

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 26, 2007

Tuesday, 9:35 A.M.

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

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

Brother Clifford Easily of Chisholm Trail Church of Christ 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 19, 2007, approved 6 to 0; (Mayor Brewer absent).

District I City Council Member Lavonta Williams-Oath of Office

Vice-Mayor Fearey Vice-Mayor Fearey asked Lavonta Williams, her family, and Judge Jennifer Jones to come up to the podium.

Judge Jennifer Jones Judge Jennifer Jones administered the Oath of Office to Lavonta Williams.

Council Member Williams Council Member Williams thanked the Advisory Board of District I and the City Council Members for giving her this opportunity to empower her community the best that she can. Stated she got a seat on the City Council and will get to work with a group of people that have come together to move Wichita forward and to make Wichita better which is better then best. Stated she feels much honored for this opportunity. Stated she knows there will be challenges and will accept those challenges one at a time and move forward the best that she can because she plans on giving Wichita the best of her that she can give. Thanked her family and extended family.

Vice-Mayor Fearey Vice-Mayor Fearey thanked Lavonta for agreeing to take on this very important task. Stated it was not an easy decision for the Council to make but the Council received a lot of emails from her community urging to put her on the Council. Stated she is extremely happy that we are again at a seven member Council and looks forward to working with Lavonta and knows that she will do a great job. Stated she has a lot to learn very quickly and knows that City Staff will be a great help to her.

Council Member Schlapp Council Member Schlapp welcomed Lavonta and that her door is always open if there is anything she can do for her.

Council Member Gray Council Member Gray stated he looks forward to this as well and has learned a lot about Lavonta in the last couple of weeks and is looking forward to learning more about her and her family over the next couple of years.

Council Member Skelton Council Member Skelton stated he agrees with what has been said.

Council Member Longwell Council Member Longwell welcomed Lavonta and stated the Council is looking forward to having her as part of the team and is a little extra special to him because now he is no longer the rookie.

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CONSENT AGENDA:

Council Member Skelton Council Member Skelton stated he will abstain from voting on item 11g.

Motion-- Vice-Mayor Fearey moved that Consent Agenda items 1 to 14i, be approved with noting that Council
--carried Member Skelton as abstaining from item 11G. Motion carried 6 to 0. (Mayor Brewer absent).

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 25, 2007.

Bids were opened June 22, 2007, pursuant to advertisements published on:

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

29th Street North, 119th Street West to Maize Road (KDOT) (87N-0348-01/472-84185/706919/766134/766133/766131/766132/205385/490152/490151/490149/490150) See special provisions. (District V)

Lafarge North America - \$3,377,323.90 (Upon KDOT approval.)

2007 Sanitary Sewer Rehabilitation, Phase C - various locations east of Meridian, north of Pawnee. (468-84362/620481/667599) Traffic to be maintained during construction using flagpersons & barricades. (Districts I,II,III,IV,VI)

Utility Maintenance Contractors, LLC - \$198,375.20.

Water Distribution System to serve Silverton Addition - north of 13th Street North, west of 135th Street West. (448-90238/735366/470039) Does not affect existing traffic. (District V)

McCullough Excavation - \$91,150.00.

Woodridge from the north line of The Fairmont 3rd Addition south to the north line of Lot 22, Block A; Woodridge Circle from the north line of Lot 22, Block A, south to and including the cul-de-sac; Woodridge Court from the west line of Woodridge south to an including the cul-de-sac to serve The Fairmont 3rd Addition, north of 21st Street North, west of 127th Street East. (472-84137/766143/490161) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$137,158.20

Motion-- Vice-Mayor Fearey moved that the contracts be awarded as outlined above, subject to check, same
--carried being the lowest and best bid within the Engineer's construction estimate, and the necessary signatures be authorized. Motion carried 6-0, (Mayor Brewer absent).

POLICE DEPARTMENT TRAINING DIVISION: Lightweight protective body armor vests

Baysinger Police Supply - \$62,097.50 *

* 2% Price Increase for Option Year

WATER UTILITIES DEPARTMENT, PRODUCTION AND PUMPING DIVISION: ICP Optimal Emission Spectrophotometer (ICP-OES) and accessories.

PerkinElmer Life and Analytical Science - \$83,837.10 *

* Purchase Ordinance No. 35-856 Section 2. (b) – Sole source of supply.

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WICHITA WATER UTILITIES DEPARTMENT SEWAGE TREATMENT DIVISION:

Replacement screens and parts for three Strain Press Screen Cleaners. Two screeners are online and the third screener is used for high flow periods.

Parkson Corp.* - \$103,523.00

* Purchase Ordinance No. 35-856 Section 2. (b) – Sole source of supply.

* Award redirected.

Motion--
--carried

Vice-Mayor Fearey moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0, (Mayor Brewer absent).

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Bidi Jennifer Nguyen	Asian Market, Inc.	1818 East Central
Loah H. Le	KC Gas & Groceries	1102 West Maple
<u>New Operator</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Marilyn Knedgen	Crescent Stores Corp. dba CSC #42	3810 North Woodlawn
Navid Haeri	24K, LLC dba Hillside Valero	248 South Hillside
Ashkan Alizadeh	Ashkan BP Amoco	5562 South Seneca

Motion--
--carried

Vice-Mayor Fearey moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0, (Mayor Brewer absent).

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. 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) - \$363,000.
- b. 2007 Contract Maintenance Ultra thin 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) - \$328,000.
- c. 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) - \$345,000.
- d. 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. (472-84465/766125/490143) Does not affect existing traffic. (District VI) - \$601,000.

Motion--carried

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

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PETITION

CONSTRUCT A WATER DISTRIBUTION SYSTEM FOR HAMPTON SQUARE ADDITION, WEST OF MAIZE, NORTH OF 37TH STREET NORTH. (DISTRICT V)

Agenda Report No. 07-0600

On June 8, 2004, the City Council approved a Petition to construct a water distribution system for Hampton Square Addition. At that time it was planned that the pipeline would be oversized to serve future development outside the improvement district. It has since been determined that the larger pipe size is not needed. The developer has submitted a new Petition with a revised budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new commercial development located west of Maize, north of 37th St. North.

The existing Petition totals \$66,600 with 75% assessed to the improvement district and 25% paid by the Water Utility. The new Petition totals \$71,000 with the total assessed to the improvement district.

This project will address the Efficient Infrastructure goal by providing water service to a new commercial development.

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

Motion--
--carried

Vice-Mayor Fearey moved that the new Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0, (Mayor Brewer absent).

RESOLUTION NO. 07-366

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89964 (west of Maize, north of 37th Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

STREET CLOSURE

CONSIDERATION OF STREET CLOSURES/USES:

There were no street closures to consider.

