

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 28, 2006
Tuesday, 9:34 A.M.

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

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

The Minutes of the November 21, 2006 meeting were approved 7 to 0.

CONSENT AGENDA

George Kolb City Manager requested that item 13a be pulled from the agenda.

Mayor Mayans Mayor Mayans requested that item 12 be pulled from the agenda.

Council Member Fearey Council Member Fearey stated that she would like to vote on item 9 today but would like to make a few comments about it.

Motion-- Mayans moved that the Consent Agenda items be approved in accordance with the recommended
--carried action shown thereon excluding items 9, 12 and 13a. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 27, 2006.

Bids were opened November 17, 2006, pursuant to advertisements published on:

CITY MANAGER DEPARTMENT: Roof Repair Cowtown Museum.

Midwest Roofing Services Inc - \$165,130.00

WATER AND SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Furnish labor, equipment and material to repair the upper and lower roof as per specifications on the Hess Pump Station, 1401 Museum Blvd., Wichita, KS.

Arma Coating of Wichita, Inc.* - \$55,143.75

*Purchases utilizing Sole Source of Supply Ordinance No. 38-122 Section 2.64.020 (b).

WATER AND SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: 56 each of V2 System 10" Main Line Flow Meters RQ601987.

McCrometer* - \$223,832.00 plus freight charges

*Purchases utilizing Sole Source of Supply Ordinance No. 38-122 Section 2.64.020 (b).

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

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CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Kimberly Dinh	K .D. Kwik Shop	10409 West Maple Street
<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Haydee Raymundo	Tacos Raymundo	1716 West 21 Street

Motion--
--carried

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

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) 30th Street South between Custer and St. Paul to serve Builders 14th Addition - south of Pawnee, east of West. (472-84251/765944/490057) Does not affect existing traffic. (District IV) - \$92,499.49
- b) 2006 Sanitary Sewer Reconstruction, Phase 6 - various locations north of 31st Street South, east of Seneca. (468-84268/6204665/666584) Traffic to be maintained during construction using flagpersons and barricades. (District III, IV) - \$406,600.00
- c) Lateral 398 Four Mile Creek Sewer to serve Bellechase Addition - north of Harry, east of 127th Street East. (468-84203/744198/480886) Does not affect existing traffic. (District II) - \$252,000.00
- d) Lateral 506 Southwest Interceptor Sewer to serve Prospect Park Addition - north of 35th Street South, east of Ridge. (468-83953/744107/480795) Does not affect existing traffic. (District IV) - \$26,244.42
- e) Water Main Replacement to serve Powell's Addition - along 15th Street, Sherwood to Broadway and along Topeka, 13th to 18th. (448-90197/636170/776563) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$1,075,000.00
- f) Cost of Lateral 1, Main 18, Four Mile Creek Sewer to serve McEvoy Addition - south of Harry, west of 127th Street East. (District II) (468-84033/744132/480-820) - Total Estimated Cost \$354,200.00

Motion--carried

Mayans moved to received and file. Motion carried 7 to 0.

PETITION

CONSTRUCT SANITARY SEWER, STORM WATER SEWER AND WATER IMPROVEMENTS FOR LINDER ADDITION, NORTH OF K-96 FREEWAY, EAST OF WOODLAWN. (DISTRICT I)

Agenda Report No. 06-1203

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

The projects will provide sanitary sewer, storm water sewer and a water distribution system for a new commercial development located north of the K-96 Freeway, east of Woodlawn

The Petitions total \$43,000. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing for the construction of sanitary sewer, drainage and water improvements for a new subdivision.

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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

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

RESOLUTION NO. 06-635

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90256 (north of K-96 Freeway, east of Woodlawn) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-636

A Resolution of findings of advisability and resolution authorizing construction of Lateral 71, Main 9, Sanitary Sewer Number 23 (north of K-96 Freeway, east of Woodlawn) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-637

A Resolution of findings of advisability and resolution authorizing improving Storm Water Sewer Number 622 (north of k-96 Freeway, east of Woodlawn) 468-84276 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

STREET CLOSURE

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 06-1204

In accordance with the Community Events procedure Father Jose Machado is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Our Lady of Perpetual Help Convent, Our Lady of Guadalupe Celebration December 8 – 12, 2006
§ 23rd Street North, Park Place to Market
12-8-06, 6:00 pm – 11:00 pm
12-9-06, 10:00 am – 10:00 pm
12-10-06, 10:00 am – 10:00 pm
12-11-06, 6:00 pm – 11:00 pm
12-12-06, 5:00 pm – 12:00 am
12-13-06, 12:00 am – 3:00 am

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

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

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Enhance the Quality of Life

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

KDOT AGRMNT

KDOT AGREEMENT, K-42 HIGHWAY RESURFACING PROJECT, BETWEEN HOOVER AND THE WICHITA-VALLEY CENTER FLOODWAY BRIDGES. (DISTRICT IV)

Agenda Report No. 06-1205

The Kansas Department of Transportation (KDOT) is preparing to award a construction contract to resurface K-42 Highway west of the Wichita city limits at Hoover. KDOT has offered to extend the project east of Hoover to the Wichita-Valley Center Floodway Bridges with the City paying 100% of the cost.

