

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 19, 2007
Tuesday 9:07 A.M.

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

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Janis Edwards, Deputy, City Clerk; present.

Mayor Brewer

Mayor Brewer acknowledged that this would be Jessica Johnson's last meeting. Jessica and her family are relocating to Kansas City. He expressed how much he and the Council would miss Jessica. He stated that she had been very instrumental to the City and has been the face of Wichita for eight years.

David Henion, Harvest Community Church, gave the invocation.

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

The Minutes of the regular meeting of June 12, 2007, were approved 6 to 0.

PRESENTATIONS:

Distinguished Service Citation

Mayor Brewer recognized Philip B. Cook for his 35 years of service with the Department of Park and Recreation, City of Wichita, and presented him with a plaque.

Proclamation

Proclamation:

Mayor Brewer read aloud the following Proclamation:

Dump the Pump. Take Public Transportation.

PUBLIC AGENDA

Cynthia A. Gardner-Discussion of lifeguard standards within Wichita.

Cynthia A. Gardner

Cynthia Gardner 1133 South Pershing Street spoke about the lifeguard standards within Wichita and the surrounding area. She stated she has been involved in the aquatic community since 1997 when she was hired as a lifeguard and swim instructor at the East Wichita YMCA. She has been a lifeguard and taught swimming at a wide variety of aquatic facilities including private clients in Kansas. She wants the standards for lifeguards, lifeguard training and aquatic facilities to be brought to the highest standards available in the industry. She feels she is unable to comment at this time on the specifics concerning the lack of aquatic safety within the Greater Wichita YMCA system due to the investigative and legal processes. She stated that KAKE-TV knew about the lack of aquatic safety within the Greater Wichita YMCA system a week before 12 year old Aaron Latham's drowning at the YMCA Camp Hyde. The lack of aquatic safety is not the result of the aquatic directors or supervisors at each branch or camp. For over three years she has worked in aquatics at the North YMCA where the corporate offices are located. The lack of aquatic safety within the Greater Wichita YMCA system is due to the decisions among the upper executives. She requests that the City Council vote unanimously to close all of the Greater Wichita YMCA pools and water parks which include the Eldorado branch until upper management of both the YMCA of the USA and Greater Wichita YMCA decides that safety of all children and patrons in their care on daily basis is a priority over profits by hiring experienced and well trained lifeguards as

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well as implementing the highest safety standards available to insure that another drowning does not happen. She feels that the City Council by not voting to close all the YMCA aquatic facilities are playing Russian Roulette with another human beings life. She submitted Aquatic Safety Facts Greater Wichita for the Council's review. She feels it is not "if" but "when" there will be another drowning in the Greater Wichita YMCA system. She states she will not be appearing before the City Council again concerning the closing of all of the YMCA pools within Wichita. She feels that as she stands before everyone today that she has done everything she could at the local level to have prevented another tragedy.

CONSENT AGENDA

Motion--
--carried

Mayor Brewer moved to take the recommended action on consent items 2 to 14, except item 10, which was deferred to July 3, 2007. Motion carried 6 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 18, 2007

Bids were opened June 15, 2007, pursuant to advertisements published on:

2007 Sanitary Sewer Reconstruction Phase 5 - north of Pawnee, east of Seneca. (468-84355/620478/667596) Traffic to be maintained during construction using flagpersons and barricades). (Districts I,II,VI)

WB Carter Construction - \$331,131.00

2007 Contract Maintenance Ultrathin Asphalt Overlay - west of Woodlawn, south of 21st Street North. (472-84517/132720/620469/) Traffic to be maintained during construction using flagpersons and barricades). (Districts I,III,VI)

APAC – Kansas Inc. - \$327,800.00 (Engineer's Estimate)

Grove Street Improvements - Grove Street from 63rd Street South to 1,350 feet south of 63rd Street South. (472-84438/766109/490126) Traffic to be maintained during construction using flagpersons and barricades). (District III)

Cornejo & Sons Construction - \$201,206.75

58th Street North from the east line of the plat, west to the west line of Lot 4, Block C; Edwards from the south line of 58th Street North, south to the south line of Lot 18, Block D; 58th Court North (Lots 28 through 40, Block A) from the north line of 58th Street North, north to and including the cul-de-sac; 58th Court North (Lots 1 through 6, Block D) from the south line of 58th Street North, south to and including the cul-de-sac; 58th Court North (Lots 7 through 16, Block D) from the south line of 58th Street North, south to and including the cul-de-sac; 58th Court North (Lots 2 through 14, Block A) from the east line of 58th Court North east and north to and including the cul-de-sac; 58th Street North (Lots 15 through 24, Block A) from the north line of 58th Street North, north to and including the cul-de-sac; Sidewalk on 58th Street North and Edwards to serve Northgate Addition - north of 58th Street North, west of Meridian. (472-84465/7 66125/490143) Does not affect existing traffic. (District VI)

Kansas Paving Company - \$466,060.00

Motion--
--carried

Brewer moved that the contract be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0.

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PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Tricycle Type Street Sweepers.

Key Equipment & Supply Co. - \$299,000.00 (Group 1/Total Base Bid)
<-\$ 76,110.00> (Group 1/Option 1 Deduct)
\$ 42,450.00 (Group 1/Option 6, per each)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Wheeled Pavement Profile Machine.

Murphy Tractor & Equipment Co. Inc. - \$148,452.00 (Total Base Bid)

IT/IS DEPARTMENT: Model 4507 Cisco Catalyst Switches.

SKT Business Communication Solutions - \$59,061.46 (Total Net Bid)

WICHITA WATER UTILITIES DEPARTMENT/WATER DISTRIBUTION DIVISION: Waterworks Fittings.

Water Products Inc. - \$16,932.00*
*Estimate – Contract approved on unit cost basis.

HOUSING & COMMUNITY SERVICES DEPARTMENT/NEIGHBORHOOD IMPROVEMENTS DIVISION: Paint – Exterior.

PPG Architectural Finishes Inc (dba Porter Paints) - \$72,976.50*
*Estimate – Contract approved on unit cost basis.

CITY MANAGER: Studio Production Equipment.

B&H Photo Video, Inc. - \$50,651.88 (Total Net Bid)
(Item 32 rejected)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Remodel Probation Court Offices (Rebid).

Schrader Bros and Assoc. - \$103,600.00 (Total Base Bid)
\$ 62.00 (Group 1/Option 1 per Square Yard)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Waterwork Supplies.

HD Supply Waterworks – \$14,933.00. (Group 7 Redirect Award)

WICHITA WATER UTILITIES DEPARTMENT/SEWAGE TREATMENT DIVISION: Replacement Screens and Parts for three Stain Press Screen Cleaners. Two screeners are on-line and the third screener us used for high flow periods.

Environmental Representatives dba Fluid Equipment Co. - \$101,023.00*

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.

--carried

Motion carried 6-0.

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CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Richard Diamond	Ty's Diner Inc.*	928 West Second

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Mark Branham	Quik Trip # 313	3164 South Hillside
Mark Branham	Quik Trip # 320	1021 West 31st Street South
Mark Branham	Quik Trip # 321	6011 West Central
Mark Branham	Quik Trip # 325	1414 North Oliver
Mark Branham	Quik Trip # 326	2010 South Broadway
Mark Branham	Quik Trip # 328	2801 South Hydraulic
Mark Branham	Quik Trip # 329	5602 East Harry
Mark Branham	Quik Trip # 343	242 South Tyler
Mark Branham	Quik Trip # 345	4020 South Meridian
Mark Branham	Quik Trip # 347	1532 South Seneca
Mark Branham	Quik Trip # 349	1112 West Douglas
Mark Branham	Quik Trip # 353	110 South Rock Road
Mark Branham	Quik Trip # 356	4808 South Hydraulic
Mark Branham	Quik Trip # 358	7120 West 21st Street North
Mark Branham	Quik Trip # 360	3933 West 13th Street
Mark Branham	Quik Trip # 366	1620 South Webb Road
Mark Branham	Quik Trip # 368	626 West 21st Street North
Mark Branham	Quik Trip # 369	3216 East Harry
Mark Branham	Quik Trip # 372	3126 East Pawnee
Mark Branham	Quik Trip # 373	1610 East Lincoln
Mark Branham	Quik Trip # 374	10315 West 13th Street
Mark Branham	Quik Trip # 376	2106 South Rock Road
Mark Branham	Quik Trip # 378	5611 South Broadway
Mark Branham	Quik Trip # 383	11223 East Central
Mark Branham	Quik Trip # 384	2510 West Pawnee
Mark Branham	Quik Trip # 386	1010 East Douglas
Mark Branham	Quik Trip # 388	7991 East 37th Street North
Mark Branham	Quik Trip # 389	4730 East Central
Mark Branham	Quik Trip # 391	730 North Broadway

<u>New Establishment</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Manivah Syhanath	Hillside Smoke Shop	2939 South Hillside

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

Motion--
--carried

Brewer moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0.

