to prohibit the placement of any off-site signs on this property.

This current request is to amend the existing Protective Overlay to allow one (1) off-site sign no larger than 100 square feet and no taller than twelve (12) feet. The original application called for the

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elimination of the Protective Overlay. Eliminating the provision of prohibiting off-site signs could open up this property to another off-site sign that could be larger and taller than the current proposed off-site sign. After discussions with the applicant, staff felt that this would be the best compromise, by allowing the smaller Rainbows United sign while still keeping the prohibition on larger off-site billboard signs.

At the MAPC meeting held December 20, 2007, the MAPC voted (14-0) to approve subject to staff recommendation. No citizens were present to speak and no protests have been received.

Promote Economic Vitality.

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

Motion--

Brewer moved to adopt the findings of the MAPC and approve the Amendment to Protective Overlay No. 4 as requested by the applicant, allowing one (1) off-site sign; approve the first reading of the ordinance. Motion carried 7 to 0.

--carried

ORDINANCE

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

ZON2007-60

ZON2007-60 - CITY ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "NR" NEIGHBORHOOD RETAIL. GENERALLY LOCATED AT THE NORTHWEST CORNER OF 21ST STREET NORTH AND BELMONT AVENUE, 2201 NORTH BELMONT. (DISTRICT I)

Agenda Item No. 49.

MAPC Recommendation: Deny (13-1).

DAB I Recommendation: Deny

MAPD Staff Recommendation: Deny.

The application area is a .79 acre site with access and 150 feet of frontage on 21st Street, located at the northwest corner of 21st Street and Belmont. The site is zoned "SF-5" Single-family Residential; it is developed with a single-family residence built in 1954. The applicant seeks a zone change to "NR" Neighborhood Retail for a spa/salon use.

North, east and west of this site are SF-5 zoned single-family residences built in the 1950's and 1960's. South of the site, across 21st Street, is Wichita State University with SF-5 base zoning and the "U" University Overlay District. Adjacent to the site, this portion of Wichita State includes an access drive, parking areas, a golf course, a visitor center and a baseball stadium. Two blocks west of this site, also on the north side of 21st Street, are several SF-5 zoned sorority houses. Further west is a church, and a cemetery/funeral home is located at the 21st Street and Hillside intersection. The nearest commercial zoning to this site is the "LC" Limited Commercial zoned commercial area at the northeast corner of 21st Street and Oliver, over 1,700 feet east of this site.

DAB I reviewed this request on January 3, 2008; several neighbors and neighborhood association representatives spoke in opposition to the request, and the DAB recommended denial of the request. The MAPC heard this request on December 20, 2007. Several neighbors, neighborhood association representatives and a WSU representative spoke in opposition to the request. The MAPC voted (13-1) to deny the request. Nine protest petitions have been filed, resulting in a 57% protest percentage (see the attached documents). As the protest is greater than 20%, the City Council would require a $\frac{3}{4}$ majority to override the protest and approve the zone change request.

Promote economic vitality.

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

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Motion-- Brewer moved to concur with the findings of the MAPC and deny the zone change. Motion
--carried carried 7 to 0.

ZON2007-62

ZON2007-62 - CITY ZONE CHANGE FROM "GC" GENERAL COMMERCIAL AND "SF-5" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL. GENERALLY LOCATED ON THE NORTHWEST CORNER OF 13TH STREET NORTH & WABASH AVENUE. (DISTRICT I)

Agenda Item No. 50.

MAPC Recommendation: Approve (14-0).

DAB I Recommendation: DAB I did not hear this request.

MAPD Staff Recommendation: Approve.

The application area is developed with manufacturing uses within a 1962 building. Approximately 50% of the applicant's property is zoned "LI" Limited Industrial. The application area is a portion of the applicant's property zoned "SF-5" Single-family Residential and "GC" General Commercial. The applicant requests a zone change to have one zoning district on their property and to conform the zoning to the current manufacturing land use.