The estimated cost of the City's share of the project is \$50,000. A City/KDOT agreement has been prepared which provides that KDOT will administer the project and bill the City for its cost, but not to exceed a maximum of \$50,000.

Funding in the amount of \$50,000 is available in the 2007 Street Maintenance Operating budget.

This Agreement addresses the Efficient Infrastructure goal by providing funding for maintenance of a vital vehicular transportation route.

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

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

PLAYGROUND

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

Agenda Report No. 06-1206

On March 7, 2006 City Council approved Community Development Block Grant (CDBG) Neighborhood Stabilization funding in the amount of \$45,000 for Friendship Park, \$65,000 for Kiwanis Park, and \$45,000 for Prospect Park playground renovations. Since that time, the Park Department has developed a Request for Proposal (RFP) to select companies that are best qualified to provide design build playground improvements.

On August 25th, 2006 the City received proposals from three companies. The Staff Screening and Selection Committee (SSSC) met on September 20, 2006 to short listed the companies of Athco, Inc. and the two other companies and invited each firm to present their proposals to the SSSC on October 5, 2006. The SSSC selected the firm of Athco Inc. based on the specific merits of the proposals as they related to each individual park playground site.

Investment in Friendship Park will be replacement of the old play features, except for the tot swings that will be refurbished. Kiwanis Park will receive a new playground system and the playground will be relocated near the community building. Prospect Park will receive four new play components and rubber safety surfacing around the playground system.

The funding source is Community Development Block Grant.

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Playground improvements in the three parks will help to support a dynamic core area and vibrant neighborhoods. The replacement of deteriorating playground equipment and installation of rubber safety surfacing will increase a sense of community, neighborhood involvement and satisfaction.

The Law Department has approved the contracts as to form.

Motion--
--carried

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

ATHLETIC FIELD

WEST SIDE ATHLETIC FIELD IRRIGATION SYSTEM. (DISTRICT IV)

Agenda Report No. 06-1207

On March 21, 2006, City Council approved the initiation of the 2005 and 2006 Capital Improvement Program general obligation funding for irrigation systems. Since that time, the Park Department has developed a Request for Proposal (RFP) to select a company that is best qualified to provide upgrade, replacement and installation of a central irrigation control system for the West Side Athletic Field complex. The current irrigation control system is outdated and is in need of replacement.

On October 18, 2006, the City received two proposals. The Staff Screening and Selection Committee (SSSC) met on November 7, 2006, and invited Lawn Sprinkler Services and one other vendor to present their proposals. The SSSC selected the firm of Lawn Sprinkler Services, LLC based on the design proposal and products specified that bring added value.

The 2005 and 2006 Park CIP includes \$200,000 each year (\$400,000 total) for irrigation systems. The funding source is general obligation bonds.

Attractive and safe athletic fields within the core area help to develop a vibrant core with a diversity of recreation activities and attractions.

The Law Department has approved the contract as to form.

Motion--
--carried

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

ANIMAL CARE

WICHITA ANIMAL CARE CAMPUS, (CITY AND HUMANE SOCIETY).

Agenda Report No. 06-1208

On May 18, 2004, the City Council approved a Memorandum of Understanding (MOU) between the City and Kansas Humane Society (KHS).

On June 8, 2004, the City Council approved the Capital Improvement Project (CIP) and authorized staff to select a design consultant.

On April 5, 2005, the City Council approved a contract with Wilson Darnell Mann Architect (WDM) for the Programming Phase of the project and a Letter of Intent between the City and KHS.

On August 23, 2005, the City Council approved the purchase of property at 3239 N. Hillside for the Animal Care Campus.

On March 7, 2006, the City Council approved a contract amendment with WDM for the Schematic Design Phase and a Land Lease Agreement between the City and KHS.

