

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 22, 2008
Tuesday, 9:38 A.M.

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

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

The Minutes of the regular meeting of April 15, 2008, approved 6 to 0, (Fearey absent).

- Ed Flentje Interim City Manager stated that his interpretation of the ordinance regarding workshop consent agenda items is that it is only for consent items and that he has received some push back from planning and the airport departments. Stated he would make allowances for emergency planning or airport items but as a general rule, this agenda is for consent items only.
- Council Member Gray Council Member Gray stated that part of the reason for this was specifically for planning items and does not see a problem with allowing planning and airport consent items to pass as well. Stated that there is no need to put off these items for two weeks and it is a way to streamline the process.
- Ed Flentje Interim City Manager stated he would be happy to proceed in that manner if the Council wishes.
- Vice-Mayor Schlapp Vice-Mayor Schlapp stated the Council has had long discussions on this and she concurs with Council Member Gray.
- Council Member Longwell Council Member Longwell stated if the items are of consent nature, we should be consistent and bring them forward.
- Council Member Skelton Council Member Skelton stated he has no objections hearing planning and airport consent items.
- Ed Flentje Interim City Manager stated he will proceed on that basis.

CONSENT AGENDA

Council Member Longwell Council Member Longwell requested that item 2 be pulled.

Motion-- Brewer moved that Consent Agenda Items 1-19 e be pulled in accordance with the recommended
--carried action shown thereon, excluding item 2. Motion carried 6 to 0, (Fearey absent).

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 21, 2008.

Bids were opened April 18, 2008, pursuant to advertisements published on:

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

Lead Services Replacement north of MacArthur, west of 119th Street West (448-90382/636186/777577) Traffic to be maintained during construction using flag persons and barricades. (District I, II, III, IV)

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Utilities Plus - \$180,500.00

Storm Water Drain #337 to serve Webb Business Park Addition north of 37th Street North, west of Webb (468-84431/751469/485360) Traffic to be maintained using flag persons & barricades. (District II)

Bob Bergkamp Construction - \$252,140.99

2008 Sanitary Sewer Rehabilitation, Phase A north of Harry Street, east of Meridian (468-84484/620504/668623) Traffic to be maintained using flag persons & barricades. (District I, II, III, VI)

Utility Maintenance Contractors - \$276,879.00

Laguna/Glen Wood from the west line of Lot 7, Block 4 to the south line of Lot 12, Block 4; Sierra Hills from the south line of Laguna to the south line of Lot 1, Block 5; Glen Wood Court serving Lots 13 through 24, Block 5 from the east line of Glen Wood to and including the cul-de-sac; Laguna Circle serving Lots 2 through 12, Block 5 from the east line of Laguna to and including the cul-de-sac; Gilbert Court serving Lots 20 through 28, Block 4 from the south line of Gilbert to and including the cul-de-sac; Gilbert from the west line of Lot 28, Block 4 to the east line of Lot 20, Block 4 to serve Country Hollow Addition south of Kellogg, east of 127th Street East (472-84351/766206/490224) Does not affect existing traffic. (District II)

Kansas Paving Company- \$310,456.25

24th Street from the west line of Monarch Landing 2nd Addition to the east line of Lot 1, Block 2; Chelmsford from the north line of 24th Street to the north line of Lot 13, Block 1; Ridgehurst/Ridgehurst Court from the north line of 24th Street to the east line of Lot 10, Block 3; Graystone/Graystone Court from the south line of Lot 6, Block 4 to the south line of 24th Street; Graystone Circle, serving Lots 39 through 52, Block 1, from the north line of 24th Street to and including the cul-de-sac to serve Monarch Landing 2nd Addition north of 21st Street North, west of 159th Street East (472-84612/766202/490220) Does not affect existing traffic. (District II)

Kansas Paving Company- \$353,998.17

Motion--

Brewer 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 necessary signatures be authorized. Motion carried 6 to 0, (Fearey absent).

--carried

POOL CHEMICALS: Park and Recreation Department/Maintenance Division.

United Industries Inc - \$27,300.00 - Group 1
United Industries Inc - \$1,687.50 - Group 2
Harcros Chemicals Inc - \$7,225.00 - Group 3
United Industries Inc - \$2,325.00 - Group 4
United Industries Inc - \$780.00 - Group 5

AIRPORT ROAD NORTH OVERLAY REHAB: Airport /Engineering.

Apac-Kansas Inc - \$303,879.00

ADA MODIFICATIONS VARIOUS FACILITIES: Public Works Department/Building Services Division.

PPJ Construction Inc - \$99,500.00

RUBBER TIRED TRACTOR 90 HP W/FRONT LOADER: Public Works Department/Fleet Maintenance Division.

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Schmidt and Sons Inc - \$76,394.00 - Base Bid
(\$15,700.00) - Option 1 Deduct
\$2,338.76 - Option 2
\$1,900.00 - Option 4
Included - Option 5
\$64,932.76 Total Bid

INTERIOR AND EXTERIOR MODIFICATION 1 HOUSE: Housing and Community Services Department/Public Housing Division.