Properties north and west of the site are zoned LI and developed with warehousing. South of the site, across 13th Street, is a mixture of GC and LI zoning and warehousing/office uses. East of the site is an SF-5 zoned city park.

MAPC heard this request on December 20, 2007 and no one spoke in support or opposition of the request. The MAPC voted (14-0) to approve the request. No protest petitions have been filed.

Promote economic vitality.

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

Motion-- Brewer moved to concur with the findings of the MAPC and approve the first reading of the ordinance
--carried establishing the zone change. Motion carried 7 to 0.

ORDINANCE

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

SUB2007-73

SUB 2007-73-PLAT OF KRUG SOUTH SECOND ADDITION LOCATED WEST OF 143RD STREET EAST AND ON THE SOUTH SIDE OF 21ST STREET NORTH. (DISTRICT II)

Agenda Item No. 51.

Staff Recommendation: Approve the plat.

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

This site, consisting of four lots on 2.65 acres, is a replat of a portion of Krug South Addition. This site is located within Wichita's city limits and is zoned "SF-5" Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer, water, drainage and box culvert improvements. A Restrictive Covenant has been submitted to provide for the continued sharing in the ownership and maintenance responsibilities of the previously platted reserves that are not included in this site and to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

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

Ensure Efficient Infrastructure.

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

Motion--
--carried

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

RESOLUTION NO. 08-045

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90277 (south of 21st, west of 143rd St. East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-046

Resolution of findings of advisability and Resolution authorizing construction of Lateral 7, Main 14, Four Mile creek Sewer (south of 21st, west of 143rd St. East) 468-84321, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-047

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 318 (south of 21st, west of 143rd East) 468-84323, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-048

Resolution of findings of advisability and Resolution authorizing improving Storm Water Sewer No. 628 (south of 21st, west of 143rd St East) 468-84325, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-049

Resolution of findings of advisability and Resolution authorizing constructing pavement on Castle Rock/Rockhill, from the south line of 21st St. North to the west line of 143rd St. East; paving Castle Rock Ct., serving Lots 26 through 29, Block 1, from the east line of Castle Rock to and including the cul-de-sac; paving Castle Rock Ct., serving Lots 26 through 29, Block 1, from the east line of Castle Rock to and including the cul-de-sac; paving Castle Rock Ct., serving Lots 15 through 19, Block 5, from the east line of Castle Rock to and including the cul-de-sac; paving Rockhill Ct., serving Lots 23 through 33, Block 4, from the north line of Rockhill to and including the cul-de-sac, paving Split Rail/Churchill/Cir., serving Lots 1 through 16, Block 1 and Lots 1 through 6, Block 5, from the north line of Rockhill to and including the cul-de-sac; and paving Split Rail Ct., serving Lots 1 through 8, Block 1 from the east line of Split Rail to and including the cul-de-sac; and paving Burning Tree/Burning Tree Court, from the south line of Lot 61, Block 2 to the west line of Castle Rock; sidewalk to be constructed on one side of Castle Rock, Rockhill, Split Rail and Burning Tree (south of 21st, West of 143rd St. East) 472-84521 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that

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the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

SUB2007-74

SUB 2007-74-PLAT OF WOODLAND NORTH ADDITION LOCATED EAST OF HOOD AND ON THE SOUTH SIDE OF 29TH STREET NORTH. (DISTRICT VI)

Agenda Item No. 52.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of nine lots on 1.85 acres, is a replat of Lot 5, Gould Gardens Addition. This site is located within Wichita's city limits and is zoned "SF-20" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water and paving improvements.

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

Ensure Efficient Infrastructure.