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WDM has completed the Programming and Schematic Design Phases of the project, which identified the objectives, preliminary requirements for building systems, site investigation and research, anticipated animals to be housed, daily operations, concept plans and elevations, equipment list and budget, furnishings list and budget and opinion of probable construction cost. The next step in this project is the Design Development Phase

The design development phase shall include Architectural, Landscape Design, Art Design, Civil, Structural, Electrical, Mechanical and Plumbing design services, and other related items for a single stipulated lump sum fee including reimbursable expenses of \$120,950.00. KHS will negotiate independent of the City with WDM a fee for the Design Development Phase of this project and pay for those fees from their capital fund.

The project is authorized in the 2005-2014 Capital Improvement Program (CIP). The CIP includes \$300,000 for design in 2004 and \$3 million for construction in 2006 for a total of \$3.3 million. KHS has secured financing for their part through a capital campaign and has matching funds.

This project addresses the Economic Vitality and Affordable Living Goal by providing public improvement in new developments that are vital to Wichita's continued economic growth.

The Law Department has approved the Contact Amendment as to form.

Motion--
--carried

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

FIRE APPARATUS

2007-2008 FIRE APPARATUS REPLACEMENT PROGRAM.

Agenda Report No. 06-1209

The current Fire Department heavy equipment fleet consists of 32 pieces of front-line equipment, including four aerial platforms, 16 engines (pumpers), six quints, one heavy rescue, two mobile air trucks, one tender, one hazardous materials truck and one command vehicle. To ensure service readiness at all times, accommodate training needs and maintain the City's fire insurance (ISO) rating, the fleet also includes seven reserve units, for a total of 40 fire heavy apparatus. With an average service life ranging from 10 to 20 years, several pieces of equipment must be replaced each year in order to maintain fire protection capabilities and keep the fleet current.

The 2005 – 2014 Capital Improvement Program (CIP) includes funds in 2007 and 2008 for fire apparatus. Two engines and three quints will be purchased, for a total of five new apparatus. The five units will allow replacement of current fleet equipment and will ensure the City has apparatus on hand to equip the three new stations. Also, equipment is required to outfit the vehicles for service, such as fire hose, hose reels, rescue tools and hand-held lights.

Fire apparatus have a long lead-time, often eight months or more from order to delivery. By placing the order now, the apparatus would be delivered in time to equip and activate prior to the opening of the new stations. Due to the number of units being delivered and the staggered schedule of station openings, not all of the trucks would be placed in service simultaneously. However, staff will work diligently to ensure units are available to support the station openings.

The estimated project cost of \$3,419,000 is included in the Adopted 2005 – 2014 CIP. Some equipment costs may be paid from the new stations projects. The funding source is General Obligation Bonds.

Replacement and purchase of new fire apparatus supports the Safe & Secure Community Goal. The new equipment will increase citizen perception of safety, and maintained and/or improved response time to public safety incidents.

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

Motion--
--carried

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

RESOLUTION NO. 06-638

A Resolution determining the advisability of equipping certain public buildings in the City of Wichita, Kansas, and setting forth the general nature and the estimated cost of such equipment; authorizing and providing for the acquisition and financing of the equipment in accordance with the findings of the governing body; and directing the publication of this resolution; presented Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

FLEET SERVICES

FLEET INTERNAL SERVICE FUND BUDGET ADJUSTMENT.

Agenda Report No. 06-1210

Fleet Maintenance is responsible for the operation and maintenance of about 2,300 automobiles, light trucks, heavy trucks, heavy equipment and light equipment used by City departments. Fleet does not provide vehicles or service for Wichita Transit's large buses, or for Airport equipment. Internal customers pay rent on vehicles and equipment to offset the operation, maintenance and future replacement costs. Services include preventive maintenance, repairs; tire service, mobile service, fueling, overhauls, towing, body shop and major mechanical repairs. Repairs to electrical components, cooling systems and heavy equipment tires are contracted to outside vendors. Major repairs for specialized heavy equipment are managed contractually with local businesses.

The Fleet budget is established based on known and estimated costs, including wages, insurance, repair parts and fuel. The budget for fuel was increased significantly in 2006, based on experience in 2004 and 2005. However, in 2006 fuel costs have been even higher than estimated. Through October 2006, fuel costs are up compared to 2005. The increase is over \$28,000 per month, or about 13.5% over 2005.

The Fleet Fund has a State-certified 2006 expenditure budget of \$13,563,820. To complete all 2006 transactions, it is estimated that transfers of up to \$480,000 (about 3.5% of budget) are needed. All transfers would occur within the Fleet Fund, using contingency funds. Including these transfers, total fund expenditures will be less than the 2006 State-certified expenditure budget of \$13,563,820.

Maintaining Fleet services helps to support other City departments, which are supporting the Council-approved goals and indicators. These services include police protection, landscape and green space maintenance, and street maintenance.