Arambula Construction Co Inc. - \$43,216.00

TRAFFIC SIGN BLANKS: Public Works Department/Maintenance Division.

Osburn Associates Inc.* - \$26,598.25
*Estimate – Contract approved on unit cost basis;
refer to attachments.

RBI PASSIVE TEST WELL - ASR PHASE 1: Water Utilities Department/Production and Pumping Division.

Layne Western Company - \$64,834.32

CENTURY II DRESSING ROOM REMODEL: Public Works Department/Building Services Division.

Schrader Bros and Assoc - \$210,959.87 - Base Bid
\$106,147.00 - Group 1 Option 1
\$77,180.00 - Group 1 Option 2
\$394,286.87 - Bid Total

HERMAN MILLER SYSTEM FURNITURE FOR STORM WATER AND FLOOD CONTROL FIELD OPERATIONS – RQ800534: Public Works Department/Storm Water Division.

John A Marshall Co* - \$35,578.17
*Purchases utilizing Government Entities Contracts,
Cooperative Contracts and Agreements - Ordinance
No. 38-122 Section 2.64.020 (j).

Motion--
--carried

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

(ITEM 2) LICENSE

APPLICATIONS FOR LICENSES:

Renewals

Lewis F. Self	After Dark Video	7805 West Kellogg
Lewis F. Self	After Dark Video	3721 South Broadway
Lewis F. Self	After Dark Video	2809 North Broadway

Motion--carried

Brewer moved to defer to the next scheduled regular meeting. Motion carried 6 to 0, (Fearey absent).

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CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Renewal 2008 (Consumption off Premises)
Michael Crowe Pops Pickup Inc. 1925 West 21st North

Renewal 2008 (Consumption on Premises)
Joseph T. Weber Club Billiards* 925 West Douglas

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

Motion--carried

Brewer moved to approve licenses subject to Staff review and approval. Motion carried 6 to 0, (Fearey absent)

PRELIMINARY EST

PRELIMINARY ESTIMATES:

- a. 29th Street North, Maize to Tyler - Phase 2 Landscaping (29th Street North, west of Tyler) (472-83868a/706868/204334) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$147,000.00
- b. 2008 Contract Maintenance Preparatory Work & Repairs (north of 71st Street South, east of 167th Street West) (472-84706/132721/792409/620799/133116/) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, V, VI) - \$431,600.00
- c. Lateral 412 Four Mile Creek Sewer to serve Sierra Hills Addition (north of Pawnee, east of 127th Street East) (468-84499/744280/480969) Does not affect existing traffic. (District II) - \$71,000.00
- d. Water Distribution System to serve Sierra Hills Addition (north of Pawnee, east of 127th Street East) (448-90371/735415/470088) Does not affect existing traffic. (District II) - \$45,000.00

Motion--carried

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

PETITION

ORNAMENTAL STREET LIGHTS AT THE INTERSECTION OF DOUGLAS AND OLIVER. (DISTRICT II)

Agenda Item No. 5a.

On April 15, 2008, the City Council approved a construction contract to improve the intersection of Douglas and Oliver. A part of the work is the installation of ornamental street lights at the request of adjacent businesses. The property owners agreed to contribute \$50,000 to the project with Special Assessment funding. They have submitted a Petition that has been signed by five owners representing 100% of the improvement district.

The street lights are designed to reflect the character of the College Hill business community.

The Street Light Project totals \$150,000, with \$50,000 paid by Special Assessments and the balance by General Obligation bonds. Approximately 2/3 of the project amount is for the part of the system that would be included in the project cost with traditional lighting and paid for by the City. As a result, the special assessments are effectively paying 100% of the upgraded cost to the ornamental street lights. The General Obligation share of the cost was included in the budget for the Douglas and Oliver CIP project.

This project addresses the Efficient Infrastructure goal by improving an important arterial intersection.

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.

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Motion--
--carried

Brewer moved to approve the Supplemental Agreement and authorize the necessary signatures. Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 08-213

Resolution of findings of advisability and Resolution authorizing construction of installing period street lighting along Douglas from Dellrose to Glendale (472-84715, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Gray, Skelton, Longwell, Schlapp, Williams and Brewer, (Fearey absent).

PETITION

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

Agenda Item No. 5b.

On January 10, 2006, the City Council approved a petition to pave streets in Country Hollow Addition. Based on recent bid prices, the existing Petition does not have sufficient budget to award a construction contract. The developer has submitted a new Petition to increase the project budget. The signature on the Petition represents 100% of the improvement district.

The project will provide street paving for a new residential development located south of Kellogg, east of 127th St. East.

The existing Petition totals \$394,000. The new Petition totals \$508,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing street paving required for a new residential development.

