

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 7, 2006  
Tuesday, 9:06 A.M.

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

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

Mr. David Cline, Minister of the Baptist Church, gave the invocation.

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

The Minutes of the October 24, 2006 meeting were approved 7 to 0.

## AWARDS AND PROCLAMATIONS

Proclamations

### Proclamations:

Mayor Mayans read aloud the following Proclamations:

- Children's Book Week
- Epilepsy Awareness Month

Recognition

### Citizens Academy Graduation.

Mayor Mayans recognized graduates of the Citizens Academy and presented each of them with a certificate.

## PUBLIC AGENDA

### Gary Nye-Opposition to Zone Change of the Kellogg School property, Case Number ZON2006-00038.

Gary Nye

Mr. Nye stated that he has concerns with item 42) ZON2006-00038, which is a rezoning request of an area located on South Laura between Washington and Hydraulic. Stated that the Kellogg School currently sits on that property and it is currently vacant. Stated that the proposed rezoning is to go from limited industrial to residential. Stated that it is his opinion that this is a bad fit for the area. Stated that the area does continue to develop in this light industrial way and is the fourth block south of Douglas, where there is a little bit of remaining residential housing. Stated that most of that housing is rental property and in a moderate state of care and some of it might even be considered blight. Stated that he feels like to have that kind of neighbor for a new residential development would not be a good fit. Stated that there has been some new information that has come to light since the MAPC meeting. Stated that there is some interest in the property from a commercial development standpoint, which is new information that had not been presented before. Stated that this demonstrates that there continues to be interest in the property to be developed as the rest of the area has been developed. Stated that he is urging the City Council to vote against the proposed rezoning and not support what they believe is a terrible fit for this neighborhood.

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## CONSENT AGENDA

Motion--  
--carried

Mayans moved that Consent Items 2-24d be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## **BOARD OF BIDS**

### **REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED OCTOBER 30 AND NOVEMBER 6, 2006.**

Bids were opened October 27 and November 3, 2006, pursuant to advertisements published on

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

37th Street North, Tyler to Ridge (KDOT) (87N-0346-01/472-84186/706920/205386) Traffic to be carried through construction using flagpersons and barricades. (District V)

Larfarge North America - \$4,452,892.83\*

\*Waived the requirements for proposed Sub Contractors list

2006 Sanitary Sewer Reconstruction, Phase 5 (various locations) north of 31st Street South, east of Broadway. (468-84241/620462/666581) (District I, II, III)

WB Carter Construction - \$249,131.00

50th Street South from the east line of Seneca to the east line of Lot 27, Block 1; Osage/Osage Circle from the north line of Sunrise to and including the cul-de-sac; Sidewalk on one side of all through, non-cul-de-sac streets to serve Sycamore Pond Addition south of 47th Street South, east of Seneca. (472-84416/766108/490125) Does not affect existing traffic. (District IV)

Cornejo & Sons Construction - \$169,193.81

Water Distribution System to serve Sycamore Pond Addition south of 47th Street South, east of Seneca. (448-90200/735331/470004) Does not affect existing traffic. (District V)

Mies Construction - \$44,400.00

Ralph Wulz Tennis Center Tennis Court Reconstruction, Phase II north of Central, east of Stackman Drive. (472-84439\_Ph2/785078/396210) Does not affect existing traffic. (District I)

Trans Texas Tennis Inc. - \$359,890.15

Mosley Cul-de-sac to serve Purcells 3rd Addition south of Pawnee, east of Washington. (472-83891/765846/490957) Does not affect existing traffic. (District III)

Barkley Construction - \$32,000.00

Water Distribution System to serve Santa Fe Industrial Subdivision south of Kellogg, east of Tyler. (448-90206/735328/470001) Does not affect existing traffic. (District IV)

Mies Construction - \$26,626.01

Mt. Vernon from the east line of the plat to the west line of Lot 18, Block 2 and to the north line of the plat; Triple Crown from the south line of Lot 13, Block 4, to the north line of Lot 12, Block 4; Mt. Vernon Court to and including the cul-de-sac (Lots 65 through 73, Block 5); Sidewalk on one side of all through, non cul-de-sac streets to serve Sierra Hills Addition north of Pawnee, east of 127th Street East. (472-84423/766106/490123) Does not affect existing traffic. (District II)

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Kansas Paving Company - \$333,504.28

Lateral 149, Main 4, Sanitary Sewer #23 to serve Timmermeyer Gardens Addition north of 31st Street North, east of Hood. (468-84061/744157/480845) Does not affect existing traffic. (District VI)

WB Carter Construction - \$10,131.00

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Brooks Landfill Phase II, West Stage.

Herzog Environmental Inc. - \$51,425.00

2006 Sanitary Sewer Rehabilitation, Phase D - various locations north of Pawnee, east of Broadway. (468-84226/620461/666580) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III)

Utility Maintenance - \$283,737.75

Water Line in Pawnee, 1/2 mile east of 119th Street West (448-90117/633962/754858) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Nowak Construction - \$136,603.66

Lateral 4, Main 20 Southwest Interceptor Sewer to serve Slate Creek Addition - north of 21st Street North, west of Hoover. (468-84207/744192/480880) Does not affect existing traffic. (District V)

Dondlinger & Sons - \$43,495.00

Stormwater Sewer Improvements to serve Westlink Center Addition - west of Tyler, south of Central. (468-84197/660516/855106) Traffic to be maintained during construction using flagpersons and barricades. (District V)

WB Carter Construction - \$59,131.00

Manhole Construction at 320 North Belmont - 320 North Belmont, between 2nd & 3rd Streets. (468-84264/620463/666582) Does not affect existing traffic. (District II)

Dondlinger & Sons - \$10,748.79

26th Street Circle North, Phase II from the east line of Regency Park 3rd Addition to and including the cul-de-sac serving Lots 1 thru 5, Block 1 and Lot 7, Block 1 to serve Regency Park 3rd Addition - south of 29th Street North, west of Greenwich. (472-84241a/765946/490059) Does not affect existing traffic. (District II)

Barkley Construction - \$17,000.00

Lift Station, Main 1, Boeing Sanitary Sewer to serve Clifton Cove Addition - south of 63rd Street South, west of Clifton. (468-84022/744171/480859) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Nowak Construction - \$489,907.11

Lateral 401 Four Mile Creek Sewer to serve Harrison Park 3rd Addition - north of Harry, east of Webb. (468-84232/744196/480884) Does not affect existing traffic. (District II)

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McCullough Excavation - \$8,900.00

Water Distribution System to serve Harrison Park 3rd Addition - north of Harry, east of Webb. (448-90188/735333/470006) Does not affect existing traffic. (District II)

McCullough Excavation - \$20,200.00

2006-2007 CDBG Hilltop Sidewalk Improvements - north of Harry, west of Oliver. (472-84458/92052/800603\_010111) Does not affect existing traffic. (District IV)

Bryant & Bryant Construction - \$188,115.00 (Engineer's Estimate)

Water Distribution System to serve Clifton Cove Addition - south of 53rd Street South, west of Hillside. (448-90080/735317/470988) Does not affect existing traffic. (District III)

Dondlinger & Sons - \$626,835.00

Water Distribution System to serve Oak Creek 2nd Addition - south of 21st Street North, west of Greenwich. (448-90234/735338/470011) Does not affect existing traffic. (District II)

McCullough Excavation - \$55,700.00

Motion--

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

--carried

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Brooks Landfill Phase II – West Stage.

Herzog Environmental Inc. - \$51,425.00

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Valve Boxes.

National Waterworks Inc. – \$25,354.00\* (Total base bid)

\*Estimate – Contract approved on unit cost basis.

FIRE DEPARTMENT: Fire and Rescue Equipment.

Conrad Fire Equipment Inc. - \$ 5,244.15 (Group 1/total net bid)

Municipal Emergency services (dba MES-KAN) - \$40,494.30 (Group 2/total net bid)

Conrad Fire Equipment Inc. - \$2,329.74 (Group 3/total net bid)

PARK DEPARTMENT/LANDSCAPE & FORESTRY DIVISION: Ornamental and Shade Trees.

John Deere Landscapes - \$68,666.01\* (Total net bid)

\*Groups 1-5,6,8,9,10, 13-15, 17,19,20,24,25,27,33-38,40,43-45 approved on unit cost basis.

Borst Nursery & Garden Center - \$26,870.00\* (Total net bid)

\*Groups 11,12,16,18,22,23, 39 approved on unit cost basis.

Loma Vista Nursery Inc. – \$20,097.00\* (Total net bid)

\*Groups 21, 28,29,30,31,32 approved on unit cost basis.

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FIRE DEPARTMENT: Motorola XTL5000 Mobile Radios and Accessories, 5@ \$3,782.60 each and Motorola Portable Astro Digital XTX 2500 Radios and Accessories, 45@ \$2,555.38 each.

Motorola Inc, as per the Western States Contracting Alliance (WSCA)  
Number 02702\* - \$133,905.04

\*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

IT/IS DEPARTMENT/OPERATIONS DIVISION: Equipment Replacement Servers/RQ601697).

Del Marketing LP\* - \$136,480.50 (Contract Number 07979; WSCA Contract  
Number A63307)

\*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

PARKS & RECREATION DEPARTMENT/PARK MAINTENANCE DIVISION: Riding Front Deck Mowers, 4 by 4.

Price Brothers Equipment - \$28,005.30 (Group 1/base bid)  
5,402.70 (Group 1/option 1)  
918.26 (Group 1/option 2)  
<-\$2,000.00> (Trade-in/Group 1/option 3)  
\$32,326.26 (Total net bid)

Motion--  
--carried

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

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
John Darryl Fitzgerald	HAC, Inc dba Homeland #642	1910 West 21st Street North
John Darryl Fitzgerald	HAC, Inc. dba Homeland #647	3020 East Douglas Avenue
John Darryl Fitzgerald	HAC, Inc. dba Homeland #645	1607 South Georgetown
John Darryl Fitzgerald	HAC, Inc. dba Homeland #648	640 North West Street
John Darryl Fitzgerald	HAC, Inc. dba Homeland #641	3137 South Seneca
DAO Variety Store	Thu D. Irfan	1601 East Central

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

Motion--  
--carried

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

## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a) Pawnee, Meridian to Seneca (87N-0372-01/472-84356/706958/206424) Traffic to be maintained during construction using flagpersons & barricades. (District IV) - \$5,150,000.00
- b) 2006 Sanitary Sewer Reconstruction, Phase 4 - various locations north of 55th Street South, east of Hydraulic. (468-84225/620460/666579) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III) - \$195,000.00
- c) 2006 Condemned Sidewalk & Wheelchair Ramps, Phase 2 - north of 55th Street South, east of 135th Street West. (472-84464/132100/) Traffic to be maintained during construction using flagpersons and barricades. (District ALL) - \$61,880.00

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- d) Stormwater Drain #279 to serve Auburn Hills Commercial 4th Addition - south of Maple, east of 135th Street West. (468-84108/751426/485317) Does not affect existing traffic. (District V) - \$291,000.00
- e) Water Distribution System to serve Auburn Hills Commercial 4th Addition - south of Maple, east of 135th Street West. (448-90138/735330/470003) Does not affect existing traffic. (District V) - \$25,300.00
- f) Westlakes Parkway from the west line of Lot 45, Block 1 to the west line of Lot 101, Block 1; Sidewalk on the north side of Westlakes Parkway to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-84279/765996/490113) Does not affect existing traffic. (District V) - \$590,790.00
- g) Grey Meadow from the north line of Westlakes Parkway to the east line of Flat Creek; Grey Meadow Courts serving Lots 80 through 94, Block 1 from the north line of Grey Meadow to and including the cul-de-sac; Flat Creek from the west line of Grey Meadow to the south line of Lot 79, Block 1; Flat Creek Court and Circle serving Lots 60 through 79, Block 1 from the north line of Grey Meadow to and including the cul-de-sac to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-84421/ 766100/490117) Does not affect existing traffic. (District V) - \$675,000.00
- h) Asphalt Parking Lot for the Law Enforcement Training Center - 2235 W. 37th St. North. (472-84456 /792310/435272) Does not affect existing traffic. (District VI) - \$90,000.00

Motion--carried

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

## PETITION

### **CONSTRUCT PAVING, SANITARY SEWER AND WATER IMPROVEMENTS IN BRENTWOOD SOUTH ADDITION, NORTH OF PAWNEE, EAST OF WEBB. (DISTRICT II)**

Agenda Report No. 06-1078

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

The projects will provide paving, sanitary sewer and water improvements within a residential development located north of Pawnee, east of Webb.

The Petitions total \$720,000. The funding source is special assessments, except for a sewer main, which includes Sanitary Sewer Utility funding in the amount of \$129,500.

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

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. 06-578

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-09252, (north of Pawnee, east of Webb), 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. 06-579

Resolution of findings of advisability and resolution authorizing construction of Main 22, Four Mile Creek Sewer (north of Pawnee, east of Webb) 468-84262, 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,

## RESOLUTION NO. 06-580

Resolution of findings of advisability and resolution authorizing construction of Lateral 1, Main 22, Four Mile Creek Sewer (north of Pawnee, east of Webb) 468-84263, 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. 06-581

Resolution of findings of advisability and resolution authorizing constructing pavement on Stafford from the east line of Lot 9, Block 6 to the west line of Cranbrook and Cranbrook, from the south line of Brentwood South Addition to the north line of Lot 9, Block 5, 472-84476, (north of Pawnee, east of Webb) 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.

## PETITION

### **CONSTRUCT PAVING AND WATER IMPROVEMENTS IN FOX RIDGE ADDITION, NORTH OF 29TH STREET NORTH, EAST OF MAIZE. (DISTRICT V)**

Agenda Report No. 06-1079

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

The projects will provide paving and water improvements within a residential development located north of 29th St. North, east of Maize.

The Petitions total \$322,000. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing for the construction of paving and water improvements in a new subdivision.

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. 06-582

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90247 (north of 29<sup>th</sup> Street North, west of Tyler) 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. 06-583

Resolution of findings of advisability and resolution authorizing pavement on Westlakes Courts serving Lots 14 through 41, Block 4 from the south line of Westlakes Parkway to and including the cul-de-sacs 472-84470 (north of 29<sup>th</sup> Street North, west of Tyler) 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.

### PETITION

#### **PAVE SOUTH 100 FEET OF THE NORTH-SOUTH ALLEY BETWEEN IDA AND LAURA, NORTH OF PAWNEE. (DISTRICT III)**

Agenda Report No. 06-1080

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

The project will provide paved access to a church parking lot.

The Petition totals \$20,000. The funding source is special assessments.

The project addressed the Efficient Infrastructure goal by providing paved access to a private parking lot.

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

Motion--  
--carried

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

## RESOLUTION NO. 06-584

Resolution of findings of advisability and resolution authorizing constructing pavement on the south 100 feet of the north-south alley adjacent to even Lots 182-188 on Wabash now Ida Avenue, Cambell's Addition (north of Pawnee, between Ida and Laura) 472-84471, 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.

### PETITION

#### **CONSTRUCT A SANITARY SEWER IN WOODLAND HEIGHTS SECOND ADDITION, NORTH OF SECOND STREET, EAST OF RIDGE ROAD. (DISTRICT V)**

Agenda Report No. 06-1081

On March 22, 2005, the City Council approved a Petition to construct a sanitary sewer in Woodland Heights 2nd Addition. The developer has submitted a new Petition that expands the improvement district to include additional property that can be served by the sewer. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a new commercial development located north of 2nd, east of Ridge.

The project budget is increased from \$35,616 to \$45,548. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer service required for new development.

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

Motion--  
--carried

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

## RESOLUTION NO. 06-585

Resolution of findings of advisability and resolution authorizing construction of Lateral 507, Southwest Interceptor Sewer, 468-83972, (north of Second Street, east of Ridge) 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.

## PETITION

### **CONSTRUCT A SANITARY SEWER LIFT STATION FOR CLIFTON COVE ADDITION, SOUTH OF 63RD STREET SOUTH, WEST OF CLIFTON. (DISTRICT III)**

Agenda Report No. 06-1082

On November 15, 2005, the City Council approved a Petition to construct a Sanitary Sewer lift station for Clifton Cove Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located south of 63rd St. South, west of Clifton.

The existing Petition totals \$353,000 with the \$88,250 assessed to the improvement district and \$264,750 paid by the Sewer Utility. The new Petition totals \$575,000 with \$143,750 assessed to the improvement district and \$431,250 paid by the Sewer Utility. The Utility share is for the cost of over sizing the lift station to serve future development outside the improvement district.

This project will address the Efficient Infrastructure goal by providing sanitary sewer service to a new residential development.

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

Motion--  
--carried

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

## RESOLUTION NO. 06-586

Resolution of findings of advisability and resolution authorizing construction of Lift Station, Main 1, Boeing Sanitary Sewer, (south of 63<sup>rd</sup> Street South, west of Clifton) 468-84022, 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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**BOARDS/COMMISS. MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

Housing Advisory Board, July 19, 2006  
Wichita Employees Retirement Board, July 19, 2006  
Police and Fire Retirement System, July 26, 2006  
District IV Advisory Board, August 2, 2006  
Wichita Public Library Monthly Report, September, 2006  
District IV Advisory Board, September 6, 2006  
Wichita Employees Retirement Board/Police & Fire Retirement Board Joint Investment Committee, September 7, 2006  
Board of Code Standards and Appeals, September 11, 2006  
District II Advisory Board. September 11, 2006

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

**STREET CLOSURE 19TH ANNUAL ARTHRITIS FOUNDATION JINGLE BELL RUN/WALK, DECEMBER 2, 2006, 6:00 A.M. TO 1:00 P.M.**

Agenda Report No. 06-1083

In accordance with the Community Events Procedure, the event promoter Clark Ensz of Run Wichita is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

19th Annual Arthritis Foundation Jingle Bell Run/Walk December 2, 2006 6:00 am – 1:00 pm  
§            McLean Blvd., Maple Avenue to Douglas Avenue  
§            McLean Blvd., Douglas to Seneca  
§            Seneca Street, McLean to Central – north bound, curb side lane.

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.

Enhance the Quality of Life

Motion--  
--carried                      Mayans moved to approve the request subject to hiring off-duty certified law enforcement officers as required; obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department and certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 7 to 0.

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**STREET CLOSURE**      **YMCA'S THIRD ANNUAL FROSTY 5K FUN RUN, MONDAY, JANUARY 1, 2007, 10:00 A.M. TO 3:00 P.M.**

Agenda Report No. 06-1084

In accordance with the Community Events Procedure, the event promoter Jim Schefdore, Executive Director of the Robert D. Love Central Branch YMCA is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

YMCA's Third Annual Frosty 5K Fun Run Monday, January 1, 2007 10:00 am – 3:00 pm

§        3rd Street, Market to Waco

§        2nd Street at Waco

§        1st Street at Waco

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.

Enhance the Quality of Life

Motion--

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

--carried

**EXPENSE REPORT**      **SENIOR MANAGEMENT EXPENSES FOR THE MONTH OF SEPTEMBER 2006.**

Motion--carried

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

**DEFERRED COMP.**      **CITY OF WICHITA EMPLOYEES' DEFERRED COMPENSATION PLAN CONSULTING SERVICES AGREEMENT.**

Agenda Report No. 06-1085

The City of Wichita's contract with Great-West to administer the City of Wichita Employees' Deferred Compensation Plan expired on September 30, 2006. The Plan currently has 1,533 Plan Participants with total Plan assets of \$43.3 million. The City Council, at its October 3, 2006 meeting, approved a one-year contract extension with Great-West to provide sufficient time to complete a Request for Proposal process, select a provider and negotiate a new contract.