Budget transfers over \$25,000 require City Council approval.

Motion--carried

Mayans moved that the budget transfers be approved. Motion carried 7 to 0.

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(Item 9)
HEARTSPRING

TRANSFER OF PORTION OF FORMER HEARTSPRING CAMPUS TO USD 259. (DISTRICT I)

Agenda Report No.06-1211

USD 259 plans to build a new school facility in the northeast part of Wichita to provide additional classroom capacity in the area. The northern portion of the former Heartspring site at 2400 Jardine has been identified as a suitable site. The southern portion of the site is currently being developed with the new Boys and Girls Club and the new TOPS early childhood development facility. The site is 5.49 acres in size and, as far as can be determined, has never been developed.

The property will be deeded to USD 259 with a clause that it will revert to the City of Wichita after 99 years or if the property ceases to be used as a public school for 24 months. Upon transfer to USD 259, the school district will invest approximately \$9,000,000 for a new facility to serve area children in kindergarten through 8th grade. This facility, coupled with the Boys and Girls Club and the TOPS facility will provide a wide variety of services to neighborhood children both during the school day as well as evenings and weekends.

There is no financial impact.

Support a dynamic core area and vibrant neighborhoods by improving public schools and providing additional open space for recreational use.

The Law Department has approved the deeds as to form.

Council Member Fearey Council Member Fearey stated that this item is the transfer of a portion of the former Heartspring Campus to USD 259 and read in the newspaper this morning that we do not work together with our fellow governmental agencies. Stated that she wanted to point out that this is an example of how we do work together and thinks the SRO agreement was negotiated and the negotiating team had come to an agreement and that is the agreement that has been adopted and she feels that the transfer of this land is just another indication. Stated that she would like to go on record as saying that she thinks the City and the USD 259 do work together very well.

Council Member Schlapp Council Member Schlapp stated that she agrees with Council Member Fearey and that for she and Council Member Martz, the negotiating was positive and thought that they all worked together extremely well. Stated that the negotiations were friendly, fair and she enjoyed working with the school board and thinks that we have a great relationship with them.

Motion-- Council Member Fearey moved that the Real Estate Exchange Agreement be approved and the
--carried necessary signatures authorized. Motion carried 7 to 0.

SALE OF SURPLUS SALE OF SURPLUS LAND AT THE NORTHWEST CORNER OF THIRD STREET AND NORTH WACO. (DISTRICT VI)

Agenda Report No. 06-1212

The City owns the lot at the northwest corner of Third and Waco. There is approximately 62,000 square feet of land and a small, commercial building currently utilized as a day care. The property has been marketed for several years.

An offer to purchase a portion of the undeveloped lot, encompassing about 21,000 square feet has been made. That portion is at the immediate corner of 3rd and Waco, to the south of the existing day care facility. The exact square footage is to be determined by a survey. The offer is for \$4.50 per square foot, which is approximately \$94,500.00. The buyer currently leases within the immediate area. They wish to expand their current business while remaining downtown.

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The City will receive cash consideration from the sale of the property at closing, less estimated \$6,500 for closing costs and commission. Upon sale, the property will return to the tax rolls and the City will no longer be responsible for the upkeep.

The sale of this parcel would increase neighborhood vibrancy in the downtown area.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

ART MUSEUM

REACCREDITATION FOR WICHITA ART MUSEUM.

Agenda Report No. 06-1213

Museum Accreditation by the American Association of Museums (the only national organization that serves the entire museum community) is a standard measure used across the profession to ensure that museums meet minimum standards of public service and collections care. At present, a museum is required to be reaccredited every ten years.

Accreditation of the Wichita Art Museum is important because such status ensures that the institution is meeting latest and best practices in collections care; brings national recognition to the institution; strengthens fundraising and ability to reach new audiences; increases attendance, membership, and volunteer interest; facilitates loans and traveling exhibitions from other museums; strengthens WAM's appeal to prospective donors of objects; and, for some, improves potential staff recruitment.

Reaccreditation confirms sound financial practices on the part of the Museum, and increases its viability to effectively raise funds.

1) Promote Economic Vitality through initiating economic impact—Out-of -town tourists visit Wichita just to see such works of art as *Mother and Child* by Mary Cassatt and any of WAM's four works by Edward Hopper. 2) Enhance Quality of Life through educational/ recreational return received by Wichita citizenry.

The building, property and most collections at the Wichita Art Museum are owned by the City of Wichita. The City Council may authorize the submission of the reaccreditation application for the Wichita Art Museum. The submission document has been reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the submission of the reaccreditation documents be approved and the necessary signatures authorized. Motion carried 7 to 0.