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

Motion--
--carried

Brewer moved to approve the new Petition, adopt the Resolution and authorize the necessary signatures. Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 08-214

Resolution of findings of advisability and Resolution authorizing construction of constructing pavement on Laguna/Glen Wood, from the west line of Lot 7, Block 4 to the south line of Lot 12, Block 4; paving Sierra Hills from the south line of Laguna to the south line of Lot 1, Block 5; paving Glen Wood Court serving Lots 13 through 24, Block 5 from the west line of Glen Wood to and including the cul-de-sac; paving Laguna Circle serving Lots 2 through 12, Block 5 from the east line of Laguna to and including the cul-de-sac; Gilbert Circle serving Lots 20 through 28, Block 4 from the south line of Gilbert to and including the cul-de-sac; and paving Gilbert from the west line of Lot 28, Block 4 to the east line of Lot 20, Block 4 (south of Kellogg, east of 127th St. East) 472-84351, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Gray, Skelton, Longwell, Schlapp, Williams and Brewer, (Fearey absent).

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STREET CLOSURE **119TH STREET WEST 1/2 MILE NORTH OF KELLOGG FOR CULVERT REPLACEMENT. (DISTRICT V)**

Agenda Item No. 6a.

A drainage culvert that passes beneath 119th Street West has collapsed to the point that it restricts flow and has caused the pavement above to settle. Repairs will require removal and replacement of the culvert and the pavement above it. This will require closure of 119th Street West at a point ½ mile north of Kellogg for one day. The target date for repairs is April 29, 9 a.m. to 4 p.m., weather permitting.

Electronic message boards advising motorists of the planned closure will be placed north of Kellogg and south of Maple a few days before the repairs begin. 119th Street West access north of the closure will be from Maple Street while access south from the closure will be from Kellogg. If this work is delayed due to weather conditions, repairs will be accomplished the next day or as soon as weather allows.

119th Street West at this location is a narrow two-lane street. Performing the work while carrying traffic would create hazards for the workers and for motorists, as well doubling the time required for the repairs.

City crews will make the repairs. Contracted work is not required.

Failure to repair the damage could expose the City to increased liability for damages to vehicles.

This project addresses the Efficient Infrastructure goal by maintaining a safe and dependable transportation system.

Motion--carried

Brewer moved to approve the street closure. Motion carried 6 to 0, (Fearey absent).

STREET CLOSURE **JOHNSON'S GARDEN CENTER CYCLEFEST, MAY 4, 2008 8:00 AM – 2:00 PM
GREAT PLAINS VENTURES BUSINESS PARK, INC. 5200 E. 35TH STREET NORTH
(DISTRICT I)**

Agenda Item No. 6b.

In accordance with the Community Events Procedure, the event promoter William Latimer with, Oz Racing is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Johnson's Garden Center Cycle fest, May 4, 2008 8:00 am – 2:00 pm
Great Plains Ventures Business Park, Inc. 5200 E. 35th Street North.

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

The event sponsor is responsible for all costs associated with special event.

Enhance the Quality of Life

Motion--

Brewer 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 6 to 0, (Fearey absent).

--carried

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STREET CLOSURE **2008 ORPHEUM STREET CAR SHOW MAY 4, 2008 12:00 PM – 7:00 PM**
(DISTRICT VI)

Agenda Item No. 6c.

In accordance with the Community Events Procedure, the event promoter Stephanie Flaming, Orpheum Performing Arts Center is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

2008 Orpheum Street Car Show May 4, 2008 12:00 pm – 7:00 pm

- First Street, Market to Topeka – not including intersections.
- Broadway, Douglas to Second Street – not including intersections.

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

The event sponsor is responsible for all costs associated with special event.

Enhance the Quality of Life

Motion--

Brewer 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 6 to 0, (Fearey absent).

--carried

STREET CLOSURE **2008 SPECIAL OLYMPICS SUMMER GAMES FIREWORKS FINALE, MAY 30, 2008, 7:00**
PM – 10:00 PM. (DISTRICT I)

Agenda Item No. 6d.

In accordance with the Community Events Procedure, the event promoter Special Olympics Kansas is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

2008 Special Olympics Summer Games Fireworks Finale, May 30, 2008 7:00 pm – 10:00 pm
21st Street North, Hillside to Yale Street, not including intersections.

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.

The event sponsor is responsible for all costs associated with special events.

Enhance the Quality of Life

Motion--

Brewer 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 6 to 0, (Fearey absent).

--carried

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STREET CLOSURE **RUMBLE IN DELANO CAR SHOW, MAY 30, 2008, 6:00 PM – 12:00 AM**
(DISTRICTS IV AND VI)

Agenda Item No. 6e.

In accordance with the Community Events Procedure, the event promoter Kelsey Metzinger, Historic Delano, Inc. is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Rumble in Delano Car Show, May 30, 2008, 6:00 pm – 12:00 am

- Douglas Avenue, Sycamore to Osage – including roundabout.

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.

The event sponsor is responsible for all costs associated with special event.

Enhance the Quality of Life

Motion--

Brewer 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 6 to 0, (Fearey absent).

--carried

AGREEMENTS **STREET RESURFACING PROJECT ON SOUTHEAST BOULEVARD (K-15) FROM THE**
SOUTH CITY LIMITS TO I-135/US-81. (DISTRICT III)

Agenda Item No. 7a.