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

Motion--
--carried

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

RESOLUTION NO. 08-050

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90359 (east of Hood, south of 29th St. North) 468-84479, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-051

Resolution of findings of advisability and Resolution authorizing construction of Lateral 152, Main 4, Sanitary Sewer No. 23 (east of Hood, south of 29th St. north) 468-84479, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-052

Resolution of findings of advisability and Resolution authorizing constructing pavement on Jeanette Ave. from the north line of Woodland North Addition , south to and including the temporary cul-de-sac (east of Hood, south of 29th St. North) 472-84649, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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SUB2007-85

SUB 2007-85-PLAT OF LINWOOD ACRES SECOND ADDITION LOCATED EAST OF GREENWICH ROAD AND NORTH OF KELLOGG. (DISTRICT II)

Agenda Item No. 53.

Staff Recommendation: Approve the plat.

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

This site, consisting of five lots on .91 acres, is located within Wichita's city limits and is zoned "SF-5" Single-family Residential District.

City water service is available to serve the site. Sewer improvements will be constructed by a private project.

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

Ensure Efficient Infrastructure.

Motion--carried

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

SUB2007-90

SUB 2007-90-PLAT OF CAMBRIA ADDITION LOCATED ON THE EAST SIDE OF 143RD STREET EAST AND NORTH OF PAWNEE. (DISTRICT II)

Agenda Item No. 54.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site consists of 40 lots on 46.94 acres. This site adjoins Wichita's city limits and annexation was a condition for approval of this plat. The corresponding annexation case (A07-19) is on the same agenda. After annexation, the site will be zoned "SF-5" Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer, water, and drainage improvements. Restrictive Covenants have been submitted to provide for the ownership and maintenance of the proposed reserves being platted for drainage purposes and to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

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

Ensure Efficient Infrastructure.

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

Motion--
--carried

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

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RESOLUTION NO. 08-053

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90360 (east of 143rd St. East, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-054

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90361 (east of 143rd St. East, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-055

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 21, Four Mile Creek Sewer (east of 143rd St. East, north of Pawnee) 468-84480, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-056

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 345, (East of 143rd St. East, north of Pawnee) 468-84481, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-057

Resolution of findings of advisability and Resolution authorizing constructing pavement on Cambria/Welsh, from the east line of 143rd Street East to the east line of 143rd Street East; Celtic, from the south line of Cambria to the north line of Welsh; Welsh, from the east line of Cambria/Welsh to the north plat line of Cambria Addition (east of 143rd St. East, north of Pawnee) 472-84650, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

SUB2007-99

SUB 2007-99-PLAT OF WOODS NORTH ADDITION LOCATED ON THE SOUTHWEST CORNER OF 127TH STREET EAST AND 29TH STREET NORTH. (DISTRICT II)

Agenda Item No. 55.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (14-0)

This site, consisting of 179 lots on 78.86 acres, has recently been annexed into Wichita's city limits. This site is zoned "SF-5" Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving and drainage improvements. Restrictive Covenants have been submitted to provide for the ownership and maintenance of the proposed reserves being platted and to provide four off-street parking spaces per dwelling unit on each lot that abuts a 32 or 58-foot street. Since narrow street rights-of-way with

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adjacent 15-foot street drainage and utility easements will be platted, a Restrictive Covenant has also been submitted outlining restrictions for lot-owner use of these easements. A Notice to Public has been submitted that limits connection to 29th Street North until 29th Street is paved.

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

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenants and Notice to Public will be recorded with the Register of Deeds.

Motion--
--carried

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

RESOLUTION NO. 08-058

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90363 (south of 29th St. North, west of 127th St. East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-059

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90364 (south of 29th St. North, west of 127th St. East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-060

Resolution of findings of advisability and Resolution authorizing construction of water Distribution System Number 448-90365 (south of 29th St. North, west of 127th St. east), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-061

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 26, Four Mile creek Sewer and Main 26, Four Mile Creek Sewer (south of 29th St. North, west of 127th St. East) 468-84485, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-062

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 26, Four Mile Creek Sewer and Main 27, Four Mile creek Sewer (south of 29th St. North, west of 127th St. east) 468-84486, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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RESOLUTION NO. 08-063