On April 25, 2006, Sedgwick County released a Request for Proposal for 457 Deferred Compensation Plan consulting services. City staff met with Sedgwick County on August 1, 2006 to review their evaluation process, scope of services contained in their RFP, and the final proposal that was selected. Sedgwick County, based on the firm's proposal and the evaluation criteria contain in the RFP, unanimously selected Arnerich Massena & Associates, Inc. as their consultant and signed a contract with the firm, effective August 22, 2006.

The Deferred Compensation Board requests that the City of Wichita join with Sedgwick County, Kansas under an Intergovernmental Cooperative Agreement, as allowed under City Ordinance No. 38-122, Section 2-64-020 (j), to hire Arnerich Massena & Associates, Inc. for consulting services. Services related to this project are: 1) review of the current plan structure, services and investments; 2) preparation of a Request for Proposal; 3) assistance with the evaluation of all responses; and 4)

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assistance in the transition to a new provider, if necessary. The expected timeframe for completion of this project is nine months.

The Deferred Compensation Board, at its August 10, 2006 meeting, unanimously approved hiring Arnerich Massena & Associates Inc. for consultant services related to the Request for Proposal process.

The cost for these consulting services is \$50,000. All costs associated with the administration of the program are borne by the participants of the program.

The City of Wichita, by offering this supplemental retirement savings program, impacts the Internal Perspective goal by increasing employee motivation and satisfaction. Also, the City's practice of going through a periodic Request for Proposal process is done to reduce/avoid costs which is another indicator of the Internal Perspective goal.

The Law Department has approved the Agreement as to form.

Motion--  
--carried

Mayans moved that the Agreement be approved and the Mayor authorized to sign. Motion carried 7 to 0.

## 2006 WATERLINE

### 2006 WATERLINE REPLACEMENT DESIGN CONTRACTS. (DISTRICTS I, II, III & IV)

Agenda Report No. 06-1086

The 2006 Capital Improvement Program includes funding for waterline design projects. The Staff Screening and Selection Committee have selected design engineers for each project.

The projects to be designed, the design engineer, and the design fees are:

Andersons First area Waterline Replacement (south of McLean Blvd., west of Dodge Street)  
K.E. Miller Engineering, P.A. \$39,800

Eastborough South area Waterline Replacement (east of Woodlawn, north of Kellogg)  
MKEC Engineering Consultants, Inc. \$58,865

Logan area Waterline Replacement (west of Hillside, south of 17th Street)  
Ruggles & Bohm, P.A. \$70,380

McCormicks area Waterline Replacement (north of K-42, west of McLean Blvd.)  
Young & Associates, P.A. \$40,800

Schrader area Waterline Replacement (north of Pawnee, west of George Washington Blvd.)  
Ruggles & Bohm, P.A. \$40,500

3rd Street, Central Rail Corridor to I-135 - Waterline Replacement  
MKEC Engineering Consultants, Inc. \$31,455

Water Utility funds the waterline projects.

These projects address the Efficient Infrastructure goal by replacing water mains where age and condition warrant.

The Agreements have been approved as to form by the Law Department.

Motion--  
--carried

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

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## **BEVERAGE SERV. BEVERAGE SERVICES CONTRACT.**

Agenda Report No. 06-1087

The City operates concession services at all five municipal golf courses. It is projected that the non-alcoholic beverage sales will exceed \$110,000.00 at these facilities in 2006 and future years. To provide high quality product, consistent pricing, and excellent customer service the Department of Park and Recreation seeks to establish an agreement with a reputable vendor to provide product and delivery service of carbonated and non-carbonated soft drinks.

A request for proposal (FP600055) was issued to secure a qualified vendor to provide beverage services. Based upon experience, qualifications, response to scope of services, pricing, and sponsorship support, Pepsi Bottling Group is recommended to provide these services.

The Pepsi Bottling Group will remit to the City sponsorship support in the amount of \$22,500 in year one and \$17,500 in successive years in exchange for exclusive beverage services rights at City golf courses. The company has also agreed to donate product valued at \$2,500 over the five-year term. Additionally, Pepsi Bottling Group will loan fountain units, vending machines, coolers and related equipment for utilization at the golf courses worth \$25,000.

Enhance the Quality of Life- Municipal Golf Courses play an important role in providing recreational activities for all Districts. High quality concession services help golf courses provide excellent customer service.

The Law Department has approved the contract as to form.

Motion--  
--carried

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

## **BELLECHASE ADD. BELLECHASE ADDITION, EAST OF 127TH STREET EAST, NORTH OF HARRY. (DISTRICT II)**

Agenda Report No. 06-1088

The City Council approved the water, sanitary sewer, drainage and paving improvements in Bellechase Addition on September 26, 2006.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond-financed improvements consisting of water, sanitary sewer, drainage and paving in Bellechase Addition. Per Administrative Regulation 1.10, staff recommends that R&B 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 R&B will be on a lump sum basis of \$63,150 and will be paid by special assessments.

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

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

Motion--  
--carried

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

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## ROCKY CREEK

### ROCKY CREEK RELIEF SANITARY SEWER, 127TH STREET EAST, NORTH OF 13TH STREET. (DISTRICT II)

Agenda Report No. 06-1089

The 2006 Capital Improvement Program includes funding for sewer mains for future development.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of a relief sanitary sewer to relieve the existing sanitary sewer along the east side of Rocky Creek Development. The proposed relief sewer will connect to an existing 24" sewer main located in 127th Street East and north of 13th St., then extend approximately ½ mile north along 127th to the railroad right-of-way north of 13th, then extend approximately ½ mile east to connect to an existing 24" sanitary sewer. The Staff Screening and Selection Committee selected MKEC for the design on September 27, 2006.

Payment to MKEC will be on a lump sum basis of \$32,225 and will be paid by Sewer Utility Operating Revenues.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction sanitary sewer improvements in an existing residential area.

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

Motion--  
--carried

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

## TURKEY CREEK

### TURKEY CREEK SECOND ADDITION, NORTH OF PAWNEE, WEST OF 119TH STREET WEST. (DISTRICT IV)

Agenda Report No. 06-1090

The City Council approved the water, sanitary sewer and paving improvements in Turkey Creek 2nd Addition on March 1, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sanitary sewer and paving in Turkey Creek 2nd Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$55,500 and will be paid by special assessments.

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

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

Motion--  
--carried

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

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## CHANGE ORDER

### 17TH STREET STORM WATER DRAIN, BETWEEN ST. FRANCIS AND SANTA FE. (DISTRICT VI)

Agenda Report No. 06-1091

On March 7, 2006, the City Council approved a construction contract with Dondlinger & Sons, Inc. to install a storm water drain at 17th St. through the Central Rail Corridor. After the work began, it was determined that the BNSF Railroad Company has upgraded its design standards for reinforced concrete box structures located beneath its tracks.

A Change Order has been prepared for the increased cost of the structures and authorization of 60 additional working days. Funding is available within the project budget.

The total cost of the additional work is \$28,900 with the total paid by City General Obligation bonds. The original contract amount is \$569,700. This Change Order represents 5.07% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving drainage within an existing industrial 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

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

## CHANGE ORDER

### JARDINE, (NOW OPPORTUNITY) DRIVE, NORTH OF 21ST STREET. (DISTRICT I)

Agenda Report No. 06-1092

On January 10, 2006, the City Council approved a construction contract with Kansas Paving, Inc. to improve Jardine (now Opportunity) Drive to access the new Boys & Girls Club/TOP Campus. The project was let before the final design work was completed for the campus buildings. As a result, a number of adjustments to sidewalks, driveways, mass grading, and storm sewer inlets was required.

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 \$54,182 with the total paid by City General Obligation bonds. The original contract amount is \$509,293. This Change Order represents 10.64% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving access to a new youth education/recreation complex.

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

Motion--  
--carried

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

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## CHANGE ORDER

### CENTRAL IMPROVEMENT, BETWEEN WOODLAWN AND ROCK ROAD. (DISTRICT II)

Agenda Report No. 06-1093

On August 15, 2006, the City Council approved a construction contract with LaFarge North America to improve Central, between Woodlawn and Rock. During construction of the project, it was determined that two 20" water valves located on Central at Rock and Armour were unable to operate properly and required replacement.

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 \$63,146 with the total paid by the Water Utility. The original contract amount is \$8,758,525. This Change Order represents 00.72% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving the 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

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

## RIVER CORRIDOR

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

Agenda Report No. 06-1094

On April 11, 2006, City Council approved soliciting a RFQ to seek a consultant to develop the Arkansas River Corridor Access Plan. On July 7, 2006 the City received 5 design and planning proposals. The Staff Screening and Selection Committee (SSSC) met on August 4, 2006 and prepared a short list of the firms, which included Landworks Studio and Applied Ecological Services to interview for this project.

On August 25th, 2006, the City's SSSC conducted interviews with the firms listed above and selected Applied Ecological Services in association with Patti Banks Associates to provide services required developing the Arkansas River Corridor Access Plan. Partners financially supporting this study were represented in the SSSC.

The selection of the consultant is an important step for the Arkansas River Corridor Access Plan. Once the selected consultant is under contract, important planning and design functions can begin. The final master plan and report may take six to eight months to complete.

The total amount of funding for this plan is currently at \$80,500. On August 09, 2005, City Council approved \$30,000 from the 2006 Park CIP fund. The partners provided the remaining amounts of funding.

On September 12, 2006, a City of Wichita MOU w/Kansas Department of Wildlife and Parks Amendment #2 was received to provide an additional amount of \$10,000 from KDWP. Once Amendment #2 to the MOU is signed and approved by the City, the total amount set aside for this study will be \$90,500. The proposed contract amount with Applied Ecological Services is \$89,500.

The Law Department has approved the contract as to form.

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The initiation of this project will greatly enhance the Quality of Life for citizens of Wichita and surrounding communities along the Arkansas River by increasing the recreational opportunities and activities for them to participate in.

Motion--  
--carried

Mayans moved that the contract and amendment #2 to MOU with KDWP for additional funding be approved and the necessary signatures authorized. Motion carried 7 to 0.

## SETTLEMENT

### PAYMENT FOR SETTLEMENT OF LAWSUIT.

Agenda Report No. 06-1096

In March of 2001, testers from outside the community challenged several aspects of the services provided by Wichita Transit, alleging that they violated provisions of the ADA. Many of the features challenged had been implemented based on the input from the local users. The facts of the occurrence and the ultimate significance of the injuries were contested. Essentially all of the issues raised have now been addressed by programmed changes in WT operations, including the new ADA accessible bus fleet.

This matter was litigated on limited procedural issues through the federal court of appeals. Before being tried on the merits, the court ordered the parties to engage in mediation. After analysis and negotiation, through the use of and with the benefit of the independent evaluation of a mediator, the City mediation team reached an agreement with the opposing party as to the contingent value of the case, and recommends acceptance of the terms agreed upon which the parties.

Funding for this settlement is from the transit-operating fund.

The Law Department recommends acceptance of the mediated resolution. This will resolve all claims for damages for all plaintiffs and attorney fees.

Motion--  
--carried

Mayans moved that the mediation agreement be ratified and payment of \$40,000.00 as a full settlement of the lawsuit to Kansas Disability Services, with an additional \$357.50 as one half of the mediation expenses be authorized. Motion carried 7 to 0.

## PROP. ACQUIS.

### ACQUISITION OF 1410 NORTH BROADWAY FOR THE NORTH BROADWAY AND 13TH STREET INTERSECTION IMPROVEMENT PROJECT. (DISTRICT VI)

Agenda Report No. 06-1097

On July 19, 2005, City Council approved a project to improve the intersection of Broadway and 13th Street North. The project will provide left turn lanes at all approaches to the intersection.

To accommodate the project, right-of-way must be acquired from eleven tracts of land. This particular acquisition is the third of the eleven, irregular in size and consisting of 903 square feet. The project requires the removal of the improvements at 1410 N. Broadway, leaving a remnant parcel containing 13,097 square feet. A temporary construction easement of 500 square feet is also required. The owner has agreed to a sale at the appraised value of \$170,000, or \$5 per square foot. The tenant will be compensated for moving and reestablishments claims to which they are entitled.

A budget of \$200,000 is requested. This includes \$170,000 for the acquisition, \$2,000 for closing costs and title insurance, \$21,000 towards relocation and reestablishment of the tenant and \$7,000 for demolition. The funding source is General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

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

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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.

## 802 N. BELMONT

### SALE OF PARCEL AT 802 NORTH BELMONT. (DISTRICT I)

Agenda Report No. 06-1098

On April 3, 2001, the City Council approved the marketing of the City-owned parcel at the northeast corner of Belmont and Murdock as surplus property. This parcel contains 28,000 square feet and is currently vacant. It was formerly the site of a water storage tank for the Water Department. The site is zoned multi-family.

The property was marketed on the Internet and through information sent to the real estate community. The potential purchaser, Meridian Construction, has acquired four residential duplexes from a site being redeveloped in the Mid-Town area and intends to move the structures to this site. They will then renovate the properties and market them for rental. The Historic Preservation Office has reviewed the houses and the neighborhood and feel that they are compatible. Meridian has offered \$5,000 for the parcel.

The City will receive cash consideration for the sale of the property. Upon sale, the property will return to the tax rolls and the City will be relieved of maintenance responsibility.

The proposed sale promotes the core area and neighborhoods. The sale facilitates the revitalization of an area in Mid-Town and redevelops a vacant parcel into part of a vibrant neighborhood. As this parcel is surplus to the City's needs, the sale will also provide a return of a portion of the City's investment.

The Law Department approved the contract as to form.

Motion--  
--carried

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

## WATER MAIN

### 36-INCH WATER MAIN IN FIRST STREET AND MCCOMAS TO DOUGLAS AND HOOVER. (DISTRICTS IV, V, AND VI)

Agenda Report No. 06-1099

The 1999 Water Master Plan identified potential water pressure problems in portions of the west Wichita water distribution system and in growth areas in west Sedgwick County, as identified by the Metropolitan Area Planning Department.

The City Council approved a Water Master Plan Update on April 8, 2003. In the process of updating the water distribution water model and analyzing the water distribution system, including the growth predictions by MAPD, the Water Master Plan recommended locating a 36-inch water main in First Street and McComas to Douglas and Hoover.

CIP W-1191, 36-inch Water Main in 1st Street and McComas to Douglas and Hoover, is included for expenditures in 2006. The budget for the project is \$1,500,000. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

This project addresses Ensure Efficient Infrastructure goal by supplying an adequate water main in west Wichita for additional growth and development.

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The Law Department has approved the Resolution as to form.

Motion--  
--carried

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

## RESOLUTION NO. 06-588

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$1,500,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## WELLFIELD

### WELLFIELD METER REPLACEMENTS.

Agenda Report No.06-1100

The ten-year Capital Improvement Program included a project in 2005 for replacement of the water meters on each of the 55 wells in the Equus Beds wellfield. The existing meters are in need of replacement, but the current style is no longer on the list of approved meters by the Kansas Department of Agriculture, Division of Water Resources. No other meter on the approval list could be installed without extensive modification to the piping at all 55 wells.

Staff began working with the Division of Water Resources (DWR) to receive approval for a new style meter that would work without modifying existing well house piping. Funding for 2005 was relinquished, though the project is still necessary. Approval for a new meter style was received from DWR in August 2006.

Treatment Residual Relocation, a CIP project, was originally envisioned as part of a strategy to combat water taste and odor. Since completion of the ozone project, taste and odor events and complaints have been virtually eliminated, so this project is scheduled to be deleted from the CIP.

Meter replacement will cost approximately \$300,000. Funds of \$1 million, originally allocated for the Treatment Residual Relocation (CIP W-892) project, can be reprogrammed to fund Wellfield Meter Replacement (CIP W-839) without impacting the CIP. Expenditures will be funded from future revenue bonds and/or Water Utility cash reserves.

The project addresses the Efficient Infrastructure goal by replacing faulty meters with new dependable meters used to monitor water usage.

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

Motion--  
--carried

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

## RESOLUTION NO. 06-589

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$300,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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W/S UTILITIES

## TRANSFER OF FUNDS, WATER AND SEWER UTILITIES.

Agenda Report No. 06-1101

Several items in the Utility budgets vary year-to-year. Assuming continued growth at the same, or an accelerated rate, can inflate the budget and the estimates of revenue requirements; therefore, the Utility budgets conservatively and uses contingency funds as needed. In addition, some expenses increase to better serve customer expectations, or make better use of resources over an extended period of time.

Water Distribution: Through September 1504 new water services were installed, compared to 1434 for the same period in 2005, for an extra \$35,000. The amount budgeted for 2006 was \$505,670, and the actual cost has been \$692,640. With three months remaining, it is estimated that the Utility will need an additional \$350,000 to continue installing new services.

Main leaks this summer have been larger and more than anticipated. The budget includes \$1.05 million for pavement and dirt cut permits, but the Utility may need an additional \$50,000 for permits for the remainder of the year.

Repairing irrigation systems in rights-of-way and higher expectations related to lawn restoration are increasing expenses. To satisfy customer expectations of quality and timeliness, the utility contracts this out. Anticipated expenses are about \$40,000 this year for these types of repairs and restorations.

Related to the electronic gates and security system, the Utility had unanticipated repairs of approximately \$10,000. The Security Advisory Committee is reviewing a proposed maintenance contract for these repairs, but it is not yet in place.

All water meters are being replaced by the Automated Meter Reading System. This will reduce future costs, but it impacts the budget in the short-run. An adjustment for the increased cost of meters was made to the inventory budget, but not the operating budget. There was some allowance in the commodities budget, due to under expenditures in other areas, but an increase of \$100,000 is requested.

Water Production & Pumping: A warm and dry beginning to 2006 have contributed to an increased volume of water produced for 2006. Temperatures for January through April averaged six degrees above normal while precipitation during the same period was nearly 3 inches below normal, totaling just over four inches. Water produced during that period was 21% higher than the same period over the past five years. Through September of this year, year-to-date water production has remained at 16-18% higher than expected.

Sewage Treatment: A major upgrade at Treatment Plant #1 resulted in unforeseeable system startup problems at Treatment Plant #2. These problems increased costs in personal services, commodities and contractals in terms of increased staff monitoring and control of sludge flow, increases in power consumption required for the disinfection system, additional contract pumping services and an increase in usage of chemicals.

Another contributing factor, which has led to higher expenditures, is the correction of inventory deficiencies. In order to effectively maintain equipment and thus maintain permit compliance the division required a larger volume of replacement parts than was originally expected for the year.

Water Distribution: Additional budget requested is \$450,000 in contractals and \$100,000 in commodities. The Personal Services budget has an excess of \$200,000 that could be transferred, in part due to the contracting of many service installations. The remaining \$350,000 could be transferred from the Water Utility contingency fund that has \$1 million.

Water Production & Pumping: Additional budget requested is \$250,000 in commodities. The funds could be transferred from the Water Utility contingency fund, which after transferring \$350,000 to cover expenses in Water Distribution, still has \$650,000 that could be transferred.

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Sewage Treatment: Additional budget requested is \$300,000 in commodities. The Capital Outlay budget has an excess of \$250,000 that could be transferred. The remaining \$50,000 could be transferred from the Sewer Utility contingency fund that has \$100,000.

The Finance Department concurs with the Water & Sewer Department assessment.