The Kansas Department of Transportation (KDOT) has available a street resurfacing (KLINK) program for cities which have highway connecting links within their city limits. The KLINK program is intended for resurfacing improvements on the connecting links, which are maintained by the cities.

KDOT has advised the City of Wichita that KLINK Fiscal year 2008 funds in the amount of \$200,000 have been allocated for a resurfacing project on Southeast Boulevard from the South City Limits to the junction with I-135/US-81.

The estimated total cost of this project is \$400,000. The attached Agreement provides that KDOT will reimburse the City in the amount of fifty percent of the approved construction cost including construction engineering and contingencies, but not to exceed a maximum of \$200,000.

Funding in the amount of \$200,000 is available in the Street Maintenance Operating budget for the local portion of the cost of this project.

This Agreement addresses the Efficient Infrastructure Goal by providing improved, safer highway connecting links within the City.

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

Motion--

Brewer moved to approve the Agreement and authorize the necessary signatures. Motion carried 6 to 0, (Fearey absent).

--carried

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AGREEMENT

CONSTRUCTION ENGINEERING AND INSPECTION IN WATERFRONT RESIDENTIAL AND WATERFRONT SIXTH ADDITIONS, NORTH OF 13TH STREET, WEST OF GREENWICH. (DISTRICT II)-SUPPLEMENTAL

Agenda Item No. 7b.

The City Council approved the drainage improvements in Waterfront Residential & Waterfronts 6th Additions on November 6, 2007. On January 8, 2008 the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering and staking services if requested by the City.

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

Payment to MKEC will be on a lump sum basis of \$116,050 and will be paid by special assessments.

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

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

Motion--
--carried

Brewer moved that the City Council approve the Supplemental Agreement and authorize the necessary signatures. Motion carried 6 to 0, (Fearey absent).

CHANGE ORDER:

STREET PAVING IN CRESTLAKE ADDITION, NORTH OF CENTRAL, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Item No. 8a.

On February 6, 2007, the City Council approved a construction contract with Cornejo and Sons, Inc. for street paving in Crestlake Addition. After the work began, it was determined that valley gutters at the two entrances to the development should be constructed of concrete rather than asphalt.

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

The total cost of the additional work is \$16,619 with the total paid by Special Assessments. The original contract amount is \$355,024. This Change Order represents 4.68% of the original contract amount.

This project addresses the Efficient Infrastructure goal by providing required paving improvements for new development.

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

Motion--
--carried

Brewer moved that the City Council approve the Change Order and authorize the necessary signatures. Motion carried 6 to 0, (Fearey absent).

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PROP ACQUISITION PARTIAL ACQUISITION OF 2219 NORTH BROADWAY FOR THE INTERSECTION IMPROVEMENT PROJECT AT 21ST STREET AND BROADWAY. (DISTRICT VI)

Agenda Item No. 9a.

On September 11, 2007, the City Council approved the roadway intersection improvement of 21st and Broadway. The project will provide left turn lanes at all four approaches to the intersection, existing pavement will be replaced and the traffic signal system will be upgraded. The project requires the acquisition of seven properties in addition to three partial acquisitions. All of the properties are improved and zoned for commercial use. The partial acquisition from 2219 North Broadway involves a tapering strip of land along Broadway. It is at its widest, 13.43 feet, at the south property line tapering to a point on the north. The proposed area contains 871 square feet. The site consists of 17,860 square feet and a 5,500 square foot, freestanding retail building. The building is standing apart from the acquisition area. A commercial billboard, store advertising sign and perimeter fence are located within the acquisition area. These items will require relocation.

The proposed acquisition appraised for \$3,600, or \$4.10 per square foot. The owner agreed to accept the appraised offer. In addition, the owner agreed to accept \$15,011 for actual costs to relocate the perimeter fence, driveway gate and store advertising sign. To relocate said sign, the sign must conform to the current City zoning code. The store advertising sign is legal non-conforming prior to the City's proposed acquisition thus requiring the owner to install a new sign. It is anticipated that the billboard will be allowed to be reset on private property.

The funding source for the project is General Obligation Bonds. A budget of \$30,000 is requested. This includes \$3,600 for acquisition, \$25,400 for eligible relocation benefits paid to the owner and the tenant, and \$1,000 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure by improving the traffic flow through a major transportation corridor.

The Law Department has approved the contract as to form.

Motion--carried
--carried

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

BOARD MINUTES MINUTES OF ADVISORY BOARDS/COMMISSIONS.

Wichita Public Library, March 18, 2008

Motion--carried

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

CLAIM SETTLEMENT OF CLAIM.

Agenda Item No. 11.

This claim results from a motor vehicle accident on December 5, 2006 between a private vehicle and a truck driven by a City of Wichita Park and Recreation employee while on duty. Liability on the part of the city appears clear.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a payment of \$42,500 to the vehicle driver in settlement of her personal injury claims arising out of this accident. Her automobile carrier will have a remaining claim for the property loss of her vehicle. The property matter will be resolved at a later time. Settlement would include a full release of

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liability for the City and the City employee and resolution of existing hospital liens. Because of risks associated with litigation, the Law Department recommends acceptance of the offer.