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ELECT DATA SYST. EXTENSION OF CONTRACT WITH ELECTRONIC DATA SYSTEM (EDS) FOR FALSE ALARM BILLING.

Agenda Report No. 07-0601

Pursuant to City False Alarm Ordinance 44-2211 that was implemented on March 26, 1999; the City of Wichita entered into a five year agreement with Electronic Data Systems Corporation on July 26, 2001 for False Alarm Billings. The current contract will expire July 26, 2007. Therefore, the City of Wichita is requesting an extension of the current contract for up to but not to exceed one year.

The purpose of the extension is to facilitate the spring 2007 opening at the new 911 facility, being built by Sedgwick County's Emergency Communication. The new facility will require a new CAD, Computer Aided Dispatch, system. The most advantageous situation for the Police Department is to stay with our current vendor until the new CAD system is obtained. There has been some delay in the implementation of the new CAD system resulting in a need for an additional contract extension. To not extend the current contract would incur a considerable amount of additional expense. Switching over from the current system to the new CAD system would require four interfaces for a new alarm vendor. Staying with the current vendor will result in a savings in expense and time for the City of Wichita by allowing the current process to continue until the new CAD is on line, the estimated start up date is December 2007. A new vendor will be selected in late 2007.

The contract extension is for up to but not to exceed one year at the current contract amount, \$270,000.

Provide a safe and secure community by tracking the number of False Alarms in the City of Wichita.

The Law Department will review and approve the contract as to form.

Motion--
--carried

Vice-Mayor Fearey moved that the City Council approve the contract extension and authorize the appropriate signatures. Motion carried 6 to 0, (Mayor Brewer absent).

SIM PARK

SIM PARK MEMORIAL. (DISTRICT VI)

Agenda Report No. 07-0602

On June 13, 2006, City Council adopted a bonding resolution, authorized initiation of the Sim Park Memorial Restoration project, and authorized issuance of an Request for Proposal (RFP). On October 17, 2006, City Council approved the contract for restoration work on the memorial. Restoration of the monument and some of the landscaping is complete. Irrigation installation and completion of the landscape and street right-of-way adjacent to the monument and North along Amidon to 9th street is the next phase of this project.

An RFP (FP700024) was issued to secure a qualified contractor for irrigation in areas adjacent to the memorial. Two qualified firms responded to the RFP. Based upon experience, qualifications, design, and cost, Lawn Sprinkler Service, LLC is recommended to complete this project. The total amount of the contract to complete this design/build installation is \$40,962.90.

The Park Capital Improvement Plan includes \$100,000 in 2005 for restoration of the Sim Park entry monument. The funding source is general obligation bonds. Funds exist to complete the landscape and irrigation portion of the project.

Enhance the Quality of Life- Sim Park plays an important role in recreational activities for District VI. The entry feature and the surrounding landscape is a reminder of the City of Wichita's appreciation to the Sim family for their donation and also serves as a tie to the history of this Park and the surrounding neighborhood.

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The Law Department has approved the contract as to form.

Motion--
--carried

Vice-Mayor Fearey moved that the City Council approve the agreement and authorize the necessary signatures. Motion carried 6 to 0, (Mayor Brewer absent).

WASTE DISPOSAL

WASTE DISPOSAL SITE AND HAULING CONTRACT.

Agenda Report No. 07-0603

The current Contract for the special waste disposal site with Hamm Quarry in Perry, Kansas, expires June 30, 2007. A Request for Proposal was issued for the selection of a special waste disposal site. Proposals were sent to 21 Municipal Solid Waste Sub-D Landfills with three vendors responding.

Two types of proposals were received:

- 1) special waste disposal site that includes fees ranging from \$14.50 per ton to \$18.00 per ton; and
- 2) special waste disposal site and hauling that includes fees ranging from \$28.00 per ton to \$122.98 per ton.

The Selection Committee selected the lowest and best responsive vendor, Waste Connections Inc. Plumb Thicket Landfill in Harper, Kansas, at \$28.00 per ton, which is the special waste disposal site and hauling.

The estimated annual tonnage is 2,400 tons, based on the previous annual totals. The current annual Contract price is \$30,000 for the special waste disposal site at \$12.50 per ton, and the annual hauling Contract with a different vendor is \$50,712 for a total of \$80,712. By selecting Waste Connections Inc. dba Plumb Thicket Landfill at \$28.00 per ton for special waste disposal site and hauling, the approximate annual cost is \$67,200, for an estimated annual savings of \$13,512. Funding is available in the Water Utilities Sewage Treatment budget.

This addresses the goal of ensuring efficient infrastructure by providing reliable, compliant and secure utilities.

The Law Department will approve the Contract as to form.

Motion--
--carried

Vice-Mayor Fearey moved that the City Council approve the Contract and authorize the necessary signatures. Motion carried 6 to 0, (Mayor Brewer absent).

SWB/AT&T

SOUTHWESTERN BELL (AT &T) FRANCHISE EXTENSION.

Agenda Report No. 07-0604

Background: The City Council approved a telecommunications franchise with Southwestern Bell Telephone L.P. effective March 29, 2003, and amended effective September 21, 2006; this franchise was to expire on March 31, 2007. On April 10, 2007, the City Council approved an extension until June 30, 2007. Because of changes in the law, structure of utilities, and corporate organizations, additional time is needed to conclude negotiations on a new franchise agreement

The proposed Extension Agreement with Southwestern Bell Telephone LP maintains the current franchise and all of its provisions until June 30, 2008, or until a new franchise is negotiated and adopted, whichever occurs first.

The franchise Extension Agreement maintains the current level of compensation.

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Economic Vitality and Quality of Life. Cooperatively negotiating franchise provisions with utilities is a necessary part of preserving the right of way for use by the public.

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

Motion--
--carried

Vice-Mayor Fearey moved to approve the Extension Agreement and authorize the appropriate signatures. Motion carried 6 to 0, (Mayor Brewer absent).

AGREEMENT

SILVERTON AND CHERYL'S HOLLOW SECOND ADDITIONS, NORTH OF 13TH STREET NORTH, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 07-0605

The City Council approved the water, sanitary sewer and paving improvements in Silverton & Cheryl's Hollow 2nd Additions on October 17, 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 Silverton & 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 \$86,900 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

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

CHANGE ORDER

STORM WATER DRAIN TO SERVE CLIFTON COVE ADDITION, SOUTH OF 63RD STREET SOUTH, WEST OF CLIFTON. (DISTRICT III)

Agenda Report No. 07-0606

On June 20, 2006, the City Council approved a construction contract with Mies Construction, Inc. to construct a storm water drain in Clifton Cove Addition. The project primarily consists of the construction of a storm water detention pond. After the work began, the developer requested that the pond be expanded and additional lot grading work be completed.