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(Item 12)
WATER CENTER

EDUCATION AND CONSERVATION EXHIBIT CONCEPTS FOR THE WATER CENTER, (DISTRICT III)

Agenda Report No. 1214

Approve conceptual design plan for Water Center education exhibits and approve implementation of one education exhibit.

In 2002, the Department of Environmental Services (ES) competitively selected Taylor Studios Inc. (TSI) to create conceptual designs for hands-on water education exhibits for the Wichita Area Treatment, Education and Remediation (WATER) Center.

Part of the WATER Center's mission is to disseminate water quality information in an effort to improve public understanding of water pollution and conservation. Based on their thirteen conceptual designs, TSI has projected a cost of \$644,000 to complete the full design, fabrication, and installation of the *Captive Flow: The Endless Journey of Water* exhibition. When completed, visitors to the WATER Center will journey through the anatomy of a water molecule, travel "underground" to view part of the water cycle and learn about pollution, conservation, and good water stewardship. The first exhibit conceptualized by TSI is "Journey Underground...A Closer Look." In addition to this exhibit's original concept, Staff has requested TSI to incorporate additional water conservation education by integrating the on-site park irrigation system monitors into the display. This display will, among other things:

- Illustrate soil types and how water moves through sand, silt and clay soils,
- Display and compare a series of "real-time" lawn irrigation devices including timers, evapotranspiration meters, and soil moisture meters to show the variation of water use in Herman Hill Park and
- Discuss the impact of run-off on our rivers, lakes and streams.

This is a complimentary mission and similar to the City's Water Conservation Program. The conservation plan, adopted by the City Council in 1991 in accordance with State regulations, focuses on three areas: regulatory, management and education. The City's Water Conservation Program funds and implements projects from all three areas of the Water Conservation Plan and can be used to fund Water Center exhibits to achieve these goals.

Since 2003, the WATER Center has received \$41,000 through small grants, donations and sponsorships, plus \$25,000 in-kind donations, which have been applied to educational improvements, including two exhibits conceptualized by TSI – the "Aquarium Panels" and the "Condition of the River." The "Condition of the River" exhibit was provided through an in-kind donation by the US Geological Survey, not a monetary donation.

It is recommended that funds from the 2006 (\$60,000) and 2007 (\$75,670) budgets from the Water Conservation program, for a total of \$135,670, be used to fund the final design, fabrication and installation of one exhibit.

A contract for the limited scope of work for the specific tasks outlined to complete the enhanced "Journey Underground...A Closer Look" exhibit would be for a cost not to exceed \$135,670. Funds for this contract will be encumbered exclusively from the Water Conservation Program's 2006 and 2007 budgets and will not impact other budgets. Remaining exhibits will be funded as grants, donations, or other budgets as they become available and will be presented to Council at future times as needed.

Enhance Quality of Life including education of citizens on water pollution and conservation concepts to protect the City of Wichita's natural resources.

The Law Department has approved the contract as to form.

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- Mayor Mayans Mayor Mayans stated that the motion states that the Council funds the "Journey Underground...A Closer Look", which is one of the exhibits and that we approve the rest of the 13 educational exhibits. Stated that in the booklet it shows all of the exhibits. Stated that today he would like to approve the funding of the "Journey Underground...A Closer Look" with the funding that has already been earmarked but in the motion would like to say that we would like staff to go back and put together some new numbers for the rest of the 13 exhibits and how they might be funded because this was done in 2002 and that is almost five years ago. Stated that we do not know if the \$644,000.00 that is for the entire project, is still a good number or if it is a lot more than that and to have an idea of how we might look at funding the other 13 exhibits in the future and from what sources. Stated that the water conservation funds are funds that are primarily earmarked for education so it is very applicable but it may or may not be there next year and if we are going to go into the general fund or other sources, he feels that we should know that before we vote we should now what the new numbers are since this was put together in 2002.
- Council Member Skelton Council Member Skelton stated that he is comfortable with allocating the necessary funding for this one exhibit today, however, when he is looking at the booklet, there is a lot to this program and understands that the City is going to work to solicit private donations and has received some. Stated that the source of the funding is the Water Conservation Program and thinks there are some questions there that could be asked. Stated that he would like to know more about our relationship with the USGS and stated that perhaps this item could be brought under New Business or Unfinished Business at a later date.
- Mayor Mayans Mayor Mayans stated that it would be a good idea to approve this one and then take a look at what the cost is and whether the same amount of money is still in the works for the 2002 design and how it is going to be funded.
- Council Member Skelton Council Member Skelton asked City Manager George Kolb, if it would be possible to discuss this at a future workshop because there is a lot to do on this and to have this on a consent item today, leaves a lot of unanswered questions, especially since there is such a fruitful opportunity here.
- George Kolb City Manager stated yes, we can bring this back to a workshop. Stated that staff underestimated the Council's interest in this and that this is just a contract to do this particular exhibit and if the Council would like more complete information, then staff will bring back to the Council either as a workshop item or under New Business.
- Motion-- Mayans moved to approve the "Journey Underground...A Closer Look" exhibit and the appropriation of the funding as indicated by staff and that the balance of the exhibits be brought with new additional financial terms and costs to a workshop as requested by Council Member Skelton. Motion
- carried carried 7 to 0.