Funding for this settlement payment of \$42,500 is from the Tort Claims Fund.

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

The Law Department recommends acceptance of the offer of settlement.

Motion--

Brewer moved to authorize payment of \$42,500 as full settlement of all possible claims from the vehicle passenger arising out of the transactions which are the subject of this claim. Motion carried 6 to 0, (Fearey absent).

--carried

UNSAFE STRUCT.

ABATEMENT OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I, III, AND IV)

Agenda Item No. 12.

The Office of Central Inspection (OCI) supports neighborhood maintenance and improvement through abatement of public nuisances under Titles 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or board up and secure private property that is in violation of Housing and Building Code standards, after proper notification of the responsible party/parties. A private contractor, or City staff performs the work, and the Office of Central Inspection bills the cost to the property owner.

State law and City ordinance allow placement of the demolition and board-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the demolition and board up abatements in question, and OCI is requesting permission for the Department of Finance to process the necessary special assessments.

Statements of Charges will be mailed to the property owners on May 9, 2008. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the January 2008 bonds sold. The principal and interest will then be spread for 1-year and placed on the 2008 tax roll.

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 and emergency property board-ups, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

The assessments are in accordance with City Code 18.16.070, 18.16.080 and 18.16.090.

Motion--

Brewer moved to approve the proposed assessments and place the ordinances on first reading. Motion carried 6 to 0, (Fearey absent).

--carried

ORDINANCE

An ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (building condemnation-demolition) under the provision of sections 18.16.010 to 18.16.090 of the code of the city of Wichita, Kansas.

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ORDINANCE

An ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (building emergency board-up) under the provision of sections 18.16.010 to 18.16.090 of the code of the city of Wichita, Kansas. Introduced and under the rules laid over.

ASSESSMENTS

NUISANCE ABATEMENT ASSESSMENTS. (DISTRICTS I, III, IV, AND VI)

Agenda Item No. 13.

The Office of Central Inspection supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code in 2007. State law and local ordinance allow the City to clean up private property that is in violation of environmental standards after proper notification of the responsible party. A private contractor performs the work, and Office of Central Inspection bills the cost to the property owner.

State law and city ordinances allow placement of the cleanup costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and the Office of Central Inspection is requesting permission for the Department of Finance to process the necessary special assessments.

Nuisance abatement contractors are paid through budgeted appropriations from the City's General Fund. Placement of special assessments provides for reimbursement of these expenditures to the City. Nuisance abatements to be placed on special assessment total \$12,633.23

This action supports the goal of Core Area and Vibrant Neighborhoods by continuing cleanup and abatement for properties that are detrimental to Wichita neighborhoods.

These assessments are in accordance with Chapters 7.40.050 and 7.40.060 of the City Code. This agenda report has been reviewed and approved by the Law Department.

Motion--
--carried

Brewer moved to approve the proposed assessments and place the ordinances on first reading. Motion carried 6 to 0, (Fearey absent).

ORDINANCE

An ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of section 7.40.050 of the code of the city of Wichita, Kansas. be it ordained by the governing body of the city of Wichita, Kansas, introduced and under the rules laid over.

GRANT

RESOLUTION AUTHORIZING SECTION 5316 ACCESS TO JOBS GRANT FROM FEDERAL TRANSIT ADMINISTRATION (FTA).

Agenda Item No. 14.

The Federal Transit Administration (FTA) grant application process, administered by Coordinated District 12, requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize staff to file for eligible federal funds for the support of the city's Access to Jobs transit services for June, 2008, through May, 2011. The authorized total federal apportionment for 2008 - 2011 is \$581,381. A public hearing was held on April 21, 2008. Section 5316 funds are 50% federal funds and 50% local matching fund programs.

The proposed Resolution authorizes funding to support the following: The purchase of rides for low-income clients under a brokerage system, utilizing other transportation providers within Wichita. We

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provide service for the clients of Social and Rehabilitation Services and nonprofit organizations, including Breakthrough Club, the Mental Health Association, and COMCARE.

The total grant budget is \$1,162,762; federal share is \$581,381. The local city match is \$158,993, all in-kind services. The rest of the local match, which is \$581,381, is from numerous agencies and nonprofits. Services will only be provided to the extent that a local match has been negotiated.

To ensure an efficient infrastructure by maintaining and optimizing public facilities and assets.

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

Motion--
--carried

Brewer moved to approve the Resolution and authorize the necessary signatures.
Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 08-215

A resolution authorizing the filing of an application with the coordinated Transit District 12 for a grant with the Department of Transportation, United States of America for a grant under Section 5316 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users (SAFETEA-LU) to support Local 2008 Job Access and Reverse Commute Program, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Gray, Skelton, Longwell, Schlapp, Williams and Brewer, (Fearey absent).