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PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. Lateral 12, Main 6 Cowskin Interceptor Sewer to serve Southwest Passage Addition south of Pawnee, west of 119th Street West (468-84228/744209/480897) Does not affect traffic. (District V) - \$169,000.00
- b. Water Supply Line to serve Southwest Passage Addition south of Pawnee, west of 119th Street West (448-90230/735345/470018) Does not affect traffic. (District V) - \$186,000.00
- c. Water Distribution System to serve Turkey Creek Addition south of Pawnee, west of 119th Street West (448-89959/735351/470024) Does not affect traffic. (District V) - \$70,000.00
- d. Water Distribution System to serve Southwest Passage Addition south of Pawnee, west of 119th Street West (448-90231/735346/470019) Does not affect traffic. (District V) - \$74,000.00
- e. 2007 Contract Maintenance Bridge Rail Rehabilitation, Phase 1 K-15 Bridge over Wichita Drainage Canal & Mosley Bridge over Chisholm Creek (472-84558/132720/) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$194,000.00
- f. Cost of Carmax frontage road along the south side of Kellogg from the west line of Pizza Hut Second Addition to approximately 250 feet east of the east line of Pizza Hut Second Addition south of Kellogg, east of Webb Road (472-84141/765929/490-042) (District II)-\$170,000.

Motion--carried

Brewer moved to receive and file. Motion carried 6 to 0.

DEEDS/ESMNTS

DEEDS AND EASEMENTS:

- a. Drainage and Utility Easement dated May 15, 2007 from Fox Ridge Development Company, Inc. for a tract of land lying within portions of Lots 14 through 20, Block 1, Fox Ridge Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861) No cost to City (D18158).
- b. Sanitary Sewer Easement dated October 31, 2006 from Slawson Commercial Properties, L.L.C. for tracts of land lying in Lots 3 and 4, Block 2 Oak Creek 3rd, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No cost to City (D18159).
- c. Sanitary Sewer Easement dated January 25, 2006 from Coxco, L.L.C., a Kansas Limited Liability Company for a tract of land lying in Lot 11, Zoo Business Park, Wichita, Sedgwick County, Kansas, (OCA # 607861). No cost to City (D18160).
- d. Utility Easement dated March 8, 2007 from Ethanol Products, L.L.C. for tracts of land lying in Lots 1 and 2, Block 1, Industrial Air Center, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No cost to City (D18161).
- e. Utility Easement dated March 9, 2007 from Ethanol Products, L.L.C. for tracts of land lying in Lots 2 and 3, Block 1, Industrial Air Center, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No cost to City (D18162).
- f. Drainage Dedication from CBB Northlakes, LLC, a Kansas Limited Liability Company, for a tract of land lying in the NW 1/4 of the NE 1/4 of Sec. 24, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, (OCA # 607861). No cost to City (D18163).
- g. Utility Easement dated May 30, 2007 from FLKS Land Development, LLC for tracts of land lying in the Southeast Quarter of Section 12, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, (OCA # 744216), No cost to City.

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- h. Dedication from Bachman Enterprises, Inc. for a tract of land lying in the SW 1/4 of the NW 1/4 of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, (OCA # 766149). No cost to City.
- i. Storm Water Drainage and Detention Basin Improvements Easement dated May 29, 2007 from Prairie Pond Plaza Owner's Association for a pond lying within Reserve A, Prairie Pond Plaza Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751397) No cost to City.
- j. Storm Water Drainage and Detention Basin Improvements Easement dated May 29, 2007 from Maple Group LLC for a pond lying within Reserve B, Shadow Woods Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751400) No cost to City.
- k. Storm Water Drainage and Detention Basin Improvements Easement dated May 29, 2007 from West Wichita Development Inc. for ponds lying within Reserve C, D & E, Auburn Hills 16th Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751418) No cost to City.
- l. Storm Water Drainage and Detention Basin Improvements Easement dated May 22, 2007 from Avalon Park LLC for a pond lying within Reserve C, Avalon Park 3rd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751401) No cost to City.
- m. Storm Water Drainage and Detention Basin Improvements Easement dated May 22, 2007 from Avalon Park LLC for a pond lying within Reserve B, Avalon Park 3rd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751402) No cost to City.
- n. Storm Water Drainage and Detention Basin Improvements Easement dated May 23, 2007 from Southern Ridge Homeowners Association for a pond lying within Reserve B, Southern Ridge 3rd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751406) No cost to City.
- o. Storm Water Drainage and Detention Basin Improvements Easement dated May 24, 2007 from Avalon Park 2nd Addition HOA for a pond lying within Reserve B, Avalon Park 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751374) No cost to City.
- p. Storm Water Drainage and Detention Basin Improvements Easement dated May 22, 2007 from Fox Ridge Dev. Co., Inc. ETAL for a pond lying within Reserve B, Fox Ridge Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751398) No cost to City.
- q. Storm Water Drainage and Detention Basin Improvements Easement dated June 4, 2007 from Chestnut Ridge LLC for a pond lying within Reserve B, Krug North Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751405) No cost to City.
- r. Storm Water Drainage and Detention Basin Improvements Easement dated May 31, 2007 from Rick Thompson Construction Inc. for a ponds lying within Reserves A & B, Cheryl's Hollow Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751389) No cost to City.
- s. Storm Water Drainage and Detention Basin Improvements Easement dated May 24, 2007 from Maple Shade Townhomes Owners Association. for ponds lying within Reserve A, Maple Shade Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751407) No cost to City.

Motion--carried

Brewer moved to accept the documents. Motion carried 6 to 0.

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STREET CLOSURE **AUTOMOBILIA'S MOONLIGHT CAR SHOW AND STREET PARTY, JULY 14, 2007, 4:00 P.M. UNTIL 12:00 A.M. (DISTRICT VI)**

Agenda Report No. 07-0575

In accordance with the Community Events Procedure, the event promoter Gary Carpenter is coordinating with area business owners and making arrangements with Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Automobilia's Moonlight Car Show & Street Party July 14, 2007 4:00 pm – 12:00 am
First Street, Broadway to Mosley.
Topeka Street, Douglas to First Street
Emporia Street, Douglas to Second Street
St. Francis Street, Douglas to Second Street
Santa Fe Street, Douglas to First Street
Mead Street, First Street to Douglas
Moore Street, First Street to Douglas
Rock Island Street, First Street to Douglas

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--

Brewer moved that the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator be approved. Motion carried 6 to 0.

--carried

STREET CLOSURE **STREET CLOSURE: EASTBOUND PAWNEE, MERIDIAN TO SENECA. (DISTRICT IV)**

Agenda Report 07-0599

Cornejo and Sons, Inc. has contracted to reconstruct Pawnee between Meridian and Seneca. Work began March 19, 2007 and the contractor will soon be pouring the concrete pavement in the south half of the new street. Because it is necessary to deliver and pour the new concrete from the existing eastbound traffic lane, it will be necessary to close this eastbound lane of Pawnee during the concrete pour. The contractor is requesting approval of the tentative closure of eastbound Pawnee between Meridian and Seneca on Saturday, June 23rd from approximately 3:00 a.m. until approximately midnight. If the weather does not allow the scheduled concrete pour, the contractor will attempt to accomplish the work on the following Saturday, June 30th.

Cornejo and Sons, Inc. are responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the closure, eastbound Pawnee traffic will be detoured as follows:

Eastbound Pawnee traffic will be detoured south to 31st St., then east to Seneca, and then north back to Pawnee.

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

Motion--
--carried

Brewer is recommended that the City Council approve the partial street closure.
Motion carried 6-0.

BOARD MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Deferred Compensation Board of Trustees, Quarterly, February 15, 2007.
Deferred Compensation Board of Trustees – Special Meeting, March 23, 2007
District II Advisory Board, April 2, 2007
District VI Advisory Board, April 2, 2007
Code Standards and Appeals, April 2, 2007
Employees and Police and Fire Retirement Boards, April 5, 2007
Police and Fire Retirement System, April 25, 2007
Code Standards and Appeals, May 7, 2007

Motion--carried

Brewer moved to receive and file. Motion carried 6 to 0.