Adjusting the various Water and Sewer division budgets will help ensure Efficient Infrastructure and is specifically related to providing reliable, compliant and secure utilities. It will also affect the Quality of Life and Economic Vitality, because much of the increase is due to increased growth and customer expectations.

City Council approval is required for budget transfers of \$25,000 or more.

Motion--  
--carried

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

## HELICOPTER

### HELICOPTER ENGINE OVERHAUL.

Agenda Report No. 06-1102

The Wichita Police Air Section operates an MD 500E helicopter for aerial support of Police operations. The helicopter is operated under the rules and guidelines of the Federal Aviation Administration (FAA) and directives from the manufacturer regarding mandated service intervals. Certain pieces of equipment on the helicopter must be replaced at mandated flight hour intervals or the aircraft will be grounded.

The Police Department helicopter is required by FAA mandates to undergo a complete overhaul of the engine when it reaches 3,216 flight hours. Standard Aero has given a quote of \$175,000 for the engine overhaul. This vendor has exclusively performed the engine maintenance on the Police Helicopter in the past, and is authorized by the Original Equipment Manufacturer to perform such repairs. If the repairs are not completed, the helicopter will be grounded when it reaches 3,216 flight hours. Based on current flight schedules, this is anticipated to occur by year-end.

Funding is available within the Police Department for these helicopter repairs.

The helicopter is a key component of the Safe and Secure Goal. Providing aerial patrol enhances efforts to reduce response times and the crime rate.

Motion--  
--carried

Mayans moved that the Standard Aero as the vendor for the overhaul of the police helicopter engine, the creation of a helicopter repair project be approved and any necessary budget adjustments be approved. Motion carried 7 to 0.

## BURN TOWER

### PURCHASE OF A BURN TOWER FOR FIRE TRAINING FACILITY.

Agenda Report No. 06-1103

The Fire Training Facility, located at 4780 E 31st S., provides a safe environment for fire training for local fire fighters and EMS.

The City Council, at their July 25, 2006 meeting, approved a contract with Gossen Livingston architects to provide design services for improvements, repairs, and modifications to the facility. One of the most vital items of the renovation is the construction of a new burn tower unit.

Steel fire training towers are preferred over concrete or block towers, because they provide more flexibility in use, and reduced construction costs. There are basically two manufactures of metal fire training structured in the United States: Fire Facilities, Inc. of Sun Prairie Wisconsin and WHP Training

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Towers, Inc. of Overland Park, KS. The Wichita Fire Department has specified that the tower purchased be from WHP Training Towers for several reasons as outlined in the Justification. The cost for this tower will be \$600,000.

Funding for the project is budgeted in the 2006 Capital Improvement Program. The Capital Improvement Program includes \$750,000 for concrete repair, and \$950,000 for replacing the burn tower for a combined total of \$1.7 million. This funding will cover design, construction, and construction administration of the project. Funding is provided by General Obligation Bonds (Project No. 465419; OCA No. 792487)

Provide a Safe and Secure Community through more adequate fire training facilities.

The Law Department will review purchasing contract prior to execution.

Motion--  
--carried

Mayans moved that the Purchase be approved and the Purchasing Manager authorized to negotiate a contract and issue the Purchase Order. Motion carried 7 to 0.

## **STREET MAINT.**

### **PERSONAL SERVICES ADJUSTMENT FOR THE 2006 CONTRACTED STREET MAINTENANCE PROGRAM.**

Agenda Report No. 06-1104

Each year funding is allocated in the City's budget for contracted repairs and resurfacing of City streets. The Contracted Street Maintenance programs provide maintenance work including concrete repairs, curb and gutter repairs, bridge repairs, crack repairs, and asphalt surface treatments of city streets. The Street Maintenance budget is the primary funding source for this program. In 2006 a total of \$5,931,310 was allocated from the Street Maintenance budget and Capital Investment Maintenance Program. Approximately 6% (\$355,600) of this total was set aside for inspector's salaries, benefits, and engineering overhead.

The current status of the Contracted Maintenance budgets shows a deficit in personal services funds. A budget adjustment is required to move funds from the Street Maintenance budget to the Contract Maintenance budget.

Projections show that approximately \$100,000 will be needed to supplement personal services in the Contract Maintenance budget. Funds are available in the Street Maintenance budget from personal services savings.

This project will support the Ensure Efficient Infrastructure Goal by providing continued inspection and oversight of the 2006 Contracted Maintenance Program.

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

Motion--  
--carried

Mayans moved that the budget adjustment be approved and staff authorized to make the necessary transfers. Motion carried 7 to 0.

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## JANITORIAL SERV. JANITORIAL SERVICES FOR THE VARIOUS LOCATIONS.

Agenda Report No. 06-1105

The City presently has a contract with Wilson Building Maintenance, Inc. to provide janitorial services at various locations including the State Office Building, Central Public Library, Health Department Offices, Career Development Office, Old Town Parking Garage, and Outside Park Restrooms approved by City Council on November 22, 2006. The current contract is from November 1, 2005 through October 31, 2006 with options to renew the contract for up to two (2) successive one (1) year terms by mutual agreement of the parties. Per the current contract after the initial first year of contractual services is completed, vendor may request an increase in the total annual cost of the contract, based on the previous year posted increase in the Consumer Price Index.

The Purchasing Manager has negotiated an increase in the total annual cost of the contract, based on the previous year posted increase in the Consumer Price Index (CPI) for a 3% increase for the second year of this contract term. This increase per the contract is subject to the approval of the Governing body. The Public Works department staff has also indicated they are well satisfied with existing contract performance from Wilson Building Maintenance, Inc. and requested the option to renew the contract

Sufficient funds are budgeted for 2007 in the departmental budget.

Ensure Efficient Infrastructure Goal in order to maintain and optimized public facilities and assets.

The Law Department will review and approve the contract amendment as to form. The contract amendment will be for one year.

Motion--

Mayans moved that the contract amendment to Wilson Building Maintenance, Inc. for janitorial services be approved and the Purchasing Manager authorized to sign the contract amendment.

--carried

Motion carried 7 to 0.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ OCTOBER 24, 2006).

a) Kellogg/Rock Interchange. (District II)

An Ordinance of the City of Wichita, Kansas, amending Sections 1 and 2 of Ordinance No. 45-294 of the City, in order to restate the estimated cost of improvements and the manner of payment of said improvements therein authorized, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

b) ZON2005-59- north side of 55th Street South and west of Oliver. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON2005-59)

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- c) ZON2006-00034-(associated with CON2006-37)-generally located north of 111th Street South and one-half mile west of 327th Street West. (District IV)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON2006-00034)

- d) ZON2006-00035-generally located northwest and southeast of the Market and Pine Street intersection. (District VI)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON2006-00035)

## UNFINISHED BUSINESS

### UNSAFE STRUC.

#### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES, 2302 NORTH PIATT. (DISTRICT I) (CONTINUED FROM OCTOBER 3, 2006)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Report No.06-1001a.

This property was before the Board of Code Standards and Appeals (BCSA) on August 2, 2006. No one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on October 3, 2006. Loretta Jackson, niece of the owner, who formerly occupied the property, appeared and presented a plan of action to save the property. Council agreed to defer action on this property for 30 days.

On October 12, 2006 and October 23, 2006, staff called and left messages for Ms. Jackson to report the status on the property. Ms. Jackson did not return the calls. On October 20, 2006 and October 23, 2006, staff made inspections of the property. No repairs have been made. The structure is secure. There is still trash and brush on the premises.

As of October 24, 2006, the 2004 and 2005 taxes were still delinquent in the amount of \$625.48.

Ms. Jackson has been informed of the date and time of the hearing.

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, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area and Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued revitalization of the Core Area. Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

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- Kurt Schroeder            Officer of Central Inspection stated that they recommend since she has paid the taxes, to give her 90 days to get through the process of application with Neighborhood Improvement Services and that it does appear that she may qualify for assistance.
- Mayor Mayans            Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion--                    Brewer moved to take staffs' recommendation, and that the Resolution be adopted. Motion carried -- carried                    7 to 0.

## RESOLUTION NO. 06-596

A Resolution finding that the structure/s located on Lot 9, Block 6, Wilber's Addition to Wichita, Kansas, Sedgwick County, Kansas, commonly known as 2302 North Piatt, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## NEW BUSINESS

### **CONDEMNATIONS    REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES.** **(DISTRICTS I, III, AND VI)**

Kurt Schroeder            Office of Central Inspection reviewed the item.

Agenda Report No.06-1106

On September 26, 2006 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on November 7, 2006.

On September 11, 2006 the Board of Code Standards and Appeals (BCSA) held a hearing on five (5) properties. These properties are listed below:

<u>Property Address</u>	<u>Council District</u>
a. 1129 North Spruce	I
b. 1741 North Lorraine	I
c. 2402 West 29th Street North #1	VI
d. 1923 South Greenwood	III
e. 2323 South Washington	III

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: Continued revitalization of the Core Area. 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 September 28, 2006, and October 5, 2006. 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.

Kurt Schroeder            Office of Central Inspection stated that there is someone here today to speak on the property listed as a) 1129 North Spruce and no one else has called or has shown up for items b) through e) and recommend that the City Council follow the BCSA recommendation to proceed with condemnation on items b, c, d, and e.

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Motion--

Mayans moved that the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures adopted, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of November 7, 2006; (2) the structures have been secured as of November 7, 2006 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of November 7, 2006 and will be so maintained during renovation for the properties listed as b, c, d, and e.

--carried

Motion carried 7 to 0.

## RESOLUTION NO. 06-591

A Resolution finding that the structure/s legally described as Lots 81 and 83, on Lorraine Avenue, Woodridge Place Addition, to Wichita, Sedgwick County, Kansas, known as 1741 North Lorraine, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-592

A Resolution finding that the structure/s legally described as Lot 1 and the north 20 feet of vacated 29<sup>th</sup> Street, Meridian Avenue and the K-96 Highway adjacent, Block 1, Pier Point Acres, to Wichita, Sedgwick County, Kansas, known as 2402 West 29<sup>th</sup> Street North, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-593

A Resolution finding that the structure/s legally described as Lots 17,19,21 and 23, on Fannie Avenue, now Greenwood, Strong's Addition to Wichita, Sedgwick County, Kansas, known as 1923 South Greenwood, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-594

A Resolution finding that the structure/s legally described as Lots 65 and 67 Washington Avenue, Rock Island 3<sup>rd</sup> Addition to Wichita, Sedgwick County, Kansas, known as 2323 South Washington, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

Kurt Schroeder

Office of Central Inspection reported on the property listed as a) 1129 North Spruce and stated that there is a new owner involved although the deed has not been transferred at this point. Stated that the owner is Barbara Shugart, who was unable to make it but a member of her family, Debbie Marlow, is here to speak for her today. Stated that they are asking for time to repair the property and get that done in the next 90 days. Stated that there is a pending special assessment of \$116.00, which will come due in their December tax bill and that will be paid then. Stated that he was on the premise yesterday and there is quite a bit of debris on the rear of the property and there is an abandoned vehicle and quite a bit of auto parts on the property. There is also a tree that fell on the shed in the backyard and is in pretty bad shape and a lot of the siding on the house has been stripped off and some of the windows are broken and the porch is in bad shape.

Debbie Marlow

Ms. Marlow stated that this is her sister-in-law's property and that they could take care of the outside cleanup in 60 days but is asking for 90 days so that they can also do the repairs to the house.

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- Council Member Brewer Council Member Brewer stated that he would like to give them 60 days to get everything cleaned up and by the end of the week the \$116.50 is to be paid and to come up with some type of a plan working with OCI.
- Kurt Schroeder Office of Central Inspection stated that typically the policy for the debris and junk is for 14 days for cleanup and then give additional time for repairs to the house.
- Council Member Brewer Council Member Brewer stated that we are getting into the winter months and if it were okay with the Council, he would like to do the 60 days and give them until this Friday to get the \$116.00. If these things are not taken care of, then we will proceed with staff's recommendation.
- Council Member Fearey Council Member Fearey stated that you can clean up junk when it is cold outside and it is suppose to be nice for the next two weeks and is concerned about the neighbors having to look at that junk, they should have to have it cleaned up in two weeks.
- Council Member Brewer Council Member Brewer stated that he would meet half way on this and give them 30 days to clean up the property and come up with a plan with OCI.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Brewer moved to grant the property owner 30 days to clean up the property and by Friday's close of business that the \$116.50 be paid and that they work out a plan with OCI to improve the property and if those things are not done, to proceed with staff's recommendation and to adopt the Resolution.. Motion carried 7 to 0.
- carried

## RESOLUTION NO. 06-590

A Resolution finding that the structure/s located on Lots 17 and 19, Tenth Street Addition to Wichita, Kansas, Sedgwick County, Kansas, commonly known as 1129 North Spruce, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed. Greenwood, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## BOEING CO.

### PUBLIC HEARING AND ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS, THE BOEING COMPANY. (DISTRICT III)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1107

Since 1979, the City of Wichita has approved over \$3.5 billion in Industrial Revenue bond financing, in conjunction with ad valorem tax exemptions, for aerospace manufacturing, modification and engineering facilities operated by The Boeing Company. Following the sale of a substantial portion of manufacturing assets in 2005, Boeing has nevertheless retained and continues to operate significant Wichita area modification and engineering facilities, and continues to hold a letter of intent approved November 9, 1999 and as extended for five years on July 13, 2004. Boeing is now requesting the issuance of City of Wichita Taxable Industrial Revenue Bonds in an amount not-to-exceed \$20 million, under the authority of that Letter of Intent.

Boeing Wichita, located in Sedgwick County, Kansas, with approximately 3,100 employees and an annual payroll of \$275 million for year end 2005, is engaged in engineering and modification support of military aircraft. All Boeing Wichita sales are exported out of the state of Kansas.

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Bond proceeds will be used for acquisition of new, advanced manufacturing equipment and enhancement of existing facilities. Some of the planned facilities upgrades and equipment purchases include an enhanced security gate, chillers, trunk radio systems and ditmco testers. Boeing advises the new equipment will have no adverse effect on Wichita's ambient air quality.

Acquisition of advanced technologies and the improvement of facilities are required for Boeing Wichita to compete for military engineering and modification work, in addition to sustaining on-going programs. In these markedly different and difficult times, the bond proceeds will have an impact with helping Boeing Wichita retain many critical professional, technical, and highly skilled employees. The economic impact of planned upgrades and expansion has a direct cascade effect on engineering and architect firms, machine shops, and material providers in Wichita.

The firm of Kutak Rock LLP will serve as bond counsel in the transaction. The Boeing Company will purchase the Bonds, as a result of which, there is no need for an underwriter. Boeing Wichita has agreed to comply with the Standard Conditions contained in the City's IRB Policy.

The Boeing Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The Boeing Company qualifies for a ten-year 100% property tax exemption on the bond financed property on the basis of membership in the local aircraft manufacturing community, level of capital investment, and 100% out-of-state sales exportation. Consistent with the intent of the City Council in its action approving the November 9, 1999 letter of intent and as extended for five years on July 13, 2004, the ten-year period of exemption is to apply without a review by the Council at the five-year point. The IRB Lease document to be approved by the Bond Ordinance has been drafted accordingly. This is consistent with all discussion had at the public hearing on the item, although references to a five-year review were inadvertently included in the November 9, 1999 minutes from a superseded agenda report. Acquisition of the financed assets with bond proceeds will also provide a basis for sales and use tax exemption on the financed purchases.

The economic vitality of the community will be enhanced by the retention of jobs at Boeing and the cascade effect on other area businesses.

The City Attorney's Office has reviewed and approved the Bond Ordinance and principal financing documents.

Mayor Mayans

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

Motion--

Skelton moved that the public hearing be closed and the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Taxable Industrial Revenue Bonds in an amount not-to-exceed \$20 million be placed on first reading. Motion carried 6 to 0; (Mayor Mayans abstained due to conflict of interest).

-- carried

## ORDINANCE

An Ordinance approving and authorizing the execution of a lease agreement between the Boeing Company and the City of Wichita, Kansas; approving and authorizing the execution of an indenture of trust between said city and the Bank of New York Trust Company, N.A.; pledging certain payments under said lease agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of Industrial Revenue Bonds Series III, 2006 (The Boeing Company project) of said city in the principal amount of not to exceed \$20,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of The Boeing Company, a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said bonds; authorizing the sale of said bonds and the execution of a bond purchase agreement therefor; approving and authorizing the execution of an administrative service fee agreement; and authorizing the execution and delivery of certain related instruments, introduced and under the rules laid over.

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## **RAPID PROCESSING PUBLIC HEARING AND TAX EXEMPTION REQUEST, RAPID PROCESSING SOLUTIONS, INC. (DISTRICT IV)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1108

Rapid Processing Solutions, Inc., located at 1367 S. Anna in southwest Wichita, was locally formed in 1998. Rapid Processing Solutions, Inc. (Rapid PSI) makes composite prototype parts for Wichita's aircraft industry and is experiencing growth in sales and production. In response to an increase in production requirements, Rapid PSI recently expanded its manufacturing capacity through renovation of an existing building at a cost of \$323,733, and purchase of new equipment in the amount of \$46,438. Rapid PSI is now requesting approval of a five-plus-five year 40% Economic Development Tax Exemption on the building renovation and the purchase of new equipment in conjunction with the expansion project.

Rapid PSI employs a composite manufacturing process known as rapid prototyping, which uses CAD data to add and bond materials in layers to form objects. Rapid PSI provides experienced, effective rapid prototype design/development and efficient short run production of soft tools made of plastics, urethanes, silicones, and metals. Rapid PSI also has the ability to provide decorative plating to meet aviation standards. Rapid PSI also uses RTV silicone molding as a tooling method that allows them to make duplicate parts of a master. In addition to using RTV modeling to produce prototypes the company uses the process of stereolithography. Stereolithography uses a 3-dimensional CAD file as a blueprint to convert a digital image into a physical part. Stereolithography can assist in the development phase by finding initial problems early on in the design stage to ensure proper fit, form, and function before any items go into production.

Rapid Processing currently employs 8 employees and projects to add 10 new jobs over a five-year period, at an average wage of \$33,651 per year. Rapid Processing's expansion includes renovation of a 13,400 s.f. building and acquisition of new manufacturing equipment. Rapid Processing exports 95% of all production out of Kansas via Cessna and Raytheon.

Under the Economic Development Incentive Policy, Rapid PSI is eligible for the following property tax abatement:

### TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
29.00%	New Job Creation:	Rapid PSI will create at least 10 new jobs.
11.00%	Capital Improvements:	Rapid PSI will invest at least \$370,171.
40.00%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.00%	Location Premium:	Rapid PSI is not located in the central redevelopment area.

### 40.00% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the City's Economic Development Incentive Policy, Rapid PSI is eligible for a 40% tax exemption for the initial five-year term on new real and personal property and a 40% exemption for the second five-year term on real property only, subject to Council review. A notice of public hearing has been published. Rapid PSI 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 \$370,171 expansion would be \$10,311 on real and personal property, based on the 2005 mill levy. Using the allowable tax exemption of 40 percent, the City would be exempting (for the first year) \$4,124 of new taxes from the tax rolls. The tax exemption would be shared among the taxing entities as follows: City – \$1,159; County/State - \$1,099; and USD 259 - \$1,864.

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	3.19 to one
Sedgwick County	2.78 to one
USD 259	1.29 to one
State of Kansas	4.84 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 Mayans

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

Motion--

Gray moved that the public hearing be closed and place on first reading the Ordinance granting Rapid Processing Solutions, Inc. a 40% tax exemption on the identified real and personal property for a five year term, plus a second five-year term on real property only, subject to City Council.