PETITION

PETITIONS TO RENOVATE BUILDING FACADES IN THE CORE AREA. (DISTRICTS I AND VI)

Agenda Item No. 15.

Since 2001, the City has provided a Facade Improvement Program. It is available to properties in defined areas, including the City's core area. On January 15, 2008, the City Council conceptually approved a request from Real Development for exterior improvements to seven high-rise buildings in the downtown area. Costs of improvements are paid through issuance of special assessment debt against the subject buildings. The buildings are:

- Kaufman Building – 208 South Market
- Landmark Square Building – 212 North Market
- Farmers and Bankers Building – 200 East 1st
- Orpheum Office Building – 200 North Broadway
- Petroleum Building – 221 South Broadway
- Sutton Place Building – 209 East William
- SC TelCom Building – 125 North Market

On March 4, 2008, the City Council approved petitions, adopted resolutions and established a public hearing for March 18, 2008 to formally consider the request. Due to issues with fractional ownership and lending agreements, the public hearing was deferred to provide an opportunity to address these issues. At this time, it is recommended that the City go forward with a public hearing on three the properties where there is no fractional ownership. The properties to be set for hearing May 6, 2008 are:

- Kaufman – 208 South Market
- Landmark Square – 212 North Market
- Farmers and Bankers – 200 East 1st

Total combined cost for the proposed facade improvements listed above is projected to be \$583,579 (exclusive of financing costs). The table below itemizes the costs for each building.

BUILDING	CONSTRUCTION, ARCHITECT & ENGINEER	REAL DEV
PROJ MGR	10%	
CONTINGENCY	PW ADMIN	

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FEE (2%)	10% DEVELOPMENT FEES				TOTAL		
Landmark	294,121	9,510	29,412	5,882	28,555	367,480	
Farmers & Bankers	147,209	4,760	14,721	2,944	14,292	183,926	
Kaufman II	25,750	833	2,575	515	2,500	32,173	
TOTAL	\$ 467,080	\$ 15,103	\$ 46,708	\$ 9,341	\$ 45,347	\$ 583,579	

This project will utilize a slightly different process than normal special assessments. The protest period that normally comes at the end of a completed project (after there is a final statement of cost) will instead take place on the front end. For this reason, a maximum assessment amount is provided, which cannot be exceeded. Therefore, a 10% contingency is included in the estimated costs. An administrative charge for the City that is part of the Facade Improvement Program and development fees for Real Development are also included. A summary for each building follows:

The Kaufman Building is a four story building with 31,250 s.f. located at 208 S. Market. Owners have already invested in substantial tenant improvements. Projected cost for the facade improvements on this building is \$32,173 (increasing to \$40,000 with estimated financing costs). The proposal assumes 15-year special assessment financing.

The Landmark Square Building is a five story office building with 45,899 total s.f. located at 212 N. Market. Owners have already invested in tenant improvements, common area remodeling, and technology infrastructure enhancements. Projected cost for the facade improvements on this building is \$367,480 (increasing to \$475,000 with estimated financing costs). The proposal assumes 15-year special assessment financing.

The Farmers and Bankers (F&B) Building is a five story office building with 25,030 s.f. located at 200 E. First. Owners have already invested in tenant improvements, common area remodeling, and technology infrastructure enhancements. Projected cost for the facade improvements on this building is \$183,926 (increasing to \$245,000 with estimated financing costs). The proposal assumes 15-year special assessment financing.

Improvements to the buildings are general and involve improvements such as masonry repair, tuck pointing, cornice repair, power washing, exterior painting, and window and door repair/replacement.

Each building improvement project will require a separate special benefit district to be established. State law requires a formal public hearing to levy assessments for each special assessment benefit district. All projects may share the same public hearing.

The combined project budget for all buildings to be paid by special assessments at this time is estimated at \$760,000. These will be Taxable General Obligation Special Assessment Bonds, paid as to principal and interest with special assessments levied against the improved properties and will be backed by the full faith and credit of the City of Wichita. Staff has been working with Bond Counsel (Kutak Rock) and a Financial Advisor (Springsted) to perform due diligence with regard to the City's risk and how the bonds would be structured. Included in the issue will be a one year debt service reserve and a small financing contingency to mitigate risk and ensure the maximum assessment is not exceeded. Also, interest rates have been cautiously assumed at 6.75% for permanent financing. Other risk mitigation options that could be applied include: requiring the City to approve any sale of the assessed buildings (or at least requiring the City to receive notification of a pending sale); requiring the sale of a building to trigger the funding of an escrow account to ensure payment of all future principal and interest; and/or phase the financing in a manner that would allow the City on-going information on actual occupancy and lease rates.

A "not to exceed" amount for each special assessment district is included in each of the separate petitions and resolutions. The following table itemizes the estimated cost per facade project, including the estimated financing costs:

BUILDING	Total Net
Bond Proceeds	Estimated

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Financing Costs	Total			
Principal				
Landmark	367,480	107,520	475,000	
Farmers & Bankers	183,926	61,074	245,000	
Kaufman II	32,173	7,827	40,000	
TOTAL	\$ 583,579	\$ 176,421		\$ 760,000

The goal for Economic Vitality and Affordable Living is advanced through the use of special assessment financing to partner with and leverage investment from developers to create commercial and residential economic value within the City. This program addresses the Dynamic Core Area and Vibrant Neighborhoods goal by facilitating improvements to privately owned buildings.