PAWNEE/MAIZE

PAWNEE FROM 119TH STREET TO MAIZE ROAD. (DISTRICT IV)-SUPPLEMENTAL.

Agenda Report No. 07-0576

On May 2, 2004, the City entered into an Agreement with Poe & Associates of Kansas, Inc. to design Pawnee improvements from 119th Street West to Maize Road. The fee was \$181,600. On December 13, 2005, the City Council approved Supplemental No. 1 and revised the original design concept to extend a storm sewer to Cowskin Creek. The fee was \$59,000. On June 6, 2006, the City Council approved Supplemental No. 2 to design a storm sewer project that had been petitioned by adjacent residential properties and will drain into the Pawnee system. The fee was \$4,989.

Construction project costs had been escalating just prior to bidding this project. In an effort to reduce costs to insure the project could stay within the revised budget, the consultant was asked to redesign some of the Storm sewer lines that could result in construction cost savings. Poe and Associates made these modifications to the final design and the project was successfully bid within the budget.

Payment to Poe for this Supplemental Agreement will be made on a lump sum basis of \$12,553.19, and will be paid by General Obligations Bonds.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed to provide a viable transportation system for the community. It also addresses the Economic Vitality and Affordable Living goal by providing a public improvement critical for the private sector's development of the surrounding area.

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

Motion--
--carried

Brewer moved that the Supplemental Agreement be approved and the necessary signatures authorized.
Motion carried 6 to 0.

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MONARCH LANDING CONSENT AGREEMENT FOR ENCROACHMENT INTO EXISTING EASEMENT FOR MAIN 20, MONARCH LANDING ADDITION, NORTH OF 21ST STREET, WEST OF 159TH STREET EAST. (DISTRICT II)

Agenda Report No. 07-0593

The construction of a sanitary sewer for a portion of Main 20, located in Monarch Landing Addition (South of 21st Street, East of 143rd Street) will encroach into an existing Westar overhead electric transmission line easement. Westar has agreed to consent to co-location where necessary for Main 20 Sewer within the existing easement.

An Agreement has been prepared which formalizes this arrangement.

There will be no cost to City.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer improvements required for a new residential subdivision.

The Law Department has approved the Agreement as to form.

Motion--
--carried

Brewer moved that the agreement be approved and the necessary signatures be authorized.
Motion carried 6-0.

MEADOWLAKE

MEADOWLAKE BEACH ADDITION, NORTH OF 55TH STREET SOUTH, WEST OF CLIFTON. (DISTRICT III)

Agenda Report No. 07-0577

The City Council approved the water, sanitary sewer and paving improvements in Meadowlake Beach Addition on March 13, 2007.

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 Meadowlake Beach 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 \$89,500 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 water, sewer and paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

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

Motion--
--carried

Brewer moved that the City Council approve the Agreement and authorize the necessary signatures.
Motion carried 6-0.

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BLACKSTONE AND CHERYL'S HOLLOW **BLACKSTONE AND CHERYL'S HOLLOW SECOND ADDITIONS, EAST OF 151ST STREET WEST, NORTH OF 13TH STREET. (DISTRICT V)**

Agenda Report No. 07-0578

The City Council approved the water, sanitary sewer and paving improvements in Blackstone & Cheryl's Hollow 2nd Additions on June 27, 2006.

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 Blackstone & Cheryl's Hollow 2nd Additions. 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 \$71,600 and will be paid by special assessments.

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

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

Motion--
--carried

Brewer moved that the City Council approve the Agreement and authorize the necessary signatures.
Motion carried 6-0.

JUSTICE ASST

JUSTICE ASSISTANCE GRANT.

Agenda Report No. 07-0580

The City of Wichita Police Department and Sedgwick County Sheriff's Office have received notification they are eligible to receive 2007 Justice Assistance Grant (JAG) funding. The JAG funding replaces the previous Local Law Enforcement Grant and Byrne Grant funding. The City of Wichita and Sedgwick County are required to submit a joint application for JAG funding, specifying the amount of the funds that are to be distributed to each of the units of local government and the purposes for which the funds will be used. The City of Wichita and Sedgwick County are eligible for a total of \$466,495 in federal funding, to be shared equally at \$233,248 each. Sedgwick County will be the applicant/fiscal agent for the joint funds.

Prior to beginning the JAG application process, a Memorandum of Understanding, MOU, will be signed by both Sedgwick County and City of Wichita officials, outlining the administration and distribution of the grant funds. The Sedgwick County Commission will hold a public hearing for the joint JAG application on May 30, 2007, allowing public comment by citizens. The Wichita Police Department will use their share of the JAG funding for Law Enforcement purposes to ensure a Safe and Secure Community.

The City of Wichita will receive \$233,248 in 2007 Justice Assistance Grant funding. There is no local match requirement.

33,248 Overtime
25,000 Lease vehicles-Field services
130,000 Police equipment
45,000 Early Warning System
233,248 Total

Safe and Secure Communities are affected by this grant.

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The required Memorandum of Understanding will be reviewed by the Law Department

Motion--
--carried

Brewer moved that the City Council approve the MOU and authorize the appropriate signatures.
Motion carried 6-0.

GOB NOTE SALE

GENERAL OBLIGATION BOND AND NOTE SALE.

Agenda Report No. 07-0581

The City is planning to offer for sale one series of general obligation temporary notes in an amount not to exceed \$65,140,000 (Series 220) and two series of general obligation bonds (Series 790 and 790A) in an amount not to exceed \$15,315,000 for the purpose of providing interim and permanent financing for capital improvement projects of the City, and two series of general obligation bonds (Series 959 and 960) in an amount not to exceed \$11,775,000 for the purpose of providing permanent financing for Tax Increment Finance (TIF) related projects of the City. The public sale of the bonds and notes is scheduled for 10:00 a.m. on July 10, 2007, at which time bids will be opened and the City Council will award the sale of bonds and notes to the bidders whose proposed interest rates result in the lowest overall cost to the City.

The City's summer 2007 general obligation bond and note sale includes the following issues:

Temporary Notes

The proceeds from the sale of the Series 220 Renewal and Improvement Temporary Notes will be used to provide interim financing for City-at-large, improvement district projects and public improvements located within the East Bank Tax Increment Financing District.

Special Assessment Bonds

The proceeds from the sale of the Series 790 and 790A Bonds will be used to permanently finance neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 790 and Series 790A Bonds. The General Obligation Bonds, Series 790 will be issued in a par amount not to exceed \$12,740,000 and the General Obligation Bonds, Series 790A will be issued in the par amount not to exceed \$2,575,000.

TIF Bonds

The proceeds from the sale of the Series 959 (taxable) and 960 (non-taxable) Bonds, herein referred to as the "TIF Bonds" will be used for public improvements located within the East Bank Tax Increment Financing District. Kansas Statutes allow for cities to finance public development or redevelopment of blighted areas, conservation areas, or areas designated as enterprise zones with incremental real estate taxes. Tax increment funds collected within each defined area will be used to pay all or a portion of the costs of the projects located within the TIF district. The Series 959 Taxable TIF Bonds will be issued in the par amount not to exceed \$4,390,000 and the Series 960 Non-Taxable TIF Bonds will be issued in the par amount not to exceed \$7,385,000.

The City of Wichita awards the sale of bonds and notes to the bidder with the lowest true interest cost, or "TIC". Using TIC to calculate the bids accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in the City saving money because TIC does not ignore the timing of interest payments.

The Series 220 Temporary Notes will mature on February 7, 2008 and will be retired using the proceeds of both permanent financing bonds, renewal notes and cash.

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The Series 790 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 790 Bonds are payable from the collection of special assessments levied against benefiting properties, and if not so paid, from Citywide ad valorem taxes. The Series 790 Special Assessment Bonds will be callable in 2014 with a 1% call premium.

The Series 790A Special Assessment Bonds will mature serially over 20 years with principal maturities structured to produce level annual payments of principal and interest. The Series 790A Bonds are payable from the collection of special assessments levied against benefiting properties, and if not so paid, from Citywide ad valorem taxes. The Series 790A Special Assessment Bonds will be callable in 2017 with a 1% call premium.