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

The total cost of the additional work is \$60,230 with the total paid by Special Assessments. The original contract amount is \$449,899. This Change Order represents 13.39% of the original contract amount.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing required drainage improvements for new development.

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

Motion--
--carried

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

DEEDS

DEEDS FOR PORTIONS OF THE ABANDONED UNION PACIFIC RAIL CORRIDOR FOR THE MIDTOWN GREENWAY. (DISTRICT VI)

Agenda Report No. 07-0607

In 1999, the Union Pacific Railroad abandoned the rail corridor that runs from Central Avenue and Wichita Street to 15th Street and Broadway. With this abandonment, rights to the corridor reverted to the adjacent property owners. The City has reviewed the former corridor and decided that it could be developed as a greenway/lineal park connecting Horace Mann, Irving and Park Schools and the bicycle path on Central. This requires getting title to portions of the abandoned Union Pacific corridor from Central to 15th Street. .

When abandoned, ownership of rail corridors normally revert to the adjacent property from which it was originally acquired. The City has acquired any reversionary rights to the corridor from the owners on the east side from 9th Street to 11th Street. Central Steel owns the land on the west side of the corridor. In order to eliminate any question as to ownership, Central Steel has agreed to deed any rights they might have to the east side of the corridor to the City. In exchange, the City will deed any rights they might have to the west side of the corridor. This will allow ownership to be clearly delineated and give the City clear title to the east half of the corridor.

There is no cost associated with this transaction.

The Midtown Rail Corridor Bike Path will contribute to the enhancement of quality of life.

The Law Department has approved the deeds as to form.

Motion--
--carried

Vice-Mayor Fearey moved that the City Council 1) Approve the deeds, and 2) Authorize necessary the signatures. Motion carried 6 to 0, (Mayor Brewer absent).

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UNSAFE STRUCT

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I, IV, AND VI)

Agenda Report No. 07-0608

On June 4, 2007, the Board of Code Standards and Appeals (BCSA) held a hearing on the following twelve (12) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Violation notices have been issued on these structures; however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

Property Address	<u>Council District</u>
a. 726 South Millwood	IV
b. 1054 North Grove	I
c. 1242 North Grove	I
d. 1228 North Poplar	I
e. 1035 North Green	I
f. 1037 North Green	I
g. 1136 North Green	I
h. 1222 North Green	I
i. 1241 North Green	I
j. 1311 North Estelle	I
k. 1151 North Volutsia	I
l. 3101 North Mascot	VI

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.

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--

Vice Mayor Fearey moved the City Council adopt the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on August 7, 2007 at 9:30 a.m. or as soon thereafter. Motion carried 6 to 0, (Mayor Brewer absent).

--carried

RESOLUTION NO. 07-372

A Resolution fixing a time and place and providing for notice of a 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 74, except the north 3 feet and all of lots 76 and 78, on Millwood Avenue, Block J, Princess Addition to Wichita, Kansas, Sedgwick County, Kansas. known as 1726 South Millwood may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

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RESOLUTION NO. 07-373

A Resolution fixing a time and place and providing for notice of a 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: Lots 43 and 45, Block 1, Esterbrook Park Addition to Wichita, Sedgwick County, Kansas known as 1054 North Grove, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

RESOLUTION NO. 07-374

A Resolution fixing a time and place and providing for notice of a 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: Lots 52 and 54, on Grove Avenue, formerly Tyler Avenue, Fairmount Park Addition to Wichita, Sedgwick County, Kansas known as 1242 North Grove, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

RESOLUTION NO. 07-375

A Resolution fixing a time and place and providing for notice of a 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: Lots 74-76, Mona now Poplar Street, Fairmount Park Addition to Wichita, Sedgwick County, Kansas known as 1228 North Poplar, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

RESOLUTION NO. 07-376

A Resolution fixing a time and place and providing for notice of a 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: Lots 28, 30 and 32, Block 2, Esterbrook Park Addition to Wichita, Sedgwick County, Kansas known as 1035 North Green, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

RESOLUTION NO. 07-377

A Resolution fixing a time and place and providing for notice of a 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: Lots 28, 30 and 32, Block 2, Esterbrook Park Addition to Wichita, Sedgwick County, Kansas known as 1037 North Green, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

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RESOLUTION NO. 07-378

A Resolution fixing a time and place and providing for notice of a 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 27, Block 4, Esterbrook Park Addition to Wichita, Sedgwick County, Kansas known as 1136 North Green, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

RESOLUTION NO. 07-379

A Resolution fixing a time and place and providing for notice of a 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: Lots 78 and 80, on Green Street, Fairmount Park Addition to Wichita, Sedgwick County, Kansas known as 1222 North Green, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

RESOLUTION NO. 07-380

A Resolution fixing a time and place and providing for notice of a 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: Lots 61 and 63, on Green Street, Fairmount Park Addition to Wichita, Sedgwick County, Kansas known as 1241 North Green, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

RESOLUTION NO. 07-381

A Resolution fixing a time and place and providing for notice of a 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: Lots 37 and 39, on Mabel Avenue, now Estelle Avenue, Fairmount Park Addition to Wichita, Sedgwick County, Kansas known as 1311 North Estelle, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

RESOLUTION NO. 07-382

A Resolution fixing a time and place and providing for notice of a 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: Lots 103 and 105, on Academy, now Volutsia Avenue, Fairmount Park Addition to Wichita, Sedgwick County, Kansas known as 1151 North Volutsia, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

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RESOLUTION NO. 07-383

A Resolution fixing a time and place and providing for notice of a 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: Lots 1, 3, and 5, Block 3, together with ½ of vacated alley adjacent on the west in E.C. & L.R. Cole's Addition Carey Park, Wichita, Sedgwick County, Kansas known as 3101 North Mascot, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

PROP ACQUIS.

PARTIAL ACQUISITION OF 100 BLOCK NORTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0609

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition is from a vacant, commercially zoned parcel on the west side of West Street.

The proposed 2,400 square foot strip acquisition was appraised at \$14,400, or \$6.00 per square foot. The owner has agreed to accept \$14,400 appraised offer.

The funding source for the project is General Obligation Bonds. A budget of \$16,400 is requested. This includes \$14,400 for the acquisition and \$2,000 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the contract as to form.

Motion--
--carried

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

PROP ACQUIS.