State statutes provide the City Council authority to use special assessment funding for the projects. A formal public hearing is required as part of the approval process. The petitions approved and resolutions adopted today will set the maximum amount for each special assessment district and establish the date of the public hearing. Actual amounts to be special assessed at the completion of construction may be less, but they may not exceed the amounts included in the petitions and resolutions.

Motion--
--carried

Brewer moved to approve the Petitions, adopt the Resolutions, authorize the necessary signatures, and establish the public hearing. Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 08-216

Resolution of findings of advisability and Resolution authorizing construction of construction of façade improvements at 208 South Market (south of William, east of Market) 472-84684, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Gray, Skelton, Longwell, Schlapp, Williams and Brewer, (Fearey absent).

RESOLUTION NO. 08-217

Resolution of findings of advisability and Resolution authorizing construction of construction of façade improvements at 212 N. Market (north of 1st, east of Market) 472-84682, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Gray, Skelton, Longwell, Schlapp, Williams and Brewer, (Fearey absent).

RESOLUTION NO. 08-218

Resolution of findings of advisability and Resolution authorizing construction of construction of façade improvements at 200 East 1st Street (north of 1st, east of Market) 472-84683, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Gray, Skelton, Longwell, Schlapp, Williams and Brewer, (Fearey absent).

RESOLUTION

RESOLUTION ORDERING A PUBLIC HEARING: BUILDING FACADE. (DISTRICT VI)

Agenda Item No. 16.

Since 2001, the City has provided a Facade Improvement Program. It is available to properties in defined areas, including the City's core area. On January 15, 2008, the City Council conceptually approved a request from Real Development for exterior improvements to seven high-rise buildings in the downtown area. Cost of improvements are paid through issuance of special assessment debt against the subject buildings. One of these buildings is the SC Telecom Building at 125 N. Market.

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On March 4, 2008, the City Council approved a petition, adopted a resolution and established a public hearing for March 18, 2008 to formally consider the SC Telecom facade improvement request. Due to issues relating to separate land leases, which complicated ownership issues, the public hearing on the SC Telecom was deferred. A Resolution to order a public hearing on May 6, 2008, has been prepared that will provide an opportunity for the project to proceed.

The SC Telecom Building is a nineteen story building with 312,875 s.f. located at 125 N. Market. The owners have begun interior improvements, remodeling common areas, adding technology infrastructure, replacing the roof, and various tenant improvements.

Exterior improvements to the SC Telecom building include changing the entire appearance of the building facade on some sides to create a visually stimulating impact to travelers entering the downtown area. Facade improvements on this building are expected to be approved in two phases. At this time only some ground level (phase one) improvements are being sought. These are exterior or facade enhancements necessary in conjunction with the main floor lobby and atrium improvements to be separately financed but jointly constructed as part of the overall building refurbishment.

Projected cost the total facade improvements envisioned is \$4,796,264 (increasing to \$6,115,000 with estimated financing costs); however, the cost for phase one of the improvements is \$861,981 (increasing to \$1,078,801 with estimated financing costs). The proposal assumes 20-year special assessment financing. The project will require a separate special benefit district to be established. State law requires a formal public hearing to levy assessments against special assessment benefit district.

The estimated project cost is \$1,078,801. Financing will be General Obligation Taxable Special Assessment Bonds, paid as to principal and interest with special assessments levied entirely against the improved property and will be backed by the full faith and credit of the City of Wichita. Included in the issue would be a one year debt service reserve and a small financing contingency to mitigate risk and ensure the maximum assessment is not exceeded. Also, interest rates were cautiously assumed at 6.75% for permanent financing. The proposed method of assessment is on a square foot basis.

The goal for Economic Vitality and Affordable Living is advanced through the use of special assessment financing to partner with and leverage investment from developers to create commercial and residential economic value within the City. This program addresses the Dynamic Core Area and Vibrant Neighborhoods goal by facilitating improvements to privately owned buildings.

State Statutes provides the authority for the City Council to order in public improvement projects. Adopting the Resolution does not obligate the Council to approve the project, only to hold a public hearing on May 6, 2008. This approach – the establishment of the special benefit district, rather than a petition by developers – mitigates the risk caused by multiple land leases that the legality of the district could be challenged at some future time.

Motion--
--carried

Brewer moved that the City Council adopt the Resolution and authorize the necessary signatures.
Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 08-219

A Resolution authoring a public hearing on the advisability of making certain internal improvements in the City of Wichita, Kansas, pursuant to K.S.A. 12-6A01 et seq.; and providing for notice of such hearing, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Gray, Skelton, Longwell, Schlapp, Williams and Brewer, (Fearey absent).