--carried

Motion carried 7 to 0.

## 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 Rapid Processing Solutions Inc., so exempted, introduced and under the rules laid over.

## PRECISION

### PUBLIC HEARING AND TAX EXEMPTION REQUEST, PRECISION METALCRAFT, INC. (DISTRICT III)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1109

Precision Metalcraft, Inc., (Precision Metalcraft) located at 2853 S. Hillside in southeast Wichita, was locally formed in 1951. Precision Metalcraft, Inc. is a manufacturer of aircraft parts for the aerospace industry. Precision Metalcraft, Inc. has experienced rapid growth in sales and production since its inception. As a result of continuous growth in sales, Precision Metalcraft has expanded its manufacturing capacity to include acquisition of new manufacturing equipment in the amount of \$517,160. Precision Metalcraft previously submitted a letter of intent to seek an Economic Development Tax Exemption (EDX) on new manufacturing equipment in conjunction with the expansion project, and is now requesting approval of the exemption.

Precision Metalcraft is a milling shop that produces aircraft parts in support of Wichita's aircraft manufacturers. Precision Metalcraft has the capacity to produce at any rate up to 360" long parts. Precision Metalcraft specializes in high precision heavy hog-outs such a various parts related to the nose section and various parts surrounding the wheel well of the 737 Boeing aircraft made from stainless steel, titanium and aluminum. Precision Metalcraft has the equipment in-house to accomplish milling, turning, boring, drilling, blanking and forming, joggling, shearing and punching, back spot-facing and back counter-sinking and tool and die making. Precision Metalcraft support the customers

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need with over thirty 3, 4 and 5 axis vertical and horizontal high speed spindle and heavy hogging spindle machining centers with travels up to 360 inches in length, high speed machining centers and modern inspection facilities. The Company's engineering and programming department uses Master Cam full 5-axis version and also Smart Cam, AutoCAD, N.C. Vericut and Cadkey for design and manufacturer of products and tooling.

Precision Metalcraft currently employs 58 employees. The expansion project includes acquisition of new equipment with a cost of \$517,160. As a result of the expansion project, Precision Metalcraft will create 20 new jobs over the next five years. Precision Metalcraft exports 96% of all production of out Kansas via Spirit Aerosystems, Boeing and Goodrich.

Under the Economic Development Incentives Policy, Precision Metalcraft is eligible for the following:

## TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
42.00%	New Job Creation:	Precision Metalcraft will create at least 20 new jobs.
10.00%	Capital Improvements:	Precision Metalcraft will invest at least \$517,160.
52.00%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.00%	Location Premium:	Precision Metalcraft is not located in the central redevelopment area.

## 52.00% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the Economic Development Incentive Policy, Precision Metalcraft is eligible for 52% tax exemption on new personal property for a five-year term. A notice of public hearing has been published. Precision Metalcraft has agreed to comply with the conditions set forth in the Economic Development Incentive Policy.

The estimated first year taxes on the proposed \$517,160 expansion would be \$12,571 on personal property, based on the 2005 mill levy. Using the allowable tax exemption of 52 percent, the City would be exempting (for the first year) \$6,536 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$1,838; County/State - \$1,743; and USD 259 - \$2,955.

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	3.22 to one
Sedgwick County	2.74 to one
USD 259	1.27 to one
State of Kansas	5.67 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.

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

Mayor Mayans

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

Motion--  
--carried

Skelton moved that the public hearing be closed and the Ordinance granting a 52% tax exemption on the identified personal property for a five-year term be placed on first reading. Motion carried 7 to 0.

## 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 Precision Metalcraft, Inc., so exempted, introduced and under the rules laid over.

### TRANSIT DEPT.

#### MANAGEMENT SERVICES FOR TRANSIT DEPARTMENT.

Scott Moore

Assistant City Manager reviewed the item.

Agenda Report No. 06-1110

The City has utilized contracted management services for the Transit system since 1981. The current general management services contract for the Transit Department is with First Transit at a fee of \$8,417.83 per month. There are no annual renewal options left on the current contract, which required City Staff to initiate a Request for Proposal process for general management services for the Transit Department.

The Wichita Transit Department provides over 2 million fixed route rides annually. A total of 131 city positions are budgeted in the 2007 Budget. The Transit budget is \$5.4 million in city funds, supplemented with federal operating and capital grants.

In June 2006, the City of Wichita initiated proposals for the management of Transit Department. The City received three proposals and the Staff Screening Selection Committee selected all three proposers to be interviewed, which included:

- McDonald Transit Associates, Inc.,
- First Transit, and
- The Professional Transit Management

The Staff Screening and Selection Committee recommends that the City Council authorize City staff to negotiate a contract with McDonald Transit Associates, Inc. and to bring back that contract to the Council for consideration and approval.

McDonald Transit Associates, Inc. has proposed to:

- Enhance the effectiveness of the Transit system by seeking community involvement.
- In addition, the company aggressively seeks to increase bus ridership - 15%,
- By enhancing community knowledge of transit in general and
- By improving the quality of service.

They have visited the City to learn more about the local interest in the bus system and to seek ideas on how to increase participation and to explore options for increased utilization of the bus system. The company brings experience in:

- Employee development,
- Financial reporting,
- Sales and marketing,
- Risk management,
- Equipment maintenance and facility development.

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McDonald Transit Associates, Inc. has proposed a management fee of \$10,960 per month with additional annual cost of living increases on the annual renewal options. The management fee is for services provided by the company to manage the Transit Department by providing an on-site General Manager and other expertise and services as required. The 2007 Transit Budget includes funding for the approval of this management services contract.

Transit operations are included in the Efficient Infrastructure goal area. In order to continue providing transit services, effective management of the system is essential, and contracting for management services will provide this level of expertise.

The City will negotiate a contract with McDonald Transit Associates, Inc., which will require City Council approval.

- Council Member Gray Council Member Gray stated that one of the things cited was that they have expertise in the field of equipment and facility maintenance, and if we were to hire an outside maintenance firm, as we have talked about doing, then would that expertise have much benefit.
- Scott Moore Assistant City Manger stated that this would be just for the general management purpose.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Council Member Martz Council Member Martz stated that he has looked over the agenda report and had asked for a couple of things during the agenda review last week and still does not see some of the concerns he had mentioned, which is that he does not see anything showing him why we should consider making a change from the standpoint of where are they any better then our current team. Stated that our current team that we have has done an outstanding job over the years. Stated that the savings is not shown on the agenda report and as a result he does not feel comfortable with the suggestion of making this change and feels that we have experienced a very good relationship over the years with our current transit team and he would recommend that we keep that team and will not be supportive of this change.
- Council Member Skelton Council Member Skelton stated that staff indicated that the new company had presented the most attractive financial terms and asked for clarification.
- Scott Moore Assistant City Manger stated that based on the proposal, each firm offered a five-year financial package and based on where we are currently, that is what they looked at. Stated that price was not the only factor in the staff screening selection committee's decision. Stated that it was also based on their proposal and on their current financial agreement.
- Council Member Gray Council Member Gray asked if any consideration has been given to the growing pains that you will experience when switching companies. Stated that we switched our bond counsel this year after having a long relationship with another company and went with the lowest bidder and now we are having to make several accommodations to the way we do our procedures and typical practices and how much time is this going to relate to and what is the time and cost value of all the staffing that is going to have to go through and make changes to implement this to go along with the new low bidder. Stated that there is always somebody cheaper in the marketplace and is curious as to what the other factors were that went into making this decision aside from the financial, because cheaper is not always better and there is a reason why we have the option to going with the lowest and or best bid.
- Melinda Walker Purchasing Manager stated that the proposal was done on several criteria and not just the cost. Stated that when they do a proposal, they are selecting the best firm for the best value for the City of Wichita, taking into consideration all the different factors and cost is a factor but it is not the main one. Stated that they looked at their communications, how they were going to get into the community expanding the ridership, which is a big opportunity that they see for our system; they were very enthusiastic and came in and did a great demonstration and presentation of how they think our future can be and looked into the budgets and are excited about our performance criteria, Transforming Wichita and would like to be on the cutting edge of that. Stated that it was not just based on price alone but based on the other criteria for the system.

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- George Kolb City Manager stated that this is a professional services contract and the Council should not be considering the low bid in this particular case but the business that will provide the Council what they feel is the best service in the interest of the organization. Stated that they have no problems if the Council wants to pick any of the proposers and what they are providing to the Council is their recommendation based on a process that they went through to select the best proposal that they felt was in their best interest.
- Council Member Gray Council Member Gray stated that it concerns him with wanting to make a transition when he does not see all that much improvement that can be made in ridership and would be curious as to how this firm would think for a lower price, then any of the others, they could increase ridership above and beyond what is already been done in the past few years and to be able to support this he would have to have more information.
- George Kolb City Manager stated that the committee was very impressed with their process for involving the community to try and increase ridership to the transit system and when they checked the references, they found that they were able to put some substance behind what they were proposing to the committee. Stated that in addition to that, they felt that they could raise the quality of the transit system in Wichita and that there was potential for increasing ridership and reducing our subsidy to the system. The committee, based on all of those factors, felt it was the best proposal.
- Motion--  
-- carried Martz moved to deny the request and maintain the current management team. Motion carried 6 to 1, (Skelton-no).

## **TYLER ROAD**

### **TYLER ROAD IMPROVEMENT, BETWEEN K-42 HIGHWAY AND HARRY. (DISTRICT IV)**

- Jim Armour City Engineer reviewed item.
- Agenda Report No.06-1111
- (Council Member Fearey momentarily absent)
- The 2005-2014 Capital Improvement Program includes funding to rehabilitate Tyler Road between K-42 Highway and Harry.
- The project will reconstruct Tyler to provide a new, stable driving surface. The existing pavement is a two-lane asphalt mat road that is failing.
- The project budget is \$700,000. The funding source is General Obligation Bonds.
- This project addresses the Efficient Infrastructure goal by providing needed maintenance of an arterial street.
- The Law Department has approved the authorizing Ordinance as to legal form.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion--  
--carried Mayans moved that the project be approved and the Ordinance placed on first reading. Motion carried 6 to 0; (Fearey, absent)

### ORDINANCE

An Ordinance declaring Tyler Road, between K-42 Highway and Harry Street (472-84475) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

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DER2006-14

## DER2006-14 PROPOSED AMENDMENT TO THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE REGARDING RODEO REGULATIONS.

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 06-1112

MAPC Recommendation: Approve, unanimously (12-0).

MAPD Staff Recommendation: Approve.

DAB Recommendation: Provided comments.

On May 2, 2006, the City Council passed a moratorium on the processing and approval of new licenses for rodeos under section 3.08.040 of the Code of the City of Wichita. The Moratorium is effective from May 2, 2006 until not later than December 31, 2006. The Moratorium Resolution directed the City Manager and a staff task team appointed by the City Manager to actively pursue development of comprehensive ordinances for licensure and regulation of rodeos events, to coincide with any revised land use and development regulations.

In May, a Rodeo Moratorium Task Team was assembled at the City Manager's direction. The Task Team reviewed relevant existing licensing, land use, zoning ordinances and other regulations for Wichita and other jurisdictions, and reviewed national rodeo/animal treatment organization guidelines. The Task Team also provided input relating to rodeos for recently adopted amendments to Chapter 6.04.035 of the City Code relating to cruelty to animals (adopted in late June, 2006). Legal issues and relevant case law regarding rodeo bans, licensing and related zoning and/or land-use restriction were also reviewed.

"Rodeos" are not specifically defined in either the Wichita-Sedgwick County Unified Zoning Code (UZC) or the City license regulation for rodeos. Per UZC classifications, outdoor rodeos would qualify as "Recreation and Entertainment, Outdoor" or as "Riding Academy and Stables". Outdoor recreation and entertainment is permitted "by right" in General Commercial, Central Business District, Limited Industrial and General Industrial zoning districts; "by right" for up to two days per month as a licensed special business promotion in the Limited Commercial zoning district; or on a permanent basis by UZC "Conditional Use" in the Limited Commercial zoning district. Riding academies and stables are permitted "by right" in the General Commercial or General Industrial zoning districts.

The current City license regulation for rodeos was last amended over 20 years ago, and appears to have been intended for temporary events, not permanent facilities. The entire license regulation is set forth below:

"The license fee for persons engaged in the business or operation of circuses, rodeos, wild animal shows or exhibitions, carnivals or street fairs, on any premises or in any building or structure within the city, shall be one hundred dollars per day; and provided, however, that no such license shall be issued until the application is approved by central inspection, fire department, police department, health department and the City Manager. The City Council may waive the license fee as to any of the aforesaid events, which may be presented on property owned by the City. (Ord. No. 40-053 § 1)."

At the City Council Workshop on July 25, 2006, the Task Team presented three alternative courses of action, including: (1) a total ban on all rodeos, outdoor and indoor; (2) new licensing and UZC regulation to allow indoor rodeos or rodeo events only; or (3) new licensing and UZC regulation to allow both indoor and outdoor rodeos or rodeo events. It was noted in the presentation that all alternatives could legally include specific exemptions to allow rodeos or rodeo events at specific venues or properties (i.e., the downtown arena, Old Cowtown, or City or County-owned lands).

The direction provided by the Council during the workshop was to proceed with the first alternative, a total ban on rodeos or rodeo events (but with exceptions to allow them on City or County-owned land). However, Council Members Fearey and Brewer directed staff to present this issue to their District Advisory Boards.

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Rodeo regulation presentations were made to DABs I and VI on August 7, 2006. Each of those DABs recommended that the City draft regulations to allow indoor rodeos only, with the suggested new UZC and licensing regulation.

At the City Council meeting on August 15, 2006, the feedback provided by DABs I and VI was presented, and City Council directed staff to develop regulations to allow for indoor rodeos only, and to present a summary of proposed indoor rodeo regulations to DABs. In September, staff presented the proposed amendments at all the DAB meetings.

The proposed amendments include: definitions of "Rodeo in the City," "Rodeo, indoor," "Rodeo, outdoor," and clarification that "Rodeo, in the City" is not a use permitted as "Recreation and Entertainment, Indoor," "Recreation and Entertainment, Outdoor," or "Riding Academy and Stables." "Rodeo, Indoor" is a permitted use within the City of Wichita in the General Commercial, Limited Industrial and the General Industrial districts, subject to proposed supplemental regulation kk. Supplemental regulation kk establishes: fencing requirements, animal treatment standards, waste collection/ disposal standards, lighting standards, noise control standards, surfaced parking standards and hours of operation.

The regulations also clarify that although "Rodeo, Indoor" is listed as a permitted use in the GC, LI and GI districts, if the proposed indoor rodeo site will have outdoor storage or penning of animals, and will operate more than two days per calendar year, the use will require Conditional Use approval. The regulations further clarify that outdoor rodeos are not allowed in the City of Wichita, except on property owned by the City of Wichita or Sedgwick County and when approved per the requirements of the Community Events Ordinance in Chapter 3.11 of the Code of the City of Wichita.

The Metropolitan Area Planning Commission (MAPC) reviewed the proposed amendments at their October 5, 2006, meeting. One person was present to speak on the issue. He asked for an hour additional time for rodeo operations on Friday and Saturday nights (until 1:00 a.m. instead of midnight) and that a clarification be added distinguishing temporary outdoor penning of animals that would not require Conditional Use approval from permanent outdoor penning that would require Conditional Use approval. A request was also made to clarify that the definition of "Rodeo in the City" be modified to ensure that these regulations only apply to property located within the City of Wichita. Staff was supportive of the clarifications. The MAPC unanimously voted to recommend the amendments as modified during the meeting.

The UZC amendments will not affect City finances. Rodeo licensing fees will be amended.

The Law Department has been a participant on the Rodeo Task Team, and has reviewed legal issues related to the proposed regulations. The item has been reviewed and approved as to form.

- Council Member Skelton Council Member Skelton stated that this is saying that we are going to eliminate all rodeos within the City of Wichita except for on City property.
- John Schlegel Planning Director explained that indoor rodeos would be permitted and outdoor rodeos would not be permitted except on City or Sedgwick County property. State that the indoor rodeos would be regulated by the supplemental regulations.
- Council Member Skelton Council Member Skelton asked what consideration was given to other parts of the City for private land. Stated he is not convinced that there would not be private land out there that would not be appropriate and asked why we would want to limit something to be held on private land that was an appropriate location.
- John Schlegel Planning Director explained that they looked at the different districts within the City, where the task force felt that it would be appropriate to allow these uses. Stated that residential zones were eliminated as not being appropriate and most of the larger parcels where you could operate a residential district would be in those districts where it would be allowed under these proposed regulations. Stated that he cannot think of any other locations other than in those districts where a rodeo would be appropriate.

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Mayor Mayans

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

Motion--

Gray moved to concur with the findings of the MAPC and adopt the text amendments and to approve the first reading of the ordinance establishing the text amendments.

--carried

Motion carried 6 to 1, (Skelton-no).

## ORDINANCE

An Ordinance providing amendments to Section II-B.11.A, Section II-B.11.B, section II-B.11.N, Section II-B.11, Section III-B.16, Section III-B.19, Section III-B.20, Section III-D use regulations schedule; and adding Section III-D.6.KK of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition), as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance No. 44-975, dealing with rodeos in the city, introduced and under the rules laid over.

**SECTION 3.08.040**

**REPEAL OF SECTION 3.08.040 RELATING TO CIRCUSES, RODEOS AND ANIMAL SHOWS AND ADOPTION OF CHAPTER 3.09 RELATING TO RODEOS, ANIMAL EXHIBITIONS, AND PETTING ZOOS.**

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Report No.06-1113

On May 2, 2006, the City Council passed a moratorium on the processing and approval of new licenses for rodeos under section 3.08.040 of the Code of the City of Wichita.

A task team was developed to research and provide input on the appropriate land use restrictions to be imposed on rodeos and to develop licensing standards for such events and other animal exhibitions.

Staff researched health and safety issues related to other events such as petting zoos, wild and dangerous animal shows to develop a licensing scheme for all such events. The ordinances proposed establish minimum health and safety standards for such events.

The current City regulations for rodeos were last amended over 20 years ago. The code appears to have been intended for temporary events, not permanent facilities. The ordinance has no provisions regarding the conditions in which a license may be granted or revoked. Additionally, the ordinances fail to specify any minimum standards of care for animals exhibited.

The proposed ordinances require licensees to provide information regarding the care and treatment of animals exhibited. A licensing fee is charged for events based on the length of the event.

Liability insurance coverage is required of any exhibitor licensed under the ordinances. Rodeos and wild animal exhibits are required to maintain \$250,000 in liability coverage. Petting zoos are required to maintain \$100,000 in liability coverage.

Educational information about the potential of contacting diseases and hand washing stations are required for petting zoos.

Physical contact between spectators and wild animals is prohibited.

Zoos accredited by the American Zoo and Aquarium Association or the Zoological Association of America, the Kansas Department of Wildlife and Parks, licensed or accredited research or medical institutions and USDA licensed exhibitors of dangerous animals are exempt from the licensing provisions.

The Law Department has prepared the proposed amendments and they are approved as to form.

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Safe and Secure The proposed licensing ordinances will allow Environmental Services Staff to enforce the ordinances to provide for the safety of animals and patrons at animal exhibitions and rodeos.

Mayor Mayans

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

Motion--

Mayans moved that the ordinances amending Chapter 3.08.040 of the Code of the City of Wichita relating to circuses, rodeos and animal shows, and Chapter 3.09 of the Code of the City of Wichita relating to rodeos, animal exhibitions and petting zoos be placed on first reading. Motion

--carried

carried 7 to 0.