The Series 959 and 960 TIF Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The TIF Bonds are payable from the collection of property taxes to the Sedgwick County Treasurer and paid to the City Treasurer. The TIF Bonds will be callable in 2014 with a 1% call premium.

This item impacts the Economic Vitality/Affordable Living and Internal Perspectives through the temporary and permanent financing of capital improvements and offering the City's debt obligations through competitive sale. The sale of temporary notes allows short-term financing of improvements that shall be permanently financed through the issuance of bonds or pay-as-you-go financing. The special assessment bonds are being issued on a reimbursement basis to finance project costs previously incurred.

The Law Department has approved the Resolution authorizing the sale of the series of bonds and notes and directing the publication and distribution of the Notices of Bond and Note Sale (prepared by the City's Bond Counsel as required by law).

Motion--

Brewer moved that the City Council adopt the resolution 1) authorizing the general obligation bond and note sales; 2) approve the distribution to prospective bidders of the Preliminary Official Statement, subject to such minor revisions as may be determined necessary by the Director of Finance and Bond Counsel; 3) finding that such Preliminary Official Statement is in a form "deemed final" for the purpose of the Securities Exchange Commission's Rule 15c2-12(b)(1), subject to revision, amendment and completion in the final Official Statement and; 4) authorizing publication of the Notice of Sale. Motion carried 6 to 0.

--carried

RESOLUTION NO. 07-357

A Resolution of the city of Wichita, Kansas, authorizing and providing for the public sale of general obligation renewal and improvement temporary notes, Series 220, General Obligation Bonds, Series 790 and 790a; and general obligation bonds, Series 959 (taxable under federal law) and 960 and providing for the giving of notice of the public sale, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

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GRANT APP.

GRANT APPLICATION-ENHANCEMENTS TO THE PUBLIC SAFETY COMPUTER SYSTEM.

Agenda Report No. 07-0582

The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance is seeking applications for funding under the Edward Byrne Memorial Discretionary Grants Program to improve the capacity of local justice systems to address local needs. The Wichita Police Department and the Municipal Court are, respectively, the largest limited jurisdiction court and police department in the State of Kansas. Daily, large volumes of information are data entered into the public safety computer system. The current public safety computer system requires this data to be entered in multiple screens, not only a time consuming process but also complicated information retrieval and difficult information sharing with other law enforcement, courts, and agencies. The Court and Police Department are seeking these grant funds to enhance the public safety computer system by developing a means to streamline data input from numerous screens to one data input screen and by creating a master "court case information" summary screen. The master summary screen would enable the judges, prosecutors, staff, law enforcement, and other court agencies to view a list of all the defendant's case information and in a chronological order. Other enhancements would include an Inter-Agency Data Integration Program to integrate information from the Wichita Police Department, Municipal Court, Sedgwick County Sheriff's Office/Detention Facility, District Attorney's Office, and the Eighteenth Judicial District Court databases. Implementation of this enhancement would improve criminal background checks on persons of interest and comprehensive information sharing among local agencies.

The Court and Police Department are not only required to data input large volumes of information but must have the capability to extrapolate information in an efficient and effective manner. Additional, State guidelines are requiring that court and law enforcement agencies standardize and enhance the sharing of information within the criminal justice systems. The enhancements identified will improve the City's ability to comply with these guidelines.

The City would apply for the Byrne Memorial Grant to fund \$795,000. These funds would provide a means for a sole source vendor to write the applications needed to provide the requested enhancements. The funds would also be utilized to purchase the needed "hardware" (server) and connectivity devices to support the Interagency Data Integration Program enabling sharing of information with the various courts, prosecutorial and law enforcement agencies.

The proposed grant application totals \$881,040; a Federal Share of \$795,000 and a City of Wichita cash match of \$106,040. Although not required, the voluntary match is encouraged. The source of the cash match is in a Municipal Court Project account.

Continued enhancements to the public safety computer system addresses the Safe and Secure Community Goal by maintaining and/or improving response times and the crime rate. Additionally, the requested enhancements will improve citizen's perception of public safety by allowing for the efficient input of court case data, and by the collaborative sharing of defendants' information throughout multiple judicial and law enforcement agencies.

Upon award of the grant, the Legal Department will review any and all contracts with the sole source vendor as well as memorandums of understanding with the various judicial and law enforcement agencies.

Motion--
--carried

Brewer moved that the City Council approve the grant application and authorize the Mayor to sign the grant application and grant assurances. Motion carried 6 to 0.

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SETTLEMENT

PAYMENT OF JUDGMENT AND SETTLEMENT OF LAWSUIT.

Agenda Report No. 07-0592

In March of 2007, The City defended a lawsuit filed by DETAMC, Inc. alleging racial discrimination and breach of contract in federal district court. The jury found that the City was not liable for the alleged discrimination, but did find the City obligated to pay for the contracted services, the quality of which was in dispute. The plaintiff in that case has filed a motion for new trial and anticipates filing an appeal.

The City is legally obligated to pay the judgment amount, plus pre-judgment interest, post judgment interest, and court costs. The plaintiff is willing to forego further litigation, providing the City immediate certainty of outcome, for payment of an additional amount that is approximately equal to the cost of defending the new trial motion and any ensuing appeal, for which the outcome would be unknown.

Funding for this judgment satisfaction and settlement is from the tort claims fund.

This resolution will contribute to program and budget certainty for the Career Development Office, thereby enhancing the goal of economic vitality and affordable living.

The Law Department recommends acceptance of the negotiated resolution. This will satisfy the judgment, resolve all claims for damages and solidify the vindication of the City on the discrimination charges.

Motion--

Brewer moved that the City Council ratify the negotiated agreement, and authorize payment of \$80,000.00 to DETAMC, Inc. and its attorneys as a full satisfaction and settlement of the lawsuit.

-- carried

Motion carried 6 to 0.

ORDINANCE

SECOND READING ORDINANCE: (FIRST READ JUNE 12, 2007)

- a. Public Hearing and Issuance of Health Care Facilities Refunding and Improvement Revenue Bonds, Presbyterian Manors, Inc. (Districts I and VI)

ORDINANCE NO. 47-497

An Ordinance authorizing the city of Wichita, Kansas to issue its Health Care Facilities Refunding and Improvement Revenue Bonds, Series III, 2007 (Presbyterian Manors, Inc.) in the aggregate principal amount of not to exceed \$28,000,000 for the purposes of refunding certain outstanding city of Wichita, Kansas bonds and paying the cost of renovating, expanding and/or equipping certain health care facilities; prescribing the form and authorizing execution of a Ninth Supplemental Bond Indenture by and between the city and the Bank of New York Trust Company, N.A., as bond trustee; prescribing the form and authorizing the execution of an Eighth Supplemental Lease Agreement by and between Presbyterian Manors, Inc. and the city; approving the form of the guaranty agreement to be executed in connection with the issuance of said bonds; authorizing execution of a tax compliance agreement by and among the issuer, the bond trustee and Presbyterian Manors, Inc.; authorizing execution of an escrow deposit agreement by and among the issuer, the Bank of New York trust Company, N.A., as escrow trustee, and Presbyterian Manors, Inc.; authorizing the execution of a bond purchase agreement by and between the city, Presbyterian Manors, Inc. and Ziegler Capital Markets, as underwriter of the bonds; authorizing the issuer to convey title to a certain portion of the facilities; authorizing execution of a special warranty deed; authorizing a partial release of lease to effect the release of said portion of the facilities; and authorizing the execution of all such other documents necessary to convey title to said portion of the facilities to Presbyterian Manors, Inc, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6-0. Yeas Fearey, Gray, Longwell, Schlapp, Skelton and Brewer.

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UNFINISHED BUSINESS

KAAM

LEASE WITH THE KANSAS AFRICAN AMERICAN MUSEUM. (DISTRICT VI)

John Philbrick

Real Estate Administrator reviewed the item.

Agenda Report No. 07-0583

The Kansas African American Museum (KAAM) is currently located at 601 North Water. The current site is insufficient for the museum's needs. City staff has worked with the KAAM identify a new site for the museum that will allow the museum to expand and grow. In 2004, the City acquired approximately 7.8 acres of the property commonly known as 777 West Central for the River Corridor Improvement Project. A portion of the parcel, containing 52,550 square feet, is surplus to the River Corridor Improvement Project. This site is suitable for the planned expansion.