Resolution of findings of advisability and Resolution authorizing improving Storm Water drain No. 346 (south of 29th St. north, west of 127th St. East) 468-84487, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-064

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain no. 347 (south of 29th St. North, west of 127th St. East) 468-84488, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-065

Resolution of findings of advisability and Resolution authorizing constructing pavement on Woodridge from the south line of the plat, north to the north line of Lot 29, Block A; and on Woodspring, from the east line of Woodridge, east to the east line of the plat and on Davin from the north line of Woodspring, north, east, north and west to the east line of Garnett; and on Garnett from the west line of Davin, west, north and east to the west line of Davin and on Woodbridge Ct. (Lots 1 through 9, Block D) from the west line of Woodbridge, west to and including the cul-de-sac; on Woodridge ct. (Lots 18 through 27, Block D) and from the west line of Woodridge, west to and including the cul-de-sac and that sidewalk be constructed on Woodridge an Woodspring (south of 29th St. North, west of 127th St. east) 472-84651, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-066

Resolution of findings of advisability and Resolution authorizing constructing pavement on 27th St. North, from the east line of the plat, west to the east line of Woodridge; on Woodridge from the north line of Lot 29, Block A, north to the west line of 27th St. North; on Eagle and Eagle Circle from the west line of Woo, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-067

Resolution of findings of advisability and Resolution authorizing constructing pavement on 127th St. east from the existing pavement north to the north line of Woodspring (south of 29th St. North, west of 127th St. East) 472-84653, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-068

Resolution of findings of advisability and Resolution authorizing constructing pavement on 127th St. East from the north line of Woodspring, north to the north line of 27th St. North (south of 29th St. North, west of 127th St. East) 472-84654, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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SUB2007-103

SUB 2007-103-PLAT OF BRENTWOOD SOUTH THIRD ADDITION LOCATED EAST OF WEBB ROAD AND ON THE NORTH SIDE OF PAWNEE. (DISTRICT II)

Agenda Item No. 56.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (14-0)

This site, consisting of one lot on 5.68 acres, is a replat of a portion of Brentwood South 2nd Addition. This site is located within Wichita's city limits and is zoned "LC" Limited Commercial District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for street, sewer and water improvements. Restrictive Covenants have been submitted to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street and to restrict the site to residential development.

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

Ensure Efficient Infrastructure.

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

Motion--
--carried

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

RESOLUTION NO. 08-069

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90368 (east of Webb, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 07-070

Resolution of findings of advisability and Resolution authorizing construction of Lateral 409, Four Mile Creek Sewer (east of Webb, north of Pawnee) 468-84492, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-071

Resolution of findings of advisability and Resolution authorizing constructing pavement on Goebel Circle, from the north line of Pawnee to and including the cul-de-sac (east of Webb, north of Pawnee) 472-84656, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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VAC2007-00033

VAC2007-00033-REQUEST TO VACATE A PORTION OF PLATTED STREET RIGHT-OF-WAY. GENERALLY LOCATED SOUTHWEST OF THE LINCOLN STREET AND BLUFF AVENUE INTERSECTION. (DISTRICT III)

Agenda Item No. 57.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting vacation of an unimproved, dead end, 30 foot, half street stub (minimum 182 feet long) of Bluff Avenue right-of-way (ROW), which appears to be left over from the platting of the Sisters of Saint Joseph Second Addition; recorded with the Register of Deeds on May 23, 1975. The Sisters of Saint Joseph Second Addition incorporated some of the University Hill 2nd Addition (recorded on February 12, 1887) into its plat. The subject portion of Bluff was dedicated on the University Hill 2nd Addition, as Fees Avenue. The applicant owns all abutting properties and has a private drive in the subject ROW, which the ROW more closely resembles and functions as. There are no water, sewer lines or manholes in the ROW. Westar has utilities in the described portion of the ROW.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order and a utility easement dedicated by separate instrument will be recorded with the Register of Deeds.