(Item 13a)
PROP. ACQUIS.

ACQUISITION OF LAND AT KINKAID AND GREENWICH FOR FIRE STATION 20.
(DISTRICT III)

(This item was pulled off of the agenda per City Manager)

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PROP. ACQUIS.

PARTIAL ACQUISITION OF VACANT LAND FOR THE EXPANSION OF THE EQUUS BEDS WELL FIELD MAINTENANCE SHOP COMPLEX.

Agenda Report No. 06-1216

The Water Department well field maintenance shop complex located at 6016 South Springlake Road in Harvey County. Currently, waste disposal from the site is from a septic field that drains onto adjacent property. This system is no longer acceptable. A lagoon needs to be constructed to meet the waste disposal needs. There is no room on the existing ownership to locate a lagoon.

The adjacent owner to the east has agreed to sell a 125-foot by 466.69-foot strip (1.34 acres) to allow the expansion of the maintenance complex and the development of a lagoon. A negotiated price of \$9,000 (\$6,720 per acre) was agreed to. This amount is for the land and the replacement of an farm drive and culvert to his remaining ownership.

A budget of \$9,500 is requested. This includes \$9,000 for the acquisition and \$500 for closing costs and title insurance. The funding source is Water Utility Bonds.

The acquisition of this parcel is necessary to ensure efficient infrastructure by providing a sufficient water supply.

The Law Department has approved the agreement as to form.

Motion--
--carried

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

PROPERTY ACQ.

PARTIAL ACQUISITION OF 1400 WEST MACARTHUR FOR THE MACARTHUR ROAD IMPROVEMENT PROJECT, MERIDIAN TO SENECA. (DISTRICT IV)

Agenda Report No. 06-1217

On February 7, 2006, City Council approved a project to improve MacArthur, between Meridian and Seneca. The road will be widened to four lanes with left turn lanes and landscaped medians. The intersection of MacArthur and Meridian will be signalized with left turn lanes at all four approaches to the intersection. A new storm water sewer system will be built. To accommodate the project, right-of-way must be acquired from fifteen tracts of land.

The project requires the southern 10 feet of the whole parcel for road right-of-way. This proposed acquisition area consists of 1,650 square feet. The improvements are removed from the road and will not be impacted. The owner agreed to accept the appraised value of \$495.00, or \$0.30 per square foot.

A budget of \$850 is requested. This includes \$495 for the acquisition, \$355 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administrated by the Kansas Department of Transportation.

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

The Law Department has approved the agreement as to form.

Motion--
--carried

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

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ORDINANCE

SECOND READING ORDINANCE: (FIRST READ NOVEMBER 21, 2006).

- a) DR2006-10: K-96 Corridor Economic Development Plan.

ORDINANCE NO. 47-304

An Ordinance adopting the K-96 Corridor Economic Development Plan, as modified in "Attachment A," as an amendment to the Wichita-Sedgwick County Comprehensive Plan, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

PLANNING AGENDA

Motion--
--carried

Mayans moved that the Planning Agenda items be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

SUB2005-140

SUB2005-140-PLAT OF TERRADYNE WEST ADDITION, LOCATED ON THE WEST SIDE OF 159TH STREET EAST AND ON THE NORTH SIDE OF CENTRAL. (DISTRICT II)

Agenda Report No. 06-1218

Staff Recommendation: Approve the plat.

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

This site, consisting of 47 lots on 50.78 acres, has recently been annexed into Wichita's city limits and is zoned "SF" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for water and sewer improvements. A Restrictive Covenant was submitted providing for the ownership and maintenance responsibilities of the proposed reserves. A financial guarantee has been provided for the construction of a private street.

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

There are no financial considerations.

Ensure Efficient Infrastructure.