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CARGILL

REVISION TO ECONOMIC DEVELOPMENT INCENTIVE FOR CARGILL MEAT SOLUTIONS. (DISTRICT VI)

Agenda Item No. 17.

Cargill Meat Solutions, Inc. ("Cargill") corporate headquarters is located at 155 North Main Street. The proposed expansion project and future growth as well as expiring parking agreements have created a need for the company to identify sufficient parking inventory for employees. Sufficient parking inventory is integral to Cargill's future growth in Wichita, especially in the downtown area.

City Council approved the contract on April 1, 2008. Cargill has requested revision of the contract.

City Council has approved a purchase price of One Dollar for the property. The purchase contract includes reversionary rights of the City based on intended and actual use of the property. The purchase contract also includes a provision requiring use of the Property as free public parking lot and/or structure during the hours of 6:00 p.m. until 6:00 a.m. Monday thru Friday and 24 hours per day on weekends.

Revision to the contract states Cargill will have right to terminate the agreement at no cost if a Certificate and Release under the Gilbert and Mosley Project cannot be provided prior to closing. The reversionary clause has been revised to cease reversionary rights by the City "upon commencement of the construction of a parking structure" rather than "upon construction of a parking structure".

Financial considerations have not changed from the original contract.

This economic development incentive will assist in growth and retention of a major employer in the downtown area and stimulate the economy through the creation of new jobs.

The revised real estate purchase contract has been reviewed and approved by the City Attorney's Office.

Motion--
--carried

Brewer moved to approve the revised Real Estate Purchase Contract and authorize the necessary signatures. Motion carried 6 to 0, (Fearey absent).

RADAR GRANT

WICHITA POLICE DEPARTMENT MOVING RADAR GRANT.

Agenda Item No. 18.

The Wichita Police Department has placed an emphasis on reducing and monitoring excessive speeding in the City of Wichita. Last year, the City of Wichita Police Department issued approximately 80,000 traffic citations, with a large number of those citations being for excessive speeding. The enforcement of excessive speed violations directly relates to the number of incidents that result in serious injury or death. In order to continue with enforcement of traffic violations the Wichita Police Department needs to replace 4 Golden Eagle Moving Radar units. Assistance was requested and granted from the Kansas Department of Transportation to fund the purchase of additional units. The grant application has already been signed by the City Manager pursuant to authority under Administrative Regulation 2.4, where delay would invalidate the grant.

The Kansas Department of Transportation is providing financial support for the purchase of 4 new Golden Eagle Moving Radar Units.

The Wichita Police Department grant application requests funding for the Moving Radar program in the amount of \$7,776 with \$6,696 coming from the Federal share and \$1,080 from under expenditures within the Police Department budget.

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Provide a safe and secure community by placing an emphasis on reducing excessive speeding violations and the number of traffic related fatalities by developing a strategy of aggressive traffic enforcement with a desired outcome of reducing traffic fatalities.

Law Department has reviewed the grant application.

Motion--
--carried

Brewer moved to approve the application and authorize the appropriate signatures and approve any necessary budget adjustments. Motion carried 6 to 0, (Fearey absent).

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ APRIL 15, 2008).

- a. Creation of Chapter 18.14 of the Code of the City of Wichita, relating to parking lot striping standards and enforcement.

ORDINANCE NO. 47-871

An ordinance creating chapter 18.14 of the code of the City of Wichita, Kansas, pertaining to parking lot striping standards and enforcement. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Fearey absent).

- b. An Ordinance amending Section 5.68.215 of the Code of the City of Wichita, Kansas, pertaining to Ant-Prostitution Emphasis Area Enhanced Penalties.

ORDINANCE NO. 47-872

An ordinance amending section 5.68.215 of the code of the City of Wichita, Kansas, pertaining to anti-prostitution emphasis area enhanced penalties. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Fearey absent).

- c. ZON2008-02 - Zone Change from GO General Office to NR Neighborhood Retail; located at 6019 East Central Avenue. (District II)

ORDINANCE NO. 47-873

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Fearey absent).

- c. SUB 2007-106-Plat of Northgate Commercial Addition located on the north side of 53rd Street North and west of Meridian. (District VI)

ORDINANCE NO. 47-874

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Fearey absent).

- d. SUB 2007-107-Plat of Northgate Commercial Second Addition located on the west side of Meridian and north of 53rd Street North. (District VI)

ORDINANCE NO. 47-875

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Fearey absent).

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RECESS

EXECUTIVE SESSION.

Motion--

Brewer moved that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice, and preliminary discussions relating to the acquisition of real property for public purposes, and that the Council return from Executive Session no earlier than 10:45 a.m. and reconvene in the first floor board room on the first floor of City Hall. Motion carried 6 to 0, (Fearey absent).

--carried

RECONVENED

The City Council reconvened in the first floor board room at 10:45 a.m. Mayor Brewer announced that no action was taken and no action was needed as a result of the Executive Session.

Motion--carried

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

Motion --carried

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

ADJOURNMENT

The meeting was adjourned at 10: 46 a.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

Workshop followed in the First Floor Board Room