City staff and the staff of the KAAM have prepared a ground lease for the proposed museum site. The lease specifies that the KAAM will be responsible developing the site with an African American cultural and educational facility. The City will lease the site to the KAAM through 2105 with the caveat that the KAAM must commence construction by December 13, 2011. The rent rate is \$1.00 per year. The KAAM will be responsible for all costs associated with operating the museum. At the termination of the lease, all improvements will become the property of the City.

Per the lease, KAAM is responsible for the cost to construct and operate the museum. They are also responsible for the upkeep the site leased for the museum, utility relocation and site preparation. The City has no additional financial responsibility.

This agreement and the related development will improve the quality of life within the community.

The Law Department has approved the lease as to form.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Carol Cole

Carol Cole, 2502 North Old Manor, President of the Kansas African American Museum, stated that on behalf of the board and staff of the Museum, they are happy to be entering into the lease agreement and appreciate all the support that the City of Wichita has been giving them throughout the process and look forward to working with the City.

Motion--

Fearey moved that the City Council approve the lease agreement and authorize all necessary signatures.

--carried

Motion carried 6-0.

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NEW BUSINESS

BRENTWOOD APTS PUBLIC HEARING REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR LOW-INCOME HOUSING TAX CREDITS, BRENTWOOD APARTMENTS. (DISTRICT II)

Mark Stanberry

Housing Specialist reviewed the item.

Agenda Report No. 07-0584

The City has received a request from Inner City Development Company, LC (ICDC) for a City Council resolution of support for its application for 4% Low-Income Housing Tax Credits in connection with the acquisition and rehabilitation of the Brentwood Apartments. (The State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.) The developer is also requesting a letter of intent to issue qualified residential housing revenue bonds in an amount not-to-exceed \$8,000,000.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board. The policy also requires a review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) review the project for design appropriateness, and consistency with applicable neighborhood plans and zoning. Once the project is reviewed by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application and, in this case, issuance of the letter of intent for the housing revenue bonds.

The Brentwood Apartments complex is located at 6602 E. Harry, and consists of 196 apartment units, including 60 one-bedroom units, 114 two-bedroom units, and 22 three-bedroom units. Amenities include a swimming pool, and common laundry rooms.

The proposed project rehabilitation budget (hard costs) is estimated to be \$4,500,000. The proposed scope of work for the exterior includes new roofing, new siding, new guttering/downspouts, painting, installation of new landscaping and sprinkler system, resurfacing of the parking lots, new windows and sliding doors, architectural enhancement of the balcony structures, and correction of drainage problems. The proposed scope of work for the interior includes new carpet and flooring for each unit, new heating and air conditioning systems, new cabinets and counter tops, new appliances, including built-in microwave ovens, new bathroom fixtures, new lighting, new doors and re-painting.

The complex is currently subject to affordability restrictions as a result of a prior issuance of bonds. The bonds were originally issued in 1995, primarily for the purpose of financing the acquisition of the complex by Christian Relief Services, a Virginia-based not-for-profit corporation. At the time, \$300,000 in exterior and interior renovation was required.

Preliminary apartment rent amounts, upon completion of the proposed renovation, net of utility allowances, are expected to be a minimum of \$425 for one-bedroom apartments, a minimum of \$525 for two-bedroom apartments, and \$650 for three-bedroom apartments. Although the developer intends to comply with the City's requirement for 20% of the units to be designated as market-rate units, the rent amounts for the market-rate units will not be significantly greater than the proposed tax credit rent amounts.

Planning Department staff members have indicated that they have no comments or concerns with respect to the design guidelines. The Office of Central Inspection (OCI) has indicated that the landscaping ordinance will apply, including a solid screen fence and landscaping along the north side of the property adjacent to the street and across from the park property. In addition, OCI recommends landscaping/screening for the parking lot on the east side of the complex, across from the single-family homes, between the sidewalk and the parking lot. Americans with Disabilities Act Accessibility

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Guidelines will be applicable to the project with respect to re-striping/improving the parking lot and in connection with access paths to apartments.

The proposed project has been reviewed by the Housing and Community Services Department, and has received a recommendation for adoption of the resolution of support from the HAB, by a 10-0 vote. The proposed project was presented to DAB II for comment on June 4, 2007. Representatives of the Eastridge Neighborhood Association were invited to attend the meeting. There were no concerns, specifically related to the project, that could not be addressed. The DCC has approved a recommendation for adoption of the resolution of support.

The official name of the ownership entity upon completion of the transaction will be Brentwood Apartments, LLC. Inner-City Development Company/Christian Relief Services Charities, (ICDC/CRSC) Joint Venture, LLC will be the Managing Member, and an as-yet to be determined investor for the 4% housing tax credits will be the equity investor and member at-large.

The resolution of support does not constitute final plan or design approval. If the project is awarded tax credits, the project developer must comply with all requirements associated with appropriate plan reviews required for issuance of a City building permit. These reviews will include compliance with the City of Wichita's LIHTC Policy design guidelines. Further, the developer must comply with any additional reviews that may be requested by the City Council member in whose district the proposed project is planned.

Under federal law, a developer must use tax-exempt bonds to finance a multi-family housing project in order to qualify for 4% low income housing tax credits. The City's economic development incentive policy allows the issuance of bonds for this purpose, provided that the property shall not receive property tax abatements. Property purchased with bond proceeds, such as construction materials and furnishings, is eligible for sales tax exemption, with authorization of the City Council. The developer has agreed to comply with the City's letter of intent conditions for the issuance of the housing revenue bonds.

The total project cost is estimated to be approximately \$11,178,623. The applicant intends to finance the project utilizing funding from the sale of 4% housing tax credits, an Affordable Housing Program (AHP) loan from the Federal Home Loan Bank, and partial deferral of the developer fee. The 4% housing tax credits do not involve a competitive application process, but require the issuance of tax-exempt qualified residential housing revenue bonds for the debt-financed portion of the project, which is expected to be approximately \$8,000,000. The developer agrees to pay all of the City's costs associated with the issuance of the bonds and to pay the City's \$2,500 annual administrative service fee. The bonds issued for the acquisition of the property in 1995 will be redeemed.

The proposed project contributes to the goal of Economic Vitality and Affordable Living.

In accordance with City Council Resolution No. R-95-479, ICDC has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

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- Council Member Schlapp Council Member Schlapp asked if the Council approves the resolution, are they saying that the Council agrees that the project needs to be done and good for the area?
- Mark Stanberry Mark Stanberry stated yes, they would be endorsing the project.
- Council Member Schlapp Council Member Schlapp stated that there had been some questions rose in the last few days and asked what kind of liability the City will assume if this resolution were to pass.
- Mark Stanberry Mark Stanberry explained that with respect to the resolution, the City would not have any liability and with respect to the tax credits the City is not participating. The City is issuing the bonds but, as far as the tax credits are concerned the application is approved by the State, The Kansas Housing Resources Corporation. They ultimately take on the risk of allocating the tax credits and are responsible for making sure the developer is qualified to undertake the project and that the project is feasible.
- Council Member Schlapp Council Member Schlapp inquired if the State of Kansas will assume the responsibility and do the check.
- Mark Stanberry Mark Stanberry stated yes, the state will assume responsibility and monitor the project throughout construction and also during the 15 year compliance period.
- Council Member Schlapp Council Member Schlapp inquired whether there would be a bank involved with lending money and whether they would be doing a back round check?
- Mark Stanberry Mark Stanberry stated yes that was correct and that the developer would be applying for financing and will be conducting the checks they normally do, credit reports and analyzing financial statements and so forth that will be part of the financing package.
- Council Member Schlapp Council Member Schlapp stated that at some point she would like to speak with the developer but at this point she does not think this is the time.
- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard.
- Sharon Worrell Ms. Worrell lives at 1124 Barlow Street and stated that it is a single family residential home adjacent to the apartment complex in question. Stated that her neighborhood would welcome improvements to the property and that they are needed. One neighbor in her area received a letter from Inner City Development Corporation, however she did not and the majority of the other neighbors she talked to did not receive a letter either. Stated they came up with three items they would like to see included in the plans as suggestions. 1) Fence is torn out in several sections due to vandalism and they would like to see a more permanent fence erected, perhaps cement. 2) They are experiencing problems with trash blowing and would like to have the situation addressed as far as the location of the trash dumpsters moved or improved. 3) They would like to have security regarding noise. The boom boxes in the tenants cars are noisy. She suggested something be put in the tenants lease agreements.
- Council Member Schlapp Council Member Schlapp asked the developer in the audience if he would be willing to work with the neighbors and resolve some of the issues and open up some dialogue with the neighbors who look forward to this project but also have some concerns.
- Unidentified The developer agreed and mentioned that he had spoken to two of the neighbors yesterday to discuss those issues. Their first priority is to make the neighborhood better and make the neighbors happy. He stated that they intend to install a wrought iron fence and over landscape in front of the fence. He also stated that they are aware of the issues with the boom boxes and the trash. He feels the project is sort of a trend. He feels that projects like this one are undercapitalized and under managed and they plan to fix it.
- Council Member Schlapp Council Member Schlapp inquired as to whether they could establish some type of meeting with the homeowners association and/or the lady that came forward today before the developer leaves the meeting today and keep her involved.