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

Motion--
--carried

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

RESOLUTION NO. 06-639

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90250 (west of 159th Street East, north of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 06-640

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90251 (west of 159th Street East, North of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-641

A Resolution of findings of advisability and resolution authorizing construction of Lateral 402, Four Mile Creek Sewer (west of 159th Street East, north of Central) 468-84261 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2006-49

SUB2006-49-PLAT OF ROYSE ESTATES ADDITION, LOCATED WEST OF MERIDIAN AND SOUTH OF 69TH STREET NORTH. (COUNTY)

Agenda Report No. 06-1219

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (7-0)

This site, consisting of four lots on 20 acres, is located within three miles of Wichita's city limits. This site is zoned "SF-20" Single-family Residential District.

County Code Enforcement has approved this site for the use of on-site sanitary sewer and water facilities. A Restrictive Covenant was submitted providing for the ownership and maintenance of the floodway reserves and outlining restrictions.

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

There are no financial considerations.

Ensure Efficient Infrastructure.

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

Motion--
--carried

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

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SUB2006-60

SUB2006-60-PLAT OF QUIKTRIP 10TH ADDITION, LOCATED ON THE NORTH SIDE OF KELLOGG AND EAST OF MAIZE ROAD. (DISTRICT V)

Agenda Report No. 06-1220

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on .80 acres, is located with Wichita's city limits. A zone change request (ZON 2006-22) from "SF-5" Single-family District to "LC" Limited Commercial District has been approved for a portion of the site. A Conditional Use (CON 2006-20) was also approved for this site.

A Petition, 100 percent, and a Certificate of Petition have been submitted for sanitary sewer improvements. A recorded copy of the Access Easement Agreement and Utility Easement have also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

There are no financial considerations.

Ensure Efficient Infrastructure.

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

Motion--

Mayans moved that the document and plat be approved, the necessary signatures authorized, the Resolution adopted; and the Ordinance placed on first reading with publication being withheld until the plat is recorded with the Register of Deeds. Motion carried 7 to 0.

--carried

RESOLUTION NO. 06-642

A Resolution of findings of advisability and resolution authorizing construction of Lateral 42, Main 1, Cowskin Interceptor Sewer (north of Kellogg, east of Maize) 468-84272 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE

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. (ZON 2006-22)

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SUB2006-88

SUB2006-88-PLAT OF OAK CREEK THIRD ADDITION, LOCATED SOUTH OF 21ST STREET NORTH AND WEST OF GREENWICH ROAD. (DISTRICT II)

Agenda Report No. 06-1221

Staff Recommendation: Approve the plat.

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

This site, consisting of 32 lots on 21.3 acres, is a replat of Lot 12 and Reserve K, Block 2, Oak Creek 2nd Addition; and Lots 5-7, Block 3, Oak Creek Addition. This site is subject to the Oak Creek Community Unit Plan (CUP 2004-09, DP-274). A Notice of Community Unit Plan has been submitted.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for water, sewer, traffic signalization, drainage and paving improvements. This site is located within the noise impact areas of Colonel James Jabara Airport; therefore, a Restrictive Covenant and Avigational Easement have been submitted to assure that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on the subject property. A Restrictive Covenant was also submitted to: 1) provide for the continued sharing in the ownership and maintenance of previously platted reserves; 2) provide for the ownership and maintenance of the reserves being platted for drainage purposes and the private street; and 3) provide four off-street parking spaces per dwelling unit on each lot which abuts a 32-foot street. A Cross-lot Drainage Agreement has also been submitted.

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

Ensure Efficient Infrastructure.

The Notice of Community Unit Plan, Certificate of Petitions, Avigational Easement, Restrictive Covenant and Cross-lot Drainage Agreement will be recorded with the Register of Deeds.

Motion--
--carried

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

RESOLUTION NO. 06-643

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90234 (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, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-644

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90257 (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, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-645

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90258 (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, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 06-646

A Resolution of findings of advisability and resolution authorizing improving Storm Water Sewer Number 302 (south of 21st, west of Greenwich) 468-84234 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-647

A Resolution of findings of advisability and resolution authorizing improving Storm Water Sewer Number 303 (south of 21st, west of Greenwich) 468-84235 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-648

A Resolution of findings of advisability and resolution authorizing construction of Lateral 8, Main 16, Four Mile Creek Sewer (south of 21st, west of Greenwich) 468-842778 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-649

A Resolution of findings of advisability and resolution authorizing construction of Lateral 9, Main 16, Four Mile Creek Sewer (south of 21st, west of Greenwich) 468-84279 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-650