PARTIAL ACQUISITION OF 3929 WEST DOUGLAS FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0610

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition consists of a 1,000 square foot strip from 3929 West Douglas. 3929 West Douglas is improved with a 5,472 SF retail building on a 11,200 SF lot. The adjacent parcel, 3949 West Douglas, is city owned and without any direct access to Douglas Avenue or West Street. The owner of 3929 West Douglas has agreed to convey that part of his parcel in exchange for the right to purchase 3949 West Douglas.

The appraiser attributed \$5,250, or \$5.25 per square foot for the proposed 10-foot strip take along the north side of the parcel. While the take does not physically impact the improvements; it does necessitate the relocation of the retail building's entrance or the granting of a minor street permit to allow the retail store's door to open onto the City property. The landowner declined our offer of \$5,250 and agreed to donate the proposed strip in exchange for the opportunity to acquire the adjacent

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remnant at \$3.00 per square foot. The City acquired the adjacent tract, 3949 West Douglas and its improvements as part of the proposed West Street improvement project. The remnant of 3949 West Douglas will be 8,513 square feet with no access to Douglas or West Street. The offer of \$3.00 per square foot from the adjacent property owner for a tract without access is reasonable.

The funding source for the project is General Obligation Bonds. A budget of \$2,500 is requested. This includes \$2,500 for closing costs and title insurance. The City will receive \$24,400 as a cash consideration for the sale of 3949 West Douglas and the property will return to the tax rolls.

The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the contract as to form.

Motion--
--carried

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

PROP ACQUIS.

ACQUISITION OF 632 SOUTH BLECKLEY COURT FOR THE DRY CREEK BASIN PROJECT. (DISTRICT III)

Agenda Report No. 07-0611

On June 13, 2006, City Council approved a creek channel improvement project to improve stormwater channel conveyance intended to reduce flooding. Five properties, all residential, were identified as being at or below a certain elevation and are required for acquisition. Property owners and or occupants will be relocated using project funds for reasonable housing and replacement housing costs. One such property is 632 S. Bleckley. It is a 1952, three-bedroom, single-family ranch style house.

The appraised value of \$85,000, or \$70.19 per square foot was offered to the owner. In addition, the owner/occupant is eligible for up to \$10,000 in relocation plus moving costs. The owner has agreed to sell the subject property for \$97,500, which is the full appraised value, plus the \$10,000 relocation supplement he is eligible for and an additional \$2,500. The additional \$2,500 covers the seller's salesperson's commission fee (six percent of \$85,000) as the home was listed on the open market at the time the City approached the seller. The seller has provided proof of having entered into an agreement to purchase a home that meets or exceeds eligibility requirements of \$10,000. The City will work with the seller regarding moving and other applicable relocation expenses. The improvements will be removed and the site maintained as open space.

\$113,500 is requested budget for the acquisition. \$85,000 towards the purchase price, \$10,000 for replacement housing, \$2,500 commission, \$4,000 for actual moving expenses and \$12,000 for closing costs, insurance and demolition. The funding source is the Storm Water Utility.

The acquisition of this parcel is necessary to ensure efficient infrastructure and flood control in this area.

The Law Department has approved the contract as to form.

Motion--
--carried

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

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PROP ACQUIS.

PARTIAL ACQUISITION OF 703 NORTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0612

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition is a 10 foot by 35 foot take from the south portion of 703 North West Street. The business located at this address is a auto repair facility.

The proposed 350 square foot acquisition was appraised at \$3,500 or \$10.00 per square foot. The improvements consist of a 1955 auto service garage. Access to the site will be altered to accommodate the proposed take so that both driveways can remain open and the overhead doors accessible. The improvements are approximately 25 feet west of the proposed right-of-way line. The store advertising sign will have to be relocated. The owner has agreed to accept \$3,500 appraised offer.

The funding source for the project is General Obligation Bonds. A budget of \$8,000 is requested. This includes \$3,500 for the acquisition, \$3,500 for the advertising sign and \$1,000 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the contract as to form.

Motion--
--carried

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

PROP ACQUIS.

PARTIAL ACQUISITION OF 4000 WEST DOUGLAS FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0613

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition is along both the properties south lot line and east lot line of 4000 West Douglas. The property is commercial and the two buildings are a laundry mat and a barber shop. The total square footage being acquired for road right-of-way consists of 5,151 square feet. As a result of the take, the barber shop will be razed.

The proposed 5,151 square foot acquisition was appraised at \$85,671, or \$8.00 per square foot. The improvements consist of two buildings. The first is a 1968, 2,100 SF commercial building used as a laundry mat. It is not impacted by the proposed acquisition. The second building is a 1930, 1,223 square foot brick building used as a barber salon. This building will be razed as it is within the proposed right-of-way. To accommodate this, it is necessary to have a 6,310 square foot temporary easement. Compensation in addition to land value included \$5,000 for the loss of parking in the proposed acquisition area, \$27,463 for the barber shop building itself, and \$12,000 as damages to the remainder. The owner has agreed to accept \$85,671 appraised offer. Relocation benefits eligible to the tenant are separate from the acquisition.

The funding source for the project is General Obligation Bonds. A budget of \$125,000 is requested. This includes \$85,671 for the acquisition, \$3,500 for the advertising sign, \$10,000 for demolition, \$23,329 for relocation benefits and \$2,500 for closing costs and title insurance.

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The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the contract as to form.

Motion--
--carried

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

PROP ACQUIS.

PARTIAL ACQUISITION OF 5803 EAST SKINNER FOR THE GYPSUM CREEK-PAWNEE TO WOODLAWN FLOOD CONTROL AND STREAM RESTORATION PROJECT. (DISTRICT III)

Agenda Report No. 07-0614

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the natural channel of Gypsum Creek between Pawnee and Woodlawn by channel benching. The project requires partial acquisitions of nine, residential parcels along the north side of the creek as well as a portion of the BOE parcel along the south side of the creek. This will allow for access to the creek and the ability to maintain the creek. The property located at 5803 E. Skinner is one of the ten parcels.

The proposed acquisition area is located at the southern portion of the property, behind the residential improvements of 5803 E. Skinner and along Gypsum Creek. The proposed area consists of approximately 3,031 square feet and is made up of wooded land. The subject parcel improvements are not impacted by the project. The landowner rejected the appraised offer of \$3,070, or \$1.25 per square foot and agreed to settle at \$3,696, \$1.25 per square foot. This is deemed reasonable. Financial Considerations: \$4,950 is the requested budget for the acquisition of this parcel. This amount includes the \$3,696 purchase price and \$1,254 for closing costs and title insurance. The funding source is General Obligation Bonds repaid by StormWater Utility Funds. Goal Impact: This project addresses the Ensure Efficient Infrastructure goal by improving stormwater conveyance and reducing flood losses.