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- Unidentified The developer stated he would be delighted to do that.
- Mayor Brewer Mayor Brewer inquired whether Council member Schlapp was ready to move forward or if she wanted to defer the item until July 3, 2007.
- Council Member Schlapp Council Member Schlapp stated that she wants to make sure that as a Council, they are very careful that they check in when issues come forward that they take a good look at them and she stated that she is not uncomfortable at this point but she is uncomfortable with the fact that maybe she doesn't know everything yet.
- Motion--carried Schlapp moved to defer this item until the next council meeting. Motion carried 6-0.

SECTION 5.88.040

REPEAL OF SECTION 5.88.040 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE CONCEALED CARRY OF HANDGUNS IN PROHIBITED PLACES.

- Gary Rebenstorf Director of Law reviewed the item.
- Agenda Report No. 07-07-0594
- Background: During the 2006 legislative session, 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 bills prohibited the carrying of concealed firearms by permit holders or those recognized out of state permit holders in certain places across the State of Kansas, or while under the influence of alcohol and/or drugs. In December 2006, the City of Wichita passed an ordinance to enforce these misdemeanor violations in Municipal Court. During the 2007 legislative session, House Bill No. 2528 was passed, which prohibits the filing of these violations in municipal court.
- House Bill No. 2528 mandates that City of Wichita Ordinance No. 5.88.040 be repealed.
- Provide a Safe and Secure Community. Violations of the Personal and Family Protection Act will be filed through District Court.
- The repeal of this ordinance was prepared and approved as to form by the Department of Law.
- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.
- Motion--carried Mayor Brewer moved to approve first reading of the Ordinance. Motion carried 6 to 0.

ORDINANCE

An Ordinance repealing Section 5.88.040 of the code of the city of Wichita, Kansas, pertaining to the concealed carry of handguns as permit holders, in prohibited places, introduced and under the rules laid over.

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SECTION 5.88.050. REPEAL OF SECTION 5.88.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE CONCEALED CARRY OF HANDGUNS IN PROHIBITED PLACES AS POSTED.

Gary Rebenstorf Director of Law reviewed the item.

Agenda Report No. 07-0595

During the 2006 legislative session, 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 bills prohibited the carrying of concealed firearms by permit holders or those recognized out of state permit holders in businesses that were posted. In December 2006, the City of Wichita passed an ordinance to enforce the violations related to carrying a handgun within a business that was posted as prohibiting the carrying of handguns by permit holders, and also made criminal, the occasions when a city employee carried a handgun as a permit holder, without authority, when in the scope of his/her employment. During the 2007 legislative session, House Bill No. 2528 was passed, which prohibits the criminal prosecution of employees carrying a concealed handgun while on duty and without permission, as well as preventing the filing of violations related to posting, within municipal court.

House Bill No. 2528 mandates that City of Wichita Ordinance No. 5.88.050 be repealed.

Provide a Safe and Secure Community. Violations of the Personal and Family Protection Act will be filed through District Court.

The repeal of this ordinance was prepared and approved as to form by the Department of Law.

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

Motion--carried Mayor Brewer moved to approve first reading of the Ordinance. Motion carried 6 to 0.

ORDINANCE

An Ordinance repealing Section 5.88.050 of the code of the City of Wichita, Kansas, pertaining to the concealed carry of handguns as permit holders in prohibited places as posted, introduced and under the rules laid over.

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

Gary Rebenstorf Director of Law reviewed the item.

Agenda Report No. 07-0596

On July 1, 2006 the Personal and Family Protection Act (K.S.A. 75-7c01 through 75-7c18) was enacted, allowing permit holders to carry concealed handguns within the State of Kansas. During the 2007 legislative session, House Bill No. 2528 was passed, which placed prohibitions on municipal governments' ability to regulate firearms violations. A municipal government may only regulate the open carry of firearms, concealed carry of firearms, or carrying firearms within the immediate control of a person, for those without a concealed carry permit. Violations can only be enforced on property open to the public. Additionally, a municipal government is unable to restrict the transportation or carry of a firearm that is otherwise lawful under state statutes. The City is mandated to enact amendments to the ordinance, by House Bill No. 2528.

The amendments to City of Wichita Ordinance 5.88.010 must be passed, in order to comply with the legislative mandate of House Bill No. 2528.

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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 Criminal Use of Weapons.

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

Mayor Brewer

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

Council Member Skelton

Council Member Skelton had questions regarding Section 1, D E F & G where it is underlined while on public property and question whether that pertained to people with no permit.

Gary Rebenstorf

Director of Law stated that Section D states that carrying any pistol or revolver or conceal on one's person while on property open to the public, the reason that this comes about this way is that the statute that was passed by the legislature said that you could only regulate conceal and carry weapons on government buildings or property that is open to the public. It distinguishes between buildings, parking lots and open spaces. Basically the statute says that open spaces like parks and other spaces like that cannot prohibit conceal and carry but a building open to the public can prohibit conceal and carry if you have it posted. It pertains to buildings open to the public.

Council Member Schlapp

Council Member Schlapp inquired that you cannot do it in a public building but you can do it in a public park.

Gary Rebenstorf

Director of Law answered yes.

Motion--carried

Mayor Brewer moved to approve first reading of the Ordinance. Motion carried 6 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.

SECTION 11.42.030

AMENDMENTS TO SECTION 11.42.030 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO DRIVING WHILE LICENSE SUSPENDED, CANCELLED OR REVOKED.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 06-0597

Pursuant to Senate Bill No. 35 and House Substitute for Senate Bill No. 31, the Kansas Legislature amended K.S.A. 8-1567, the state statute prohibiting driving under the influence of alcohol and/or drugs. The amendments expanded the sentencing provisions, now requiring either an ignition interlock device or impoundment of the convicted person's motor vehicle, on a second or subsequent conviction. Amendments also allow for concurrent jurisdiction in municipal court, over violations that could be filed as felony offenses in District Court.

The amendments to City of Wichita Ordinance 11.38.150 must be passed, in order for the City of Wichita Municipal Court, to enforce the violations of driving under the influence of alcohol and/or drugs. A municipal ordinance may not be less restrictive than sentencing provisions of state statute.

Provide a Safe and Secure Community. This ordinance will allow the Police Department and Law Department to charge and prosecute violations of driving under the influence of alcohol and/or drugs.

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

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

Motion--carried Mayor Brewer moved to approve first reading of the Ordinance. Motion carried 6 to 0.

ORDINANCE

An Ordinance amending Section 11.42.030 of the code of the city of Wichita, Kansas, pertaining to driving while license suspended, canceled or revoked and repealing the original of said section, introduced and under the rules laid over.

SECTION 11.38.150 AN ORDINANCE AMENDING 11.38.150 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE CRIME OF DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS

Gary Rebenstorf Director of Law reviewed the item.

Agenda Report No. 07-0598

Pursuant to Senate Bill No. 35 and House Substitute for Senate Bill No. 31, the Kansas Legislature amended K.S.A. 8-1567, the state statute prohibiting driving under the influence of alcohol and/or drugs. The amendments expanded the sentencing provisions, now requiring either an ignition interlock device or impoundment of the convicted person's motor vehicle, on a second or subsequent conviction. Amendments also allow for concurrent jurisdiction in municipal court, over violations that could be filed as felony offenses in District Court.

The amendments to City of Wichita Ordinance 11.38.150 must be passed, in order for the City of Wichita Municipal Court, to enforce the violations of driving under the influence of alcohol and/or drugs. A municipal ordinance may not be less restrictive than sentencing provisions of state statute.