A Resolution of findings of advisability and resolution authorizing constructing pavement on 19th Street North from Chateau Parkway to Oak Creek Parkway and on Chateau Parkway from 19th Street North to a point 80 feet south of Lot 4, Block 2, Oak Creek Addition (south of 21st, west of Greenwich) 472-84449 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-651

A Resolution of findings of advisability and resolution authorizing constructing a Traffic Signal at Greenwich Road at the major entrance located 2100 feet south of 21st street North (south of 21st, west of Greenwich) 472-84451 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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A06-25R

A06-25R-REQUEST BY DALE GRAHAM, OF UNIFIED SCHOOL DISTRICT NO. 385, ROB RAMSEYER, OF RITCHIE INVESTMENT COMPANY AND STEVEN C. LEE, OF LEE BUILDINGS, INC. TO ANNEX LAND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF 21ST STREET NORTH AND 159TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-1222

The City has received a request to annex 127.5 acres of land generally located northwest of the intersection of 159th Street East and 21st Street North. The subject property does not abut the City of Wichita, and therefore is an island annexation request. The property owner anticipates that the proposed property will be developed with 160,000 square feet of office or commercial development and 80,000 of institutional development over the next 5 years. The Subdivision Committee of the Metropolitan Area Planning Commission approved the preliminary plat and authorized the preparation of the final plat at its regular meeting on Thursday, October 12, 2006.

The proposed annexation consists of approximately 127.5 acres of property currently zoned "RR" Rural Residential. Upon annexation, the "RR" Rural Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north is undeveloped and is zoned "RR" Rural Residential. Property to the east is primarily undeveloped and is zoned as "SF-5" Single Family Residential. Property to the south is a mixture of single-family homes and agricultural property zoned as "SF-20" Single-Family Residential. Property to the west of the subject property is primarily undeveloped with a few farm homes and is zoned "RR" Rural Residential.

The closest water line is a 30" water main along the south side of 21st Street North--south of the subject property. The closest sewer main is in the Krug North Addition, west of 143rd Street East, but it does not have the capacity for all of the subject area. So, a sewer main is under design that would come from the south, about mid-mile, between 143rd Street East and 159th Street East to serve the subject area.

Street System: The subject property borders 21st Street to the south and 159th Street to the east. 21st Street North is a paved, two-lane road, and 159th Street East is a gravel road. The Sedgwick County Capital Improvement Program 2006-2010, the 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 have scheduled improvements to 21st Street North from K-96 to 159th Street East--along the southern edge of the subject property. In addition, the Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program have scheduled improvements to 159th Street East from 21st Street North to Kellogg--south of the subject property.

Public Safety: Fire services to this site can be provided by the City of Wichita within an eight (8) to nine (9) minute approximate response time from City Station No. 18, located at 2808 North Webb Road. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: The Northeast Sports Complex, a 60-acre park, is located approximately 2 1/2 miles to the northwest of the proposed annexation site and is currently being developed for youth athletics.

School District: The annexation property is part of the Unified School District 385 (Andover School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

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The current approximate appraised value of the proposed annexation lands, according to County records, is \$7,960 with a total assessed value of \$2,388. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$75 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 160,000 square feet of office or commercial property and 80,000 square feet of institutional property will be developed within the next five years. The total appraised value of this development after completion is estimated at \$25,600,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$161,804 in City annual tax revenues.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

If the City wishes to act upon an annexation request from a property owner for land not adjoining the City, K.S.A. 12-520c requires the adoption of a resolution by the City Council requesting the Sedgwick County Board of County Commissioners to make a finding that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other city located within the county. The City Clerk must file a certified copy of the resolution with the Board of County Commissioners. Within 30 days of such filing, the Board of County Commissioners must make their finding. If the finding is favorable to the City, then the City Council can proceed to give first reading of an ordinance annexing the requested property into the City of Wichita.

Motion--
--carried

Mayans moved that the annexation process be initiated and the resolution adopted.
Motion carried 7 to 0.

RESOLUTION NO. 06-652

A Resolution of the City of Wichita, Kansas requesting the Board of County Commissioners of Sedgwick County, Kansas to make certain findings regarding the annexation of property, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL

APPOINTMENTS

BOARD APPOINTMENTS.

Council Member Gray

Council Member Gray requested that Heskell Sewell and Nancy Wilhite be appointed to DAB IV.

Motion--carried

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

*****Workshop followed in the City Council Chambers*****

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RECESS

Motion--

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

--carried

RECONVENE

The City Council reconvened in the City Council Chambers at 12:35 p.m. Mayor Mayans announced that no action was taken.

Motion--carried

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

Motion--carried

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

ADJOURNMENT

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

Respectfully submitted,

Karen Sublett CMC
City Clerk