## ORDINANCE

An Ordinance creating Chapter 3.09 of the Code of the City of Wichita, Kansas, pertaining to animal exhibitions, rodeos, and animal shows and repealing Section 3.08.040 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

## WILD ANIMALS

### AMENDMENTS TO SECTION 6.08.010, 6.08.020, 6.08.030, 6.08.040, 6.08.060 AND 6.08.070 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO DANGEROUS WILD ANIMALS.

Kurt Schroeder

Office of Central Inspection reviewed the item.

(Council Member Schlapp momentarily absent)

Agenda Report No.06-1114

In 2006, the Kansas Legislature passed Senate Bill 578 regarding the care, treatment and exhibition of dangerous regulated animals.

The city's ordinances currently prohibit possession of certain dangerous wild animals within the city limits. Exhibition of these animals is allowed only by USDA licensed exhibitors. The new state statute prohibits any physical contact between spectators and dangerous wild animals. Currently, the city code allows contact with wild animals based on the size and age of the animal. The amendments must be passed in order to bring the city's ordinances into compliance with state law. Municipal ordinances cannot be less restrictive than state statutes.

Additionally, the state statute increased the amount of liability insurance required for dangerous animal exhibits to \$250,000. The city's ordinances currently only require \$100,000 in coverage.

Amendments are also made to the code to have it conform with new licensing ordinances being proposed for rodeos, animal exhibitions and petting zoos.

Provide a Safe and Secure Community. This amendment will allow environmental services to monitor exhibitions of dangerous wild animals.

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

Mayor Mayans

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

Motion--carried

Mayans moved that the ordinance be placed on first reading. Motion carried 6 to 0, (Schlapp absent).

## ORDINANCE

An Ordinance amending Sections 6.08.010, 6.08.020, 6.08.030, 6.08.040, 6.08.060 and 6.08.070 of the code of the City of Wichita, Kansas, and repealing the originals of Sections 6.08.010, 6.08.020, 6.08.030, 6.08.040, 6.08.050, 6.08.060 and 6.08.070 of the Code of the City of Wichita, Kansas pertaining to dangerous wild animals, introduced and under the rules laid over.

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## BATTERY OF LEO

### AMENDMENTS TO SECTION 5.10.035 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO ASSAULT AND BATTERY OF A LAW ENFORCEMENT OFFICER.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report 06-1115

Currently, the City's code provisions relating to the crime of battery of a law enforcement officer include bodily injury to a law enforcement officer. In 2006, the Kansas legislature passed legislation, which made batteries resulting in bodily injuries to law enforcement officers a felony. The amendment to our ordinance removes the language referring to bodily injury of a law enforcement officer to bring it into compliance with the statute.

The amendment removes the language referring to bodily injury of a law enforcement officer. The amendment is necessary to bring the city's ordinance into compliance with state law.

Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of the city code for these offenses.

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

Mayor Mayans

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

Motion--carried

Mayans moved that the ordinance be placed on first reading. Motion carried 6 to 0, (Schlapp absent).

### ORDINANCE

An Ordinance amending Section 5.10.035 of the Code of the City of Wichita, Kansas, pertaining to battery of a law enforcement officer, and repealing the original of said Section, introduced and under the rules laid over.

## UNLAW. WEAPONS

### AMENDMENTS TO SECTION 5.88.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO UNLAWFUL USE OF WEAPONS.

Gary Rebenstorf

Director of Law reviewed item.

Agenda Report No. 06-1116

Pursuant to Senate Bill No. 418 and House Bill No. 2118, the Personal and Family Protection Act was created, which initiated a concealed carry law in the State of Kansas. The Kansas Legislature amended K.S.A. 21-4201, Unlawful Use of Weapons, allowing for an exemption to the provisions related to unlawful possession of a concealed firearm, recognizing that the Act allowed the possession of concealed firearms for those duly licensed. Essentially, the Act allows the State to issue permits for those that meet certain qualifications, to carry concealed firearms, and protects those licensed from being criminally charged with possession of a concealed weapon if done in accordance with the mandates of the Act. The City is mandated by both bills to create an exemption for those with concealed carry permits, who are in possession of a concealed firearm. Thus, City of Wichita Ordinance No. 5.88.010, Unlawful Use of Weapons, must be amended to comply with the legislative mandate, authorizing an exemption for those carrying a concealed weapon in accordance with the Personal and Family Protection Act.

The amendments to City of Wichita Ordinance 5.88.010 must be passed, in order to comply with the legislative mandate of Senate Bill No. 418 and House Bill No. 2118, that there be an exemption from prosecution for those carrying a concealed firearm, while having a permit issued pursuant to the Personal and Family Protection Act.

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Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of Unlawful Use of Weapons.

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

Mayor Mayans

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

Motion--carried

Mayans moved that the ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Section 5.88.010 of the Code of the City of Wichita, Kansas, pertaining to the crime of unlawful use of weapons and repeal of the original Section 5.88.010, introduced and under the rules laid over.

## IAFF AGREEMENT

### AGREEMENT WITH IAFF-REPRESENTED AIRPORT SAFETY PERSONNEL.

Gary Rebenstorf

Director of Law reviewed item.

Agenda Report No. 06-1117

On September 23, 2005, the Public Employees Relations Board entered an order that permitted the IAFF to represent certain employees at the airport, specifically, Airport Safety Lieutenants and Captains. The parties have now agreed to the terms of employment for these personnel.

The agreement between the IAFF and the City of Wichita provides the terms of employment through December 16, 2006. It includes a retroactive increase, effective December 17, 2005.

The cost of this agreement is less than \$40,000 through December 16, 2006. The existing Airport's budget can absorb the expense and will be the source of the funds; the Finance Department concurs.

The goal impact is to provide a safe and secure community.

The Law Department has approved the agreement and is initiating this item before the City Council.

Mayor Mayans

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

Motion--  
--carried

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

## SALARY ORD.

### AMENDMENTS TO EXEMPT SALARY AND CLASSIFICATION ORDINANCES TO IMPLEMENT NEW PAY PLAN

Guy McCormick

Human Resources Department reviewed item.

(Council Member Martz momentarily absent)

Agenda Report No. 06-1118

Salary and Classification Ordinances set the rates of pay for City pay ranges and establish job classifications for all City positions.

The main objectives of the Fox Lawson & Associates study of the exempt and management pay plan were to: create an up-to-date job structure for these positions that reduces the number of classifications; update the salary structure which had not been studied for 13 years; and implement a more objective method of evaluating jobs for placement in the structure. Additionally, strengthening the practice of pay-for-performance (within budget limitations) is compatible with the new broadbanding classification

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structure, although neither is dependent on the other. The broadbands are based upon decision-making skills allowing more flexibility to adjust work activities to address the priorities set by the City Council.

The main steps in approaching these objectives were: (1) thoroughly study and evaluate the current classifications; (2) create a new job structure based on relative value of the jobs; (3) re-introduce the job market for these positions into the salary schedule; and (4) create a new pay plan combining the job structure with the market study.

These steps involved participation by virtually all of the nearly 500 employees involved through questionnaires and occupational panels. The top management Strategy Group guided the project by setting its most important parameters and standards, and making final review of recommendations. The employee Steering Committee reviewed all significant steps in the project and recommended appropriate revisions, virtually all of which were adopted. An appeals process through the Department of Human Resources, the Strategy Group and the City Manager enabled departments to obtain additional consideration of decisions.

Council approved selecting the consultant, Fox Lawson and Associates, and has discussed the project in several workshops. Revisions have been made to the job structure and pay plan as a result of input from these workshops.

The objectives of the project have been substantially achieved. The reduction in the number of classifications, results of the market study, and the new job evaluation system (Decision Band Method) have been presented in the workshops.

Therefore, amended Exempt Classification and Exempt Salary Ordinances are submitted to implement the new plan.

The new job structure is completed and the classifications are shown in the Exempt Classification Ordinance. Many single-person classifications have been incorporated into broader classifications, and numerous other changes in internal job relationships have been made. The Strategy Group and Steering Committee support this structure. Appeals have been resolved. The intention is that no reclassification requests involving these positions will be considered for one year after adoption. These rankings have been so thoroughly evaluated and reviewed that reconsideration should not be necessary for some time unless there is a very unusual circumstance.

Fox Lawson recommended the original salary structure after an extensive study of peer cities and other government agencies salaries for benchmark positions. Adjustments were made for economic factors in comparing the respondents. After discussions with Council and further financial analysis, changes are recommended in the pay ranges to more accurately reflect the local market and City recruiting patterns for some positions, and thereby reducing the number of employees needing raises to reach the minimum of their new pay range. While recognizing that some occupational groups were undervalued in the current pay plan, consensus was that the original adjustments for that were excessive.

In the amended Exempt Salary Ordinance, the recommended range minimum salaries were reduced by 12%. Because the most extreme adjustments occurred in lower ranges, the minimums for ranges C44/C51 and below were reduced an additional 4%. No changes in the maximum of the new ranges are recommended; these more accurately reflect the market. These adjustments almost eliminated the cost to implement the new plan (see Financial Considerations). They also reduce the pay compression effect of raising less experienced employees' salaries substantially to the new range minimum, while more experienced employees' salaries remained the same because that adjustment was not necessary.

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Two ordinances are submitted to implement these changes:

1. Exempt Salary Ordinance – This establishes the salary schedule for new exempt pay ranges: B31, B32, C41, C42, C43, C44/C51, C45/C52, D61, D62, D63, E81, E82, and E83. This structure does not include the City Manager or Municipal Court Judges; Council sets these salaries under a separate ordinance. No change to that ordinance is needed at this time.
2. Exempt Classification Ordinance – This establishes the new job classifications and salary range assignments.

The estimated cost of the raises noted above is \$6,600. This cost can be absorbed within the affected departments' budgets.

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

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

(Council Member Skelton momentarily absent)

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Doug Pickard Mr. Pickard, President of the IFF Local 135, stated that they have watched this since its inception and have concerns with the methodology, the salary survey, the criteria that was used to arrive at this point and if the Council finds the criteria valid when the IFF comes to the Council with the same salary survey, the same cost of living adjustments and the same appropriate changes in salary. Stated that they are concern for equitability. Stated that if the Council does not have any concerns with this and approve it, he thinks that they will probably see all of the labor units come back to the Council with the same salary surveys and the same criteria and if it is credible now, they want some assurance that it will be credible then.

Mayor Mayans Mayor Mayans stated that there was a request by Matthew B. Lee from the Employee's Council Chairman to appear on this issue and was told that he could not appear. Asked the City Manager to elaborate as to why the Employee Council Chairman could not appear to explain why they oppose this.

George Kolb City Manager stated that Mr. Lee is a member of the Employee's Council, which is a non-represented, non-recognized employee group within the organization and they report directly to the City Manager and are responsible to the City Manager. Stated that the difference between this group and other members of collective bargaining agreements is that they have a contract with the City Council and you have no such contract with the Employee's Council. Stated that therefore he denied the request.

Mayor Mayans Mayor Mayans stated that if an employee of the City is not part of a bargaining unit, they do not have the ability to address their concerns publicly to the Council.

George Kolb City Manager stated that is correct and that they express their concerns to the City Manager and he has offered to do that and will continue to do so. Stated that is for their protection and well as the Council.

Council Member Skelton Council Member Skelton stated that he is concerned with what Doug Pickard had said and asked if the Director of Law would address some of his concerns.

George Kolb City Manager explained that the City Council in the budget approved a 2% general pay adjustment across the board for all non-represented employees and in addition, the Council is approving up to a 2.5% merit increase based on performance. Stated that the adjustments that will be made and the employees who are impacted by the \$6,600.00, it will bring them up to minimum and that will be credited against the 4.5%, so there will be nothing in addition to that.

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Council Member Gray Council Member Gray stated that he was originally opposed to what was given to the Council the first go around and he has worked with staff to change this to better accommodate the concerns that Mr. Pickard pointed out, which is that we kept equitability between all employees, both represented and non-represented and by doing that we lowered the minimum range of several ranges to allow them to not have over inflated raises for individuals in an effort to "bring them up to market price" for the job. Stated that it is difficult to say that they had to have that salary increase to stay competitive with the market and keep their job, so we changed that and made that accommodation available so that only a few people at the lowest levels would be brought up to a competitive range and that is where the \$6,600.00 dollars comes from

Motion-- Gray moved that amendments be adopted and the ordinances placed on first reading.

Mayor Mayans Mayor Mayans stated that he would vote no for the following reasons: 1) we cannot afford these amendments; 2) it will not provide equity and 3) the non-represented employees have been denied their access to the City Council.

--carried Motion carried 6 to 1, (Mayans-no).

## ORDINANCE

An Ordinance establishing position classifications for exempt and management employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges and repealing Ordinance No. 46-865, introduced and under the rules laid over.

## ORDINANCE

An Ordinance providing for a uniform schedule of standard pay ranges for exempt employees of the city of Wichita, repealing Ordinance No. 46-867 introduced and under the rules laid over.

## **2007 LEGISLATIVE 2007 STATE LEGISLATIVE AGENDA.**

Dale Goter Government Relations Manager reviewed item.

Agenda Report No. 06-1119

Following the Sept. 19th Council Workshop presentation of the proposed 2007 state legislative agenda, the Council was surveyed to determine the agenda's top five priorities. Those results, upon approval by the Council, will be presented to the South-Central Kansas legislative delegation on Jan. 4, 2007.

Each year the City Council adopts a legislative program reflecting the issues of priority that should be addressed by the State Legislature during the 2007 Legislative Session. The City Council was provided with a list of issues to consider and has been asked to rank those issues in order of importance. The City's legislative program is comprised of issues that carry over from the 2006 Legislative session, along with new issues identified by City Departments. Additionally, there are numerous issues that affect other governments or organizations, which make up a coalition agenda. Much of the work during the legislative session is monitoring issues as they arise and supporting or defending proposed legislation.

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The City Council reviewed legislative program and has provided the following input on priorities:

TOP FIVE ISSUES:

- Affordable Airfares
- StopBlight
- Business-driven Technical Education
- Comprehensive Transportation Plan,
- Homeland Security Funding.

OTHER ISSUES:

- Municipal court issues
- STAR bond sunset
- Sex Offender restrictions
- Library
- Franchise Fee Basis
- Electronic Signature, Historic Pres
- Negotiated Bond Sales
- Annexation
- Gaming
- Alcohol Regulation

Many legislative issues can have a financial impact on the City of Wichita. City staff work to defeat or mitigate legislation that negatively impacts City revenues and work to support legislation that assists the City with financing government operations and other programs and services of benefit to the community.

The legislative program can impact all of the City council goals. Positive legislative action on agenda items would enhance the City's ability to serve its constituents.

Position statements and proposals in the 2007 Legislative Program provide support for the City's state goal to preserve its Home Rule authority and to secure legislative authority to enhance and improve government operations and services for the public.

- Council Member Skelton Council Member Skelton stated that he has a question relating to where it says that StopBlight is not going to be an effective tool in dealing with problems such as 10<sup>th</sup> and Volutsia. Stated that he had a discussion with Kurt Schroeder yesterday and that was not his understanding. Stated that he understood that this property or one similar to this could be declared a nuisance and therefore be subject to registration.
- Dale Goter Government Relations Manager stated that there are tools that can be used in that circumstance that there was the thinking that something more was needed to avoid what took place with the imprisonment of a property owner and a failure to the system and that is what this is intended to do, is to give the City greater authority to intervene sooner to avoid those outcomes. Stated that the last three items on the agenda report speak to what can be done under this improved program to deal with abandoned properties and that first item is a more preempted strategy.
- Joe Lang City Attorney stated that not all StopBlight proposals need legislation and regarding the registration, which would help properties that was mentioned, we do not need legislative authority to move ahead with the legislation. Stated that the StopBlight legislation that is going to give us better positions to acquire dilapidated properties and clean them up would be different then a 10<sup>th</sup> and Volutsia type of situations where we are merely just wanting to get on the property and try and clean it up and that can be done with local authority.
- Council Member Skelton Council Member Skelton stated that he feels that it is important that we do pursue better laws and methods that would allow us to abate nuisances in extreme cases.

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- Gary Rebenstorf Director of Law stated that this is giving us all the ammunition that we need to go after these types of properties and to take care of the situation and are looking at it from a local level trying to do everything we can, by our own home rule powers and do everything we can by getting the legislature to provide us more power. Stated that it is a combination of things where we are trying to get all of the ammunition we can to go after these.
- Council Member Brewer Council Member Brewer stated that he knows that we have already established our priorities but one of the things that we have been working on as a City is trying to figure out how we can help the small and disadvantaged businesses. Stated that recently that was an issue in Topeka and some of the Topeka legislatures asked them to send it back to us and ask us to address that particular issue. Stated that Dale Goter has met with the United Builders and contractors and what they are asking the Council to do is to ask the state legislatures to come up with some type of a program, similar to the SBA Program and establish some type of legislation for those small and emerging or disadvantaged businesses.
- Dale Goter Government Relations Manager stated that he was approached by a representative of that organization and asked about the process to get some kind of program set aside for minority contractors in place and he told them that he acts at the direction of the City Manager and the City Council and advised them of the process if they want to get an item endorsed by the City.
- Mayor Mayans Mayor Mayans asked if we already have a program that was initiated in 2003 to help those businesses. Stated that his issue with this that we might have 100 groups coming forward and wanting the Council to put on our agenda, support of their agendas. Stated that he is not sure that we would want to do that. Stated that if Dales sees issues while in Topeka, that perhaps is helpful to the City, sometimes the lobbyist will speak in favor or say this will benefit the City this way but does not know if we would to actually endorse it but can still be speak in favor of it or provide the committee chairman and the committee with a letter of support.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion--  
--carried Mayans moved that Council confirm the top five legislative priorities and endorse the full legislative agenda. Motion carried 7 to 0.

## **2007 LIQUOR TAX**

### **2007 SPECIAL LIQUOR TAX FUND ALLOCATIONS.**

Cathy Holdeman Assistant City Manager introduced Debra Donaldson, Director of Human Services for Sedgwick County who will be joined by Judy Addison, who works for her and is Director of Out-Patient Services and Addiction Treatment Services.

Debra Donaldson Ms. Donaldson reviewed the item.

Agenda Report No. 06-1120

In December of 1999, the City Council set policy guidelines for the use and administration of the Special Liquor Tax dollars received for alcohol and substance abuse prevention and treatment. These policy guidelines were reviewed and reaffirmed at a May 24, 2005 City Council workshop and are being used in the operation and administration of the 2006 Special Liquor Tax Program. The 2006 program has an operating budget of \$1,541,409 and uses 15 different organizations to operate 18 projects in the provision of alcohol and substance abuse prevention, treatment, detoxification, case management and administrative services. There is an option to renew current non-administrative providers through the 2007 calendar year. A comprehensive Special Liquor Tax services request for proposals (RFP) will be required in 2007 to procure services for the 2008 calendar year.

Adopted policy guidelines also promote the use of Special Liquor Tax funds to encourage providers to develop pilot programs that have promising approaches to alcohol and substance abuse prevention and treatment. At the July 11, 2006 City Council meeting the issuance of an innovative pilot projects RFP was authorized and 12 proposals were received in response to its issuance.