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

Motion--
--carried

Vice-Mayor Fearey moved that the agreement and the budget be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayor Brewer absent).

(Item 11G) PROP ACQUIS.

PARTIAL ACQUISITION OF 5903 EAST SKINNER FOR THE GYPSUM CREEK-PAWNEE TO WOODLAWN FLOOD CONTROL AND STREAM RESTORATION PROJECT. (DISTRICT III)

Agenda Report No. 07-0615

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the natural channel of Gypsum Creek between Pawnee and Woodlawn by channel benching. The project requires partial acquisitions of ten, residential parcels along the north side of the creek. This will allow for access to the creek and the ability to maintain the creek. The property located at 5903 E. Skinner is one of the ten parcels.

The proposed acquisition area is located at the southern portion of the property, behind the residential improvements of 5903 E. Skinner and along Gypsum Creek. The proposed area consists of approximately 4,566 square feet and is made up of wooded land. The subject parcel improvements are not impacted by the project. The landowner accepted an appraised offer of \$5,705. Financial Considerations: \$6,955 is the requested budget for the acquisition of this parcel. This amount includes the \$5,705 purchase price and \$1,250 for closing costs and title insurance. The funding source

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is General Obligation Bonds repaid by StormWater Utility Funds. This project addresses the Ensure Efficient Infrastructure goal by improving stormwater conveyance and reducing flood losses.

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

Motion--
--carried

Vice-Mayor Fearey moved that the agreement and budget be approved and the necessary signatures authorized. Motion carried 5 to 0, (Skelton abstained, Mayor Brewer absent).

PROP ACQUIS.

PARTIAL ACQUISITION OF 5821 EAST SKINNER FOR THE GYPSUM CREEK-PAWNEE TO WOODLAWN FLOOD CONTROL AND STREAM RESTORATION PROJECT. (DISTRICT III)

Agenda Report No. 07-0616

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the natural channel of Gypsum Creek between Pawnee and Woodlawn by channel benching. The project requires partial acquisitions of nine, residential parcels along the north side of the creek as well as a portion of the BOE parcel along the south side of the creek. This will allow for access to the creek and the ability to maintain the creek. The property located at 5821 E. Skinner is one of the ten parcels.

The proposed acquisition area is located at the southern portion of the property, behind the residential improvements of 5821 E. Skinner and along Gypsum Creek. The proposed area consists of approximately 3,031 square feet and is made up of wooded land. The subject parcel improvements are not impacted by the project. The owner will relocate the chain link fence at the new property line. The landowner rejected the appraised offer of \$3,790 and agreed to settle at \$5,046. The additional compensation is comprised of \$500 for replacement fencing and a land value of \$1.50 per square foot. This is deemed reasonable.

\$6,300 is the requested budget for the acquisition of this parcel. This amount includes the \$5,046 purchase price and \$1,254 for closing costs and title insurance. The funding source is General Obligation Bonds repaid by StormWater Utility Funds.

This project addresses the Ensure Efficient Infrastructure goal by improving stormwater conveyance and reducing flood losses.

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

Motion--
--carried

Vice-Mayor Fearey moved that the agreement and budget be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayor Brewer absent).

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PROP ACQUIS.

ACQUISITION OF EMINENT DOMAIN OF TRACTS REQUIRED FOR IMPROVEMENT PROJECT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0617

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. City staff has been unable to reach an agreement on 10 parcels identified as 240 South West, 160 South West, 100 North West, 442 North West, 519 North West, 445 North West, 101 South West, 125 South West, 233 South West and 4002 West Central. The parcels are improved with commercial, retail buildings with the exception of 442 North West. 442 North West is a single-family residence.

The 240 South West acquisitions require a corner taking and a narrow strip of land along South West Street, consisting of a total of 5,451 square feet. The property is comprised of approximately 1.56 acres and zoned General Commercial. The 18,773 square feet, multi-tenant retail building was built in 1987 and not directly impacted by the project. It will be necessary to reset the property's advertising sign as a result of the take which is handled separate from the acquisition as a moving cost. The landowners declined the offer of \$93,595. The appraised offer was based on the land being valued at \$14.00 per square foot and \$17,281 in damages towards lost parking. The owners rejected the offer and have yet to provide a counter offer. Staff will continue to negotiate with the owner, but due to the lack of a counter offer, it is necessary to initiate eminent domain.

The acquisition at 160 South West requires a ten-foot strip of land along West Street, consisting of a total of 800 square feet. The property is improved with a retail building built in 1997, zoned Limited Commercial and having 2,852 square feet. It will be necessary to reset the property's advertising sign as a result of the take and that is handled separate from the acquisition as a moving cost. The landowners declined the offer of \$10,000. The appraised offer was based on the land being valued at \$11.00 per square foot and \$1,200 in damages towards lost driveway and landscaped area. The owners rejected the offer on the basis that the relocation of their sign will negatively impact the flow of traffic on the owner's site. A counter offer of \$15,000, or \$18.75 per square foot was received. Staff will continue to negotiate with the owner, but due to the difference of opinion regarding market value and the timing of the project, it is necessary to initiate eminent domain.

The acquisition at 100 North West requires a ten-foot strip of land along Douglas Avenue and a triangular corner clip at Douglas and West Street. The take consists of 1,200 square feet from the 32,800 square foot, automobile sales lot. The property is zoned Limited Commercial. It will be necessary to reset the property's advertising sign as a result of the take and the cost to reset is handled as a moving cost, separate from the acquisition. The appraised offer of \$19,595 was based on the land being valued at \$11.00 per square foot and \$6,395 for functional obsolescence, lost driveway and lost landscaped area. A counter offer has never been provided. Staff will negotiate with the owner, but due to the timing of the project, it is necessary to initiate eminent domain.

The 442 North West acquisitions require a twenty-foot strip of land along the west property line of said residential property. The appraised value of \$9,730, or \$5.50 per square foot, was rejected by the owner. Though the site is zoned single-family residential, the \$5.50 psf land value is based on the property having a highest and best use as if it were vacant commercial land. The owners are seeking an unspecified dollar amount as proximity damages to the personal residence in addition to the \$5.50 psf commercial value, compensation to remove and abandon the septic tank system, and install the house onto the City's sanitary sewer system. While the City has corresponded with the owner's needs in regards to the sanitary sewer system, we have been unsuccessful in reaching amicable terms regarding land value and proximity damages. Staff will continue to negotiate with the owner, but due to the lack of a counter offer and the timing needs of the project, it is necessary to initiate eminent domain.

