

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 8, 2008  
Tuesday, 9:02 A.M.

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

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

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

Pastor Allison Longman, Riverside Christian Church, gave the invocation.

The Minutes of the regular meeting of July 1, 2008, approved 7 to 0.

### AWARDS AND PROCLAMATIONS

Service Citation Larry A. Wiegant was recognized by Mayor Brewer and presented with a plaque for his 30 years of service with the Wichita Water Department.

### PUBLIC AGENDA

Marydel Grayum Ms. Grayum resides at 6506 East Bayley and is in support of a solid waste plan. Asked the Council Members to visit the recycling center, which is ran by volunteers but only open Tuesdays, Thursdays, and Saturdays. Stated that citizens do want recycling and want to do something about solid waste. Stated Wichita will need to be a lot more creative and that she would like to see Wichita do a "pay as you throw" system like the City of El Dorado, Kansas.

### UNFINISHED COUNCIL BUSINESS

LOCO JOE'S

#### APPEAL FROM AN ORDER OF THE CHIEF OF POLICE TO RECLASSIFY LOCAL LIQUOR LICENSE OF LOCO JOE'S LLC AT 417 EAST DOUGLAS. (DISTRICT I)

Tom Stolz

Deputy Chief reviewed the item.

Agenda Item No. 2.

City ordinance defines a Drinking Establishment/Restaurant (DER) as a business that is open to the general public, sells liquor by the individual drink and meets one of the following requirements: The business shall derive not less than 50% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period; or such business shall derive not less than 30% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period and shall have not less than 70% of the public assembly area of the licensed premises devoted to designated seating for the service of food for consumption on the licensed premises. (See Wichita City Ordinance/Section 4.04.010(t)) Minors under the age of 21 years are allowed on the premises of a DE/R but cannot consume alcohol. Any establishment not meeting the above food sales and seating space criteria is classified and licensed as a Drinking Establishment (DE), and minors under the age of 21 years are prohibited from entering or remaining on the premises.

The City Code also provides that a business licensed as a DE/R maybe reclassified as a DE in the event that the business fails to meet food sales or seating space criteria. Wichita City Ordinance/Section

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4.16.095 (c) authorizes the Chief of Police to reclassify any DE/R as a DE if the establishment “fails to provide information showing either the required amount of gross revenues from sales of food or the percentage of floor space devoted to the designated seating according to the floor plan, and the service of food for consumption on the licensed premise”. Subsection 4.16.095 (d) of the City Code provides that an order of reclassification issued by the Chief of Police may be appealed to the City Council within seven days from the date of the order. An appeal from the Chief’s order to the City Council stays the order of reclassification until the Council resolves the matter.

Loco Joes LLC, located at 417 E Douglas, has been licensed as a DE/R since 10 August 2007. On 29 March 2008 Wichita Police Department Detectives served Mr. Joe Bidwell the owner of Loco Joes LLC with a letter requesting information showing that the establishment was in compliance with Section 4.04.010 (t) regarding percentage of food sales. A list requesting specific information necessary for the audit of Loco Joes LLC revenues was attached. As of 11 April 2008 Detective Quinn has yet to receive the audit information requested.

On 18 April 2008 Chief Williams sent a letter to Mr. Joe Bidwell, the licensee for Loco Joes LLC informing him that the establishment was being reclassified to a DE, due to failure to comply with City ordinance 4.04.010 (t).

Council action was delayed on the reclassification for two weeks from their 03 June 2008 meeting to provide Mr. Joe Bidwell time to complete a working kitchen. Detective Quinn returned to the business 19 June 2008 & was to meet Mr. Joe Bidwell who failed to arrive for the inspection. Detective Quinn upon looking at the kitchen noticed a cook top and deep fryer that were inoperable at the time of inspection. There was not a refrigerator present that was to be used to store food.

If the City Council upholds the decision of the Chief, the licensee has the further option of appealing to the district court, pursuant to state statute. Such an appeal would not stay the order of reclassification.

Provide a safe and secure environment by enforcing City Ordinances regarding liquor licenses and drinking establishments.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Mr. Bidwell

Mr. Bidwell stated he has 500 fliers printed for his grand opening but is still waiting for is the final inspection before he can open. Stated since he met with the Council last, he has done everything in his power to get the construction done to get ready for the final inspection. Stated Kansas Fire is coming out tomorrow and after that he is ready for the final inspection, which should be Wednesday or Thursday. Stated 70% of his business is derived from food and that it is not just a drinking establishment.

(Council Member Skelton momentarily absent)

Motion--

--carried

Williams moved to defer this topic until the next City Council Meeting and hopes that all inspections are taken place at that time. Motion carried 7 to 0.

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## NEW COUNCIL BUSINESS

### **NAT'L NIGHT OUT      NATIONAL NIGHT OUT PRESENTATION.**

Michelle Tennyson      Police Department reviewed the item.

Agenda Item No. 3.

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

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

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

The City of Wichita has participated in National Night Out every year since 1990. 2007's tenth place award is the highest ranking achieved by the City of Wichita and matches the tenth place award received in 2005. The Wichita Police Department plans to make National Night Out 2008 even better by creating a multi-day celebration with several exciting events. The events will take place Thursday July 31 through Tuesday August 5, 2008.

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

Motion--carried      Brewer moved to receive and file the presentation on National Night Out. Motion carried 7 to 0.

### **TIF DISTRICT      RESOLUTION CONSIDERING THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT, TAX INCREMENT FINANCING. (DISTRICT I)**

Allen Bell      Urban Development Director reviewed the item.

Agenda Item No. 4.

H.H. Holding, LLC, a team of local investors led by Dr. Kevass Harding, has purchased the Ken Mar shopping center at the intersection of 13th and Oliver. The team has requested assistance from the City of Wichita in the redevelopment of property, through the use of tax increment financing. Procedures for the use of tax increment financing require the establishment of a redevelopment district following a public hearing on the matter. At this time, the City is being asked to adopt a resolution setting the public hearing for August 12, 2008.

The area proposed for redevelopment is shown on Exhibit 'A' to the attached resolution. The area is bounded on the south by 13th Street North, on the west by Pershing Avenue, on the north by 14th Street North and to the east by Oliver Avenue. This is an area that qualifies as a "conservation area" under the state TIF statutes. The structures within the district were constructed in the 1950's and are showing signs of deterioration. The Ken Mar neighborhood suffers from a higher than average unemployment rate, high concentration of individuals below the poverty level and below average value of housing units.

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H.H. Holding, LLC purchased the property in April 2008. The developer is proposing to perform extensive renovation on the two larger structures to attract a new anchor tenant and attract 6-10 additional commercial tenants and restaurants. In addition to the renovation, the developer will add up to four out-parcels along 13th Street and Oliver. Tax increment financing would be used to pay for eligible redevelopment costs, which include (without limitation) land acquisition, demolition, site preparation, utilities, landscaping, paving and public infrastructure.

Tax increment financing allows the increased tax revenue that result from the redevelopment of property to be reinvested in the redevelopment project. Once a TIF district is established and a redevelopment project plan is adopted by City Council, the increment of increased tax revenue is set aside by the County Treasurer, to be used by the City to repay bonds issued to finance certain improvements that are specified in the redevelopment project plan. After the bonds are retired, the property tax increment is distributed to the City, County, School District and other applicable taxing jurisdictions.

The first step in establishing the tax increment district is the adoption of a resolution which states that the City Council is considering the establishment of the TIF district and sets the date for a public hearing on the matter. The earliest date a public hearing may be held for this project is August 12, 2008. After closing the public hearing, the City Council may adopt an ordinance establishing the redevelopment district. The final step in the approval process involves the adoption of a detailed project plan and approval of a development agreement by City Council.