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Special Liquor Tax Coalition members are appointed to assess Special Liquor Tax Program needs and make program-funding recommendations to the City Council. Staff of COMCARE, which is the program administrative contractor, conducts monitoring of current programs and has reviewed third quarter outcome results with the Coalition. The Coalition has also reviewed the proposals received in response to the innovative pilot projects RFP. Based on these reviews the Coalition is recommending that the Council renew the contracts for 16 current providers and approve the development of four innovative pilot project contracts for a non-administrative 2007 program total of \$1,542,980.

The Special Liquor Tax Coalition recommends the Council approve contract renewal of 16 2006 funded programs. The only currently funded program not recommended for renewal is the Sedgwick County Behavioral Health Center. This program is not recommended for 2007 funding because the Center is merging with COMCARE of Sedgwick County and represents a conflict of interest since COMCARE is the current Special Liquor Tax Fund Administration Contractor. Sedgwick County is willing to relinquish the Behavioral Health Center funding to remain the administration contractor. The Coalition recommends that the \$98,865 not used for the contract renewal fund additional innovative program proposals.

The four innovative project proposals recommended for 2007 funding include: (1) an Addiction Specialists of Kansas project to provide outpatient alcohol/drug assessment and treatment services to individuals aged 60 and over; (2) a Friends of Recovery Association project to provide a series of workshops, for women housed in three Wichita Oxford houses, on educational topics, domestic violence, expectations, and art therapy; (3) a Regional Prevention Center Safe Streets initiative to provide services to combat the root causes of substance abuse, and its associated problem behaviors, in at-risk children, teens and their families; and (4) a Substance Abuse Center of Kansas (SACK) project to provide substance abuse treatment and case management services, for individuals detained in the Sedgwick County Adult Detention Facility, which are designed to reduce inmate recidivism rates. All four projects contain outcomes based measures, which will be monitored for successful performance.

<u>Current Program Renewals</u>	<u>2006 Funding Level</u>	<u>2007 Recommended Funding</u>
Behavioral Health Center	\$ 98,865	\$ 0
Big Brothers/Big Sisters	\$ 73,400	\$ 73,400
Center for Health and Wellness	\$ 105,527	\$ 105,527
Communities in Schools	\$ 31,652	\$ 31,652
Friends of Recovery	\$ 10,000	\$ 10,000
Knox Center	\$ 34,215	\$ 34,215
Mental Health Association/Pathways	\$ 42,000	\$ 42,000
Recovery Concepts (formerly IATS)	\$ 48,870	\$ 48,870
Miracles, Children's Prevention	\$ 71,800	\$ 71,800
Miracles, Case Management	\$ 150,000	\$ 150,000
Parallax, Detox.	\$ 275,870	\$ 275,870
Parallax, Chronic Relapse	\$ 109,410	\$ 109,410
Regional Prevention Center	\$ 149,070	\$ 149,070
Tiyospaye/Pueblo	\$ 70,000	\$ 70,000
Tiyospaye/CBC	\$ 68,535	\$ 68,535
Youth Dev. Services/Challenge Club	\$ 33,530	\$ 33,530
SACK	<u>\$ 70,236</u>	<u>\$ 70,236</u>
Subtotals	\$1,442,980	\$1,344,115

<u>Submitted Innovative Program Proposals</u>	<u>Proposal Amount</u>	<u>2007 Recommended Funding</u>
Addiction Specialists of Kansas	\$ 97,724	\$ 91,990
Center for Health and Wellness	\$ 100,000	\$ 0
CRC health Group (Wichita Treatment Center)	\$ 100,000	\$ 0
DCCCA – Options Youth Services	\$ 46,250	\$ 0
Friends of Recovery	\$ 3,000	\$ 3,000
Mental Health Association	\$ 17,627	\$ 0
Parallax Program	\$ 34,650	\$ 0
Recovery Concepts (formerly IATS)	\$ 47,517	\$ 0

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Regional Prevention Center	\$ 50,000	\$ 50,000
The Substance Abuse Center of Kansas (SACK)	\$ 53,875	\$ 53,875
The Wichita Children's Home	\$ 54,548	\$ 0
Youth Development Services	\$ 94,067	\$ 0
Subtotals	<u>\$ 699,258</u>	<u>\$ 198,865</u>
Grand Totals	\$2,142,238	\$1,542,980

2007 funding will be available in the Special Liquor Tax Fund to contract with providers for the twenty (20) recommended programs totaling \$1,542,980. Program administration funds are budgeted at \$98,429 for the contract period. No general fund monies are obligated.

The fulfillment of provider agreements will enhance the quality of life of Wichita residents by reducing the negative consequences of alcohol and other drug abuse.

Approval as to form by the Law Office will be obtained prior to the execution of the 2007 Special Liquor Tax provider agreements.

- Mayor Mayans Mayor Mayans stated that he noticed that some of the programs that were given funding in 2006 do not have any recommended funding for 2007.
- Debra Donaldson Ms. Donaldson explained that those were the 12 proposals that were received and when you see the zero funding in the second group, those were groups that were not recommended, however, the Center for Health and Wellness is funded at \$105,527.00 this year and they are recommending that they continue to have that funding for next year.
- Mayor Mayans Mayor Mayans stated that what is not being funded is an innovative program that they submitted.
- Debra Donaldson Ms. Donaldson stated yes and that on the Addiction Specialist of Kansas, they asked for a certain amount of money and they only had so much money to actually distribute and in their proposal they had suggested that they were not going to make active attempts to collect for providing the services. Stated that they came back and recommended that in terms of funding the other programs and to fund them, they believed that they could make up that difference in terms of asking for some kind of compensation, either from insurance or from the individual for providing the treatment. Stated that they figured that they would still be whole.
- Mayor Mayans Mayor Mayans asked if any of the people who make the recommendations have any ties to any of these organizations.
- Debra Donaldson Debra Donaldson stated that none of them are employees or on any of their boards that she is aware of.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Linda Tott Ms. Tott stated that she is with DCCCA, representing Options Youth Services and also River Rock Ranch with Maggie Morris. Stated that they also presented a proposal at this time and have not received any follow up as to whether they were accepted or excluded from the programming. Stated that they made a phone call to inquire what the status was and if a decision had been made and from the phone call were told that they were in the top running and that there would be a meeting today. Stated that she has been working with youth for 20 plus years and that it bothers her that we keep placing the need of the youth at the bottom and feels like what they presented was a strong proposal that needed to have serious consideration. Asked what would be the next step to refile in order to get someone to take note of the need of the youth in this community, with them being one of three in the State of Kansas that service youth. Stated that she feels this is an oversight for them not to have serious consideration at this time. Stated that within their facility of DCCCA, they have to be affiliated with most of these programs that were mentioned and have to service with them in connection to the rest of the programs that have received funding and are inter-connected within this City. Stated that there is oversight for the youth and ignore the importance of the need of this program having financial support and backing of the City. Stated that she would like to know which route she needs to take in order to get someone's attention on this issue.

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- Council Member Brewer Council Member Brewer asked if the board has sent out any information to the various organizations that were or were not receiving funding.
- Debra Donaldson Ms. Donaldson stated that people are officially notified after the City Council has made their decision and no one has been notified at this time unless there was need for clarification.
- Council Member Brewer Council Member Brewer stated that he would make time to sit down and visit with Ms. Tott. Stated that we do not nearly have the amount of funds that we need to address those particular issues in regards to our youth and our drug and alcohol problems and that is the reason we are trying to push and get a lot of things initiated because we are passionate about those things.
- Maggie Morris Ms. Morris stated that she developed River Rock Ranch Youth Mentoring Facility and is curious if their proposal has been denied because she is outside Sedgwick County. Stated that her understanding is that we need to get the youth away from their environments and is very close to Wichita and does a lot of different programs that are not happening around the Wichita area with the youth and have great successes.
- Debra Donaldson Ms. Donaldson stated no that was not the reason.
- Mayor Mayans Mayor Mayans asked how would the organizations appeal to the Council prior to taking action on this public hearing if they do not know whether or not their program is being funded. Stated that it might be more appropriate to indicate to them whether or not the committee has recommended or not recommended funding and will be in front of the Council and that they would have the opportunity to address the Council at that time. Asked what is the reason for having a public hearing if no one knows whether they were funded or not and to what extent.
- Cathy Holdeman Assistant City Manager stated that she would go back and talk to Melinda Walker about this because a valid issue has been raised about the opportunity to appeal, especially in a funding situation like this. Stated that traditionally the purchasing practices that they follow have been to wait for the City Council's approval before they notify someone either way.
- Mayor Mayans Mayor Mayans asked if funding is not going to be provided is there an assessment that can be provided to them that lists the reasons why funding was not provided and to give them corrective action.
- Cathy Holdeman Assistant City Manager stated yes and is sure that Comcare staff would be happy to sit down with them and go over their proposal and say here are the things that were great about it and here are some things that you could do better. Stated that ends up being a learning experience for everyone.
- Mayor Mayans Mayor Mayans asked if we could defer this item so that you have the opportunity to visit with some of the other programs.
- Cathy Holdeman Assistant City Manager stated that there are several time sensitive issues associated with this agenda item and the first is the listing of providers that are recommended to be continued for the 2007 funding. Those are the ones that you have funded in the past and we are asking that you continue that so that the law department can move forward and develop their contract for 2008. Stated that the time sensitiveness on the other providers was to simply afford the time for the logistics of contract development and to get them started in a calendar year because we have made every attempt to move the funding of special liquor tax programs into the calendar year. Suggested that the City Council approve the current because those are just a continuation and they were not in the competitive process.
- Council Member Fearey Council Member Fearey stated that when we started this several years ago, the current program renewals were the innovative ones and we asked for all innovative programs to put in a proposal and there are a lot of performance criteria that they have to live up to and set goals and report back how they met those goals and she knows that the people at a lot of these groups rely on this money and are meeting their goals and they have been able to find some more money and would hate to take money away from what were the innovative programs a few years ago that are working to fund other innovative programs. Stated that she feels that we need to keep going with the current ones.

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(Council Member Martz momentarily absent)

Council Member Brewer Council Member Brewer stated that there are some programs listed that he knows were denied in previous years and that they did go back to them and sit down with them and discussed with them the areas as to why they did not receive funding and these are the areas that improvements need to be made. Stated that after going and working with those particular groups, then the following year they ended up receiving funding and they are where they are at today by doing that. Stated we put this committee together so that they could actually make those evaluations and do those performance reviews and check out those particular companies and thinks this is where we are at today and we could spend forever on this and two weeks is not going to be enough time to go back and review this again. Stated that he feels we should just go with what we have here today but try and look at some type of way to come up with an appeal process.

Motion-- Mayans moved that the Council approve the funding allocations and development of provider  
--carried contract/contract renewals based on those allocations. Motion carried 7 to 0.

## PLANNING AGENDA

Motion-- Mayans moved to approve Planning Consent items 43-56 in accordance with the recommended  
--carried action shown thereon. Motion carried 7 to 0.

(Item 42)  
ZON2006-37

### ZON2006-37-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "GO" GENERAL OFFICE. GENERALLY LOCATED NORTH OF 29TH STREET NORTH AND EAST OF GOVERNEOUR. (DISTRICT I)

John Schlegel Planning Director reviewed the item.

(Council Member Gray momentarily absent)

Agenda Report No. 06-1121

MAPC Recommendations: Approve, subject to a Protective Overlay limiting uses on the site to those permitted in the "NO" Neighborhood Office zoning district, and Personal Improvement Service, and subject to the dedication of one access point to 29th Street North (11-1).

MAPD Staff Recommendations: Deny.

DAB Recommendations: Approve, subject to a Protective Overlay limiting uses on the site to Personal Improvement Service.

The applicant requests a zone change from "SF-5" Single-family Residential to "GO" General Office on a 2.1-acre platted lot located north of 29th Street North and east of the Gouverneur intersection. The site is developed with a church and associated parking. The applicant originally indicated a desire to sell the property for uses permitted under GO zoning, but has now found a contract purchaser wanting to use the site for a children's art school.

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The immediate surrounding area is zoned SF-5 and is developed with single-family residences to the north and east. West of the site is an elementary school and single-family residences. Southwest of the site, across 29th Street, is a SF-5 zoned apartment complex, part of the DP-73 Residential CUP. Southeast of the site is a SF-5 zoned nursing home, also a part of DP-73. GO zoned property exists 560 feet east of the site, on the south side of 29th Street. The western lots of this GO property are vacant; one lot is developed with a medical office use.

District I Advisory Board heard this request on October 2, 2006; one neighbor at that hearing expressed concerns regarding the land uses that would be permitted under GO zoning. The DAB recommended approval, subject to a Protective Overlay limiting the uses on the site to Personal Improvement Services, for the proposed art school.

MAPC heard this request on October 5, 2006; neighbors spoke against the request citing concerns with increased land use intensity on the site and increased traffic. The MAPC approved the request, subject to a Protective Overlay limiting uses on the site to those permitted in the "NO" Neighborhood Office zoning district, and Personal Improvement Service, and subject to the dedication of one access point to 29th Street N.

No formal protest petitions have been filed. However, staff received an e-mail from a residential neighbor opposed to the zone change.

There are no financial considerations.

The goal impact is to promote economic vitality and affordable living.

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

Motion--

Brewer moved to adopt the findings of the MAPC, approve the zone change subject to a Protective Overlay and dedication of one access point on 29th Street North within one year, place the ordinance on first reading, with publication being withheld until the dedication is recorded. 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 (ZON2006-37)

(Item 42)  
ZON2006-38

**ZON2006-38-ZONE CHANGE FROM "LI" LIMITED INDUSTRIAL TO "B" MULTI-FAMILY RESIDENTIAL. GENERALLY LOCATED NORTH OF KELLOGG BETWEEN PATTIE AND LAURA. (DISTRICT I)**

Agenda Report No. 06-1122

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

MAPC Recommendations: Approve (9-3).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Deny (6-3).

The application area, the Kellogg Elementary School building, is currently zoned "LI" Limited Industrial, consistent with its location along Kellogg/US-54. The applicants wish to convert the existing school building into apartments and construct additional freestanding apartments on the site. LI zoning prohibits residential use; therefore, the applicants have requested a zone change to "B" Multi-family Residential, which is considered a downzoning. B zoning permits up to 75 dwelling units per acre. The applicant could request a downzoning to any level of commercial or office zoning, which would permit residential development as well. But, the applicant wishes to restrict the redevelopment

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of the property to multi-family residential. "GC" General Commercial, "LC" Limited Commercial and "GO" General Office all permit 75 dwelling units per acre, equivalent to the B zoning residential density.

Most of the surrounding properties are zoned LI, with the exception of several rezonings to enable the refinancing or sale of residential properties. All immediately surrounding properties to the north and west are developed with single-family residences. East of the site, across Pattie, is a mixture of small businesses, warehousing, manufacturing, school parking and residential uses. Further east of the site, east of Lulu, is a large church complex, which has bought property in the neighborhood over time. South of the site is Kellogg/US-54, a limited access freeway. A pedestrian bridge connects this site with a residential neighborhood south of Kellogg. The greater surrounding neighborhood includes a land use mix of office, retail, manufacturing, warehousing, single and multi-family residential, churches, a childrens theater and a park.

To the north side of Waterman Street, one block north of this site, the Douglas Street corridor was rezoned in 2005 from LI to "CBD" Central Business District. Likewise, west of Washington Street, two blocks west of this site, was also rezoned in 2005 from LI to "CBD" Central Business District. The purpose of that rezoning was to enable residential development and to increase zoning flexibility for the redevelopment of older buildings within these areas.

District I Advisory Board heard this request on October 2, 2006; several small business owners and a representative of the neighborhood church spoke against the request. The DAB recommended denial by a vote of 6-3.

MAPC heard this request on October 5, 2006; several small business owners and a representative of the neighborhood church again spoke against the request. MAPC approved the request by a vote of 9-3.

Staff received several letters of opposition from small business owners and the neighborhood church. Forty-one formal protest petitions have been filed from small business owners and the neighborhood church that owns numerous lots in the immediate area; 10 of these protests are within the official protest calculation area. The official protest results in a 26.3% protest percentage. A protest of greater than 20% requires the governing body to have a  $\frac{3}{4}$  majority override to approve the zone change request.

There are no financial considerations.

The goal impact is to promote economic vitality and affordable living.

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

- Council Member Brewer Council Member Brewer stated that as he was reading the comments and the recommendations from the DAB and MAPC, and the MAPC was questioning the minutes from the DAB, which were apparently not available. Stated that there has been a lot of discussion and there are a lot of people that have been involved in this process that are having difficulty understanding how the process is and since everyone is divided on this issue, he would like to send it back to the MAPC for reconsideration.
- Council Member Fearey Council Member Fearey asked if it would be possible to ask the applicant and some of the business owners to work through staff and get together.
- Motion-- Brewer moved that the application be returned to the MAPC for reconsideration and that staff meet with everyone and see if they can come to some type of an agreement with the neighbors and the people in the community.

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Council Member Skelton Council Member Skelton asked legal what is the criteria needed to send a planning item back to the Planning Commission for reconsideration.

Gary Rebenstorf Director of Law explained that four votes would be the required number of votes to return it to the MAPC and the Council can give direction what they want to have the MAPC consider when they do the reconsideration.

--carried Motion carried 7 to 0.

**VAC2006-00014** **VAC2006-00014-REQUEST TO VACATE A PORTION OF A PLATTED ALLEY RIGHT-OF-WAY, GENERALLY LOCATED BETWEEN FIRST AND SECOND STREETS AND OHIO AND INDIANA AVENUES. (DISTRICT I)**

Agenda Report No. 06-1123

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting vacation of the approximately 250-foot long by 14.25-foot wide portion of the platted alley located between Lots 15 to 24, all in the Mathewson 3rd Addition. This portion of the alley is the northern 1/3 portion of a platted alley that runs from 1st Street to 2nd Street. The applicant plans to redevelop their property, which abuts both sides of the portion of the alley they propose to vacate. The applicant is also proposing to dedicate 24-feet of right-of-way (on the north side of Lot 13, which is owned by the applicant) to provide access to Ohio Avenue, thus preventing the alley from becoming a dead end. There are utilities, manholes and sewer line in this portion of the alley. The Mathewson 3rd Addition was recorded with the Register of Deeds on May 4, 1886.

The MAPC voted (10-0) 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.

A certified copy of the Vacation Order, dedication by separate instruments of additional easement and public right-of-way will be recorded with the Register of Deeds and retain the described portion of vacated alley as easement.

Guarantees for construction of public right-of-way and curbing and reconstruction of the sidewalk.

The goal impact is to ensure efficient infrastructure.

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

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VAC2006-00031

**VAC2006-00031-REQUEST TO VACATE A PORTION OF PUBLIC STREET RIGHT-OF-WAY, GENERALLY LOCATED ON THE SOUTH SIDE OF KELLOGG STREET BETWEEN ROCK ROAD AND THE KANSAS TURNPIKE AUTHORITY INTERCHANGE. (DISTRICT II)**

Agenda Report No. 06-1124

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicants are requesting consideration to vacate a portion of Kellogg Street right-of-way (ROW) that runs parallel to the north lot lines of their property; Lot 1, Block 1, Lankin Addition and Lot 1, Block 1, Lankin Second Addition. There have been recent improvements to this portion of Kellogg Street. There are utilities, drainage, manholes, sewer and water lines in this portion of the public ROW. The Lankin Addition was recorded with the Register of Deeds on May 27, 1969. The Lankin Second Addition was recorded with the Register of Deeds on February 4, 1972.

The MAPC voted (9-0) 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.

There are no financial considerations.

The goal impact is to ensure efficient infrastructure.