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The east seventeen-feet of land is deemed necessary from the Limited Commercial zoned parcel located at 519 North West Street. The total take size is 2,040 square feet. The property is improved with two free-standing buildings; the first is not impacted by the road project and proposed right-of-way. Said building is a 1962, 2,556 square foot bar/restaurant. The second building is a 450 square foot hair salon also built in 1962. The second building is within the proposed right-of-way and therefore it is necessary to remove the second building. To accommodate this, it is necessary to have a 6,030 square foot temporary construction easement. It will be necessary to reset the property's advertising sign as a result of the take which is handled separate from the acquisition as a moving cost. The landowners declined the offer of \$46,211. The appraised offer was based on the land being valued at \$8.00 per square foot and \$29,981 in damages including the temporary easement and the masonry building with parking. The owners rejected the offer and provided a counter offer in the amount of \$142,855 or 215% over market value. Staff will continue to negotiate with the owner, but due to the difference in opinion of market value and timing needs of the project, it is necessary to initiate eminent domain.

The acquisition at 445 North West requires a 3,200 square foot strip take, twenty feet wide along west side of West Street. The subject property is an 18,000 square foot site zoned Multi-Family. It is improved with a 1949, 3,536 square foot, strip-center building. All twelve of the parking spaces for this site are impacted however; seven of the twelve can be replaced as a cost-to-cure item. The remaining five will be permanently lost. It will be necessary to reset the property's advertising sign as a result of the take. That is handled separate from the acquisition as a moving cost. The landowners declined the offer of \$35,100. The appraised offer was based on the land being valued at \$8.00 per square foot and \$9,500 in damages towards lost parking and replacement parking. The owners rejected the offer and have yet to provide a counter offer. Staff will continue to negotiate with the owner, but due to the lack of a counter offer and timing needs of the project, it is necessary to initiate eminent domain.

The 101 South West acquisitions require a ten-foot strip take consisting of 1,200 square feet. This is a site made up of about 26,992 square feet and is improved with a 5,900 square foot retail building used as pawn shop. Said building was constructed in 1950. Parking will not be impacted however; some driveway area will be lost. It will be necessary to reset the property's advertising sign as a result of the take. The cost to reset the sign is a moving cost and is handled separate from the acquisition. The owners rejected the \$10,809 appraised offer, based on \$8.00 per square foot for the land, and provided a counter offer in the amount of \$58,560. The owner concurred with the \$8.00 per square foot valuation for the land but requested an additional \$6,000 to construct a new entrance off of Douglas Avenue and an additional \$41,751 in damages claiming a negative impact to the property as a result of a new traffic median. Staff will continue to negotiate with the owner, but due to the difference in opinion of market value and timing needs of the project, it is necessary to initiate eminent domain.

The acquisition at 125 South West requires a 2,150 square foot strip take along the east portion of the site. The property is zoned Limited Commercial and improved with a 1953, 9,800 square foot, multi-tenant office building. Parking and landscaping will be impacted. It will be necessary to reset the property's advertising sign as a result of the take and that is handled separate from the acquisition as a moving cost. The owners rejected the appraised offer of \$24,350, or \$9.00 per square foot and presented a counter offer of \$452,000. The landowner documented the cost to reduce the size of the building and reconstruct it for \$430,290. The counter was \$430,290 and our appraised offer. Staff will continue to negotiate with the owner, but due to the difference in opinion of market value and the project timing needs, it is necessary to initiate eminent domain.

The acquisition at 233 South West requires a 600 square foot, partial acquisition from the northeast corner of the site. The subject site is 34,788 square feet, zoned General Commercial, built in 1979 and occupied by a fast-food restaurant. Only a portion of the parking lot is within the proposed area and no other improvements are impacted by the proposed take. The landowners declined the offer of \$12,012. The appraised offer was based on the land being valued at \$11.00 per square foot and \$5,412 in damages towards lost parking. The owners have yet to provide a counter offer. Staff will continue to negotiate with the owner, but due to the lack of a counter offer and timing needs of the project, it is necessary to initiate eminent domain.

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The 4002 West Central site is improved with 2,107 square foot retail building built in 1960 and is situated on 6,000 square foot site. The property is zoned Limited Commercial. The proposed acquisition consists of 600 square feet and is a ten-foot strip of land along the south property line/north Central right-of-way line. The building is not directly impacted as a result of the project. The appraised offer of \$8,100, or \$11.00 per square foot and \$1,500 for lost parking/drive area improvements were rejected by the owner. The owner has yet to provide a counter offer. Staff will continue to negotiate with the owner, but due to the lack of a counter offer and timing needs of the project, it is necessary to initiate eminent domain.

The cost of this acquisition will be paid for by the City at large.

The acquisition of these parcels is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the resolution and ordinance as to form.

Motion--

Vice-Mayor Fearey moved that the resolution be adopted; place on first reading the ordinance providing for the acquisition by eminent domain of certain real property approved; and direct the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition. Motion carried 6 to 0, (Mayor Brewer absent).

--carried

RESOLUTION NO. 07-371

A resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with the planned west street road and storm water project between Maple Avenue and Central Avenue in the City of Wichita, Sedgwick County, Kansas, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

ORDINANCE

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 west street road and storm water project between maple avenue and central avenue 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 court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

PROP ACQUIS.

PARTIAL ACQUISITION OF 101 SOUTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0618

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition is consists of 1,200 square foot of parking and landscaping from the retail property at 101 South West Street. The property is improved with a 5,900 square foot masonry retail building on a 26,992 square foot lot.

The appraiser valued the land at \$10,800 (\$9.00per square foot) with an additional \$1,200 for paving and landscaping making the total offer \$12,000. The take does not directly impact the building however the project will necessitate changing the parking for the site. Currently all customers access the site from West Street into a parking lot immediately south of the building. This lot has angled parking towards the west and exiting the property onto Douglas. After the road is improved, customers northbound on West Street will no longer be able to enter the facility from West Street due to a median.

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Their access will be from Douglas. The existing parking is configured for access from West Street only and the lot is too narrow to allow access from both the east and the west. To provide parking for these customers will require improving a lot to the west of the store. The cost to pave and improve this lot is estimated at \$26,000. The owner has agreed to accept the offer plus the additional cost to improve the parking for a total settlement of \$38,000.

Financial Considerations: The funding source for the project is General Obligation Bonds. A budget of \$40,000 is requested. This includes \$38,000 for acquisition and \$2,000 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the contract as to form.

Motion--
--carried

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

LIBRARY

REQUEST FOR PROPOSALS-LIBRARY AUTOMATION SYSTEM.

Agenda Report No. 07-0619

Since 1992, the Library has used the Dynix integrated library automation system to manage materials inventory, customer accounts, library catalog and several corresponding technology features such as the TeleCirc automated calling and renewal system. The system ceased ongoing development in 1999. On November 1, 2005, the Council authorized the Library to proceed with a migration from the Dynix system to the company's next generation product, known as Horizon.

The original project timeline called for migration from Dynix to Horizon by the spring of 2006. The schedule was delayed by the Dynix Company's decision to completely rewrite the underlying architecture of Horizon and again when the company consolidated operation with the Sirsi Company, another provider of library automation systems. During the delays, the Library proceeded with other parts of the project, including replacement of all dumb terminals with PCs and thin clients, implementation of a self-checkout system at the Alford regional library, and implementation of workstation timing and print management. The Library was on schedule for migration to Horizon by October 2007 when SirsiDynix announced it would suspend development and sales of the Horizon system, consolidating it with another of the company's offerings known as Unicorn. Library staff received a demonstration of this replacement product and cannot confirm that it affords the functionality that was to be delivered by the Horizon system. A similar demonstration of another system has caused staff to suspect that other library automation vendors may have offerings that are better fits for the Library's needs and budget.

The original project budget was \$209,420 with sixty percent to be provided by Library grant sources. Remaining costs were to be funded from the IT/IS replacement fund, with repayment by the Library over a three to five year period. Operational funding is already in place within the department budget. Migration to another product should occur within this same general price range.

Simple library resources impacts the Quality of Life goal by ensuring that citizens receive a positive return on their investment in library services. Use of an appropriate integrated library system impacts the Internal Perspective goal by improving technology efficiencies and increasing productivity.

The Law Department has been consulted and has affirmed that a request for proposals would be an appropriate since the vendor obligations of the original contract cannot be fulfilled.

Motion--
--carried

Vice-Mayor Fearey moved that the staff be authorized to release a request for proposals to gain information about options to replace the Dynix integrated library automation system. Motion carried 6 to 0, (Mayor Brewer absent).

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PUBLIC EXIG.

PUBLIC EXIGENCY-EMERGENCY SANITARY SEWER REPAIRS. (District III)

Agenda Report No. 07-0620

Staff responded to a complaint that a sinkhole was rapidly forming in the back yard easement at 3217 South Everett, located south of 31st Street South, between Everett and St. Clair. Crews found that groundwater pressure had apparently burst the pipe and groundwater was entering the sewer main where the sinkhole was forming. Due to the pipe depth of 14 feet, groundwater in the area and the sandy soil conditions, excavation would require specialized equipment beyond the department's capabilities. Crews set up a sewage bypass system to prevent sewer backups in the neighborhood until a repair could be made by an outside contractor. The City Manager approved proceeding with informal bids on an emergency basis.

Staff contacted eight (8) sewer main contractors for informal bids and Nowak Construction was the only firm to submit a bid.

Nowak submitted a bid of \$114,300. Funds are available in CIP S-4, Reconstruction of Old Sanitary Sewers. The project will be funded from future sewer revenue bonds and/or Sewer Utility cash reserves.

This project addresses the goal of ensuring efficient infrastructure by providing reliable sewer service to the Water Utilities sewer customers.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding. The City Manager authorized Staff to proceed hiring Nowak Construction on June 5, 2007.

Motion--
--carried

Vice-Mayor Fearey moved to affirm the City Manager's Public Exigency approval of the project. Motion carried 6 to 0, (Mayor Brewer absent).

ORDINANCES

SECOND READING ORDINANCES:(FIRST READ JUNE 19, 2007)

- a. Structural inventory and appraisal of 265 bridges.

ORDINANCE NO. 47-498

An ordinance of the City of Wichita, Kansas authorizing the issuance of its General Obligation Bonds to pay a portion of the costs of a city-wide structural inventory and appraisal of 265 bridges (472-84564); 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, read for the second time. Vice-Mayor Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

- b. 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.

ORDINANCE NO. 47-503

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, read for the second time. Vice-Mayor Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

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- c. 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.

ORDINANCE NO. 47-504

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, read for the second time. Vice-Mayor Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

- d. Amendments to Section 5.88.010 of the Code of the City of Wichita, Kansas, pertaining to Criminal Use of Weapons.

ORDINANCE NO. 47-505

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, read for the second time. Vice-Mayor Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

- e. Amendments to Section 11.42.030 of the Code of the City of Wichita, Kansas, pertaining to Driving While License Suspended, Cancelled or Revoked.

ORDINANCE NO. 47-506

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, read for the second time. Vice-Mayor Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

- f. 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.

ORDINANCE NO. 47-507

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, read for the second time. Vice-Mayor Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

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- g. 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)

ORDINANCE NO. 47-500

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. (ZON2007-14), read for the second time. Vice-Mayor Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

- h. 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)

ORDINANCE NO. 47-501

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. (ZON2007-15), read for the second time. Vice-Mayor Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

- i. A07-16-generally located northwest of the Intersection of 45th Street North and Hoover Road. (District VI)

ORDINANCE NO. 47-502

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A07-16.), read for the second time. Vice-Mayor Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

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PLANNING AGENDA

Motion--
--carried

Vice-Mayor Fearey moved that Planning Consent items 15 to 18 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Mayor Brewer absent).

SUB2006-112

SUB2006-112-PLAT OF EARHART ELEMENTARY SCHOOL ADDITION, LOCATED SOUTH OF 45TH STREET NORTH AND ON THE WEST SIDE OF ARKANSAS. (DISTRICT VI)

Agenda Report No. 07-0621

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 15.83 acres, is a replat of a portion of the Edwards Gardens Addition. This site is located within Wichita's city limits and is zoned "SF-5" Single-family Residential District.

Municipal services are available to serve the site. Restrictive Covenants were submitted providing for the ownership and maintenance responsibilities of the reserves being platted for drainage purposes. Due to the vacation of 43rd Street North and Mascot Avenue, the remaining lots in Edwards Garden Addition will have no access to a public street. A Restrictive Covenant was submitted tying the lots together. A Cross-lot Drainage Agreement has been submitted. The City of Wichita is shown as part owner of this property.

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

Ensure Efficient Infrastructure.

The Restrictive Covenants and Cross-lot Drainage Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Vice-Mayor Fearey moved to approve the documents and plat and authorize the necessary signatures for approval of the plat and for the City's part ownership of the property. Motion carried 6 to 0, (Mayor Brewer absent).

SUB2007-29

SUB2007-29-PLAT OF DAVIS-MOORE 14TH ADDITION LOCATED ON THE SOUTH SIDE OF KELLOGG AND WEST OF GREENWICH ROAD. (DISTRICT II)

Agenda Report No. 07-0622

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 28.1 acres, is a replat of portions of the K.T. Wiedemann Business Park Addition and the Replat of the K.T. Wiedemann Business Park Addition. The Wiedemann Business Park Community Unit Plan (CUP 2007-14/DP-88) was approved for this site. A Notice of Community Unit Plan has been submitted identifying the approved CUP and its special conditions for development on this property. This site is located within Wichita's city limits.

Water service is available to serve this site. A financial guarantee has been submitted for sewer improvements. A Restrictive Covenant has been submitted that provides for the ownership and maintenance responsibilities of the reserves being platted.

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

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Ensure Efficient Infrastructure.

The Notice of Community Unit Plan and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Vice-Mayor Fearey moved to approve the documents and plat and authorize the necessary signatures
Motion carried 6 to 0, (Mayor Brewer absent).

SUB2007-30

SUB2007-30-PLAT OF LILLIE SECOND ADDITION, LOCATED SOUTH OF MAPLE AND ON THE WEST SIDE OF MAIZE ROAD. (DISTRICT V)

Agenda Report No. 07-0623

Staff Recommendation: Approve the plat.

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

This site, consisting of 3 lots on 17.26 acres, is a replat of Lillie Addition. The site is subject to the Lillie Office Park Community Unit Plan (CUP 2005-28/DP-286). A Notice of Community Unit Plan has been submitted. The site is zoned "GO" General Office District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving and drainage improvements. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the reserves being platted for drainage purposes. In accordance with the CUP, a Cross-lot Circulation Agreement has been submitted to assure internal vehicular movement between the lots. In order to guarantee the closure of excess drive approaches on Maize Road, a Drive Approach Closure Certificate has been submitted.

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

Ensure Efficient Infrastructure.

The Notice of Community Unit Plan, Certificate of Petitions, Restrictive Covenant, Cross-lot Circulation Agreement and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Motion--
--carried

Vice-Mayor Fearey moved to approve the documents and plat, authorize the necessary signatures and adopt the Resolutions. Motion carried 6 to 0, (Mayor Brewer absent).

RESOLUTION NO. 07-367

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90116 (south of Maple, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

RESOLUTION NO. 07-368

Resolution of findings of advisability and resolution authorizing construction of Lateral 38, Main 1, Cowskin Interceptor Sewer (south of Maple, west of Maize) 468-84081 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

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RESOLUTION NO. 07-0369

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 298 (south of Maple, west of Maize) 468-84208 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

RESOLUTION NO. 07-370

Resolution of findings of advisability and resolution authorizing constructing pavement on Maize Court from the west line of Maize Road, west to and including the cul-de-sac (south of Maple, west of Maize) 472-84286 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 6 to 0, (Mayor Brewer absent). Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Williams.

VAC2007-00014

VAC2007-00014-REQUEST TO VACATE A PORTION OF A PLATTED FLOODWAY, GENERALLY LOCATED WEST OF WEBB ROAD AND NORTH OF 29TH STREET NORTH. (DISTRICT II)

Agenda Report No. 07-0624

Staff Recommendation: Approve.

MAPC Recommendation: Approve (8-1).

The applicant is requesting consideration to vacate a portion of a platted floodway. A 50-foot wide portion of the platted floodway that was located on the abutting Lot 9, Block 2, Mediterranean Plaza Addition was vacated in 2003, VAC2003-35 and SUB2003-38. A 30-foot sanitary sewer easement abuts the east portion of the platted floodway. The applicant has provided e-mails from Kansas Gas Service, Westar, Cox and AT&T, which state that they have no utilities in the platted floodway. The site is in neither a FEMA Floodway nor FEMA Flood zone. The Mediterranean Plaza Addition was recorded with the Register of Deeds on March 16, 1988.

The MAPC voted (8-1) 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. Staff has reviewed the drainage of the floodway and approved the proposed drainage as the result of the vacation as requested by the MAPC, prior to the request going to Council for final action.

Ensure efficient infrastructure.

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

Motion--

Vice-Mayor Fearey moved to follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures. Motion carried 6 to 0, (Mayor Brewer absent).

--carried

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AIRPORT AGENDA

TAXIWAY "N"

AIRFIELD PAVEMENT-TAXIWAY "N" CONSTRUCTION, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 07-0625

On June 3, 2003, Ritchie Paving, Inc. was awarded the contract for the Taxiway "N" project in the amount of \$7,016,064.70. This project is now complete, except for closure of the grant.

A change order has been prepared to adjust contract time. There were no changes on contract quantities or contract cost.

The change order has been approved by the Law Department and approval by the FAA is pending. The Airport's contribution to the economic vitality of Wichita is promoted through maintaining airfield pavements to serve the aviation community.

Motion--
--carried

Vice-Mayor Fearey moved to recommend the Wichita Airport Authority approve the change order and authorize the necessary signatures. Motion carried 6 to 0, (Mayor Brewer absent).

OFF-AGENDA ITEM

Motion--carried

Vice-Mayor Fearey moved to take up an Off-Agenda item in order to make appointments to the Wichita Area Metropolitan Planning Organization. Motion carried 6 to 0, (Brewer absent).

Motion--
--carried

Vice-Mayor Fearey moved to appoint Council Members Schlapp, Longwell, and Skelton as members of the Wichita Area Metropolitan Planning Organization. Motion carried 6 to 0, (Mayor Brewer absent).

RECESS

Motion--
--carried

Vice-Mayor Fearey moved to recess for a reception and return to the Council bench at 10:30 a.m. Motion carried 6 to 0, (Mayor Brewer absent).

RECONVENE

The City Council reconvened in the City Council Chambers at 10: 38 a.m.

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RECESS

EXECUTIVE SESSION.

Motion--

Vice-Mayor Fearey 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: pending litigation, potential litigation, legal advice, contract negotiations, and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 11:25 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 4 to 0, (Skelton and Williams not present, Mayor Brewer absent).

--carried

RECONVENE

The City Council reconvened in the City Council Chambers at 11:25 a.m.

Vice-Mayor Fearey

Vice-Mayor Fearey stated the City Council has returned from Executive Session, there was no action taken and there is no action needed as a result of the Executive Session.

Motion--carried

Vice-Mayor Fearey moved that the Executive Session be closed. Motion carried 5 to 0, (Longwell not present, Mayor Brewer absent).

Motion--carried

Vice-Mayor Fearey moved that the Regular Meeting be adjourned. Motion carried 5 to 0, (Longwell not present, Mayor Brewer absent).

ADJOURNMENT

The City Council Meeting was adjourned at 11:26 a.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

Workshop followed in the 10th Floor, MAPC Room