The initiating resolution now before Council for adoption directs the City Clerk to publish the resolution in the City's official newspaper and to mail copies, by certified mail, to the owners and occupants of all property located within the district and to the Board of County Commissioners and Board of Education. The resolution also includes a map of the proposed district and a proposed district plan identifying potential redevelopment project areas and a general description of buildings and facilities to be constructed or improved.

Tax increment financing falls under the City's Economic Development Incentive Policy, and as such this project will be subject to the provisions of said Policy, unless specifically waived or adjusted by the City Council. For example, it may be necessary to waive or adjust the requirement that projects must show a cost-benefit ratio of at least 1.3 to one in order to receive incentives. The Ken Mar redevelopment is a small commercial redevelopment project with years of deferred maintenance, therefore it is unlikely the project will meet the minimum ratio.

The cost of mailing the Resolution to all owners and occupants of property located within the proposed district will be charged to Economic Development Fund and will be ultimately financed with TIF revenues.

The developer will be required by the development agreement to provide satisfactory guarantees for the payment of any shortfall in TIF revenues available for debt service on all "full faith and credit" TIF bonds issued by the City for this TIF district.

Economic Vitality and Affordable Living and Quality of Life. Redevelopment of blighted areas, and declining areas, are needed to avoid economic stagnation. Business prospects and workers seeking to relocate are attracted to cities that support redevelopment in older areas.

State law allows cities to establish redevelopment districts in areas that are considered conservation areas based on findings that a majority of the structures in the area are at least 35 years old and the area is not yet blighted but may become blighted due to dilapidation, excessive vacancies or building abandonment. Such findings shall be set forth in the ordinance presented to the City Council for adoption following the public hearing on August 12, 2008. During a 30-day period following the public hearing, the Sedgwick County Board of County Commissioners and the USD 259 Board of Education will have the right to veto the establishment of the redevelopment district.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Bob Weeks

Mr. Weeks expressed his concerns involving the applicant and overlapping governmental jurisdictions.

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- Kevass Harding Mr. Harding stated he is on the school board of USD 259 and a developer of this project for Kenmar. Stated he has disclosed this information that he is on the school board as well as pastor of Dellrose Church. Stated this project has no affect on him as a school board member and what they are doing to redevelop this community. Stated he has let the entire school board know that he has purchased this property and is pursuing the TIF district.
- Council Member Gray Council Member Gray stated he would be abstaining from the vote.
- Motion-- Williams moved to adopt the resolution providing notice of consideration for the establishment of the proposed redevelopment district and setting a public hearing for August 12, 2008. Motion carried 6 to 0, (Gray abstained).
- carried

## Resolution No. 08-352

A Resolution stating the City of Wichita is considering the establishment of a redevelopment district under the authority of K.S.A. 12-1770 et seq., presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Schlapp, Skelton, Longwell, Williams and Brewer, (Gray abstained).

## CONTRACT

### HEALTH AND BENEFIT CONSULTANT CONTRACT.

Kelly Carpenter Director of Finance reviewed the item.

Agenda Item No. 5.

In 2004, the Health Insurance Advisory Board and the City Council approved using an independent Health and Benefits Consultant to assist in the selection process of a health insurance and benefits plan. That contract expired and a new competitive Request for Proposal (RFP) was issued.

The Request for Proposal (RFP) was issued through the City's Purchasing system. The RFP requested the vendor to;

- Review the existing benefit plans and make recommendations for cost-effective improvements;
- Survey and prioritize health care and benefit plan needs;
- Establish strategic goals and objectives for City health care and benefit plans;
- Develop competitive bid specifications for the 2009 City Benefits Plan programs (such as dental, group term life, disability etc.) and determine if these products are still viable and competitive;
- Screen vendors and assist with final recommendations for providers and contract terms;
- Provide a Self-Insurance cost analysis monthly and provide premium equivalents annually;
- Conduct a health and productivity review of Wellness Coaches USA;
- Develop competitive bid specifications for a third Party Administrator (TPA) for the Self-Insured Health Plan for implementation in 2010 and screen vendors and assist with final recommendations for providers and contract terms.

A summary of the Request for Proposal evaluation criteria include:

- The firm has experience and expertise based on past projects to carry out the project;
- The quality of the firm's professional staff assigned to the project is commensurate with project needs;
- The firm has experience with health and benefit plans, particularly as they relate to municipal corporations;
- The firm has experience with evaluating consumer-driven health care plans in general;
- The firm has direct experience in designing, implementing and evaluating Wellness programs.

A bid notice was published in the official newspaper on February 4, 2008, the RFP was placed on the City's e-Procurement web site and notices were mailed to 128 different firms across the United States. A total of 14 written proposals were received.

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A ten member Screening and Selection Committee was created to review the proposals. The Committee was comprised of representatives from: City Manager's Office; Department of Finance; Human Resources; Department of Law; and the four employee bargaining groups (Employees Council; Fraternal Order of Police; International Association of Firefighters and Service Employees Union). The Screening and Selection Committee also comprised a majority of the members of the Health Insurance Advisory Committee. Members of the Staff Screening and Selection Committee reviewed the Request for Proposal and the proposal responses.

The Screening and Selection Committee reviewed all fourteen written proposals for a new Health and Benefits Consultant and independently ranked each proposal based on the ranking criteria listed in the RFP. The top five firms were selected to make detailed presentations to the Screening and Selection Committee. The detailed presentations were held May 2, 2008. Following the detailed presentations, the Screening and Selection Committee independently ranked the presentations and proposals based on the ranking criteria listed in the RFP.

The Screening and Selection Committee recommends award of the contract to the firm of Aon Consulting, Inc., a New Jersey corporation with an office in Kansas City, Missouri, based on their experience on previous projects, staff expertise, as well as price. Aon Consulting, Inc. submitted the lowest cost fee of the final five firms at \$117,000 per year, guaranteed for four years, and decreasing to \$107,000 in the fifth year. Aon Consulting, Inc. proposed using a team of subject matter experts including a Senior Professional in Human Resources, Certified Employee Benefit Specialists, Member of the American Academy of Actuaries, a Wellness consultant, a Communications consultant and other experts as needed. In addition, Aon Consulting due diligence review indicates the following:

- Aon was selected by the readers of Business Insurance as the "Best Employee Benefit Consulting Firm" in 2006 and 2007;
- Number of Aon Consulting employees worldwide: 6,500;
- Number of countries in which Aon Consulting operates: 98, with the ability to deliver solutions through other Aon offices in an additional 34 countries;
- Aon serves half of the Fortune 500 and over 10,000 clients worldwide;
- Aon annual revenue is \$1.6 billion dollars.

The contract has been reviewed and approved as to form by the City Attorney's Office.

The employee insurance program is a part of the Internal Perspective goal. The Self-Insured health and prescription drug program, Wellness program and the fully-insured benefit programs are also a part of the City's strategic plan. The plan is to combine employee wellness programs, self-insured health and Rx plans and fully-insured benefit plans to minimize future insurance premium increases for the employee and the City, and improve the long-term health of City employees.

The contract would be for a not to exceed fee of \$117, 000 per year with four one year options. Costs in year five reduce to \$107,000. Funds are budgeted in the Group Health Insurance Fund to pay for a consultant.

Mayor Brewer

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

Motion --carried

Brewer moved to approve the contract and authorize the appropriate signatures. Motion carried 7 to 0.

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**BUDGET ADJUST.     MID-CONTINENT WATER RECLAMATION FACILITY - BUDGET ADJUSTMENT.**  
**(DISTRICT IV)**

David Warren             Director of Water and Sewer reviewed the item.

Agenda Item No. 6.