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

Motion--  
--carried

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

VAC2006-00036

**VAC2006-00036-REQUEST TO VACATE A PORTION OF A PLATTED EASEMENT, GENERALLY LOCATED ON THE WEST SIDE OF RIDGE ROAD MIDWAY BETWEEN 37TH STREET NORTH AND STATE HIGHWAY K-96. (DISTRICT V)**

Agenda Report No. 06-1125

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the platted 10-foot easement centered on the west lot line of Lot 3, Block A, Northridge Plaza Addition. There are no utilities, manholes, sewer or water lines in the easement. This request is associated with a recorded lot split; SUB2006-89, FILM/PAGE: 28820690 which includes a cross lot drainage agreement, FILM/PAGE: 28820689. The Northridge Plaza Addition was recorded with the Register of Deeds on June 4, 2002.

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.

There are no financial considerations.

The goal impact is to ensure efficient infrastructure.

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

Motion--  
--carried

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

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SUB2005-143

**SUB2005-143-PLAT OF EDWARDS ESTATES ADDITION, LOCATED SOUTH OF 47TH STREET SOUTH AND ON THE EAST SIDE OF MERIDIAN. (DISTRICT IV)**

Agenda Report No. 06-1126

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-1)

The negative vote reflected a Commissioner's concern regarding approval of the drainage plan.

This site, consisting of two lots on 3.99 acres, has recently been annexed into Wichita's city limits. The site is zoned "SF-5" Single-Family Residential District.

A Petition, 100 percent, and a Certificate of Petition have been submitted for sanitary sewer improvements. The site has been approved by the Department of Environmental Services for use of on-site sewage facilities. To guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings, a Drive Approach Closure Certificate was submitted. A joint access opening was established by a Grant of Joint Access Easement. This Easement outlines the responsibilities and future maintenance of the driveway within the easement.

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

There are no financial considerations.

The goal impact is to ensure efficient infrastructure.

The Certificate of Petition, Drive Approach Closure Certificate and Grant of Joint Access Easement will be recorded with the Register of Deeds.

Motion--  
--carried

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

RESOLUTION NO. 06-595

Resolution of findings of advisability and resolution authorizing construction of Lateral 514, Southwest Interceptor Sewer (south of 47<sup>th</sup> Street South, east of Meridian) 468-84265 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.

DED2006-26

**DED2006-26-DEDICATION OF ACCESS CONTROL, LOCATED NORTH OF HARRY AND ON THE EAST SIDE OF WEBB ROAD. (DISTRICT II)**

Agenda Report No. 06-1127

Staff Recommendation: Accept the Dedication.

This dedication is associated with Lot Split No. SUB 2006-67 (Lot 1, Harrison Park 3rd Addition). The Dedication is for access control, except for one opening along Webb Road.

There are no financial considerations.

The goal impact is to ensure efficient infrastructure.

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The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

ZON2006-40

**ZON2006-40-ZONE CHANGE FROM "LC" LIMITED COMMERCIAL TO "TF-3" TWO-FAMILY RESIDENTIAL. GENERALLY LOCATED EAST OF OLIVER AND SOUTH OF HARRY, 1740 SOUTH OLIVER AND 1741 SOUTH GLENDALE. (DISTRICT III)**

Agenda Report No. 06-1128

MAPC Recommendations: Approve, (12-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve, (8-0).

The application area is an unplatted tract 0.4 of an acre in size located at 1740 South Oliver and 1741 South Glendale Avenue and is developed with a single-family residence facing Oliver and an accessory building facing South Glendale Avenue. The accessory building is used for a small animal veterinary clinic that is permitted by the site's "LC" Limited Commercial zoning, subject to a restrictive covenant that restricts uses to a small animal clinic and "GO" General Office uses (see case history below). In 1995, the applicant wanted to be able to have a small animal clinic on the same site as her residence when she rezoned it to LC. Now the applicant desires to sell the property, and in order to get the lowest interest rate the home needs to be down zoned to a residential zoning district. Therefore, the applicant is requesting "TF-3" Two-family Residential zoning. The property is a "through" lot, meaning it has double street frontage. Access for the residence is off of Oliver, while the small animal clinic takes its access off of Glendale.

Property to the north and east is zoned TF-3 and is developed with residences. Property to the south is zoned GO General Office and is developed with a multi-family complex. Clapp Golf course is located to the west, across Oliver.

DAB III heard this request on October 4, 2006, and there were not any citizens who spoke in opposition to the zone change request. The DAB recommended approval of the request by a vote of 8-0. MAPC heard this request on October 5, 2006, and there were not any citizens who spoke in opposition to the zone change request. The action of the MAPC was to approve 12-0. No protest petitions have been received.

There are no financial considerations.

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

Motion--  
--carried

Mayans moved that the zone change be approved and the Ordinance be placed on first reading. 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. (ZON2006-40)

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A06-20R

**A06-20R-REQUEST BY PAUL KELSEY OF KICK 'N' DEVELOPMENT CORP., AND JOHN AND MARILYN DUGAN OF JOHN E. DUGAN FAMILY PARTNERSHIP, TO ANNEX LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF 135TH STREET WEST AND PAWNEE AVENUE. (DISTRICT IV)**

Agenda Report No. 06-1129

The City has received a request to annex 241.56 acres of land generally located northeast of the intersection of 135th Street West and Pawnee Avenue. The annexation area abuts the City of Wichita to the east and to the south. The property owner anticipates that the proposed property will be developed with 537 residential units over the next 10 years. A plat has been submitted to the Metropolitan Area Planning Department for review.

**Land Use and Zoning:** The proposed annexation consists of approximately 241.56 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north is undeveloped, with the exception of an electric substation and is zoned "SF-20" Single-Family Residential. Property to the east, is currently undeveloped, but will soon be developed as Turkey Creek Second Addition, and is zoned as "SF-5" Single Family Residential. Property to the south is partially developed with a few residential units and is zoned as "SF-20" and "SF-5 Single-Family Residential. Property to the west of the subject property is primarily undeveloped with only two residences and is zoned "SF-20" Single-Family Residential.

**Public Services:** The closest water line is an 8" water main in the Turkey Creek Addition to the east. In addition, a 16" water main is under design that would run through the intersection of Pawnee Avenue and 119th Street West. The closest sewer main is a 12" sewer main that runs across the northeast corner of the subject property.

**Street System:** The subject property borders 135th Street to the west, which is a gravel road. The subject property also borders Pawnee Avenue to the south, which is a 2-lane asphalt mat street. The Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program have scheduled improvements to 135th Street West from US-54 to 47th Street South--along the western edge of the subject property. The City of Wichita Capital Improvement Program (CIP) 2005-2014 has scheduled improvements to Pawnee Avenue from 119th Street West to Maize Road, as well as, 119th Street West from Maple Street to Pawnee Avenue--both east 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. 17, located at 10651 W. Maple. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

**Parks:** The Pawnee Prairie Park, a 625-acre park, is located approximately 2 miles to the east of the proposed annexation site. Amenities at the park include a five-mile bridle trail, an eight-mile nature trail, a municipal golf course, a nature center and parking areas that accommodate horse trailers. Several horse stalls are also available. In addition, Air Capital Memorial Park, a ten-acre park, is adjoining Pawnee Prairie Park to the north. Meadow Park, a 51-acre park, and the Auburn Hills Golf Course, a 158-acres, 18-hole championship golf course is located approximately 1 mile north of the subject property. West Millbrook Park, a 25.6-acre park, is located next to Meadow Park, located approximately 1 mile north of the subject property and contains a softball diamond, a children's play area, a picnic table and an open shelter. According to the 1996 Parks and Open Space Master Plan, a pathway has been proposed that would run along the south and east boundary of the subject property.

**School District:** The annexation property is part of the Unified School District 265 (Goddard 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 \$128,660 with a total assessed value of \$24,449. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$1,112 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 537 residential units will be developed within the next 10 years. The total appraised value of this development after completion is estimated at \$49,941,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$180,371 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.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Mayans moved that the annexation request be approved, the Ordinance placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over.  
(A06-20)

A06-21R

**A06-21R-REQUEST BY JAY RUSSELL, OF JRD, LLC, AND ELIZABETH P. WALKER, TO ANNEX LAND GENERALLY LOCATED WEST OF CLIFTON AVENUE TO THE NORTH AND SOUTH OF 55TH STREET SOUTH. (DISTRICT III)**

Agenda Report No. 06-1130

The City has received a request to annex 132 acres of land generally located west of Clifton Avenue to the north and south of 55th Street South--south of the Oaklawn/Sunview Improvement District. The City of Wichita abuts the subject property to the north, east and west. 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, September 28, 2006--subject to staff comments, including the completion of annexation into the City of Wichita.

**Land Use and Zoning:** The proposed annexation consists of approximately 132 acres of property currently zoned "SF-20" Single-Family Residential, which upon annexation will convert to "SF-5" Single-Family Residential. Property to the north of the subject property is zoned "SF-20" and "SF-5" Single-Family Residential and is developed with a few single-family homes, as well as, the Pinaire Mobile Home Park. Property to the south is zoned "SF-20" Single-Family Residential and is primarily agricultural in nature with one home. The Arkansas River borders a portion of the subject property to the west, but land on the west side of the Arkansas River is zoned "SF-5" Single-Family Residential and is developed with a wastewater treatment plant. Property to the east is zoned "SF-5" and "SF-20" Single-Family Residential and is currently undeveloped, but a portion of the property has been platted, and the property owner anticipates the development of approximately 178 single-family homes, as well as, commercial property.

**Comprehensive Plan:** The subject property falls within the 2030 Wichita Urban Growth Area, but the proposed residential use is not consistent with the land use designation of the 2030 Wichita Functional Land Use Guide of the Wichita-Sedgwick County Comprehensive Plan that has anticipated employment/industrial and park and open space uses for the area west of Clifton Avenue.

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The proposed residential use is also not consistent with the Oaklawn/Sunview Neighborhood Revitalization Plan, adopted on March 20, 2002, as an amendment to the Wichita-Sedgwick County Comprehensive Plan. The Oaklawn/Sunview Neighborhood Revitalization Plan recommends that no more 'new' single-family residential development occur within the Oaklawn/Sunview Neighborhood Revitalization Planning Area (including the proposed annexation property) due to a combination of development constraints including floodplain issues, noise impact zones and accident potential zones. However, the noise impact zone of the McConnell Air Force Base has been reduced significantly since the Plan was adopted.

The subject property is also located within the Maximum Mission Area of the McConnell AFB, as identified in the McConnell AFB Joint Land Use Study (JLUS), accepted by the Wichita City Council on May 13, 2005. The study recommends against residential development in the Maximum Mission Area for a two-year period, in order to maximize the future mission options for the base. An Implementation Committee with representatives from the City of Derby, the City of Wichita, Sedgwick County, McConnell AFB and other key stakeholders have evaluated the implications of implementing the proposed recommendations contained in the JLUS and has recently made a recommendation to the three participating jurisdictions to balance future operations at McConnell with the growth needs of Derby, Wichita and Sedgwick County. The Committee's recommendation for the proposed annexation area is to allow single-family residential uses subject to the requirement of noise mitigation in any new building construction in this area.

**Public Services:** The nearest water line is a 12" line located in Clifton, at the entrance of the Pinaire Mobile Home Park, about 1/4 mile north of the subject property. Baughman Company is currently designing a 16" water main in 55th Street, east of Clifton, and in Clifton from 55th Street to 63rd Street. There is also a 27"/30" sewer main through the subject property.

**Street and Drainage System:** The subject property borders Clifton Avenue to the east, which is a paved, two-lane road. In addition, 55th Street South runs through the middle of the subject property, which is also a paved, two-lane road. The 2006 Transportation Improvement Program, the City of Wichita Capital Improvement Program (CIP) 2005-2014 and the Sedgwick County Capital Improvement Program 2006-2010 do not call for street improvements near the proposed annexation site. The Sedgwick County Capital Improvement Program 2006-2010 has scheduled drainage improvements directly east of the subject property, between Clifton Avenue and K-15. These improvements consist of constructing a channel to convey drainage from the bridge under K-15 to the existing channel west of Clifton Avenue.

**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. 19, located at 4440 S. Broadway. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

**Parks:** Emery Park, a 30-acre park, is located approximately 2 miles to the northwest of the proposed annexation site and contains two tennis courts, a BMX track, a concession stand, a basketball court, a children's play area, a restroom, a drinking fountain and a parking area. Chapin Park, a 190-acre park, is located approximately 2 1/2 miles to the northwest from the proposed annexation site and is currently open space that is used by the Radio Control Club for model airplane flying. Palisade Park, a 5-acre park, is located approximately 2 miles to the west of the subject property and is an open space neighborhood park. South Lakes Park, a 250-acre park, is approximately 2 1/2 miles to the west of the proposed site and contains 16 soccer fields, 8 softball diamonds, 1 football field, 3 concession stands, 4 fishing lakes and 2 parking areas. In addition, the South Arkansas River Greenway, a 158-acre park, is approximately 2 miles to the south of the subject property and is undeveloped parkland along the Arkansas River. According to the 1996 Parks and Open Space Master Plan, a pathway has been proposed that would run along the west edge of the proposed property along the Arkansas River. In addition, a potential future park site has been proposed on the northern portion of the subject property.

**School District:** The subject property is part of the Unified School District 260 (Derby School District). Annexation will not change the school district.

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The current approximate appraised value of the proposed annexation lands, according to County records, is \$121,110 with a total assessed value of \$17,481. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$549 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 approximately 370 single-family housing units will be developed within the next ten years. The total appraised value of this residential development after completion is estimated at \$37,000,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$133,633 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.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Mayans moved that the annexation request be approved, the Ordinance placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over.  
(A06-21)

A06-22R

**A06-22R-REQUEST BY TRAVIS J. LITTLEJOHN TO ANNEX LAND GENERALLY LOCATED SOUTH OF HARRY STREET, BETWEEN GREENWICH ROAD AND 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 06-1131

The City has received a request to annex 79.47 acres of land generally located south of Harry Street between Greenwich Road and 127th Street East. The annexation area abuts the City of Wichita to the east and west. The property owner anticipates that the proposed property will be developed with 250 residential units over the next 10 years.

Land Use and Zoning: The proposed annexation consists of approximately 79.47 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north is undeveloped and is zoned "SF-20" Single-Family Residential. Property to the east is partially developed, with the Tara Falls Addition, and is zoned as "SF-5" Single Family Residential. Property to the south is developed, with the Highland Acres Addition, and is zoned as "SF-20" Single-Family Residential. Property to the west of the subject property is a mixture of developed and undeveloped property, consisting of the Sloans Addition, a church and a few scattered homes, and is zoned "SF-5" Single-Family Residential.

Public Services: The closest water line is a 16" water main along the south side of Harry, across the north side of the subject property. There is also an 8" stub on Osie Street, in the Sloans Addition, and another 8" stub on Funston, in the Tara Falls Addition, that are both setup to extend into the subject area. The closest sewer line is a 15" sewer main in the northwest portion of the subject property, between the subject property and the Sloans Addition. In addition, an 8" sewer line runs along the east side of the subject property in the Tara Falls Addition.

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**Street System:** The subject property borders Harry to the north, which is a two-lane, asphalt mat road. The 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 have scheduled Harry to be reconstructed and widened between Greenwich and 143rd Street East, directly north of the subject property. The Sedgwick County Capital Improvement Program 2006-2010 does not call for improvements near the proposed annexation site.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City Station No. 15, located at 7923 E. Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

**Parks:** The WB Harrison Park, a 40.15-acre park, is located approximately 1 mile to the west of the subject property and contains 2 tennis courts, a softball diamond, a rugby field, a children's play area, a restroom, a paved jogging trail, a fishing pond, 2 benches and 12 picnic tables. According to the 1996 Parks and Open Space Master Plan, a pathway has been proposed that would run along the northern edge, through the middle, and along the south edge of the subject property.

**School District:** The annexation property is part of the Unified School District 259 (Wichita 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.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$111,090 with a total assessed value of \$14,853. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$901 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 250 residential units will be developed within the next 10 years. The total appraised value of this development after completion is estimated at \$25,000,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$90,292 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.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Mayans moved that the annexation request be approved, the Ordinance placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over.  
(A06-22)

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A06-23R

**A06-23R-REQUEST BY THOMAS D. JACOB, OF SOUTH GREENWICH, LLC, TO ANNEX LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 53RD STREET NORTH AND MERIDIAN AVENUE. (DISTRICT VI)**

Agenda Report No. 06-1132

The City has received a request to annex 10.61 acres of land generally located southwest of the intersection of 53rd Street North and Meridian Avenue. The annexation area abuts the City of Wichita to the north and to the east. The property owner anticipates that the proposed property will be developed with 110,000 square feet of office and commercial property within the next five years. The Metropolitan Area Planning Department approved a final plat pertaining to this property on September 21, 2006, subject to the annexation of this property into the Wichita city limits.

**Land Use and Zoning:** The proposed annexation consists of approximately 10.61 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north is undeveloped and is zoned "SF-20" Single-Family Residential and "LC" Limited Commercial. Property to the east is currently developed with both commercial and residential property and is zoned as "LC" Limited Commercial. Property to the south and west is primarily agricultural in nature with a few residential units and is zoned as "SF-20" Single-Family Residential.

**Public Services:** The closest water line is an 8" water main along the west side of Meridian, along the east side of the subject property. There are large sewer mains currently under construction, south and west of the subject property. Although these mains are not adjacent to the subject property, they could have laterals extended to the area.

**Street System:** The subject property borders 53rd Street to the north and Meridian to the east. Meridian is a paved 4-lane roadway with improvements at the intersection to add the 5th lane. 53rd Street is paved and is currently 5-lanes at the intersection and tapers back to 2-lane west of Meridian. The City of Wichita Capital Improvement Program (CIP) 2005-2014, the Transportation Improvement Program 2006-2010 and the Sedgwick County Capital Improvement Program 2006-2010 do not call for improvements near the proposed annexation site.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a two (2) to three (3) minute approximate response time from City Station No. 13, located at 3162 W. 42nd Street North. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 E. 21st Street North.

**Parks:** The Brooks Tract Park is currently being developed, which is a 272-acre park located approximately 1/2 mile to the southwest of the proposed annexation site. In addition, Hellers Park is a 32-acre park, located approximately 2 miles to the southeast of the proposed annexation site. Hellers Park has a half-mile dirt trail and is designated as a Wichita Wild Habitat Area. According to the 1996 Parks and Open Space Master Plan, a pathway has been proposed that would run along the north boundary of the subject property.

**School District:** The annexation property is part of the Unified School District 262 (Valley Center 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 \$2,350 with a total assessed value of \$705. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$22 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 110,000 square feet of office and commercial property will be developed within the next five years. The total appraised value of this development after completion is estimated at \$13,200,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$103,640 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.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Mayans moved that the annexation request be approved, the Ordinance placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over.  
(A06-23)

**A06-24R**

**A06-24R-REQUEST BY MICHAEL J. BOYD, OF BOX DEVELOPMENT, LLC, TO ANNEX LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 37TH STREET NORTH AND RIDGE ROAD. (DISTRICT V)**

Agenda Report No. 06-1133

The City has received a request to annex 0.96 acres of land generally located southwest of the intersection of 37th Street North and Ridge Road. The annexation area abuts the City of Wichita to the north and to the east. The property owner anticipates that the proposed property will be developed with 8,000 square feet of office or commercial property in the next two years. The Metropolitan Area Planning Department approved the one-step final plat pertaining to this property on September 21, 2006; subject to the annexation into the Wichita city limits.