Provide a Safe and Secure Community. This ordinance will allow the Police Department and Law Department to charge and prosecute violations of driving under the influence of alcohol and/or drugs.

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

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

Motion--carried Mayor Brewer moved to approve first reading of the Ordinance. Motion carried 6 to 0.

ORDINANCE

An Ordinance amending Section 11.38.150 of the code of the city of Wichita, Kansas, pertaining to driving under the influence of alcohol and/or drugs and repeal of the original Section 11.38.150, introduced and under the rules laid over.

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PLANNING AGENDA

Motion-- Brewer moved that Planning Consent items 18 to 23 be approved in accordance with the recommended
--carried action shown thereon. Motion carried 6 to 0.

(Item 17)
ZON2007-13

ZON2007-13-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "TF-3" TWO-FAMILY RESIDENTIAL FOR DUPLEX DEVELOPMENT: GENERALLY LOCATED WEST OF FLORENCE AND SOUTH OF 2ND STREET. (DISTRICT IV)

John Schlegel Director of Planning reviewed the item.

Agenda Report No. 07-0585

The application area is a vacant, platted lot located on the west side of Florence and south of 2nd Street. The .21-acre site is zoned "SF-5", and the applicant requests "TF-3" zoning to develop a duplex.

All property immediately surrounding the site is zoned "SF-5" and developed with single-family residences. Southeast of the site is an "SF-5" zoned church; "TF-3" and "MF-18" Multi-family residential zoning exists within the same block as the application area. One duplex exists within this same block, and several duplexes exist within a one block radius.

MAPC heard this request on May 17, 2007 and approved (9-0), based on staff recommendations. One residential neighbor contacted MAPD opposed to the request. Staff received 20 protest petitions; 11 are valid protests within the legal protest area, accounting for 61.22% of the protest area. This exceeds 20% of the protest area, requiring City Council to have a three-quarters majority to override the protest and approve the zone change.

Promote Economic Vitality.

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

John Schlegel Director of Planning recommended that the council send this item back to the MAPC. He stated that the staff made some critical errors in how they handled this application. The most critical error was the conflicting information given to the neighbors in this area about meeting times due to renovations in the MAPC conference room. They have a lot of protest for the zoning request required for this neighborhood and that is a pretty good indicator that there is significant neighborhood opposition. He feels the right thing to do would be to send this item back to the MAPC and allow the neighbors to be re-notified about the zoning requests and give them an opportunity to be heard at the Planning Commission. That would also give the Planning Commission an opportunity to hear testimony that they did not hear on this item. In addition they would send this to the District Advisory Board since there is neighborhood opposition to this item. He recommends the council send this item back to the MAPC for reconsideration.

Motion--carried Gray moved to send the item back to the MAPC for reconsideration. Motion carried 6 to 0.

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ZON2007-14

ZON2007-14-ZONE CHANGE REQUEST FROM "GI" GENERALLY INDUSTRIAL, "SF-5" SINGLE-FAMILY RESIDENTIAL, AND "LC" LIMITED COMMERCIAL TO "LI" LIMITED INDUSTRIAL. GENERALLY LOCATED NORTH OF 13TH STREET AND WEST OF GREENWICH ROAD. (DISTRICT II)

Agenda Report No. 07-0586

The applicant requests "LI" Limited Industrial zoning on 35.37 acres. Most of this zone change would be a down zoning from "GI" General Industrial zoning on the northern 21 acres. The southwest nine acres are zoned "SF-5" Single-family Residential, and the remaining southeastern five acres are zoned "LC" Limited Commercial. The entire site was approved by City Council in August 2006 for a zone change to "GC" General Commercial with a Commercial CUP (ZON2006-24/CUP2006-22 DP 298). This previous zone change and CUP was approved subject to platting. The property owner has not platted, therefore the zone change never became effective. The applicant now wishes to nullify the previous zone change to GC and commercial CUP, and develop the property with unspecified uses permitted under LI zoning. LI zoning would permit most land uses permitted in GC, with the exception of residential uses.

Property north of the site is zoned GI, and is used for aircraft part storage and a concrete plant. Immediately southwest of the site, at the northwest corner of 13th and Greenwich, is an LC zoned bank site. South of the site, across 13th Street North, is LI zoned aircraft manufacturing, and a test-flight runway. Also south of the site, across 13th is the LC zoned CUP DP 254 with retail uses. Southeast of the site, across 13th and Greenwich, is the LC zoned CUP DP 239, with a movie theater, bowling alley, hotel, and restaurant uses. East of the site, across Greenwich, is vacant LC zoned property within CUP DP 224, and SF-20 zoned property used for agriculture. West of the site is vacant LI zoned property requesting SF-5 zoning. Further west is the LI zoned Waterfront commercial and office development.

At the MAPC hearing on May 17, 2007, no individuals spoke in opposition to the request. The MAPC voted (9-0) to recommended approval of the request, subject to staff recommendations.

Promote economic vitality.

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

Motion--
--carried

Brewer moved to adopt the findings of the MAPC and approve the zone change subject to platting within one year; withhold publishing the ordinance until the plat is recorded. Motion carried 6-0.

ORDINANCE

An ordinance establishing the AT/FP-O anti-terrorism/force protection overlay district for certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. (ZON2007-14)

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ZON2007-15

ZON2007-15-ZONE CHANGE FROM "LI" LIMITED INDUSTRIAL TO "SF-5" SINGLE-FAMILY RESIDENTIAL. GENERALLY LOCATED ONE-HALF MILE WEST OF GREENWICH ROAD AND 1/8 MILE NORTH OF 13TH STREET NORTH. (DISTRICT II)

Agenda Report No. 07-0587

The applicant requests a zone change, or down zoning, on 57.19 acres from "LI" Limited Industrial to "SF-5" Single Family Residential for residential development. The site is located 600 feet north of 13th Street north and ¼ mile west of Greenwich. The unplatted, vacant property is currently used for agriculture. The site lies within Area A of the Airport Hazard Zone (Wichita-Sedgwick Count Airport Hazard Zoning Map) and will require FAA review (FAA Form 7460-1) for any structures.

North of this site is vacant "GO" General Office and "LC" Limited Commercial zoned property within DP 274, The Oak Creek Community Unit Plan. Northwest of the site is an "SF-5" Single-family Residential zoned residential subdivision. South of the application area is LI zoned property with frontage on 13th Street North. East of the site is a "GI" General Industrial concrete plant, and GI zoned property currently requesting LI zoning. West of the site is the LI zoned Waterfront Development.

At the MAPC hearing on May 17, 2007, no individuals spoke in opposition to the request. The MAPC voted (9-0) to recommended approval of the request, subject to staff recommendations.

Promote economic vitality.

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

Motion--
--carried

Brewer moved to adopt the findings of the MAPC and approve the zone change subject to platting within one year; withhold publishing the ordinance until the plat is recorded. Motion carried 6-0.

ORDINANCE

An ordinance establishing the AT/FP-O anti-terrorism/force protection overlay district for certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. (ZON2007-15)

A07-16R

A07-16R-REQUEST BY ALAN RENNICK AND GEORGE RENNICK, TO ANNEX LAND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF 45TH STREET NORTH AND HOOVER ROAD. (DISTRICT VI)

Agenda Report No. 07-0588

The City received a request to annex 5.08 acres of land generally located northwest of the intersection of 45th Street North and Hoover Road. The annexation area abuts the City of Wichita to the north, east, south and west. The property owner anticipates that the proposed property will be developed with 45,000 square feet of office and/or commercial development within the next ten years.

The proposed annexation consists of approximately 5.08 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. Property directly to the north, east, south and west is primarily agricultural land with a couple of farmsteads to the south and west. Property at each corner of 45th Street North and Hoover is zoned as "LC" Limited Commercial, which is surrounded by "SF-5" Single-Family Residential property.

There is a 20" water main in Ridge Road coming from the south and ending at the south right-of-way line of K-96, but there are plans to extend from 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 Road

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and Hoover Road. The developer plans on pumping to that point until such time as other facilities are constructed across Hoover Road near the northeast corner of the subject area.

The subject property borders 45th Street North to the south, which is a dirt road. The property also borders Hoover Road to the east, which is a paved, two-lane road. The Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program have scheduled Ridge Road to be widened, between 53rd Street and K-96, which is approximately 1 mile west of the subject property. The City of Wichita Capital Improvement Program (CIP) 2005-2014 does not call for improvements near the proposed annexation site.

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 Fire 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.

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 southwest 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.

The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

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 \$340 with a total assessed value of \$102. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$3 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 45,000 square feet of office/commercial property will be developed in the next ten years. The total appraised value of this development after completion is estimated at \$5,400,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$42,398 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

Brewer moved to approve the annexation request, place the ordinance on first reading and authorize the necessary signatures. Motion carried 6-0.

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. (A07-16)

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SUB2006-73

SUB2006-73-PLAT OF TARA CREEK ADDITION, LOCATED ON THE WEST SIDE OF 127TH STREET EAST AND NORTH OF PAWNEE. (DISTRICT II)

Agenda Report No. 07-0589

This site consists of 46 lots on 20.31 acres. The Annexation Ordinance for this site is also on the June 19th Wichita City Council Agenda. If annexed, this site will be zoned as "SF-5" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer, water and drainage improvements. Restrictive Covenants were submitted to provide for the ownership and maintenance responsibilities of the proposed reserves and to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. A Restrictive Covenant was provided that limits development to 30 lots prior to construction of a secondary access. The Restrictive Covenant also requires the elimination of the secondary access upon the construction of a connecting street to the west. An Emergency Access Easement has been provided.

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

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenants and Emergency Access Easement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved to approve the documents and plat, authorize the necessary signatures and adopt the Resolutions. Motion carried 6 to 0.

RESOLUTION NO. 07-359

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90297 (north of Pawnee, west of 127th Street East, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-360

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90298 (north of Pawnee, west of 127th Street East, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

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RESOLUTION NO. 07-361

Resolution of findings of advisability and resolution authorizing construction of Lateral 4, Main 18, Four Mile Creek Sewer 468-84357 (north of Pawnee, west of 127th Street East, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-362

Resolution of findings of advisability and resolution authorizing construction of storm Water Drain No. 327, 468-84358 (north of Pawnee, west of 127th Street East, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-363

Resolution of findings of advisability and resolution authorizing construction of Lateral 5, Main 18, Four Mile Creek Sewer 468-84363 (north of Pawnee, west of 127th Street East, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-364

Resolution of findings of advisability and resolution authorizing constructing pavement on Cherry Creek, from the west line of 127th Street East to the west line of Lot 8, Block 2, Cherry Creek Court, from the north line of Cherry Creek to and including the cul-de-sac; Cherry Creek Court from the north line of Cherry Creek to and including the cul-de-sac, 472-84557 (north of Pawnee, west of 127th Street East, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-365

Resolution of findings of advisability and resolution authorizing constructing pavement on Cherry Creek, from the west line of Tara Creek Addition to the west line of Lot 8, Block 2, and Cherry Creek Court from the north line of Cherry Creek to and including the cul-de-sac, 472-84560 (north of Pawnee, west of 127th Street East, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

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STREET IMPR.

STREET IMPROVEMENT AGREEMENT FOR LOT 4, WEST STREET LOUIS GARDENS ADDITION, LOCATED WEST OF HOOVER ROAD AND SOUTH OF CENTRAL AVENUE. (DISTRICT V)

Agenda Report No. 07-0590

This No-Protest Agreement is associated with Lot Split Case No. SUB 2007-52 and is for the future paving of Eisenhower.

The lot split will allow for the creation of one additional lot zoned "SF-5" Single-family Residential District. This Agreement assures the City of Wichita that this property will be included in the paving improvements and that the owners have waived their right to protest said paving improvement.

Ensure Efficient Infrastructure.

The No-Protest Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved to recommend that the City Council approve the Agreement and authorize necessary signatures. Motion carried 6-0.

DED 2007-10

DED 2007-10-DEDICATION OF A UTILITY EASEMENT LOCATED WEST OF HOOVER ROAD AND SOUTH OF CENTRAL AVENUE. (DISTRICT V)

Agenda Report No. 07-0591

This Dedication is associated with a lot split case (SUB 2007-42, West St. Louis Addition). The Dedication is for construction and maintenance of public utilities.

Ensure Efficient Infrastructure.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Brewer moved that the City Council accept the Dedication. Motion carried 6-0.

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CITY COUNCIL

TRAVEL EXPEND. APPROVAL OF TRAVEL EXPENSES FOR MAYOR BREWER, VICE-MAYOR FEAREY, AND COUNCIL MEMBERS SCHLAPP AND GRAY TO ATTEND NATIONAL LEAGUE OF CITIES CONFERENCE IN NEW ORLEANS, LA, NOVEMBER 13-18, 2007.

(Council Member Schlapp momentarily absent)

Motion--carried Skelton moved that the travel expenditures be approved. Motion carried 5-0. (Schlapp absent)

BALLOT SELECTION BALLOT SELECTION FOR DISTRICT I CITY COUNCIL MEMBER.

Mayor Brewer Mayor Brewer stated that the Council will be voting today until they get to some type of an agreement. Stated that they have had a chance to hear from the citizens, particularly the ones that represent that district and they have voiced some very strong opinions as to what they are wanting. Mayor Brewer asked that the Council take their views and their recommendations under consideration.

Council Member Schlapp Council Member Schlapp stated that it is very important for the Council to move on. Stated she thinks the Council is anxiously waiting a new member and in view of that they are going to move ahead here today in a very responsible way. Stated she hopes that those that ran do not leave and remain on boards and advisory positions. Stated that the City needs all of you, its not just all about one member and the City needs everybody to be involved.

Council Member Skelton Council Member Skelton wanted to thank both finalist for their efforts and endeavors to become the next Council person for District 1. Stated he thinks the two finalist are both great individuals but they have to make a decision today and would like to encourage all citizens to remain active on city boards and commissions and continue to advocate what you feel is to be in the best interest of your community.

City Clerk City Clerk read aloud the votes and the outcome was six votes for Lavonta Williams.

Motion--
--carried Mayor Brewer moved to confirm the vote of the City Council that they have six votes for Lavonta Williams to be the next City Council member for District I. Motion carried 6 to 0.

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BOARD APPTS.

BOARD APPOINTMENTS.

- Council Member Schlapp Council Member Schlapp appointed Susan Estes to the Library Board and David Murfin to the Airport Advisory Board.
- Council Member Fearey Council Member Fearey reappointed Elizabeth Bishop to the Metropolitan Area Planning Commission, Tony Rangel to the Housing Advisory Board, and Donna Perline to the Cultural Funding Committee.
- Council Member Skelton Council Member Skelton appointed Andy Souther to Board of Park Commissioners; Steve Anthimedes to Board of Zoning and Appeals; Donna Taylor to Culture Funding Committee; Elena Ingle to Historic Preservation Board; Marge Zakoura-Vaughan and Helen Para to Library Board; Hoyt Hillman to Metropolitan Area Planning Commission; Stephanie Mankins to Police and Fire Retirement; William Ward to Airport Advisory Board; Carol Webb to Sister Cities; Bob Decker to Wichita Employees Retirement; Charlotte Foster, Judy Dillard, John Kemp, Georgia Lampke, Teresa Cook, Joann Hartig, Bill Ward, Jim Gulick, Paula Hearn and Dwayne Kitchen to District Advisory Board III; and Pat Pickard to Public Building Commission.
- Mayor Brewer Mayor Brewer appointed Dr. Glen Dye to Board of Park Commissioners; Randy Brown and Jane Eshelman to Library Board; Don Sherman to Metropolitan Area Planning Commission and U.L. Gooch to Airport Advisory Board.
- Motion--carried Brewer moved that the appointments be approved. Motion carried 6 to 0.

RECESS

EXECUTIVE SESSION:

- Motion-- Mayor Brewer moved that the City Council recess into executive session at 10:08 a.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: Legal advice and preliminary discussions relating to the acquisition of real property for public purposes and that the Council returns from Executive session no earlier than 10:30 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 6 to 0.
- carried

RECONVENE

The City Council reconvened in the Council Chambers at 10:39 a.m. Mayor Brewer stated no action was taken.

- Motion--carried Brewer moved to close the Executive Session at 10:39 a.m. Motion carried 5 to 0, (Longwell absent).
- Motion--carried Brewer moved to adjourn the regular meeting at 10:39 a.m. Motion carried 5 to 0. (Longwell absent).

ADJOURNMENT

The meeting was adjourned at 10:39 a.m.

Respectfully Submitted,

Janis Edwards
Deputy City Clerk

Workshop followed in the 10th Floor HR Training Room