Motion--
--carried

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

VAC2007-00039

VAC2007-00039 REQUEST TO VACATE A PORTION OF A PLATTED FRONT SETBACK. GENERALLY LOCATED ON THE NORTHWEST CORNER OF MAPLE STREET AND DORIS STREET. (DISTRICT IV)

Agenda Item No. 58.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the platted 30 foot front setback that runs parallel to Doris Street on Lot 11, Block D, Westbreeze Second Addition. The zoning of the subject site is "SF-5," Single-family Residential. The Unified Zoning Code (UZC) requires a minimum of a 25 foot front yard setback for the "SF-5" zoning district. There are no utilities, manholes, water or sewer lines located in the described portion of the platted setback. The Westbreeze Second Addition was recorded with the Register of Deeds on May 22, 1950.

The MAPC voted (14-0) to approve the vacation request. There were two individuals that protested the request at the Subdivision Committee meeting; however, Subdivision approved (5-0) the vacation request. The same two individuals protested the request at the MAPC meeting. Their issues at both meetings included the size of the houses going on the lots, possible off-street parking and how the development of the property would impact the neighborhood, considering that the proposed houses would extend 10 feet beyond the rest of the homes in the subdivision. The applicant agreed to vacate no more than the UZC's 25 foot minimum for the "SF-5" zoning district, which would mean the houses on the development would extend no more than 5 feet beyond the other houses in the neighborhood. No written protests have been filed, although both individuals who protested at the MAPC and Subdivision meeting were advised that protest forms were available. Lot Split (SUB2003-108) and an

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Administrative Adjustment (BZA2007-72) for a 5% reduction of the lot size are associated with this case/property.

Ensure efficient infrastructure.

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

Motion--
--carried

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

VAC2007-00041

VAC2007-00041-REQUEST TO VACATE THE RESTRICTION OF USES IN THE PLATTOR'S TEXT TO ALLOW SIGNS IN APPROVED PORTIONS OF THE PLATTED RESERVE. GENERALLY LOCATED ON THE NORTH SIDE OF KELLOGG STREET AND WEST OF GREENWICH ROAD. (DISTRICT II)

Agenda Item No. 59.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting consideration for the vacation of the restriction of uses in the plattor's text in reference to Reserve A, the Golden Corral Addition. The applicant proposes to amend the text to allow signs within Reserve A. The uses that Reserve A have been set aside for include open space, landscaping, lakes, drainage purposes and utilities confined to easements. There are utility and drainage easements in the reserve. Water and sewer lines, utilities and manholes are confined to the easements located in the reserve. Per the plattor's text, Reserve A shall be owned and maintained by the owner of Lot 1, Block A, the Golden Corral Addition; this condition will remain. The site is located within the "Spring Branch Master Drainage Plan" and will require review by Storm Water for the placement of any signs proposed to be located within Reserve A. Currently, the applicant has approval from Storm Water (contingent upon approval of the vacation request) for one sign to be located within a portion of the reserve, as allowed by the "GC" General Commercial zoning district and the sign code. The Golden Corral Addition was recorded with the Register of Deeds on January 4, 2007.

The MAPC voted (14-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

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

Motion--
--carried

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

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AIRPORT AGENDA

Motion-- Brewer moved that Airport Consent items 60 through 62 be approved in accordance with the
--carried recommended action shown thereon. Motion carried 7 to 0.

AVIS RENT A CAR AVIS RENT A CAR SYSTEM - SUPPLEMENTAL AGREEMENT NO. 4.

Agenda Item No. 60.

The Wichita Airport Authority currently leases 3.12 acres of land on Wichita Mid-Continent Airport to Avis Rent A Car System to accommodate a rental car service center to serve users of the airport. The 2008 annual land rent for the currently leased 3.12 acres is \$23,345. The annual facility rent for the services center is \$10,156. The agreement includes a provision for a right of first refusal to lease an additional 21,780 sq.ft. of land directly north and adjacent to the leased area. Avis is desirous of exercising that option at this time.