**Land Use and Zoning:** The proposed annexation consists of approximately 0.96 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north and east is undeveloped and is zoned "LC" Limited Commercial. Property to the south is undeveloped and is zoned as "SF-20" Single-Family Residential. Property to the west of the subject property is primarily undeveloped with only two residences and is zoned "SF-20" Single-Family Residential.

**Public Services:** The closest water line is a 16" water main along the south side of 37th Street North, across the north side of the subject property. There is an 18" sewer main on the north side of 37th Street North and an 8" public sewer two parcels to the east of the subject property; either could have an 8" public sewer extended to the subject property.

**Street System:** The subject property borders 37th Street to the north, which is a 2-lane asphalt mat road. The City of Wichita Capital Improvement Program (CIP) 2005-2014 and the Transportation Improvement Program (2006-2010) have scheduled improvements to 37th Street North from Maize to Ridge Road, directly north of the subject property. The first phase of this project will be to improve 37th Street to 4/5 lanes with landscaped medians between Ridge Road and Tyler Road, which is scheduled to begin soon. The Sedgwick County Capital Improvement Program 2006-2010 does not call for improvements near the proposed annexation site.

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Public Safety: Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City Station No. 16, located at 1632 North Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The Brooks Tract Park, a 272-acre park located approximately 1 1/2 miles to the northeast of the proposed annexation site, is currently being developed into a regional park. The North Ridge Village Addition Reserve D, a 17-acre park located 1/2 mile northeast of the subject property, is undeveloped and functions as habitat for the Eastern Spotted Skunk. In addition, the Sedgwick County Zoo is located approximately 2 miles south of the subject property.

School District: The annexation property is part of the Unified School District 266 (Maize 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.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$7,680 with a total assessed value of \$921. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$29 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 8,000 square feet of office or commercial property will be developed within the next two years. The total appraised value of this development after completion is estimated at \$960,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$7,537 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.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Mayans moved that the annexation request be approved, the Ordinance placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over.  
(A06-24)

**A06-26R**

**A06-26R-REQUEST BY QUENTIN J. MOEDER TO ANNEX LAND GENERALLY LOCATED  
SOUTHWEST OF THE INTERSECTION OF 45TH STREET NORTH AND HOOVER ROAD.  
(DISTRICT VI)**

Agenda Report No. 06-1134

The City has received a request to annex 2.67 acres of land generally located southwest of the intersection of 45th Street North and Hoover Road. The annexation area abuts the City of Wichita to the east. The property owner anticipates that the proposed property will be developed with 23,000 square feet of office or commercial property over the next 10 years. The Metropolitan Area Planning Department approved the one-step final plat (Mandy Kay Commercial Addition) pertaining to this property on September 21, 2006, subject to annexation into the Wichita city limits.

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**Land Use and Zoning:** The proposed annexation consists of approximately 2.67 acres of property currently zoned "SF-20" Single-Family Residential and "LC" Limited Commercial. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential, while the "LC" Limited Commercial zoning will remain. Property directly to the north is undeveloped and is zoned "LC" Limited Commercial. Property to the east is undeveloped and is zoned as "SF-5" Single Family Residential and "LC" Limited Commercial. Property to the south is primarily undeveloped with the exception of two single-family homes and is zoned as "SF-20" Single-Family Residential. Property to the west of the subject property is primarily undeveloped, with only two residences as well, and is zoned "SF-20" Single-Family Residential and "LC" Limited Commercial.

**Public Services:** There is a 20" water main in Ridge Road coming from the south and ending at the south line of K-96, as well as, a 20" water main at 29th Street North and Hoover Road. The closest sewer main is an 18" sewer main in 37th Street North, at the mid-mile between Ridge and Hoover Road.

**Street System:** The subject property borders Hoover Road to the east, which is a paved, two-lane 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 do not call for improvements near the proposed annexation site.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City Station No. 13, located at 3162 West 42nd Street North. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 East 21st Street North.

**Parks:** The Brooks Tract Park, a 272-acre park, located directly east of the subject property, is currently being developed into a regional park. The North Ridge Village Addition Reserve D, a 17-acre park, located 1 1/2 miles southeast of the subject property, is undeveloped and functions as habitat for the Eastern Spotted Skunk. In addition, the Sedgwick County Zoo is located approximately 3 miles south of the subject property.

**School District:** The annexation property is part of the Unified School District 266 (Maize 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.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$102,340 with a total assessed value of \$11,930. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$830 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 23,000 square feet of office or commercial property will be developed within the next 10 years. The total appraised value of this development after completion is estimated at \$2,760,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$21,670 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.

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The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Mayans moved that the annexation request be approved, the Ordinance placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over.  
(A06-26)

A06-27R

**A06-27R-REQUEST BY JAY W. RUSSELL, OF RUSSELL INVESTMENTS, LLC AND MICHAEL POPP TO ANNEX LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 37TH STREET NORTH AND RIDGE ROAD. (DISTRICT V)**

Agenda Report No. 06-1135

The City has received a request to annex 59.29 acres of land generally located southwest of the intersection of 37th Street North and Ridge Road. The annexation area abuts the City of Wichita to the north, east and south. The property owner anticipates that the proposed property will be developed with 29 single-family units and 6,100 square feet of office or commercial property in the next three years. The Metropolitan Area Planning Department approved the final plat (Pier 37 Addition) pertaining to this property on October 5, 2006, subject to annexation into the Wichita city limits.

Land Use and Zoning: The proposed annexation consists of approximately 59.29 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north is undeveloped and is zoned "SF-5" Single-Family Residential and "LC" Limited Commercial. Property to the east is primarily undeveloped, with the exception of a few medical offices, and is zoned "NR" Neighborhood Retail District and "LC" Limited Commercial. Property to the south is undeveloped and is zoned as "LI" Limited Industrial. Property to the west of the subject property is primarily undeveloped, with the exception of a few farmstead homes, and is zoned "SF-20" Single-Family Residential.

Public Services: There is a 20" water main along the east side of Ridge Road, east of the subject property, and a 16" water main along the south side of 37th Street North, along the northern edge of the subject property. There is a 12" sewer main along the south line of the subject property. In addition, there is an 18" sewer main on the north side of 37th Street North and a 24" public sewer main along the west side of Ridge Road, along the east line of the subject property.

Street System: The subject property borders 37th Street to the north, which is a 2-lane asphalt mat road. The City of Wichita Capital Improvement Program (CIP) 2005-2014 and the Transportation Improvement Program (2006-2010) have scheduled improvements to 37th Street North from Maize Road to Ridge Road, directly north of the subject property. The first phase of this project will be to improve 37th Street North to 4/5 lanes with landscaped medians between Ridge Road and Tyler Road, which is scheduled to begin soon. The Sedgwick County Capital Improvement Program 2006-2010 does not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City Station No. 16, located at 1632 North Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

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Parks: The Brooks Tract Park, a 272-acre park, located approximately 1 1/2 miles to the northeast of the proposed annexation site, is currently being developed into a regional park. The North Ridge Village Addition Reserve D, a 17-acre park, located 1/2 mile northeast of the subject property, is undeveloped and functions as habitat for the Eastern Spotted Skunk. In addition, the Sedgwick County Zoo is located approximately 1 1/2 miles south of the subject property.

School District: The annexation property is part of the Unified School District 266 (Maize 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.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$498,880 with a total assessed value of \$59,436. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$1,866 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 29 single-family units and 6,100 square feet of office or commercial property will be developed within the next three years. The total appraised value of this development after completion is estimated at \$8,852,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$35,074 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.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Mayans moved that the annexation request be approved, the Ordinance placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over.  
(A06-27)

## **HISTORIC PRESERV. AUTHORIZE SUBMISSION OF HISTORIC PRESERVATION FUND GRANT PROPOSAL FY2007. (DISTRICT I)**

Agenda Report No. 06-1136

As a Certified Local Government (CLG), the City of Wichita is eligible to participate in the Historic Preservation Fund (HPF) Grant program administered by the Kansas State Historic Preservation Office to finance activities that will contribute to planning for the preservation of our built environment and archaeological resources. Each year the State Historic Preservation Office identifies priority projects. This grant proposal meets the top two priorities established for the FY 2007 preservation grant funds. City Council action is needed to authorize the City Manager to sign the assurances required for submission of the grant proposal.

The grant is to provide funding to hire a consultant to complete an historic inventory survey of approximately 360 structures within the Central Business District in an area bounded by the Union Pacific Railroad on the west, Kellogg on the south, Ellis on the east and Douglas on the north. The Historic Preservation Board, in conjunction with the Planning Commission's Advance Plans Committee, identified this area to be surveyed in anticipation of development activities associated with the Sedgwick County Arena project.

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HPF grants require a 40 percent match of the total project cost. The total cost is \$33,840 with federal grant funds of \$20,000 and a City match of \$13,640. City match is provided through staff time, there is no actual cost match.

The City of Wichita Historic Preservation Office annually submits grant proposals to fund projects that promote the goals outlined in the City of Wichita Historic Preservation Plan. The grant proposals fund projects that are not included in the Historic Preservation Office annual City budget.

Grant projects will not be undertaken until programmatic agreements have been executed with the State Historic Preservation Office.

There is no actual cash match. City match is provided by documented staff hours, which is recorded as cash match on the application.

Goal Impact: Core Area and Neighborhoods

Motion--

--carried

Mayans moved that City Council authorize the submission of the grant proposals for FY2007 Historic Preservation Fund Grant through the Kansas State Historic Society and authorize the City Manager to sign the grant application and assurance documents. Motion carried 7 to 0.

## AIRPORT AGENDA

Motion--

--carried

Mayans moved that the Airport consent item be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

SA NO. 1

## PAVEMENT CONDITION INVENTORY SUPPLEMENTAL AGREEMENT NO. 1, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 06-1137

On July 18, 2006 the Wichita Airport Authority approved an agreement with Applied Pavement Technology for \$134,166.29 to inventory the condition of the airfield pavements.

A supplemental agreement has been prepared to authorize additional services to study the North Cargo Apron pavement in greater detail than in the initial scope of services.

The cost of the services is \$4,590.00 and will be funded with General Obligation Bonds paid for with Airport Revenue, and is within the project budget.

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

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

Motion--

--carried

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

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## CITY COUNCIL

### **VOTING DELEGATES SELECTION OF NATIONAL LEAGUE OF CITIES ANNUAL BUSINESS MEETING VOTING AND ALTERNATE VOTING DELEGATES.**

Motion-- Brewer moved to nominate Paul Gray as the voting delegate and Bob Martz as the  
--carried alternate. Motion carried 7 to 0.

### **BOARD APPTS. BOARD APPOINTMENTS.**

Council Member Schlapp Council Member Schlapp requested that Susan Pompeo be appointed to the Cultural Funding Committee.

Council Member Skelton Council Member Skelton requested that the following be reappointed to DAB III: Matt Foley, Teresa Cook, Jessie Sheffield, Jim Gulick, Bill Ward, Duane Kitchen, Charlotte Foster, John Kemp, Gary Myers, Judy Dillard and Joanne Hartig.

Council Member Brewer Council Member Brewer requested to accept the recognition from Denise Sherman and appoint Don Sherman as her replacement on MAPC.

Mayor Mayans Mayor Mayans requested to accept the resignation of Yolanda Orozco on the Cultural Funding Committee and to appoint Dan Rouser in her place.

Motion--carried Mayans moved to approve the appointments. Motion carried 7 to 0.

### **OFF AGENDA ITEM**

Council Member Gray Council Member Gray stated that he would like Gary Rebenstorf, to prepare a report on the process and procedure of how this Council can censure another member of this body for inappropriate behavior. Stated that he would also like a report on how to legally release information presented in Executive Session and deemed privileged. Stated that he must note, this information is only a request and does not pertain to any particular individual or specific event. Stated that he is only asking for this information in an effort to ensure and protect the trust of the public.

Mayor Mayans Mayor Mayans stated that the Council has not officially adopted any rules, for example Robert's Rules of Order and Robert's Rules of Order talks about executive sessions and one suggestion that he would like to make is that the Council adopt Robert's Rules of Order so that it will encompass all of this because right now we have not officially adopted any set of rules except for rules throughout the year that have been put in place for different reasons and different agendas.

Gary Rebenstorf Director of Law stated that the current ordinance reads that the Council at some point in time adopted a set of rules of procedure for the Council and they are listed as ordinances in the City code book and one of those ordinances does provide that the Council decided not to adopt Robert's Rules of Order as they felt it was for larger organizations and not for a smaller organization such as the City Council. Stated that we do have a provision right now that we do not follow Robert's Rules of Order but the rules of order that were adopted by the Council.

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- Mayor Mayans  
Mayor Mayans stated that this would simplify things and everybody would understand what all the rules are and he feels that it is very appropriate that when the Council go into closed sessions, that we have the City Clerk at those sessions to record the start and end and to record anyone who is present because in our closed sessions, we have several topics where we have different people coming in and out to present and answer questions on a particular topic. Stated it is difficult to go back three or four years and say who was at that meeting because no record of it is kept. Stated that he feels it is very appropriate for the clerk to be present at the meetings to record the individual's names that are there and to be part of the record. Stated that he would also like to suggest that the Council take a look at recording an executive session, so that if there is ever a complaint filed by an outside entity about what was or was not discussed, that we have a record of that and the process would be that if a complaint was filed, that a district court judge listens to the tape based on the nature of the complaint and only that portion of the tape and if it is a valid complaint then that information is released to the media and if it is not a valid complaint, then no information is released to the media. Stated that he feels this would be a huge open meeting and open government tool, which is rarely used but very appropriate to address some of the concerns that someone that does not participate in the closed sessions would have.
- Council Member Gray  
Council Member Gray stated that he thinks that sounds great and would be beneficial if we had that recorded record but as far as the clerk being present, would it be appropriate for the clerk to be outside the door so she can monitor who is coming in or out.
- Mayor Mayans  
Mayor Mayans stated that many other public bodies have the clerk available to record who is there. Stated that when you have a closed session and the item has already been determined, the information is public information. Stated that items that are inappropriately brought up or said at a closed session, that is not private. Stated that private is company secrets, numbers that pertain to a company's financial stability but if some member brings forward an issue that does not pertain to this or other issues that are inappropriate, that is open and is not closed. Stated that if we have a record of it, then whenever there is a question, a third party would look at it.
- Gary Rebenstorf  
Director of Law stated that from a legal standpoint what is discussed in executive session, remains confidential and it does not become open after the executive session is over because the purpose of the executive session is to allow the Council to discuss the item in a closed session but not have the ability to take any action but have the opportunity to have an open discussion about the issue and talk about information and there is no vote in executive session. Stated that once the item comes back to the Council for a vote, that does not release that information to be public, it is still confidential information,
- Mayor Mayans  
Mayor Mayans asked if that would not be subject to open records if they ask what was discussed.
- Gary Rebenstorf  
Director of Law stated no and that they have litigated that issue where they have been in a lawsuit where someone has asked for information that was discussed in the executive session and the court has ruled that is not information that is available.
- Mayor Mayans  
Mayor Mayans stated that if someone in executive session proposes something that is illegal, that becomes secret.
- Gary Rebenstorf  
Director of Law stated that if someone proposes something in executive session that was illegal, then he would turn him or her in as the City Attorney. Stated that if something were recommended to be illegal in an executive session, then he would advise the Council that is not appropriate and that the Council could not consider it.
- Mayor Mayans  
Mayor Mayans stated that he was reading the Kansas Statutes about cities of the first class and it is important that we have a person that is the attorney for the Council and a person that is the attorney for the manager. Stated that the cities of the first class statutes do ask for the separation and somehow in our city it was combined. Stated that he feels in government it is important that we keep things open and that the citizens understand that we are looking after their financial responsibility and if we provide some of these strategies we will provide the message that we are not having "secret meetings" or the type of issue that happened in April 1, 2003.

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Gary Rebenstorf Director of Law stated that the City Attorney is City Attorney for the City of Wichita and the clients are the City Council and the employees of the City who are represented by the Council. Stated that the Council acts as a body and the City Attorney is the legal counsel for that body and he does not believe that there is any distinction as far as the first class city is concerned in the statutes and that the rules of the City Council say that the City Attorney is the City Attorney for the Council as well as the whole City. Stated that he feels that the Council has complied with the Open Meetings and Open Records law that are on the books right now and does not think that there has been any violations of that and if Council would like to do more they obviously can.

(Council Member Fearey momentarily absent)

Council Member Skelton Council Member Skelton stated that he would like to reiterate that he would like our policies regarding this issue updated and revised.

Council Member Martz Council Member Martz stated that he has a problem with insinuating a “secret meeting” on April 1, 2003. Stated that is a past issue and is no longer an issue and it was not a “secret meeting” and he does not like the implication that it was. Stated that one of his concerns with recording the executive session is that there is a difference in protecting confidential statements and the substance of a matter and he has no problem at all when an issue is discussed after it is voted on, the substance of that matter and that is open but there are confidential statements that are made in executive session that he believes should be protected and if there is a recording, then he feels that recording would get released and the confidentiality will be compromised and he has a problem with that because if we can not protect confidential statements, regardless of what they are, then we might as well not have executive sessions.

Council Member Gray Council Member Gray stated that one of the reasons that he thinks it is good to record those meetings is because if you have individuals that are out in the community making false allegations for whatever reasons, it provides that protection for that individual that is being wrongly accused of saying something. Stated that he feels that is very beneficial and that is why he thinks it is a good idea to protect it as well as to protect the community if anyone ever does have a concern that something inappropriate took place. Stated then there is a third party that would review it.

Council Member Brewer Council Member Brewer stated that the law department does a good job and in a fair and just manner and they are the attorney for the City and you are suggesting to make a change today that works fine for you but three or four years from now, new Council will come on board and somebody will turn around and say that does not work for me and wants to change it. Stated that this is an on-going process in trying to establish and saying what is currently in place does not work or is not good and does not feel that is a good statement and thinks the correct statement would be that this does not work for me and I would like to change it to this. Stated that Gary works very hard in making sure that the Council does not violate any rules and does not feel that it is a good idea to have the clerk present at these meetings to take the minutes or who was present at those meetings and the city attorney is there to take a head count and if anyone questions us about what took place in executive session, then we are to refer them back to law department and do not discuss it because every single issue discussed has an impact or has something to do with the law and it also has information that has to do with including city employees and specific names and those are things that he feels is not right to be able to publish their names because they are city employees.

Council Member Skelton Council Member Skelton stated that he feels it is important that the City Council operates on a current set of rules that reflect the structure and the ordinances that have changed since the last revision and the last revision was very long ago.

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(Council Member Skelton left bench)

## RECESS

Motion-- Mayans moved that the City Council recess into Executive Session at 12:45 p.m. 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 and confidential data relating to the financial affairs or trade secrets of a business 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 6 to 0, (Skelton absent).

--carried

## RECONVENE

The City Council reconvened in the City Council Chambers at 2:10 p.m.

Motion--carried Mayans moved to extend the executive session until 2:30 p.m. Motion carried 4 to 0, (Fearey, Martz and Skelton absent).

## RECONVENE

The City Council reconvened in the City Council Chambers at 2:30 p.m. Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved at 2:30 p.m. to close the Executive Session. Motion carried 6 to 0, (Skelton absent).

Motion--carried Mayans moved at 2:31 p.m. to close the Regular Meeting. Motion carried 6 to 0, (Skelton absent).

Adjournment The City Council meeting adjourned at 2:31 p.m.

Respectfully submitted,

Karen Sublett CMC  
City Clerk

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