The 2000 Sanitary Sewer Master Plan recommended the construction of several satellite sewage treatment facilities. The facilities are to be located throughout the service area and are intended to bring sewage treatment services closer to the point of origin. Because of proximity to a major sewage collection line, one facility was suggested for Southwest Wichita near the Cowskin Creek pump station.

A sitting study was conducted to identify possible locations for this facility. More than a dozen sites were reviewed through a public information campaign. Additional reviews and recommendations were made by the Park Board, District Advisory Board IV, and the Wichita Airport Authority. The conclusion was that a site located on airport ground was the most desirable, and the City Council approved that site.

The original budget for the project was \$23.5 million dollars. This included design and construction services for the plant and pump station upgrade. Separate budgets were established for the construction of sewer mains and land acquisition. Bids for all of the projects through completion totaled \$31.5 million dollars.

The cost increases include the need to construct a facility capable of achieving lower effluent discharge limits than originally expected, cost of construction (materials and labor) and the need to construct on the airport ground. This project originally bid on March 7th, 2008. All of the bids received on that day exceeded the Engineer's estimate and thus required, by charter ordinance, the project to be rebid. It is projected that rebid costs will exceed the original bids. All the cost increases described in this paragraph are reflected in the attached cost estimates.

The Water Utility is requesting an increase in CIP S-546, Mid-Continent Sewage Treatment Plant, of \$10.4 million in addition to the original budget of \$23.5 million. This will result in a total of \$33.9 million and will accommodate all expected costs associated with the project. Documentation is attached itemizing the costs.

The project will ensure efficient infrastructure by assuring adequate infrastructure now and in the City's future.

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

Motion--             Gray moved that the budget adjustment be approved and the necessary signatures authorized. Motion  
--carried             carried 7 to 0.

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## TAXI CABS

### APPROVAL OF RESOLUTION TO INCREASE FARES FOR TAXI CABS.

Shirley Wilson

Transit Department reviewed the item.

Agenda Item No. 7.

Section 3.84.430 of the city code requires that the city council establish by resolution the maximum rates of fares for each form of taxi cab service. The last resolution to increase fares for taxi cabs was passed by the city council in 1996. Setting a maximum rate for cab fares allowed the companies to increase fares gradually over the last 12 years. A public hearing was held on July 7, 2008.

Due to the increasing cost of gas, the 3 existing cab companies (ABC Taxi Cab Company, American Cab Company, and Best Cabs, Inc.) feel that new fares need to be established. This new resolution is requesting maximum fares, which will gradually go into effect as the price of gas continues to rise. The rates requested by the 3 taxi cab companies are as follows:

Category	Proposed Fares	Old Fares
Flag drop	\$3.00	\$2.00
Each mile	\$3.00	\$2.00
Additional Passenger	\$2.00	\$1.00
Children under the age of 12	\$1.00	\$0.50
Waiting time per minute	\$0.60	\$0.40
Unsuccessful jump start	\$10.00	\$5.00

All other fares remain the same.

No city funds will be involved if taxi cab fares are increased.

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.

Mayor Brewer

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

Motion --carried

Brewer moved to approve the resolution and authorize the necessary signatures. Motion carried 7 to 0.

#### Resolution No. 08-362

A Resolution authorizing an increase in Taxi Cab fares. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

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**UNSAFE STRUCT.      REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.**  
**(DISTRICTS I, II, AND III)**

Kurt Schroeder      Office of Central Inspection reviewed the item.

Agenda Item No. 8.

On May 20, 2008, a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on July 8, 2008.

On May 5, 2008 the Board of Code Standards and Appeals (BCSA) held a hearing on the seven (7) properties listed below:

Property Address	Council District
a. 1314 North Lorraine	I
b. 435 North Piatt	I
c. 1006 North Grove	I
d. 1338 North Green	I
e. 916 North Harding	I
f. 14621 East Sport of Kings	II
g. 4338 East Wilma	III

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

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

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

Pursuant to State Statute, the Resolutions were duly published twice on May 23, 2008 and May 30, 2008. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder      Office of Central Inspection stated that the Staff's recommendation is to proceed with condemnation for the properties listed as a) 1314 North Lorraine; c) 1006 North Grove; d) 1338 North Green; e) 916 North Harding; and g) 4338 East Wilma.

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- Motion-- Brewer moved that the public hearing be closed; the resolutions declaring the buildings to be dangerous and unsafe structures adopted; and the BCSA recommended actions to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structures accepted. Any extensions of time granted to repair any structures would be contingent on the following: (1) All taxes have been paid to date, as of July 8, 2008; (2) the structures have been secured as of July 8, 2008 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of July 8, 2008, and will be so maintained during renovation for the properties listed as a) 1314 North Lorraine, c) 1006 North Grove, d) 1338 North Green, e) 916 North Harding, and g) 4338 East Wilma. Motion carried 7 to 0.
- carried
- Kurt Schroeder Office of Central Inspection reviewed item b) 435 north Piatt. Stated Maria Murano is working on acquiring the deed to this property and has done some work inside and out. Stated she is trying to resolve this so that she can get the deed and move her family into the home. Stated there are delinquent taxes due and she will try and get them paid within 30 to 60 days. Stated she is asking for another 60 days to get the work completed and would probably need 60 days to get the taxes paid that are owed.
- Motion-- Williams moved to take the recommended action of Staff and that is to allow 60 days to bring the house into compliance and pay the taxes. Motion carried 7 to 0.
- carried
- Kurt Schroeder Office of Central Inspection reviewed item f) 1462 East Sport of Kings. Stated there is a mortgage representative and neighbors that are here today. Stated the owner of the property is not contesting demolition of the property and that the Staff's recommendation is to proceed with condemnation.
- Trisha Aldridge Ms. Aldridge stated she is here on behalf of Homecomings Financial and gave the status of the foreclosure case.
- Kathy Herzon Ms. Herzon resides at 14801 East Summerfield Street and is represents the Homeowners Association. Stated they have been dealing with this issue over a year and a half and the condition of this house is very bad. Stated they have called the nuisance department several times because of rodents and the basement is full of water. Stated it is a threat to the children in this area and the neighborhood. Stated there are many issues and have tried to work with the owner and the mortgage company to get this resolved.
- Motion-- Vice-Mayor Schlapp moved to take Staff's recommendation to proceed with condemnation. Motion carried 7 to 0.
- carried

## Resolution No. 08-353

A Resolution finding that the structure/s located on the south 12 1/2 feet of Lot 36 and all of Lot 38, on Lorraine Avenue, in Fairmount Park Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1314 N. Lorraine, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 08-354

A Resolution finding that the structure/s located on Lot 15, on Piatt Avenue, Butler and Fisher's Second Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 435 N. Piatt, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

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## Resolution No. 08-355

A Resolution finding that the structure/s located on Lot 13 and 15, Block 1, Esterbrook Park Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1006 N. Grove, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 08-356

A Resolution finding that the structure/s located on Lots 18 and 20, on Green Street in Fairmount Park Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1338 N. Green, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 08-357

A Resolution finding that the structure/s located on Lot 9, Block 3, East Highland North Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 916 N. Harding, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 08-358

A Resolution finding that the structure/s located on Lot 9, Block 4, Savanna at Castle Rock Ranch 5th Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 14621 E. Sport of Kings, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Schlapp moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 08-359

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 18, Block F, in Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor second Addition, being a Subdivision of Section 26, Township 27 South, Range 1 East of the Sixth Principal Meridian, in Sedgwick County, Kansas; except that part described as beginning at a point at the Southeast corner of Lot 18, Block F, thence north 100 feet, thence northwest along the Northerly line of Lot 18, 45.4 feet, thence southerly 85.24 feet to a point on the Southerly line of Lot 18, said point being 71.15 feet Northwest of the Southeast corner of Lot 18, thence southeast 72.15 feet to the place of beginning, known as 4338 E. Wilma, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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## COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES

Motion-- Brewer moved that Planning Consent items 10 through 14 be approved in accordance with the  
--carried recommended action shown thereon. Motion carried 7 to 0.

## PLANNING AGENDA

(ITEM 9)  
ZON2008-00010

**ZON2008-00010 – ZONE CHANGE FROM B MULTI-FAMILY RESIDENTIAL (“B”) AND MF-29 MULTI-FAMILY RESIDENTIAL (“MF-29”) TO LC LIMITED COMMERCIAL (“LC”). GENERALLY LOCATED APPROXIMATELY 400-FEET SOUTH AND EAST OF THE INTERSECTION OF CENTRAL AND OLIVER. (DISTRICT II)**

John Schlegel Planning Director reviewed the item.

Agenda Item No. 9.

The applicant is requesting a zone change from B Multi-family Residential (“B”) (Lots 1, 3 and the north 40.51 feet of Lot 5) and MF-29 Multi-family Residential (“MF-29”) (the south 9.49 feet of Lot 5 and the north 8.51 feet of Lot 7) to the LC Limited Commercial (“LC”) district. The application area contains approximately 0.4-acres with 128 feet of frontage located along Central Avenue, one block east of Oliver. These lots are developed with two four-plexes, one on each lot, built in the early 1940’s, with what appears to be less than five off-street parking spaces serving eight dwelling units. The applicant proposes the rezoning to allow for the highest and best use to allow commercial development.

The majority of residential development in this area is located between Bleckley Drive (west) and Pinecrest Avenue (east), along the south side of Central Avenue. This development consists of four-plexes, duplexes and single-family residences zoned B or MF-29. Most of these multi-family structures appear to have been built in the early 1940’s.

Property south of the subject site is zoned MF-29, and is developed with a four-plex, also built in the early 1940s. Property east of the site is zoned B and developed with single-family residences. Property north of the subject site, across Central Avenue, is zoned LC, and is developed with a fast food restaurant. West of the subject site, across Bleckley Drive, the property is zoned LC, and is developed with a retail strip center.

The subject site is located in flood zone AE. The AE flood zone is a flood insurance rate zone that corresponds to the 100-year floodplain that is determined in the Flood Insurance Study by detailed methods. Mandatory flood insurance purchase requirements apply. The waterway that flows through this area, the West Branch Dry Creek of Gypsum Creek, begins just north of Claude Lambe Park and travels south through the LW Clapp Golf Course before joining Gypsum Creek southeast of Hillside and Pawnee.

This case was heard at the District II Advisory Board meeting held on April 9, 2008, and DAB II voted (7-0) to defer the request for LC zoning until a comprehensive flood study has been completed. At the MAPC meeting held April 10, 2008, the MAPC voted (12-0) to defer the request for 60 days until the completion of a flood study. At the MAPC meeting on June 5, 2008, the request was again heard without the completion of a flood study. Staff recommended denial of the request for LC zoning, however, staff recommended approval of NR zoning. After discussion, the MAPC recommended approval of the LC request with a Protective Overlay with two provisions which include:

1. Submission and approval of a drainage plan prior to issuance of any building permits.
2. Dedication of complete access control along Bleckley Drive, and dedication of access control except for one opening along Central Avenue.

There were two citizens that spoke in favor of the application and there was no opposition.

Promote Economic Vitality and Improve Housing Variety

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

Vice-Mayor Schlapp

Vice-Mayor Schlapp stated her DAB heard this case again last night and voted unanimous for this with the overlay.

Motion--

Vice-Mayor Schlapp moved that the findings of the MAPC be approved and the zone change approved subject to the provisions of Protective Overlay #212; and withhold publication of ordinance until conditions of the protective overlay are met. Motion carried 7 to 0.

--carried

## ORDINANCE

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

ZON2008-00026

**ZON2008-00026 – ZONE CHANGE FROM SF-5 SINGLE-FAMILY RESIDENTIAL (“SF-5”) AND LC LIMITED COMMERCIAL (“LC”) TO GC GENERAL COMMERCIAL (“GC”); GENERALLY LOCATED ON THE SOUTH SIDE OF LEWIS, A HALF BLOCK WEST OF ZELTA AND ONE BLOCK NORTH OF EAST KELLOGG, (11002 & 11723 EAST LEWIS), (DISTRICT II)**

Agenda Item No. 10.

DAB II Recommendation: Approve, subject to Protective Overlay #213, vote 9-0.

MAPC Recommendation: Approve, subject to Protective Overlay #213, vote 10-0

MAPD Staff Recommendation: Approve, subject to Protective Overlay #213

The applicants request a zone change from SF-5 Single-family Residential (“SF-5”) and LC Limited Commercial (“LC”) to GC General Commercial (“GC”) on a site encompassing two properties. The property at 11002 East Lewis Street is 0.87 acre in size, while the property at 11728 East Lewis Street is 0.88 acre in size (Lots 47 and 46 respectively of the Linwood Acres Addition.) Lot 47 is developed with an outbuilding while Lot 46 is currently undeveloped. The applicants propose to use the site for vehicle rental and for additional outdoor storage.

The surrounding area is characterized, predominantly, by large undeveloped and developed commercial properties zoned either LC or GC. Residential development is located north of the subject site, across Lewis, with property zoned MH Manufactured Housing District (“MH”), TF-3 Two-family Residential (“TF-3”), MF-18 Multi-family Residential (“MF-18”) and SF-5. There currently is no industrial development in the area.

The property north of the subject site, directly across east Lewis Street, is zoned MH and SF-5 and is developed as a mobile home park and single-family residences. The property to the south (same property owner as the subject site) is zoned GC and is developed as an auto dealership. The property to the east of the subject site is zoned LC and SF-5 and is currently undeveloped, while the property to the west of the subject site is zoned GC and is also undeveloped.

This case was heard at the District II Advisory Board meeting held on June 16, 2008, and DAB II voted (9-0) to approve the request with Protective Overlay #213. There was one person who spoke for the applicant in regards to one of the overlay conditions. After some discussion, the issue was resolved and the one citizen was satisfied with the outcome. At the MAPC meeting held June 05, 2008, the MAPC voted (10-0) to approve the request for LC zoning with a Protective Overlay with four provisions which:

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1. Dedication of complete access control by separate instrument along East Lewis Street.
2. The applicant shall construct a 6-foot solid screening fence along Lewis Street 10 feet south of the right-of-way line.
3. Submit a "no protest" petition regarding the future paving of Lewis Street.
4. Establish a covenant tying the ownership of the subject site to the abutting lot to the south.

No citizens that spoke in favor or opposition of the application.

Promote Economic Vitality

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

Motion--

Brewer moved that the findings of the MAPC be approved and the zone change approved subject to the provisions of Protective Overlay #213; and withhold publication of the ordinance until conditions of the protective overlay are met. Motion carried 7 to 0.

--carried

## ORDINANCE

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

ZON2008-28

**ZON2008-28 – ZONING REQUEST ON A PARCEL WITH NO ZONING TO MH MANUFACTURED HOUSING, GENERALLY LOCATED 1/2 MILE EAST OF HYDRAULIC AVENUE AT 55TH STREET SOUTH AND ABUTTING THE ARKANSAS RIVER. (DISTRICT III)**

Agenda Item No. 11.

MAPC Recommendation: Approve, subject to platting within one year (10-0).

MAPD Staff Recommendation: Approve, subject to platting within one year.

DAB Recommendation: None, DAB III did not hear this request.

The application area is an unzoned parcel along the Arkansas River. The property is under the same ownership as the mobile home park to the north and west of the site. The applicant wishes to develop the site with storage for the mobile home park and therefore is requesting a rezoning to MH Manufactured Housing ("MH"). The property is currently unplatted; however, the applicant has initiated the platting process.

Property north and west of the site is zoned MH and is developed with manufactured home pad sites. Property south of the site is zoned SF-5 Single-family Residential and utilized as a municipal sewage treatment site. Property east of the site is the unzoned Arkansas River.

The MAPC approved this request unanimously on June 5, 2008; no one spoke against the request at the public hearing and no protest petitions were filed.

Promote Economic Vitality.

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

Motion--

Brewer moved that the findings of the MAPC be approved and approve the zone change subject to platting within one year and withhold publication of the ordinance until the plat is recorded. Motion carried 7 to 0.

--carried

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## ORDINANCE

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

VAC2006-00035

**VAC2006-00035-REQUEST TO VACATE A PORTION OF A PLATTED PUBLIC STREET RIGHT-OF-WAY; GENERALLY LOCATED BETWEEN MARKET AND MAIN STREETS AND BETWEEN KELLOGG DRIVE TO LEWIS STREET. (DISTRICT I)**

Agenda Item No. 12.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting vacation of the approximately 305 foot long by 70 foot wide portion of Dewey Street right-of-way (ROW). This portion of Dewey Street ROW (which was platted as Morris Street, as recorded on the Grieffenstein's Third Addition in Wichita, Sedgwick County, Kansas) is located between Lots 108, 109, 110 and 111, Grieffenstein's Third Addition (north and south sides) and between Main and Market Streets (east and west sides). This portion of Dewey abuts the north end of the entrance into downtown Wichita and is a block east of the Waterwalk redevelopment project. There is Westar equipment, Cox cable lines, a gas line, storm water and a water line in the ROW. The Grieffenstein's Third Addition was recorded with the Register of Deeds on June 19, 1973.

The MAPC voted (10-0-1) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order and dedication of complete access control by separate instrument will be recorded with the Register of Deeds.

Motion--  
--carried

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

VAC2007-00035

**VAC2007-00035 REQUEST TO VACATE A PORTION OF A PLATTED UTILITY GENERALLY LOCATED WEST OF 143RD STREET EAST ON THE NORTH SIDE OF 13TH STREET. (DISTRICT II)**

Agenda Item No. 13.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicants are requesting consideration for the vacation of a portion of the platted 40 foot utility easement, located on the south sides of Lots 8 and 9, Block 1, Savanna at Castle Rock Ranch 4th Addition. The applicants are proposing to finish construction of a masonry wall to buffer them from traffic on 13th Street. The applicants have provided a letter from the homeowner's association approving the proposed masonry wall. This letter also approves of landscaping and irrigation outside of the wall. No private landscaping or irrigation can be placed in the 13th Street right-of-way (ROW). Sewer is located within the north portion of the platted 40 foot utility easement. Water is located in both the 13th and Castle Rock Streets ROW. Westar has utilities located within the described easement that serves both subject properties. The Savanna at Castle Rock Ranch 4th Addition was recorded with the Register of Deeds on June 9, 1993.

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

Ensure efficient infrastructure.

A certified copy of the Vacation Order and hold harmless agreements will be recorded with the Register of Deeds.

Motion--  
--carried

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

VAC2008-00006

**VAC2008-00006REQUEST TO VACATE MULTIPLE PLATTED ACCESS EASEMENTS AND A PLATTED UTILITY EASEMENT; GENERALLY LOCATED BETWEEN I-35 AND CENTRAL AVENUE, WEST OF 159TH STREET EAST. (DISTRICT II)**

Agenda Item No. 14.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the 5-foot wide platted maintenance access easements located on Lots 2-12 and the platted 5-foot wide utility easement located on Lot 9, all in Block 2, the Terradyne West Addition. All of the easements are located along the length of the interior side yards of the described residential lots. The platted maintenance access easements are to be used for (per the plattor's text) pedestrian emergency access, construction, maintenance, the extension of footing and a 2 foot overhang of the structure on the adjacent lot. There are no manholes, water or sewer lines in the described easements. Westar has equipment in an easement. The applicant proposes to create new parcels with boundary shifts, thus the need to remove the platted easements. The Terradyne West Addition was recorded with the Register of Deeds on December 12, 2006.

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

The applicant has provided Public Works with the new square footage for each of the reconfigured lots to address the redistribution of the funds involved in the specials (water, sewer and drainage) for the properties.

Ensure efficient infrastructure.

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

Motion--  
--carried

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

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## COUNCIL MEMBER AGENDA

### **MUNICIPAL CT.      MUNICIPAL COURT JUDGE COMPENSATION.**

Gary Rebenstorf      Director of Law reviewed the item.

Agenda Item No. 15.

Charter Ordinance No. 191 provides that the compensation of Municipal Court Judges shall be set by the City Council. The ordinance also provides that the judges will be evaluated according to procedures established by the City Council.

Pursuant to Charter Ordinance No. 191, the "City Council Policy on the Evaluation Procedures for Wichita Municipal Court Judges" provides the process for evaluating and compensating Municipal Court Judges.

Vice Mayor Schlapp and City Council member Williams were designated by the City Council to conduct the review required by the Policy for compensation of all of the Municipal Court Judges. The judges have been evaluated based on their service from April 2007 to April 2008. Accordingly, it is recommended that each judge receive a 2% merit increase, retroactive to the third Tuesday of April, 2008.

The cost of the salary increases is budgeted in the Municipal Court Budget.

The ordinance amendment addresses the Safe and Secure Community goal by providing adequate compensation for Municipal Court Judges.

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

Motion--      Vice-Mayor Schlapp moved to approve a merit increase of 2% retroactive to the third Tuesday of April,  
--carried      2008 for all of the Municipal Court Judges. Motion carried 7 to 0.

## COUNCIL MEMBER APPOINTMENTS

Council Member Fearey      Council Member Fearey reappointed Marcia Carr, Bob Aldrich, Charlie Claycomb, Jaya Escobar, Bickley Foster, Stacie Longwell, Janet Miller, Pat Randleas, Bob Schreck, Carol Skaff, and John Wallegghen to her DAB.

Council Member Longwell      Council Member Longwell added Pat Ring to his DAB.

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

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## CONSENT AGENDA

Motion-- Brewer moved that Consent Agenda Items 17 through 30e, be approved in accordance with the  
--carried recommended action shown thereon. Motion carried 7 to 0.

## CMBS

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

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Stephen Diehl	Dillon Store #72	10304 West 13th Street
James Brown	Oncue Express600	433 South Greenwich Road

<u>Renewal</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Angela L. Ray	El Matador Lounge	2033 South Broadway

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

## PRELIM ESTIMATES PRELIMINARY ESTIMATES:

- a. Mount Vernon Street and Drainage Improvements from Greenway to Broadway (472-84289/ 706946/636204/620509/205412/778594/668628) See Special Provisions for Traffic. (District III) - \$5,075,000.00
- b. Goebel Circle from the north line of Pawnee to and including the cul-de-sac to serve Brentwood South 3rd Addition (east of Webb, north of Pawnee) (472-84656/766194/490212) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$233,000.00
- c. 2008 Sanitary Sewer Reconstruction Phase 8 (north of Pawnee, east of Seneca) (468-84527 /620514/668633) Traffic to be maintained during construction using flagpersons and barricades. (District II, III) - \$116,000.00
- d. 2008 Contract Maintenance Mill & Overlay Phase 2 (north of 47th Street South, east of 119th Street West) (472-84734/132721/) Traffic to be maintained during construction using flagpersons and barricades. (District II, V & VI) - \$1,100,400.00
- e. The cost of construction of Storm Water Drain No. 621 to serve Pawnee Mesa Addition (north of Pawnee, east of 119th Street West). (District IV) (468-84152/751419/485-310) – Total Estimated Cost \$153,900.00

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

## DEEDS/EASMTS.

### DEEDS AND EASEMENTS:

- a. Storm Water Drainage and Detention Basin Improvements Easement dated July 8, 2008 from Castlewood Homes, Inc. for a pond lying within Reserve A, Sycamore Pond Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #751427) No cost to City.
- b. Storm Water Drainage and Detention Basin Improvements Easement dated July 8, 2008 from RRT, LLC. for a pond lying within Reserve B, Crestlake Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #751423) No cost to City.
- c. Storm Water Drainage and Detention Basin Improvements Easement dated July 8, 2008 from Socora Homes, Inc. for a pond lying within Reserve A and B, Fontana 2nd Addition and the east 340' of Reserve E, Fontana Addition, additions to Wichita, Sedgwick County, Kansas, (OCA #751411) No cost to City.
- d. Storm Water Drainage and Detention Basin Improvements Easement dated July 8, 2008 from Caywood, LLC. for a pond lying within Reserve B, Clifton Cove Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #751421) No cost to City.
- e. Storm Water Drainage and Detention Basin Improvements Easement dated July 8, 2008 from R & R Realty, LLC. for a pond lying within Reserve A, Tyler's Landing

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- Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #751436) No cost to City.
- f. Storm Water Drainage and Detention Basin Improvements Easement dated July 8, 2008 from Chase Development, LLC. for a pond lying within Reserve B, Valencia Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #751435) No cost to City.
  - g. Storm Water Drainage and Detention Basin Improvements Easement dated July 8, 2008 from Auburn Pointe, LLC. for a pond lying within Reserve A, Auburn Hills Commercial 4th Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #751426) No cost to City.

Motion --carried

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

## STMT OF COSTS

### STATEMENT OF COSTS:

- a. Improving 37th Street North to serve Ridge Port North 2nd Addition (south of 37th Street North, east of Ridge). Total Cost - \$120,628.67 (plus idle fund interest - \$2,607.61, plus temporary note interest - \$3,063.72). Financing to be issued at this time - \$126,300.00. (766144/472-83411/490-162).
- b. Realign McCormick from Leonine to K-42. Total Cost - \$1,558,497.91 (plus idle fund interest - \$154.35, plus temporary note interest - \$39,147.74). Project Total Cost - \$1,597,800.00 (less interfund transfer - \$113,000.00, less transfer from debt service - \$1,222,000.00). Financing to be issued at this time - \$262,800.00. (706866/472-83831/203-332).
- c. Improving 143rd Street East from 21st Street North to the north line of 24th Street North to serve Krug North, Krug North 2nd and East Side Community Church 2nd Additions (143rd 1st Street North). Total Cost - \$210,749.29 (plus idle fund interest - \$4,353.03, plus temporary note interest - \$5,497.68). Financing to be issued at this time - \$220,600.00. (766115/472-83979/490-132).
- d. Improving Upland Hills, Upland Hills Court, Rogers Lane, and Haskell to serve Turkey Creek 2nd Addition (north of Pawnee, west of 119th Street West). Total Cost - \$519,017.34 (plus idle fund interest - \$11,756.76, plus temporary note interest - \$14,525.90). Financing to be issued at this time - \$545,300.00. (766111/472-84030/490-128).
- e. Improving Rutgers, Havenhurst, Rutgers Court, Waterside, and Westbrook to serve Prairie Pointe and Prairie Pointe 2nd Additions (north of 37th Street North, west of Maize). Total Cost - \$515,869.25 (plus idle fund interest - \$11,092.71, plus temporary note interest - \$12,138.04). Financing to be issued at this time - \$539,100.00. (766127/472-84043/490-145).
- f. Improving Mark Randal, Cortina, and Shefford to serve Fontana 3rd Addition (north of 29th Street North, east of 119th Street West). Total Cost - \$534,277.23 (plus idle fund interest - \$7,775.69, plus temporary note interest - \$13,947.08). Financing to be issued at this time - \$556,000.00. (766131/472-84091/490-149).
- g. Improving Woodridge, Woodridge Circle, and Woodridge Court to serve The Fairmont 3rd Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$159,171.33 (plus idle fund interest - \$3,089.61, plus temporary note interest - \$3,939.06). Financing to be issued at this time - \$166,200.00. (766143/472-84137/490-161).
- h. Improving an east-west alley 310 feet south of Harry from Woodlawn to Mission Street to serve Lincoln Hills 2nd Addition (south of Harry, east of Woodlawn). Total Cost - \$70,128.85 (plus idle fund interest - \$2,341.71, plus temporary note interest - \$729.44). Financing to be issued at this time - \$73,200.00. (765945/472-84222/490-058).

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- i. Improving Pepper Ridge, High Point, Conrey, and Conrey Court to serve Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler). Total Cost - \$226,518.74 (plus idle fund I interest - \$3,666.34, plus temporary note interest - \$6,214.92). Financing to be issued at this time - \$236,400.00. (766124/472-84263/490-142).
- j. Improving Westlakes Parkway to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$497,213.61 (plus idle fund interest - \$11,462.67, plus temporary note interest - \$17,523.72). Financing to be issued at this time - \$526,200.00. (765996/472-84279/490-113).
- k. Facade Improvement Program for Old Town Courtyard by Marriott at 820 and 900 East 2nd Street. Total Cost - \$605,605.97 (plus idle fund interest - \$12,405.08, plus temporary note interest - \$35,288.95). Financing to be issued at this time - \$653,300.00. (766016/472-84288/491-017).
- l. Improving Merton, east from the east line of Seneca to and including the cul-de-sac to serve Rubottom, Fulgroat and Merton Park Additions (south of Harry, east of Seneca). Total Cost - \$153,223.96 (plus idle fund interest - \$3,428.20, plus temporary note interest - \$4,447.84). Financing to be issued at this time - \$161,100.00. (765992/472-84410/490-109).
- m. Facade Improvement Program at 105 South Broadway (southwest corner of Douglas and Broadway). Total Cost - \$571,585.24 (plus idle fund interest - \$12,349.20, plus temporary note interest - \$19,165.56). Financing to be issued at this time - \$603,100.00. (766019/472-84411/491-020).
- n. Improving Grey Meadow, Grey Meadow Courts, Flat Creek, and Flat Creek Court to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$664,043.09 (plus idle fund interest - \$15,406.33, plus temporary note interest - \$23,850.58). Financing to be issued at this time - \$703,300.00. (766100/472-84421/490-117).
- o. Improving Bellechase, Spring Valley, Horseback, Horseback Court, and Horseback Circle to serve Bellechase Addition (north of Harry, east of 127th Street East). Total Cost - \$383,280.31 (plus idle fund interest - \$8,902.45, plus temporary note interest - \$10,617.24). Financing to be issued at this time - \$402,800.00. (766113/472-84426/490-130).
- p. Improving Gouverneur and Osie to serve Grillott Addition and East Substation Addition (south of Harry, west of Rock). Total Cost - \$203,151.20 (plus idle fund interest - \$12,948.80, plus temporary note interest - \$0). Financing to be issued at this time - \$216,100.00. (766107/472-84428/490-124).
- q. Improving Brookside to serve Kretchmar, Kapaun First, and Kapaun Fourth Additions and unplatted tract (north of Central, west of Woodlawn). Total Cost - \$144,402.96 (plus idle fund interest - \$4,072.38, plus temporary note interest - \$4,024.66). Financing to be issued at this time - \$152,500.00. (766112/472-84442/490-129).
- r. Improving Spring Hollow Drive, Watson, Clear Creek, and St. Andrews Drive to serve Clear Creek Addition (south of Kellogg, west of 143rd Street East). Total Cost - \$336,289.04 (plus idle fund interest - \$8,369.64, plus temporary note interest - \$9,741.32). Financing to be issued at this time - \$354,400.00. (766114/472-84448/490-131).
- s. Improving Westlakes Court to serve Fox Ridge Addition (north of 29th Street North, east of Maize). Total Cost - \$202,159.86 (plus idle fund interest - \$4,037.94, plus temporary note interest - \$5,602.20). Financing to be issued at this time - \$211,800.00. (766119/472-84470/490-137).
- t. Improving Athenian and Athenian Court to serve Valencia Addition (south of 53rd Street North, east of Meridian). Total Cost - \$196,020.34 (plus idle fund interest - \$3,756.80, plus temporary note interest - \$5,222.86). Financing to be issued at this time - \$205,000.00. (766137/472-84473/490-155).
- u. Improving Stafford and Cranbrook to serve Brentwood South Addition (north of Pawnee, east of Webb). Total Cost - \$343,143.54 (plus idle fund interest - \$13,097.26, plus temporary note interest - \$2,159.20). Financing to be issued at this time - \$358,400.00. (766122/472-84476/490-140).

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- v. Facade Improvement Program at 154 North Emporia (southeast corner of 1st Street and Emporia). Total Cost - \$89,703.22 (plus idle fund interest - \$5,596.78, plus temporary note interest - \$0). Financing to be issued at this time - \$95,300.00. (766020/472-84497/491-021).
- w. Improving Flutter Lane, 24th Street, Boxthorn, Camden Chase, Camden Chase Court, Chelmsford, Chelmsford Circle, and Graystone to serve Monarch Landing Addition (north of 21st Street North, west of 159th Street East). Total Cost - \$831,021.85 (plus idle fund interest - \$17,058.31, plus temporary note interest - \$18,819.84). Financing to be issued at this time - \$866,900.00. (766129/472-84505/490-147).
- x. Improving Gilda and Wickham to serve Gray's 6th Addition (south of MacArthur, west of Hoover). Total Cost - \$149,160.27 (plus idle fund interest - \$5,089.57, plus temporary note interest - \$350.16). Financing to be issued at this time - \$154,600.00. (766155/472-84565/490-173).
- y. Improving Wilderness Circle to serve Willow Place 2nd Addition (south of 45th Street North, west of Webb). Total Cost - \$59,085.63 (plus idle fund interest - \$1,814.37, plus temporary note interest - \$0). Financing to be issued at this time - \$60,900.00. (766169/472-84601/490-187).

Motion--carried

Brewer moved to approve and file.

## STREET CLOSURES

### UNIFIRST FOUNDERS DAY COMPANY PICNIC, JULY 12, 2008 8:00 AM-5:00 PM. (DISTRICT VI)

Agenda Item No. 22a.

In accordance with the Community Events Procedure, the event promoter Karie Ross, UniFirst is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

#### UniFirst Founders Day Company Picnic July 12, 2008 8:00 am – 5:00 pm

- Stackman Drive, Murdock to Nims

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

--carried

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## **STREET CLOSURE ST. MARK COMMUNITY DAY, 7:30 AM TO 4:30 PM, JULY 26, 2008. (DISTRICT I)**

Agenda Item No. 22b.

In accordance with the Community Events Procedure, the event promoter, Schaunta James-Boyd is coordinating and with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

St. Mark Community Day 7:30 am to 4:30 pm, July 26, 2008.

Lorraine Street, 15th Street to 16th 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 event.

Enhance the Quality of Life

Motion--

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

--carried

## **MOORINGS**

### **MOORINGS 10TH ADDITION, SOUTH OF 53RD STREET NORTH, WEST OF MERIDIAN. (DISTRICT VI)**

Agenda Item No. 23.

The City Council approved the paving, water, sewer, drainage and bridge improvements in Moorings 10th Addition on January 8, 2008.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of paving, water, sewer, drainage and bridge in Moorings 10th Addition. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$172,500 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of paving, water, sewer, and drainage and bridge 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 to approve the Agreement and authorize the necessary signatures. Motion carried 7 to 0.

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## BOARD MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS

Deferred Compensation Board, February 21, 2008  
Wichita Employees' Retirement System, April 23, 2008  
Wichita Employees' Retirement System May 21, 2008  
Wichita Employees' Retirement Board/Police & Fire Retirement Board, May 1, 2008

Motion--carried

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

## WATER DIST. SYS.

### WATER DISTRIBUTION SYSTEM TO SERVE AN AREA ALONG MEAD, BETWEEN 55TH STREET SOUTH AND 57TH STREET SOUTH. (DISTRICT III)

Agenda Item No. 25.

On August 15, 2006, the City Council approved a petition to construct a water distribution system along Mead Street, between 55th Street South and 57th Street South. During the design phase of the project it was determined that a portion of the pipeline should be oversized to improve water pressure in the area. In accordance with City funding policy, a revised resolution has been prepared that provides Water Utility funding for the cost of over sizing the pipeline.

The project provides water service to a residential area that was previously supplied by private water wells.

The Petition budget is \$95,000 with the total paid by special assessments. The revised Resolution provides that 94.3% be paid by special assessments and 5.7% by the Water Utility.

The project addresses the Efficient Infrastructure goal by providing water service to an existing residential area.

State Statutes provide the City Council the authority to add Water Utility funding to the project by resolution.

Motion--  
--carried

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

### RESOLUTION NO. 08-360

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90222 (south of 55th St. South, east of Broadway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

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37<sup>TH</sup> STREET

## 37TH STREET, FLORA, YORK STREET PAVING, NORTH OF MACARTHUR, EAST OF HOOVER. (DISTRICT IV)

Agenda Item No. 26.

On November 14, 2006, the City Council approved a petition to pave 37th, Flora and York Streets in the area north of MacArthur, east of Hoover. An attempt to award a construction contract within the budget set by the Petition was not successful. A revised Resolution has been prepared that increases the total project budget without increasing the maximum assessment contained in the petition.

The project provides paved streets in an existing residential area.

Financial Considerations: The Petition budget is \$360,000 with 94% paid by special assessments and 6% paid by the city-at-large. The revised Resolution contains a \$395,000 budget and provides that 85.6% be paid by special assessments and 14.4% by the city-at-large. The funding source for the City share is General Obligation Bonds.

The project addresses the Efficient Infrastructure goal by paving streets in an existing residential area.

State Statutes provide the City Council the authority to add city-at-large funding to the project by resolution.

Motion--  
--carried

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

### RESOLUTION NO. 08-361

Resolution of findings of advisability and Resolution authorizing constructing pavement on 37th Street South from the E line of Flora, Flora from the S line of 37th Street South to 307.61' S of the S line of York St., and York from the E line of Hoover to and including the cul-de-sac (north of MacArthur, east of Hoover) 472-84443 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

CONTRACTS

## JUNE 2008 MONTHLY CONTRACTS AND AGREEMENTS REPORT TO COUNCIL.

Motion--carried

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

GRANT

## JUSTICE ASSISTANCE GRANT.

Agenda Item No. 28.

The City of Wichita Police Department and Sedgwick County Sheriff's Office have received notification they are eligible to receive 2008 Justice Assistance Grant (JAG) 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 \$160,145 in federal funding, to be shared equally at \$80,072 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 held a public hearing for the joint JAG application on July 02, 2008, 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.

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The City of Wichita will receive \$80,072 in 2008 Justice Assistance Grant funding. There is no local match requirement.

\$10,000 Overtime  
\$5,000 Lease vehicles-Field services  
\$65,072 Police equipment  
\$80,072 Total

Safe and Secure Communities are affected by this grant.

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

Motion--  
--carried

Brewer moved that the MOU be approved and the appropriate signatures be authorized. Motion carried 7 to 0.

## GRANT

### FEDERAL BRYNE MEMORIAL GRANT.

Agenda Item No. 29.

The City of Wichita Police Department has received notification that they are eligible to apply for the 2008 Edward Byrne Memorial Competitive Grant. This funding will be used to coordinate an Inter-Agency Data Integration (IADI) Fusion Center to facilitate information sharing among seven (7) local and one state agency.

The Department of Justice is promoting criminal information data sharing through Fusion Centers as a way of better protecting local areas and the nation. The agencies that are participating in the grant request will share information under a connectivity umbrella that doesn't currently exist.

Funds from the grant would be used to interconnect eight (8) participating agencies from a single access point instead of the 17 needed now. The need for a Fusion Center can be seen below in the backdrop of public safety demographics in the Wichita Metropolitan Area (WMA).

- Police, prosecutors and courts currently search 14 separate agency databases using 17 access points in order to complete a records check on any individual. The reports that are returned from these searches cannot be coordinated into one report. Fusion Centers resolve this problem.
- The Wichita Metropolitan Area can become a target for regional and national crime (i.e. interstate gang activity, drug trafficking, auto thefts, prostitution, metals thefts.) The City sits on US Highways I-35 and 54 and is a crossroad for regional and interstate traffic. Sedgwick County, Kansas is the 2nd largest county by population. In 2008, the population for the Wichita Metropolitan Area is forecast to be in excess of 602,000 and will account for 22% of the state's population. Coordinating large volumes of criminal information will place increased pressure on police, prosecutors and courts. Fusion Centers help with volume management.
- In 2006, the KBI (Kansas Bureau of Investigation) reported that 24% of reportable incidents and 9% of reportable arrests within Kansas were processed by the Wichita Police Department. In 2007, Wichita Police cataloged 124,636 incidents and made 28,624 arrests of all types.
- In 2007, the Sedgwick County District Attorney filed 31,097 cases in the 18th District Court. In Kansas and has experienced a 41% increase in Felony Criminal caseloads since 1998.
- On an annual basis, the Wichita Municipal Court's docket includes approximately 128,000 cases with 52,000 adjudicated.

The City of Wichita is requesting funding for \$1,232,620 in Federal Byrne funding. There is no local match requirement.

Safe and Secure Community is affected by this grant.

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If the grant is funded, the Department of Law will review the grant agreement prior to formal acceptance.

Motion--carried Brewer moved to approve and authorize the appropriate signatures. Motion carried 7 to 0.

## SECOND READ ORDS. SECOND READING ORDINANCES: (FIRST READ JULY 1, 2008)

- a. Public Hearing and Issuance of Tax-Exempt Industrial Revenue Bonds, McCormick-Armstrong Co, Inc. (District I)

### ORDINANCE NO. 47-923

An ordinance authorizing the city of Wichita, Kansas to issue its industrial revenue bonds, Series III, 2008 (McCormick-Armstrong, Co., Incorporated), in the aggregate principal amount of \$6,000,000 for the purposes of (1) purchasing and installing certain machinery and equipment in an existing manufacturing facility located in the city of Wichita; prescribing the form and authorizing the execution of a trust indenture by and between the city and Security Bank of Kansas City, in the city of Kansas City, Kansas, as trustee; authorizing the city to lease the project to McCormick-Armstrong, Co., Incorporated; prescribing the form and authorizing execution of a lease between the city and McCormick-Armstrong, co., incorporated; prescribing the form and authorizing the execution of an easement and agreement by and between McCormick-Armstrong, co., incorporated and the city; approving the form of a guaranty agreement between McCormick-Armstrong, co., incorporated and the Security Bank of Kansas City, as trustee; authorizing execution of a tax regulatory agreement between the city, Security Bank of Kansas City and McCormick-Armstrong, Co., incorporated and authorizing the execution of a bond placement agreement by and between the city, McCormick-Armstrong, Co., Incorporated and People's Capital and Leasing Corp., as purchaser of the 2008 bonds. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

- b. Mt. Vernon Improvement, between the Arkansas River and Broadway. (District III)

### ORDINANCE NO. 47-924

An ordinance amending Ordinance No. 47-885 of the city of Wichita, Kansas declaring Mt. Vernon, between Broadway and the Arkansas River (472-84289) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

- c. DER2008-00004 – Proposed Amendment to the Unified Zoning Code (“UZC”) Regarding Vehicle Storage Yards as a Conditional Use in the “RR” Rural Residential Zone Districts.

### ORDINANCE NO. 47-925

An ordinance providing amendments to Section III-b.2.c(4) and Section II-d.1; and adding Section III-d.6.mm of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 edition), as adopted by reference in city of Wichita Code Sec. 28.04.010 by Ordinance No. 44-975, dealing with vehicle storage yards in the RR rural residential (“RR”) zone district. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

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- d. Old Town Warren Theater LLC-Term Loan.

## ORDINANCE NO. 47-926

An Ordinance of the City of Wichita, Kansas authorizing the issuance of its general obligation bonds to pay certain costs incurred in connection with the Old Town Warren Theatre, L.L.C. project; and authorizing and providing for the issuance of temporary improvement notes of the city from time to time as funds are needed for such purpose. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

- e. Acquisition by Eminent Domain of Tracts of Land for the Intersection Improvement Project at 21st Street and Broadway. (District VI)

## ORDINANCE NO. 47-927

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of the planned east 21st and North Broadway road improvement project in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District of Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

### RECESS

### EXECUTIVE SESSION

Motion--

Brewer moved at 10:58 a.m. that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice and personnel matters of non-elected personnel and that the Council return from Executive no earlier than 11:30 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

### RECONVENE

The Council reconvened at 11:50 a.m.

Motion--carried

Brewer moved to extend the Executive Session until 12:15 p.m. Motion carried 7 to 0.

### RECONVENE

The Council reconvened at 12:15 p.m. Mayor Brewer announced that no action was needed or taken as a result of the Executive Session.

Motion--carried

Brewer moved that the Executive Session be adjourned. Motion carried 7 to 0.

Motion--carried

Brewer moved that the regular meeting be reconvened at 4:00 p.m. Motion carried 7 to 0.

### RECONVENE

The City Council reconvened in the City Council Chambers at 4: 00 p.m.

### 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: legal advice and personnel matters of non-elected personnel and that the Council return from Executive Session no earlier than 4:30 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 4 to 0, (Fearey, Gray, and Longwell absent).

--carried

### RECONVENE

The City Council reconvened in the Council Chambers at 4:50 p.m.

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Motion--carried Vice-Mayor Schlapp moved to extend the Executive Session until 5:15 p.m. Motion carried 5 to 0, (Brewer and Gray absent).

**RECONVENE** The Council reconvened in the Council Chambers at 5: 27 p.m.

Mayor Brewer Mayor Brewer announced that no action was needed or taken as a result of the Executive Session.

Motion--carried Brewer moved to close the Executive Session. Motion carried 7 to 0.

Motion--carried Brewer moved to take up an off-agenda item. Motion carried 7 to 0.

Motion--  
--carried Brewer moved that the City Council appoint Scott Moore as the Interim City Manager to serve in such position beginning July 14, 2008 and continuing until a new person is appointed and commences service as the City Manager; authorize that the terms and conditions be negotiated between the City Council and the Interim City Manager; approve the agreement; and authorize the necessary signatures. Motion carried 7 to 0.

Motion--carried Brewer moved to adjourn the regular meeting. Motion carried 7 to 0.

**ADJOURNMENT** The meeting was adjourned at 5:29 p.m.

Respectfully submitted,

Karen Sublett, CMC  
City Clerk

Respectfully submitted,

Karen Sublett, CMC  
City Clerk