The additional land area will afford Avis an opportunity to expand its current operations in order to better serve its customers.

Land rent is established per Wichita Airport Authority policy. Land rent for the additional area will be \$6,276 the first year, and will increase 5% each year.

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

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

Motion-- Brewer moved that the Supplemental Agreement No. 4 be approved and the necessary signatures
--carried authorized. Motion carried 7 to 0.

AIRFIELD GROUNDS AIRFIELD GROUNDS MAINTENANCE SERVICES, WICHITA MID-CONTINENT AIRPORT.

Agenda Item No. 61.

Requests for Proposals (RFPs) were accepted by the City of Wichita Purchasing Manager for the provision of airfield ground maintenance services in secure areas on Wichita Mid-Continent Airport. The term of the contract will be for three years commencing January 1, 2008, and allows for two, one-year options. Five firms responded to the RFP.

The Staff Screening and Selection Committee heard presentations from each of the five companies. FAB Mowing, whose RFP submittal met all of the requirements, was selected based on the highest unanimous ranking of the selection committee.

The proposal submitted by FAB Mowing includes a not to exceed amount of \$13.49 per acre for mowing, \$11.00 per acre for herbicide spraying, and \$24.84 per acre for fertilizer. Work performed will be at the request of Airport staff. Funds in the amount of \$45,200 for this service are included in the airport budget.

The Airport's contribution to the economic vitality of Wichita is promoted through providing services which enhance the appearance and safety of the Airport for users of Mid-Continent Airport.

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

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

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CHANGE ORDER

WICHITA MID-CONTINENT AIRPORT, ROOF REHABILITATION, CHANGE ORDER NO. 1.

Agenda Item No. 62.

On February 28, 2007 the Wichita Airport Authority approved a contract with JB Turner & Sons Roofing for replacement of roofs on the existing Terminal and Concourse, 1801 Airport Road, 1955 Midfield Road and Building 1 at the South Yard.

During work on the Terminal building, 1,000 sq. ft. of insulation was found to be damaged due to moisture. Consequently, it had to be replaced as well as the coverboard and roof membrane.

The change order amount of \$7,690.00 is an increase to the original contracted amount of \$562,033.00, representing an increase of approximately one percent for a total contract amount of \$569,723.00. The increase is within the existing budget.

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

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

Motion--
--carried

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

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Schlapp

Council Member Schlapp requested to appoint Dan Rouser be appointed to the Cultural Funding Committee.

Vice-Mayor Fearey

Vice-Mayor Fearey requested to appoint Chris Carrier to the Storm Water Management Advisory Board.

Motion--carried

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

TRAVEL EXPEND.

APPROVAL OF TRAVEL FOR MAYOR AND COUNCIL FOR 2008 LEGISLATIVE MEETINGS.

Motion--carried

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

RECESS

EXECUTIVE SESSION.

Motion--

Brewer moved at 12:33 p.m. that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, legal advice, personnel matters of non-elected personnel, confidential data relating to the financial affairs or trade secrets of a business, and matters relating to security of public bodies or agencies, public buildings or facilities, or informational systems and that the Council return from Executive Session no earlier than 1:45 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

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RECONVENE

The City Council reconvened in the Council Chambers at 1:45 p.m.

Motion--
--carried

Brewer moved to extend the executive session for an additional 30 minutes and return in the Council Chambers at 2:30 p.m. Motion carried 4 to 0, (Longwell, Skelton, and Williams absent)

RECONVENE

The City Council reconvened in the Council Chambers at 2:35 p.m. Mayor Brewer announced that no action was taken.

Motion--carried

Brewer moved that the Executive Session be closed. Motion carried 6 to 0, (Fearey absent).

Motion--carried

Brewer moved that the meeting be adjourned. Motion carried 6 to 0, (Fearey absent).

ADOURNMENT

The meeting was adjourned at 2:35 p.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk