

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 18, 2007
Tuesday, 9:07 A.M.

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

Cathy Holdeman, Assistant 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.

Sr. Rita Robl, Great Plains Earth Institute, gave the invocation.

The Minutes of the regular meeting of September 25, 2007, approved 6 to 0.

AWARDS AND PROCLAMATIONS

Karl Peterjohn-Protecting property rights and not imposing new unfunded mandates onto the private sector.

Karl Peterjohn

Mr. Peterjohn stated he is the Executive Director of the Kansas Tax Payers Network, and that one of the most frequent arguments used by local governments when testifying in front of the state is to request that the state not impose any additional unfunded mandates onto the City. Stated when the City complains about state mandates onto the City, you have several options at city hall; home rule provides the city with options to opt out when state mandates are non-uniform. Stated what is unfair to city government at the statehouse in Topeka with a new unfounded mandate is equally unfair to the Wichita businesses in our City. Stated businesses do not have home rule in Kansas. Stated the proposed anti-smoking ordinance is a business and property rights issue that involve restricting businesses' ability to compete in our community and adding a new regulatory burden for a number of firms in Wichita.

Bill Goodlatte-Wichita Smoking Ban.

(Did not appear)

Andrew Chau-Proposed Smoking Ban.

Andrew Chau

Mr. Chau resides at 920 South Rock, apartment #326, stated he is 100% against the proposed smoking ban. Stated putting this smoking ban in affect will not make Wichita a healthier City. Stated carbon monoxide found in cigarette smoke is also found in all burning fuel such as gas for your cars, propane used to heat homes, and charcoal for grills. Stated if you are going to ban smoking, you also need to make carpooling mandatory, regulate the amount of coal and propane used to grill, and regulate the amount of propane that families can use to heat their homes. Stated this is a ban of freedom and restricting the private businesses' rights of this community. Stated he hopes that the Council will consider what this ban really means to the City.

(Vice-Mayor Fearey momentarily absent)

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Matthew Goolsby-Smoking Ban.

Matthew Goolsby

Mr. Goolsby resides at 355 North Rock Island, stated that municipal general election totals dating back to 2001, voter turn out averaged 24% and one-fourth of our registered voters in this City had a hand in picking the seven Council Members and 20% of our City are smokers. Stated there has been a wider spectrum of people that have spoken against this smoking ban than those that are in favor of it. Stated this ban is a ban of freedom and is restricting the private property rights and the private business rights of this community. Stated he hopes that the Council will consider what this ban really means to this City.

Louis Campagnone-City Smoking Ban.

Louis Campagnone

Mr. Campagnone resides at 526 Sheridan Drive, Junction City, Kansas. Stated he has attended City Council Meetings in four different cities and one county and has listened to these organizations that are pushing for a smoking ban. Stated at all of these meetings he has heard the same message, which is that no business is going to lose money. Stated you need to drive to Lawrence and speak to the business owners and they will tell you that since that smoking ban was put into effect, they have lost 15 to 20% of their gross revenue. Stated that 85% of people who come into his establishment smoke and if a smoking ban is imposed on their businesses, they will not lose all their customers, they will just not come back as often or stay as long. Stated we are a country where the people have the freedom to choose and asked the Council to say enough is enough.

Cary Borneman-Smoking Issue.

Cary Borneman

Mr. Borneman stated he is the owner of Club Rodeo and is concerned with what a total smoking ban will do to his business and others. Stated the anti-smoking lobby says business will go up and they say that because they do not want you to feel bad about putting businesses out of business and they want to win. Stated this is a well funded 30 year old lobby that is scripted. Stated there is no question that revenues for bars and clubs will go down. Stated there are 32 states that have a total smoking ban and 11 of them have exemptions for bars and nightclubs. Stated that out of 50 states, 29 allow smoking in bars and nightclubs, which is the majority. Stated if bars and nightclubs are exempt, you could accomplish 99% of what you are trying to accomplish.

Hospitality and Restaurant Association.

Don Sayler

Mr. Sayler stated he is the President and CEO of the Kansas Restaurant and Hospitality Association (KRHA). Stated KRHA has believed in business owner rights to choose how they best feel their business should be ran and have always believed that the business owner and not government regulators are in the best position to determine their customer base. Stated the board had taken the position that KRHA will not oppose smoking bans or other smoking restrictions that are imposed at the federal or state level of government and that restricts smoking in all indoor businesses and venues without exception. Stated so far there has not been any legislation to that affect. Stated they have never supported the ban and oppose passage of a smoking ban, which they have seen introduced today such as the Lawrence band and would urge the Council not to introduce legislation to provide a ban in Wichita.

CONSENT AGENDA

Council Member Skelton

Council Member Skelton requested that items 31, 33, and 38 is pulled for discussion.

Motion--
--carried

Brewer moved that Consent Agenda items 7-41h is approved in accordance with the recommended action, excluding items 31, 33, and 38. Motion carried 7 to 0.

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BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 17, 2007

Minutes of the regular meeting dated December 10, 2007, were read and on motion approved.

Bids were opened December 14, 2007 pursuant to advertisements published on:

Main 21 Four Mile Creek Sewer (south of Harry, east and west of Pawnee) (468-84240/744235/480923) Traffic to be maintained during construction using flagpersons & barricades. (District II)

Wildcat Construction - \$1,051,026.46

2007 Contract Maintenance Concrete, Asphalt & Drainage Repairs (various locations east of 159th Street West, north of 71st Street South) (472-84624/132720/620469) Traffic to be maintained during construction using flagpersons and barricades. (All Districts)

PPJ Construction, Inc. - \$190,620.00*

* Engineer's Estimate

Cherry Creek from the west line of 127th Street East to the west line of Lot 8, Block 2; Cherry Creek Court from the north line of Cherry Creek to and including the cul-de-sac; Cherry Creek Court from the north line of Cherry Creek to and including the cul-de-sac to serve Tara Creek Addition (north of Pawnee, west of 127th Street East) (472-84557/ 766162/490180) Does not affect existing traffic. (District II)

Kansas Paving Company - \$144,827.79

Monument, from the south line of 23rd Street North to the south line of Lot 1, Block 4; Cowboy, from the east line of Monument to the east line of Lot 1, Block 2; Red Rock, from the south end of Canyon to the east line of Lot 1, Block 3; Canyon, from the west line of Red Rock to the west line of Monument to serve Southwest Passage Addition (south of Pawnee, west of 119th Street West) (472-84447/766180/490198) Does not affect existing traffic. (District IV) - \$381,000.00

Cornejo & Sons Construction - \$299,418.05

Gypsum Creek Flood Control, Pawnee Street to Woodlawn Avenue (north of Pawnee, west of Woodlawn) (468-84224/660804/866005) Does not affect existing traffic. (District III)

Dondlinger & Sons - \$848,864.00

On motion, the Board recommended that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

The Purchasing Division recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Mid America All Indian Center Modifications

Caro Construction Co., Inc. - \$ 313,292.00 Base Bid

\$ 18,675.00 Option 1

\$ 10,250.00 Option 3

\$ 88,677.00 Option 4

\$ 9,191.00 Option 5

\$ 49,500.00 Option 6

\$ 4,120.00 Option 7

\$ 67,200.00 Option 8

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PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Picnic Shelter Improvements
Garvey Park

Barkley Construction - \$42,000.00

PUBLIC WORKS DEPARTMENT/FLEET DIVISION: Pickup Trucks and Trucks

Don Hattan Chevrolet, Inc. - \$144,232.00 Group 1
\$ 91,766.00 Group 2
\$ 15,024.00 Group 3
\$ 218.00 Group 3 Option 1
\$ 412.00 Group 3 Option 2
\$190,500.00 Group 4
\$ 83,753.00 Group 5

Rusty Eck Ford, Inc. - \$ 34,268.00 Group 6
\$ 37,768.00 Group 7

WATER UTILITIES DEPARTMENT/WATER DISTRIBUTION DIVISION: Trailer Mounted 6"
Utility DriPrime Pump

Lee Mathews Equipment, Inc., Wichita - \$51,829.00

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Traffic Signal & Traffic
Pole Parts

Traffic Parts, Inc. - \$28,500.00 Group 1
General Traffic Equipment Corporation - \$12,400.00 Group 2

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Cold Plastic Marking
Tape Wet Reflective

3M - \$70,992.25

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replace
3 Hot Water Boilers

American Mechanical - \$116,152.00

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION:
Windows, Thermal Break Primary

Columbia Industries - \$32,593.75*

*Estimate-Contract approved on unit cost basis; refer to attachment

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Remodel Office Space 7th
Floor City Hall

Bauer & Sons Construction - \$59,995.00 Base Bid
- \$ 48.00 Option 1 (per square yard)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Tow Wheel Drive 4,000 LB
Forklift

Kansas Forklift, Inc. - \$18,999.99

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WATER UTILITIES DEPARTMENT/PRODUCTION & PUMPING DIVISION: Electrical Highline Materials*

Kriz Davis Co. – Groups 1, 2, 4, 7, 8, 12, 20, 21, 22, 26, 27, 41, 48, 49, 50, 51, 52, 56, 57, 58, 60, 63, 64, 65, 67, 68, 69, 70, 71, 72, 73

Stanion Wholesale Electric Co. – Groups 3, 5, 6, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 23, 24, 25, 36, 42, 43, 44, 45, 46, 47, 53, 54, 55, 66, 74, 75

Team Electric Supply Inc. – Groups 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 59, 61, 62

WICHITA WATER UTILITIES DEPARTMENT/SEWAGE TREATMENT DIVISION: Repair on two Parkson screening zone screws and purchase of a Parkson pressing zone screw

Parkson Corp. - \$43,650.00*

*Purchases utilizing Sole Source of Supply Ordinance No. 35-856, Section 2.(b)

The Purchasing Division recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

On motion, the Board recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

Motion--
--carried

Brewer moved that the report be received and filed; the Contracts approved; and the necessary signatures authorized. Motion carried 7 to 0.

LICENSES

APPLICATIONS FOR LICENSES:

Renewals

Norman Massey	Circle Cinema	2570 South Seneca
Ernest C. Doyon Jr.	Vegas Video LLC	8323 West Kellogg

Motion--carried

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

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Mike Hoffman	Kwik Shop 749	2142 North Webb Road
Hisham Mubaidin	FoodMart Midwest LLC	10723 West Highway 54
James Steindler	Gotta Stop	5600 West MacArthur Road
Kashif A. Khan	Zee Enterprises Inc.	7115 West 13th Street
<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Carmen Rosales	Connie's Mexico Café*	2227 North Broadway
Haydee Raymundo	Tacos Raymundo*	1716 West 21st Street North
Eugene J. Pelz	Siesta Steak and Lounge*	1523 Wheat Lane/15130 West Highway 54
<u>New Operator</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Neli Castro	Rene's Restaurants, Inc.*	677 North Eisenhower

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

Motion--
--carried

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

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PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. MacArthur, Meridian to Seneca (KDOT) (87N-0347-01/472-84358/706952/636192/206418/777583) See Special Provisions for traffic control issues. (District IV) - \$5,600,000.00
- b. Gypsum Creek Channel Improvements (south of Pawnee, west of Hillside) (468-82473/660803/866004) Hillside Avenue Bridge will be closed during the bridge construction project. (District III) - \$2,099,915.00
- c. 2007-2008 Wheelchair Ramp & Sidewalk, Phase 1 (east of 159th Street West, north of 71st Street South) (472-84604/706971/207437) Traffic to be maintained during construction using flagpersons & barricades. (District I, II, III, IV, V, VI) - \$204,000.00
- d. 2006/2007 Traffic Signalization, Phase 1: Traffic Signal Installation at 34th & Woodlawn and 13th & Gatewood (472-84424/706956/206422) Traffic to be maintained during construction using flagpersons & barricades. (District I,II) - \$360,200.00
- e. Shade Court, serving Lots 12 through 25, Block 1, from the north line of Shade Lane to and including the cul-de-sac to serve Shady Ridge Addition (south of Central, east of Maize) (472-84052/766167/490185) Does not affect existing traffic. (District V) - \$155,400.00
- f. The cost of Oliver Improvement between Harry and Kellogg (472-84018/706895/204-361) (District III). – Total Estimated Cost \$725,000.00

Motion--carried

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

PETITION

17TH STREET NORTH DRAINAGE PROJECT, FROM ST. FRANCIS TO EAST OF SANTA FE. (DISTRICT VI)

Agenda Item No. 11a.

The 2007-2016 Capital Improvement Program adopted by the City Council includes a project to improve 17th St. North, between Broadway and the I-135 Freeway. The work includes the construction of a large drainage structure to provide proper drainage for the new pavement and surrounding areas. A portion of this culvert will extend under the Central Railroad Corridor. On March 7, 2006, the City Council approved a project to construct the portion of the project that is under the BNSF/UP Railroad tracks. A second phase of the project is needed to extend the structure farther east under the WTA Railroad tracks.

Because of the construction of the Central Rail Corridor Project, now is the best time to install the drainage structure in railroad right-of-way. If the project is completed while the tracks are removed, the open-cut method can be used rather than the much more expensive method of boring. Costs for railroad permitting and for associated insurance and flagging will be reduced.

The City Council previously approved \$1,000,000 for the project. An additional \$600,000 is needed to construct phase 2 of the project. The funding source is General Obligation Bonds.

The Law Department has approved the amending Resolution as to legal form.

Motion--
--carried

Brewer moved that the City Council approve the project, adopt the Resolution and authorize the necessary signatures. Motion carried 7 to 0.

RESOLUTION NO. 07-723

A Resolution amending Resolution No. 06-119 authorizing the issuance of Bonds by the city of Wichita a large to construct a storm water drain along 17th St. North through the Central Railroad Corridor (Drainage improvement at 17th St. North, between Broadway and the I-135 Freeway) 472-84392, 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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PETITION

CONSTRUCT A SANITARY SEWER IN KRUG SOUTH ADDITION, SOUTH OF 21ST, WEST OF 143RD STREET EAST. (DISTRICT II)

Item No. 11b.

On February 13, 2007, the City Council approved a Petition to construct a Sanitary Sewer in Krug South Addition. The improvement district included an adjoining unplatted tract. The developer has submitted a new Petition that removes the tract from the improvement district. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located south of 21st, west of 143rd St. East.

The project budget is unchanged.

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

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

Motion--

Brewer moved that the City Council approve the new Petition, adopt the Resolution and authorize the necessary signatures.

RESOLUTION NO. 07-724

Resolution of findings of advisability and Resolution authorizing construction of Lateral 7, Main 14, Four Mile Creek Sewer, (south of 21st, West of 143rd St. East) 468-84321 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, Longwell, Schlapp, Skelton, Williams and Brewer.

PETITION

CONSTRUCT A SANITARY SEWER IN MONARCH LANDING ADDITION, SOUTH OF 21ST, WEST OF 159TH STREET EAST. (DISTRICT II)

Agenda Item No. 11c.

On February 13, 2007, the City Council approved a Petition to construct a Sanitary Sewer in Monarch Landing Addition. The improvement district included an adjoining unplatted tract. The developer has submitted a new Petition that reduces the amount of the unplatted tract in the improvement district. The signatures on the new Petition represent 7 of 9 owners of property in the improvement district. The assessment to the non-signers' property has not been increased.

The project will serve a new residential development located south of 21st, west of 159th St. East.

The project budget is unchanged.

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

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

Motion--
--carried

Brewer moved that the City Council approve the new Petition, adopt the Resolution and authorize the necessary signatures. Motion carried 7 to 0.

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RESOLUTION NO. 07-725

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 23, Four Mile Creek Sewer (north of 21st St, west of 159th St. East) 468-84317 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

STMT OF COSTS

STATEMENT OF COSTS:

WATER

- a. Improving Water Distribution System to serve Turkey Creek Addition (north of Pawnee, west of 119th Street West). Total Cost - \$77,609.36 (plus idle fund interest - \$3,021.64, plus temporary note interest - \$969.00). Financing to be issued at this time - \$81,600.00. (735334/448-89963/470-007).
- b. Improving Water Distribution System to serve Fontana 3rd Addition (north of 29th Street North, east of 119th Street West). Total Cost - \$75,216.72 (plus idle fund interest - \$3,783.28, plus temporary note interest - \$0). Financing to be issued at this time - \$79,000.00. (735355/448-90004/470-028).
- c. Improving Water Distribution System to serve The Fairmont 3rd Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$42,688.01 (plus idle fund interest - \$2,011.99, plus temporary note interest - \$0). Financing to be issued at this time - \$44,700.00. (735364/448-90028/470-037).
- d. Improving Water Distribution System to serve Clifton Cove Addition (south of 63rd Street South, west of Hillside). Total Cost - \$709,417.10 (plus idle fund interest - \$13,768.44, plus temporary note interest - \$23,714.46). Financing to be issued at this time - \$746,900.00. (735317/448-90080/470-988).
- e. Improving Water Distribution System to serve Clifton Cove Addition (south of 63rd Street South, west of Hillside). Total Cost - \$100,612.39 (plus idle fund interest - \$2,590.83, plus temporary note interest - \$3,696.78). Financing to be issued at this time - \$106,900.00. (735318/448-90081/470-989).
- f. Improving Water Distribution System to serve Cross Pointe Addition (south of 21st Street North, east of Greenwich). Total Cost - \$66,884.02 (plus idle fund interest - \$1,767.66, plus temporary note interest - \$1,648.32). Financing to be issued at this time - \$70,300.00. (735299/448-90083/470-970).
- g. Improving Water Distribution System to serve The Fairmont Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$68,521.17 (plus idle fund interest - \$1,803.01, plus temporary note interest - \$2,375.82). Financing to be issued at this time - \$72,700.00. (735327/448-90093/470-998).
- h. Improving Water Distribution System to serve Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler). Total Cost - \$52,011.00 (plus idle fund interest - \$2,689.00, plus temporary note interest - \$0). Financing to be issued at this time - \$54,700.00. (735347/448-90104/470-020).
- i. Improving Water Distribution System to serve Falcon Falls 2nd, Falcon Falls 3rd and Falcon Falls Commercial Additions (north of 45th Street North, west of Hillside). Total Cost - \$173,239.92 (plus idle fund interest - \$3,385.52, plus temporary note interest - \$8,074.56). Financing to be issued at this time - \$184,700.00. (735291/448-90105/470-962).
- j. Improving Water Distribution System to serve Falcon Falls 3rd Addition (north of 45th Street North, west of Hillside). Total Cost - \$94,921.25 (plus idle fund interest - \$1,582.35, plus temporary note interest - \$3,896.40). Financing to be issued at this time - \$100,400.00. (735315/448-90128/470-986).
- k. Improving Water Distribution System to serve Emerald Bay Addition (west of West Street, north of 21st Street North). Total Cost - \$577,043.82 (plus idle fund interest - \$10,607.29, plus temporary note interest - \$27,248.89). Financing to be issued at this time - \$614,900.00. (735301/448-90161/470-972).

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- l. Improving Water Distribution System to serve K-96 Business Park Addition (north of 29th Street North, west of Greenwich). Total Cost - \$134,582.49 (plus idle fund interest - \$5,917.51, plus temporary note interest - \$0). Financing to be issued at this time - \$140,500.00. (735361/448-90175/470-034).
- m. Improving Water Distribution System to serve Sycamore Pond Addition (south of 47th Street South, east of Seneca). Total Cost - \$62,498.95 (plus idle fund interest - \$1,156.41, plus temporary note interest - \$2,144.64). Financing to be issued at this time - \$65,800.00. (735331/448-90200/470-004).
- n. Improving Water Distribution System to serve Clear Creek Addition (south of Kellogg, west of 143rd Street East). Total Cost - \$59,945.95 (plus idle fund interest - \$1,218.43, plus temporary note interest - \$2,035.62). Financing to be issued at this time - \$63,200.00. (735336/448-90232/470-009).
- o. Improving Water Distribution System to serve Valencia Addition (south of 53rd Street North, east of Meridian). Total Cost - \$46,198.85 (plus idle fund interest - \$2,501.15, plus temporary note interest - \$0). Financing to be issued at this time - \$48,700.00. (735359/448-90248/470-032).
- p. Improving Water Distribution System to serve Terradyne West Addition (north of Central, west of 159th Street East). Total Cost - \$63,409.00 (plus idle fund interest - \$3,391.00, plus temporary note interest - \$0). Financing to be issued at this time - \$66,800.00. (735340/448-90250/470-013).
- q. Improving Water Distribution System to serve Terradyne West Addition (north of Central, west of 159th Street East). Total Cost - \$103,882.10 (plus idle fund interest - \$5,081.70, plus temporary note interest - \$436.20). Financing to be issued at this time - \$109,400.00. (735341/448-90251/470-014).
- r. Improving Water Distribution System to serve Santa Fe Orient Industrial District 3rd Addition (north of Harry, east of Meridian). Total Cost - \$25,040.37 (plus idle fund interest - \$532.61, plus temporary note interest - \$727.02). Financing to be issued at this time - \$26,300.00. (735344/448-90259/470-017).
- s. Improving Water Distribution System to serve Monarch Landing Addition (north of 21st Street North, west of 159th Street East). Total Cost - \$256,440.74 (plus idle fund interest - \$11,187.60, plus temporary note interest - \$2,871.66). Financing to be issued at this time - \$270,500.00. (735348/448-90275/470-021).
- t. Improving Water Distribution System to serve Legacy 3rd Addition (north of 47th Street South, west of Meridian). Total Cost - \$37,689.77 (plus idle fund interest - \$2,010.23, plus temporary note interest - \$0). Financing to be issued at this time - \$39,700.00. (735358/448-90279/470-031).

SEWER

- u. Constructing Lateral 344, Four Mile Creek Sewer to serve Sierra Hills Addition (north of Pawnee, east of 127th Street East). Total Cost - \$76,523.32 (plus idle fund interest - \$1,852.22, plus temporary note interest - \$2,924.46). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$81,300.00. (744191/468-83584/480-879).
- v. Constructing Lateral 3, Main 7, Northwest Interceptor Sewer to serve Prairie Pointe and Prairie Pointe 2nd Additions (north of 37th Street North, west of Maize). Total Cost - \$105,083.68 (plus idle fund interest - \$5,216.32, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$110,300.00. (744217/468-83809/480-905).
- w. Constructing Lateral 3, Main 6 Cowskin Interceptor Sewer to serve Turkey Creek 2nd Addition (north of Pawnee, west of 119th Street West). Total Cost - \$155,677.26 (plus idle fund interest - \$2,751.98, plus temporary note interest - \$5,270.76). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$163,700.00. (744197/468-83820/480-885).
- x. Constructing Lateral 10, Main 7 Northwest Interceptor Sewer to serve Fontana 3rd Addition (north of 29th Street North, east of 119th Street West). Total Cost - \$78,148.89 (plus idle fund interest - \$4,051.11, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$82,200.00. (744219/468-83882/480-907).
- y. Constructing Lateral 5, Main 16, Four Mile Creek Sewer to serve Cross Pointe Addition (south of 21st Street North, east of Greenwich). Total Cost - \$96,626.93 (plus idle fund interest - \$2,755.85, plus temporary note interest - \$2,917.22). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$102,300.00. (744167/468-84044/480-855).

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- z. Constructing Lateral 25, Main 19, Southwest Interceptor Sewer to serve Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler). Total Cost - \$220,571.98 (plus idle fund interest - \$12,273.02, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$15,355.00. Financing to be issued at this time - \$248,200.00. (744210/468-84064/480-898).
- aa. Constructing Lateral 38, Main 1 Cowskin Interceptor Sewer to serve Lillie Addition (south of Maple, west of Maize). Total Cost - \$86,474.56 (plus idle fund interest - \$3,725.44, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$90,200.00. (744206/468-84081/480-894).
- bb. Constructing Lateral 1, Main 23, Southwest Interceptor Sewer to serve Emerald Bay Estates Addition (north of 21st Street North, west of West Street). Total Cost - \$916,999.75 (plus idle fund interest - \$20,688.17, plus temporary note interest - \$39,712.08). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$977,400.00. (744170/468-84139/480-858).
- cc. Constructing Main 23, Southwest Interceptor Sewer, Lift Station & Force Main to serve Emerald Bay Addition (north of 21st Street North, west of West Street). Total Cost - \$1,054,188.33 (plus idle fund interest - \$22,964.77, plus temporary note interest - \$35,146.90). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$1,112,300.00. (744169/468-84141/480-857).
- dd. Constructing Lateral 1, Main 19, Four Mile Creek Sewer to serve Stonebridge Addition (north of 13th Street North, west of 159th Street West). Total Cost - \$623,697.51 (plus idle fund interest - \$30,502.49, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$654,200.00. (744216/468-84146/480-904).
- ee. Constructing Lateral 396, Four Mile Creek Sewer to serve Crestlake Addition (north of Central, west of 127th Street East). Total Cost - \$236,765.99 (plus idle fund interest - \$6,259.35, plus temporary note interest - \$7,974.66). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$251,000.00. (744184/468-84182/480-872).
- ff. Constructing Lateral 398, Four Mile Creek Sewer to serve Bellechase Addition (north of Harry, east of 127th Street East). Total Cost - \$189,234.05 (plus idle fund interest - \$3,722.79, plus temporary note interest - \$6,143.16). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$199,100.00. (744198/468-84203/480-886).
- gg. Constructing Lateral 400, Four Mile Creek Sewer to serve Clear Creek Addition (south of Kellogg, west of 143rd Street East). Total Cost - \$111,112.50 (plus idle fund interest - \$2,016.16, plus temporary note interest - \$3,671.34). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$116,800.00. (744199/468-84231/480-887).
- hh. Constructing Lateral 7, Main 15, Sanitary Sewer #23 to serve Northcrest Estates Addition (south of 53rd Street North, east of Meridian). Total Cost - \$85,245.61 (plus idle fund interest - \$1,519.09, plus temporary note interest - \$2,835.30). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$89,600.00. (744202/468-84258/480-890).
- ii. Constructing Lateral 402, Four Mile Creek Sewer to serve Terradyne West Addition (north of Central, west of 159th Street East). Total Cost - \$153,778.67 (plus idle fund interest - \$7,703.39, plus temporary note interest - \$617.94). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$162,100.00. (744203/468-84261/480-891).
- jj. Constructing Main 22, Four Mile Creek Sewer to serve Brentwood South Addition (north of Pawnee, east of Webb Road). Total Cost - \$181,159.69 (plus idle fund interest - \$8,186.01, plus temporary note interest - \$654.30). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$190,000.00. (744204/468-84262/480-892).
- kk. Constructing Lateral 1, Main 22, Four Mile Creek Sewer to serve Brentwood South Addition (north of Pawnee, east of Webb Road). Total Cost - \$96,856.43 (plus idle fund interest - \$4,643.57, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$101,500.00. (744205/468-84263/480-893).
- ll. Constructing Lateral V, Sanitary Sewer #8 to serve Santa Fe Orient Industrial District 3rd Addition (north of Harry, east of Meridian). Total Cost - \$17,035.85 (plus idle fund interest - \$282.57, plus temporary note interest - \$581.58). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$17,900.00. (744207/468-84282/480-895).
- mm. Constructing Main 23, Four Mile Creek Sewer to serve Monarch Landing Addition (north of 21st Street North, west of 159th Street East). Total Cost - \$144,511.21 (plus idle fund interest - \$7,988.79, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$152,500.00. (744211/468-84316/480-899).

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- nn. Constructing Lateral 1, Main 23, Four Mile Creek Sewer to serve Monarch Landing Addition (north of 21st Street North, west of 159th Street East). Total Cost - \$580,710.58 (plus idle fund interest - \$28,899.82, plus temporary note interest - \$3,489.60). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$613,100.00. (744212/468-84317/480-900).
- oo. Constructing Lateral 521, Southwest Interceptor Sewer to serve Legacy 3rd Addition (north of 47th Street South, west of Meridian). Total Cost - \$72,757.61 (plus idle fund interest - \$3,742.39, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$76,500.00. (744226/468-84329/480-914).

STORM WATER SEWER AND STORM WATER DRAIN

- pp. Constructing Storm Water Drain No. 236 to serve Fontana and Fontana 2nd Additions (north of 29th Street North, east of 119th Street West). Total Cost - \$511,439.10 (plus idle fund interest - \$9,160.85, plus temporary note interest - \$29,000.05). Financing to be issued at this time - \$549,600.00 (751411/468-83883/485-302).
- qq. Constructing Storm Water Drain No. 269 to serve Clifton Cove Addition (south of 63rd Street South, west of Clifton). Total Cost - \$587,086.49 (plus idle fund interest - \$11,823.47, plus temporary note interest - \$26,090.04). Financing to be issued at this time - \$625,000.00 (751421/468-84024/485-312).
- rr. Constructing Storm Water Drain No. 294 to serve Crestlake Addition (north of Central, west of 127th Street East). Total Cost - \$534,142.26 (plus idle fund interest - \$15,422.36, plus temporary note interest - \$12,235.38). Financing to be issued at this time - \$561,800.00 (751423/468-84183/485-314).
- ss. Constructing Storm Water Drain No. 295 to serve Sycamore Pond Addition (south of 47th Street South, east of Seneca). Total Cost - \$508,623.04 (plus idle fund interest - \$10,661.96, plus temporary note interest - \$17,415.00). Financing to be issued at this time - \$536,700.00 (751427/468-84193/485-318).
- tt. Constructing Storm Water Drain No. 297 to serve Bellechase Addition (north of Harry, east of 127th Street East). Total Cost - \$145,943.69 (plus idle fund interest - \$8,656.31, plus temporary note interest - \$0). Financing to be issued at this time - \$154,600.00 (751430/468-84204/485-321).
- uu. Constructing Storm Water Drain No. 311 to serve Northcrest Addition (south of 53rd Street North, east of Meridian). Total Cost - \$203,636.53 (plus idle fund interest - \$9,709.17, plus temporary note interest - \$654.30). Financing to be issued at this time - \$214,000.00 (751435/468-84260/485-326).
- vv. Constructing Storm Water Sewer No. 623 to serve Santa Fe Orient Industrial District 3rd Addition (north of Harry, east of Meridian). Total Cost - \$36,069.23 (plus idle fund interest - \$798.95, plus temporary note interest - \$1,031.82). Financing to be issued at this time - \$37,900.00 (751433/468-84281/485-324).
- ww. Constructing Storm Water Sewer No. 626 to serve Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler). Total Cost - \$312,937.97 (plus idle fund interest - \$15,162.03, plus temporary note interest - \$0). Financing to be issued at this time - \$328,100.00 (751436/468-84298/485-327).

Motion--carried

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

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STREET CLOSURE

INTERSECTION OF DOUGLAS AND HYDRAULIC. (DISTRICT I)

Agenda Item No. 13a.

Wildcat Construction Co. Inc. has contracted to install a storm drainage structure in Douglas and a portion of Old Town to improve drainage in Old Town and the area near Douglas from Mosley to the Drainage Canal at I-135. This project was approved by the City Council on April 24, 2007. This drainage structure is 16' deep as it crosses Hydraulic in the south portion of Douglas. For traffic safety, a 10 day closure of Hydraulic will be required to install this 8' x 4' RCB Stormwater sewer through the intersection area. The present progress of the installation of this structure will cause the installation of the storm drain RCB at the intersection area approximately during the first or second week of January, 2008.

Wildcat Construction Co. Inc. is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the closure Hydraulic Ave. traffic will be detoured as follows:

Northbound Hydraulic Ave. traffic will be detoured west on Waterman to Washington, then north to First St., then east to return to Hydraulic Ave.

Southbound Hydraulic Ave. traffic will be detoured west on Douglas to Washington, then south to Waterman, then east to return to Hydraulic Ave.

This project addresses the Efficient Infrastructure goal by improving Storm Water Drainage.

Motion--carried

Brewer moved that the street closure be approved. Motion carried 7 to 0.

CHENEY WATERSHED CHENEY WATERSHED DEMONSTRATION PROJECTS - WORKING AGREEMENT.

Agenda Item No. 14a.

Cheney Reservoir is a major water supply source for Wichita, currently providing approximately 60 percent of the City's water. On August 24, 1993, City Council approved the concept of the City assuming part of the cost-share necessary to allow landowners to implement Best Management Practices in the watershed above the reservoir that would improve water quality and extend the life of the reservoir. On September 19, 2006, the Council approved continuing participation in the Cheney Watershed Protection Program.

Cheney Reservoir has two significant pollution problems: sedimentation and phosphates. Sediment washes into the reservoir from soil erosion displacing stored water and is a major factor in determining the useful life of the reservoir. High phosphate levels can lead to an increase in microscopic plant activity in a lake, which increases taste and odor problems.

A management plan has been approved for the watershed that identifies Best Management Practices (BMP) that will help reduce pollution entering the reservoir. The Reno County Conservation District and the Citizens' Management Committee are responsible for implementing the recommendations in the plan. The proposed Working Agreement promotes the use of BMP and establishes procedures for payments to producers who implement these practices. It addresses funding the construction of various demonstration projects, including terraces, grassed waterways, range and pasture seeding, riparian filter strips and concrete drainage structures.

There are incentives to use alternate management techniques (nutrient management, conservation tillage, crop rotation, brush control and planned grazing systems) and incentives to convert land coming out of the Conservation Reserve Program (CRP) to rangeland by installing water systems, and fencing and filter strips. This Agreement also includes an incentive payment to promote Continuous Sign-up CRP adjacent to streams, and an incentive program for small community wastewater treatment plants to make voluntary improvements that improve the quality of their discharge.

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All of the practices are voluntary and allocated funds may not be fully utilized in the fiscal year. Most of the practices that this Working Agreement is promoting are also eligible for funding from an EPA 319 Grant that provides up to 60 percent of the cost of a BMP project. The City will match the 40 percent that is not covered by federal funds. The cost of those incentive payments to the City will not exceed \$10,000 in 2008.

Other entities offering cost-share programs include the Kansas Alliance for Wetlands and Streams, the Kansas Water Office and the Kansas Rural Center. These entities have programs that offer 60-70 percent funding for BMP projects. The cost of those matching incentive payments to the City will not exceed \$25,000 in 2008.

Installation of fences that were previously enrolled in the CRP is not eligible for funding from any other programs. Fencing projects will be eligible for 50 percent funding from the City of Wichita, with the remaining 50 percent paid by the landowner. The cost of those incentive payments to the City will not exceed \$75,000.

Incentive payments for small municipalities are limited to a one-time payment of \$2,500 per community to match other funding sources, with the total to the City not to exceed \$5,000. The incentive payment for the Continuous Sign-up CRP is \$200 per acre. The cost of those incentive payments to the City will not exceed \$10,000. The City's share for establishment of Continuous CRP will not exceed \$20,000.

The amount to a single producer in one year under any single program will not exceed \$10,000.

CIP W-500, Cheney Watershed Protection Plan, has allocated \$250,000 in 2008 for this effort. The maximum amount the City could spend in FY 2008 for the City's share for all of the practices in this Working Agreement would not exceed \$135,000.

Ensure efficient infrastructure by maintaining and optimizing public facilities and assets. While the work in the project occurs in the watershed above the reservoir, the intent is to improve the water quality and prolong the life of the reservoir.

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

Motion--
--carried

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

VICTIM'S RIGHTS

RENEWAL OF CONTRACT: VICTIM'S RIGHTS SERVICES.

Agenda Item 14b.

Kansas law requires that municipalities provide notice to crime victims of certain court proceedings in conformity with the Victim's Bill of Rights contained in the Kansas Constitution and statutes. The City of Wichita has adopted Resolution. No. R-93-327 to implement these notification requirements. The services to implement this resolution have been provided to the City of Wichita through a contract with Correctional Counseling of Kansas.

Correctional Counseling of Kansas has provided services in the past and is willing to continue to provide the services on behalf of the city to comply with the Kansas Constitution.

The amount of this contract increased \$4,000 from prior year levels in 2007. A total of \$39,385 will be required in the 2008 revised budget for the Law Department.

Internal Perspective. The contract will provide for a function mandated by state law.

The City Attorney's office has prepared the Agreement and has approved it as to form.

Motion--
--carried

Brewer moved that the Agreement and any necessary budget adjustment or fund transfer be approved, and the Mayor authorized to sign. Motion carried 7 to 0.

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KS LEGAL SERV.

VICTIM ADVOCATE CONTRACT WITH KANSAS LEGAL SERVICES, INC.

Agenda Item No. 14c.

The domestic violence victim advocate is located within the Department of Law, Prosecutor's Office. The domestic violence victim advocate provides services to victims of domestic violence, including but not limited to notification of court appearances, information pertaining to services offered to victims of domestic violence related crimes, and assistance of victims throughout the court process. This position has been an integral part of the City of Wichita's Domestic Violence Program since its inception in 1990.

The contract provisions remain relatively unchanged from the contract approved and executed in prior years. The contract amount for 2008 remains the same as that in the 2007 contract.

The contract amount shall not exceed \$35,000 for fiscal year 2008.

Safe and Secure Community; Prosecution and Diversion Services.

The contract has been prepared and approved as to form by the Law Department.

Motion--carried

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

TAX AUDIT

EXTENSION AGREEMENT FOR EMPLOYMENT TAX AUDIT OF CITY.

Agenda Item No. 14d.

The Internal Revenue Service ("IRS") is involved in an examination of the City's federal employment and payroll tax matters for the calendar quarters in fiscal year 2004. In connection with the audit, the auditor has requested an extension of approximately twelve months in the normal period for assessment.

Taxpayers are not required to agree to any extension of the period for assessment. The IRS, however, regularly asks taxpayers to enter into these agreements to allow time for complete exchanges of information and processing of any taxpayer appeals, and it is not uncommon for taxpayers to grant extensions for a twelve-month period. The extension will keep open the period for both refund claims (a small one of which is involved in the examination) and additional assessments. If the extension were not granted, the IRS would proceed to issue an assessment on or before April 15, 2008, based on the best information then available to it, and the City would not have the ability to seek review in the IRS Appeals Office, but would have to pay the net amounts assessed and file a refund claim (with eventual recourse to the U.S. District Court) on any disputed issues. The extension requested by IRS would move the period for refund/assessments out to April 15, 2009.

The extension will keep the period for both refunds and additional assessments open for an additional twelve months after the date normally allowed by statute, and will preserve the City's ability to follow the normal administrative appeals route for any disputed adjustments.

Internal Perspective.

The City Attorney's Office has reviewed and approved the form of the extension agreement (IRS Form SS-10), which provides for an extended period that should be reasonably sufficient for completion of the audit and processing of any administrative appeals.

Motion--
--carried

Brewer moved that the extension agreement be approved and the Mayor authorized to sign. Motion carried 7 to 0.

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MEDICAL EXPEN.

CONTRACT WITH VIA-CHRISTI FOR MEDICAL EXPENSES FOR PRISONERS-POLICE DEPARTMENT.

Agenda Item No. 14e.

The 2006 Legislature passed K.S.A. 22-4612, which provides any law enforcement agency, is responsible for any uninsured cost of medical treatment required by the person in custody. The cost of any treatment is limited to either the actual cost, or the Medicaid reimbursement rate. In addition, law enforcement agencies are allowed to negotiate lower contract rates with medical providers. Since this statute took effect through July 2007, the Wichita Police Department has incurred costs of approximately \$120,000.

To mitigate the cost of this unfunded state mandate, the Police Department has negotiated with medical providers to reduce the exposure to these costs. The City of Wichita agrees to pay Via-Christi for health care services rendered in the treatment of individuals who are in custody, under arrest, of the Wichita Police Department and presented to the hospital for treatment, if such persons are not covered by a health insurance plan. Via-Christi has agreed to bill the City of Wichita on a monthly basis and at a reduced rate for all services performed pursuant to this Agreement.

This expense has not been included in General Fund budget.

Providing policing services is a key component of the Safe and Secure Goal.

Contract is written to form by the Law Department.

Motion--carried

Brewer moved that the contract agreement be approved. Motion carried 7 to 0.

COUNCIL CHAMBERS CITY COUNCIL CHAMBER ELECTRONIC SYSTEM UPGRADE.

Agenda Item No. 14f.

In 1998, the City undertook a multi-year plan to renovate City Hall. The first phase of this project was the remodeling of the Council Chambers. Included in the Council Chamber remodeling was the installation of electronic systems for audio/visual presentations, televising the Council meetings live over Channel 7, and rebroadcast the Council meetings on Channel 7 throughout the week. The meetings are now available through video streaming over the City website also.

Technology is changing rapidly in the electronics industry, which causes system components to become outdated. In addition, electronic components are vulnerable to failure over time, and as they become outdated in the industry, finding replacement components becomes increasingly difficult if not impossible. It is common in the electronics industry to speak of a system's life expectancy in terms of 5 to 7 years. The system installed in the Council Chamber remodeling initiated in 1998 has reached the end of its useful life and needs to be replaced with a new updated system.

After assessing the electronic needs of the Council facilities over the coming years, the following upgrades were deemed appropriate above simply upgrading the existing system with new components:

- Add electronic voting with a public display and integration to Council meeting minutes.
- Add the ability to do live TV programming from the new Boardroom across the hall from the Council Chamber with the control functions housed in the Council Chamber Control Room.
- Provide a media room adjacent to the new Boardroom with the capability to serve as a studio for creating video content.

Granicus, Inc., based in San Francisco, California, was selected to provide the electronic voting system for the Council Chamber. An RFP was issued to select a company to design, install and service the complete electronics package to serve the Council Chamber, Boardroom and Media Room, but excluding the Granicus system. A Staff Screening and Selection Committee evaluated the four proposals and selected Ford Audio-Video, based in Oklahoma City, Oklahoma, for this work. Ford

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A/V will establish an office in Wichita and provide service on a quick-response basis for the City's electronic system as part of their proposal.

Granicus, Inc. has proposed to furnish and install their electronic voting system with public display and Council meeting minutes integration for a lump sum fee of \$100,000. Ford Audio-Video has proposed to furnish and install the balance of all the electronic systems and components required to serve the Council Chamber, Boardroom and Media Room for a lump sum fee of \$416,507.53. Together, these two contracts total \$516,507.53.

The 2007-2016 Capital Improvement Program (CIP) (Project No. 435407, OCA No. 792459) included \$556,000 under City Hall Campus/Security Mods that was intended specifically for the Council Chamber Electronic Systems Upgrade as the final step in the First Floor Remodeling project. On September 25, 2007, Council adopted the Amended Resolution and authorized the necessary signatures.

The project addresses the Efficient Infrastructure goal by providing improvements to public facilities.

The Law Department has approved the Contracts as to form.

Motion--
--carried

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

CHANGE ORDER

DOUGLAS STREET DRAINAGE OUTFALL. (DISTRICTS I AND VI)

Agenda Item No. 15a.

On September 11, 2007, the City Council approved a construction contract with Wildcat Construction Company for a storm water drain along Douglas from the drainage canal to Old Town. A part of the project is the construction of an outfall structure at the drainage canal that includes a scour apron to prevent erosion. After the work began, it was determined that the scour apron needed to be lowered to avoid flow restrictions. In addition, the Kansas Department of Health and Environment is requiring that a waterline be encased because of its close proximity

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 \$24,030 with the total paid by the Storm Water Utility. The original contract amount is \$5,081,022. This Change Order represents 00.47% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving drainage in Old Town.

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

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

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PROP. ACQUIS.

PARTIAL ACQUISITION OF 125 SOUTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Item No. 16a.

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. On June 26, 2007 the City Council gave staff permission to initiate eminent domain on those parcel not yet acquired. The subject was included in this action. This acquisition consists of the east 10 feet (2,150 square feet) of the commercial property at 125 South West Street. The property is improved with a 9,800 square foot commercial/office masonry building on a 29,728 square foot lot.

The building is required per code to have 35 parking spaces. The take will eliminate between five and seven parking spaces. The acquisition was appraised at \$110,000. This consists of \$19,000 for the land, \$6,000 for site improvements, and \$85,000 due to lost marketability due to insufficient parking. The owner originally countered at \$446,640 predicated on lost utility and the need to reconfigure the building due to the lost parking. Required parking can be administratively adjusted downward by up to 25% in cases such as this. Based on this, the owner is willing to accept \$125,000 for the taking. Upon approval of the contract, this property will be removed from the eminent domain action.

The funding source for the project is General Obligation Bonds. A budget of \$142,000 is requested. This includes \$125,000 for acquisition, \$15,000 for sign relocation 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

Brewer moved that the Budget and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROP. ACQUIS.

PARTIAL ACQUISITION OF 922 EAST 13TH STREET NORTH FOR THE 13TH STREET AND MOSLEY INTERSECTION IMPROVEMENT PROJECT. (DISTRICT VI)

Agenda Item No. 16b.

On October 18, 2005, City Council approved a project to improve the intersection of Mosley and 13th Street North. The project will provide left turn lanes on 13th Street at Mosley. The traffic signals will be upgraded to provide left turn signal phases at all four approaches to the intersection. To accommodate the project, right-of-way must be acquired from ten tracts of land. On April 3, 2007, City Council approved the initiation of an eminent domain proceeding for the remaining three parcels. One of the remaining parcels is 922 East 13th. The property is improved as a used car sales lot.

The project requires a corner taking, consisting of 276 square feet, from the property. A temporary easement is also required along the south boundary line. The improvements will not be impacted as a result of the project. The acquisition will require the relocation of a large light pole and portions of the security fence. The proposed acquisition was appraised at \$1,425 consisting of \$600 for the land, \$75 for the temporary easement and \$750 for damages to the property. The offer did not include costs to relocate the light pole. The owner has agreed to accept \$12,500 and assume responsibility for the light. Upon acceptance of this contract, the property will be deleted from the eminent domain action.

A budget of \$13,000.00 is requested. This includes \$12,500.00 for the acquisition and \$500.00 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administrated by the Kansas Department of Transportation.

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

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The Law Department has approved the agreement as to form.

Motion--
--carried

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

PROP. ACQUIS.

PARTIAL ACQUISITION OF 5730 WEST CENTRAL FOR THE INTERSECTION IMPROVEMENT PROJECT AT CENTRAL AND INTERSTATE 235. (DISTRICTS IV, V, AND VI)

Agenda Item No. 16c.

On December 11, 2007, the City Council approved the roadway improvement of West Central Avenue at Interstate 235. Existing pavement will be replaced, traffic flow under Interstate 235 will be enhanced by adding turn lanes to facilitate traffic away from the Central Avenue traffic. Traffic signals will also be upgraded. The project requires the acquisition of parts of two properties. Temporary construction easements are also necessary as well as temporary easements from three additional properties. All of the properties are improved and zoned commercial. This particular acquisition is from an auto repair facility located at 5730 West Central. The site consists of 15,550 sf and is improved with a 1960, 3,510 sf facility.

The proposed acquisition is a 200 sf, triangular shaped piece at the part nearest to the intersection of Central and Gilda, together with temporary construction easements along both Central and Gilda. The temporary easements are strips of land one foot wide along Gilda and is a ten feet wide along Central. Together, they contain an approximate 720 sf. Access to the site will remain during construction, but will be limited accordingly and traffic flow will be impeded. The appraised value of \$4,500 (\$10.00 psf for the proposed right-of-way) was rejected by the owners. The owners have agreed to settle at \$8,070, or \$5,000 for the land and as damages to the remainder, \$3,000 for the temporary easements, and \$70 as reimbursement for costs incurred on the business advertising sign. While the land value seems high on a per square foot basis, the property is under contract at \$26 psf, or \$116 psf as improved.

The funding source for the project is General Obligation Bonds. A budget of \$10,070 is requested. This includes \$8,070 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

Brewer moved that the Budget and the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROP. ACQUIS.

ACQUISITION OF 5803 WEST CENTRAL FOR THE INTERSECTION IMPROVEMENT PROJECT AT CENTRAL AND INTERSTATE 235. (DISTRICTS IV, V, AND VI)

Agenda Item No. 16d.

On December 11, 2007, the City Council approved the roadway improvement of West Central Avenue at Interstate 235. Existing pavement will be replaced, traffic flow under Interstate 235 will be enhanced by adding turn lanes to facilitate traffic away from the Central Avenue traffic. Traffic signals will also be upgraded. The project requires the acquisition of parts of two properties. Temporary construction easements are also necessary as well as temporary easements from three additional properties. All of the properties are improved and zoned commercial. The acquisition from 5803 West Central involves a 10 foot wide strip along Central containing 2,150 square feet. The site has 31,800 square feet and is improved with a 5,000 square foot, free-standing office building.

During the course of negotiations for the partial acquisition, it was learned that the entire site will be required for a Kansas Department of Transportation (KDOT) project involving the Central/I235

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interchange. Engineering approached KDOT to ascertain if they had an interest in acquiring the property at this time. KDOT approved the acquisition and agreed to provide the local match of the federal 80/20 earmark. The property was appraised for the City at \$385,000, (72.75 psf). The owner's appraiser valued the property at \$575,000, (\$108.63 psf). The owner has agreed to settle at \$520,000. This amount includes both the acquisition cost and all relocation benefits owed to the business. Before the property is razed, the building will be utilized as a construction office and staging site.

The funding source for the project is General Obligation Bonds with State and Federal reimbursement. A budget of \$547,500 is requested. This includes \$520,000 for acquisition, \$25,000 for demolition, and \$2,500 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

Brewer moved that the Budget and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROP. ACQUIS.

ACQUISITION OF 13510 WEST CENTRAL FOR THE IMPROVEMENT OF THE CENTRAL/135TH STREET WEST INTERSECTION. (DISTRICT V)

Agenda Item No. 16e.

The City has preliminary plans to improve Central and the intersection of Central and 135th West. Currently, Central follows the section line west then jogs south about 70 yards approximately 1/3 mile east of 135th Street. West of 135th Street, Central resumes following the section line. The owners of 13510 West Central have requested that the City consider acquiring their property in advance of the improvement project. The property had approximately 1.85 acres and is zoned neighborhood office. It is developed with a 1,858 square foot residence built in 1952. There are two preliminary concepts for the improvement project. One calls for improving Central along the existing right of way. The second calls for following the section line and straightening Central. The property is platted to largely accommodate the first alignment although there is a contingent dedication for street that, if required, will necessitate removal of the house. The second alignment would require approximately the north 70 feet of the subject property and require the removal of two outbuildings.

The owners have been attempting to sell the property for some time. It is listed at \$275,000 as two parcels or \$250,000 for the entire property. The uncertainties concerning the road improvements, specifically whether the arterial road will be located to the north or the south of the property, has negatively impacted the marketing effort. There was a firm offer to purchase the property for \$225,000 which was cancelled during the due diligence period when the buyers learned of the proposed road improvements and the uncertainty surrounding the alignment. The owners have requested that the City consider acquiring the property for the \$225,000 contracted purchase price. If the City were to acquire the property, it would be leased until the improvement project is initiated. During the project the site could be used for staging and upon project completion, the remnant could be sold.

The City Council previously approved \$160,000 for the design of the project. An additional \$227,000 is requested at this time for the right-of-way acquisition. This includes \$225,000 for acquisition and \$2,000 for closing costs and title insurance. The revised budget total is \$387,000. The funding source is General Obligation Bonds.

The acquisition of this parcel will help ensure efficient infrastructure development in the area.

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

Motion--
--carried

Brewer moved that the Budget and Real Estate Purchase Contract be approved; the Ordinance placed on First Reading; and the necessary signatures authorized. Motion carried 7 to 0.

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ORDINANCE

An ordinance amending Ordinance No. 46-171 of the City of Wichita, Kansas declaring Central Avenue, between 135th St. West and 119th St. West (472-84017) 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 the same, introduced and under the rules laid over.

BOARDS/COMMISS. MINUTES OF ADVISORY BOARDS/COMMISSIONS, DECEMBER 18, 2007

Board of Code Standards and Appeals, November 5, 2007
Board of Appeals of Plumbers and Gas Fitters, November 7, 2007
District IV Advisory Board, August 1, 2007
District IV Advisory Board, October 3, 2007
District IV Advisory Board, November 7, 2007
District VI Advisory Board, November 5, 2007
Wichita Airport Advisory Board, November 5, 2007
Wichita Historic Preservation Board, September 10, 2007

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

WATERSHED CHENEY RESERVOIR WATERSHED COST-SHARE AGREEMENT.

Agenda Item No. 18.

Cheney Reservoir is a major water source for Wichita currently providing approximately 60 percent of the City's annual water supply. On August 24, 1993, City Council approved the concept of the City assuming part of the cost-share necessary to allow landowners to implement Best Management Practices in the watershed above the Reservoir that would help improve the water quality and extend the life of the reservoir. City Council has approved annual agreements with the Cheney Watershed Citizens Management Committee and the Reno County Conservation District to help implement improvements in the watershed. On September 19, 2006, City Council approved continued participation in the Cheney Watershed Protection Program.

It has been determined that Cheney Reservoir has at least two significant pollution problems: sedimentation and phosphates. Sedimentation washes into the reservoir from soil erosion, which can reduce the useful life of the reservoir, and high phosphate levels can lead to an increase in microscopic plant activity such as algae, thereby increasing taste and odor problems in water from the lake.

The Reno County Conservation District has acquired funds from the Water Resources Cost Share Program (WRCS) and the Non-Point Source Pollution Control Fund (NPS). These programs help finance the installation of conservation practices to reduce pollution entering the reservoir. Under these programs, the producer can install Best Management Practices (BMP) that will reduce pollution from their land and apply for reimbursement for up to 70 percent of the cost of those improvements. The MOU facilitates a means whereby a producer can receive up to 100 percent reimbursement by having the City of Wichita provide up to 30 percent cost-share for the improvements. The producer would not be eligible for any costs that exceed the County Average Cost for the improvements.

Administration of the funds will be through the Cheney Watershed Citizens Management Committee. This committee, composed of landowners and producers in the watershed, is administering the Watershed Management Plan and coordinating the efforts to promote the installation of BMP in the watershed. This Agreement will help facilitate the creation of partnerships between producers in the watershed and the City that will reduce pollution entering Cheney Reservoir. Other counties in the watershed, Stafford County, Pratt County, and Kingman County, have agreed to participate. Projects completed in those counties will be submitted to the City through the Reno County Conservation District.

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Alternatives: There are several alternatives that the City could pursue in attempting to reduce or eliminate pollution in Cheney Reservoir.

- 1) Participate in this program. The WRCS and NPS programs would provide 70 percent of the funds used to correct pollution problems in the basin, with the remaining 30 percent coming from the City.
- 2) Wait until the pollution problems are more severe; however, the City would risk not having any other funding sources participate in the cleanup of the drainage basin, and additional storage space will be lost to excess sedimentation. Furthermore, customer dissatisfaction with taste and odor, or the additional cost of treating the above, would have a detrimental impact.
- 3) Forego any efforts to work in the basin and respond to the water quality in the reservoir. The City Council has approved the use of ozone equipment to help address taste and odor problems, but if conditions in the reservoir deteriorate, the cost of treatments will increase. This treatment, however, does not remove the sediment coming into the reservoir. To remove the sediment after it is in the reservoir, and thus extend its life, would require that the sediment be dredged, which is a costly and environmentally destructive process.

The maximum WRCS available to a single producer in Reno County in the fiscal year will be to \$5,000, and limited to NPS Program funds of \$7,500 for livestock waste systems, or \$2,000 for household waste systems. The amount calculated is based on the County Average Cost, or actual cost, whichever is less. Reno County has WRCS funds of \$48,274 available in fiscal year 2008 while NPS has \$33,727.

Stafford County maximum WRCS available to a single producer will be limited to \$5,000, and limited to \$5,000 for the NPS Program. The total WRCS funds available in fiscal year 2008 will be \$37,833 and the NPS funds available will be \$21,602.

Pratt County maximum WRCS available to a single producer will be limited to \$3,500 and \$2,200 for the NPS Program. The total amount of WRCS funds available in fiscal year 2008 will be \$36,144 and the NPS funds available will be \$19,326.

Kingman County maximum WRCS available to a single producer is limited to \$3,500 and \$10,000 for the NPS Program for a livestock waste system, or \$2,000 for a household waste system. The total WRCS funds available in fiscal year 2008 will be \$27,855 and NPS will have funds available of \$16,954.

Funds have been allocated in CIP W-500, Cheney Watershed Protection Plan, for \$250,000 in 2008. The cost to the City shall not exceed \$45,031 for WRCS projects, and \$27,482 for NPS projects, for a total of \$72,513 in fiscal year 2008. Participation in these programs is voluntary, so it is likely that not all funds will be expended.

Ensure efficient infrastructure by maintaining and optimizing public facilities and assets. While the work in the project occurs in the watershed above the reservoir, the intent is to improve the water quality and prolong the life of the reservoir

The Law Department has approved the Resolution and the Memorandum of Understanding as to form.

Motion--
--carried

Brewer moved that the Memorandum of Understanding with the Reno County Conservation District be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 07-739

A Resolution amending Resolution No. 06-614 pertaining to the Cheney Watershed Protection (W-500) 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, Longwell, Schlapp, Skelton, Williams and Brewer.

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SANITARY SEWERS RECONSTRUCTION AND/OR REHABILITATION OF SANITARY SEWERS.

Agenda Item No. 19.

The Sewer Maintenance Division of the Water & Sewer Department maintains the sanitary sewer system. Preventive maintenance includes the use of closed circuit cameras in evaluating the old sewer lines. The sewer lines that are in the poorest condition are scheduled for reconstruction or rehabilitation.

The reconstruction and rehabilitation of sanitary sewers helps to eliminate stoppages, backups, and failures. These projects also help to reduce inflow and infiltration into the system. Maintenance costs are thereby reduced, as well as inconvenience to customers.

Capital Improvement Program, Reconstruction of Old Sanitary Sewers (CIP S-4), has a budget of \$4,600,000.00 for 2008 and will be funded from future revenue bonds and/or Sewer Utility cash reserves.

This project addresses the Ensure Efficient Infrastructure goal by providing reliable sewer service to the Sewer Utility customers

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

Motion--
--carried

Brewer moved that the project expenditures for 2008 be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 07-738

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water utilities owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$4,600,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

WATER DISTRIB. WATER DISTRIBUTION MAINS FOR FUTURE DEVELOPMENT.

Agenda Item No. 20.

This project is included in the ten-year Capital Improvement Program to serve future developments and newly annexed areas. It provides for the City's share in funding the installation of new water mains. These mains serve as the backbone of the system and establish the current service area of the water distribution system.

The Water Master Plan indicates the need to extend the water distribution system where future growth and development is occurring. This is primarily due to growth outside of, or in addition to, the growth area of the City that was anticipated at the time of the master plan preparation. These projects are identified when a petition for water system extensions is received. The water utility pays for links and over sizing of the water system in developments. Funds are also used to design and relocate water mains for future Public Works projects.

Unidentified Water Mains (CIP W-65) has a budget of \$3,000,000 in 2008. It will be funded from future revenue bonds and/or Water Utility cash reserves..

This project addresses the goal of efficient infrastructure by providing reliable water service to the Water Utility customers.

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

Motion--
--carried

Brewer moved that the project expenditures for 2008 be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 07-736

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water utilities owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$3 million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

SANITARY SEWER

SANITARY SEWER MAINS FOR FUTURE DEVELOPMENT.

Agenda Item No. 21.

This project is included in the ten-year Capital Improvement Program as sanitary sewer extensions to serve future developments, newly annexed areas, and to provide for the City's share of costs to construct new sanitary sewer mains to serve existing areas that are without sewer service. The funds are used to plan, model, design, construct and/or relocate sanitary sewers for future growth.

The Sewer Master Plan indicates future needs to expand the sanitary sewer service area. This project is in support of the City of Wichita Sewer Master Plan.

Capital Improvement Program, Mains for Future Development (CIP S-5), has a budget of \$5,000,000 for 2008 and will be funded from future revenue bonds and/or Sewer Utility cash reserves.

This project addresses the Ensure Efficient Infrastructure goal by providing reliable sewer service to the Sewer Utility customers

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

Motion--
--carried

Brewer moved that the project expenditures for 2008 be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 07-737

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water utilities owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$5 million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. 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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CSBG APPTS.

CSBG REVIEW COMMITTEE APPOINTMENTS.

Agenda Item No. 22.

The City of Wichita receives federal Community Services Block Grant (CSBG) funds to provide services to low-income persons. Federal law governing the use of these funds mandates a board to participate in the development, planning, implementation, and evaluation of the CSBG program. By law the board must be tri-partite, with representatives of the public sector, various community sectors, and the low-income.

When the Council restructured advisory boards and commissions in 1999, it created the CSBG Review Committee to provide citizen input for the CSBG program, in compliance with federal law. The Council decided that Committee membership should come from members of the District Advisory Boards to access their special knowledge of the community.

The Committee is a twelve-member board representing the three federally mandated sectors—public, community, and low-income. The public sector is four members appointed to represent the City Council. The community sector is four members appointed to represent community interests such as business, industry, labor, religious organizations, welfare, and education. Low-income residents elect the remaining four members of the Committee, one from each quadrant of the community.

The DAB members on the attached recommended appointment list volunteered to be appointed by the City Council as public and community sector representatives, based on their stated affiliations. The list also includes low-income members elected to fill four positions. Staff is requesting the City Council approve the nominations to represent the public sector and the community sector. No action is needed by the City Council for the four elected members.

The City's use of CSBG funds will not obligate general fund monies.

The programs supported by CSBG funds will support a dynamic core area and vibrant neighborhoods, promote economic vitality and affordable living and enhance the quality of life of clients served. The Committee nominations and low-income elections for Committee membership were completed in conformance with appropriate City Ordinances and federal regulations.

Motion--
--carried

Brewer moved that the public and community sector nominees to the CSBG Review Committee be appointed. Motion carried 7 to 0.

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICT I)

Agenda Item No. 23.

On December 3, 2007, the Board of Code Standards and Appeals (BCSA) held a hearing on the following seven (7) 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.

<u>Property Address</u>	<u>Council District</u>
a. 331 North Ash	I
b. 1309 North Indiana	I
c. 1116 North Mathewson	I
d. 1121 North Green	I
e. 1421 North Grove	I
f. 1735 North Green	I
g. 2911 East 24th North	I

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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.

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

Motion--

Brewer moved that the resolutions to schedule a hearing and place this matter on the agenda for a Hearing before the Governing Body on February 5, 2008 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 7 to 0.

--carried

Resolution No. 07-726

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: the south half of Lot 61 and all Lots 63, Short now Ash Street, Butler and Fisher's Subdivision of Lot 2, In Butler and Fisher's Addition, Wichita, Sedgwick County, Kansas, known as 331 N. Ash, 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.

Resolution No. 07-727

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 41 and North 8 1/3 feet of Lot 43, Indiana Avenue, H.O. Burleigh's Third Addition, Wichita, Sedgwick County, Kansas, known as 1309 N. Indiana, 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.

Resolution No. 07-728

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 57 and 59 on Mathewson Avenue, in Getto's Addition, Wichita, Sedgwick County, Kansas, known as 1116 N. Mathewson, 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.

Resolution No. 07-729

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 and 20, Block 5, Esterbrook Park Addition, Wichita, Sedgwick County, Kansas, known as 1121 N. Green, 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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Resolution No. 07-730

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: south half of Lot 169 and all of 171, Tyler, now grove Street, Logan Addition, Sedgwick County, Kansas, Wichita, Sedgwick County, Kansas, known as 1421 N. Grove, 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.

Resolution No. 07-731

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: Lots 23 and 25 on Green Street, Walter Morris & Son's Fourth Addition, Wichita, Sedgwick County, Kansas, known as 1735 N. Green, 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.

Resolution No. 07-732

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 1, Bloc N, Audrey Matlock Heights First Addition, an Addition to, Wichita, Sedgwick County, Kansas, known as 2911 E. 24th Street North, 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.

SETTLEMENT

CONSENT SETTLEMENT.

Agenda Item No. 24.

A complaint was filed with the District Attorney's Office alleging a violation of the Kansas Open Meetings Act occurred at the August 22, 2007 meeting of the Board of Appeals for Plumbers and Gas Fitters.

After investigation, the District Attorney's Office determined that a technical violation of the Kansas Open Meetings Act occurred. A consent order and settlement has been proposed with a fine of \$100.00 to be assessed along with court costs, for a total amount of \$147.00.

During the August 22, 2007 meeting of the Board of Appeals for Plumbers & Gas Fitters, the board recessed into executive session to discuss the adoption of board procedures to assist with the conducting of meetings in an orderly fashion.

In recessing for executive session, the board did not specify the purpose of the executive session. Additionally, the discussion of board policies was not an appropriate topic for executive session.

The consent order will require the payment of a fine of \$100.00 and court costs, totaling \$147.00. Funding for the fine and court costs comes from the Tort Claims Fund.

The order has been reviewed and approved by the Law Department.

Internal Perspectives.

Motion--
--carried

Brewer moved that the Consent Settlement and payment of fine and court costs be approved. Motion carried 7 to 0.

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GENESIS

CONTRACT FOR OUTSIDE LEGAL SERVICES, GENESIS HEALTH CLUB, INC., ET AL V. CITY OF WICHITA, CASE NO. 05 CV 3410; APPELLATE CASE NO. 06-97486 AS.

Agenda Item No. 25.

In September of 2005, the City was sued by Genesis Health Club, Inc. and some affiliated businesses in connection with a proposed Industrial Revenue Bond project that never culminated in the issuance of bonds. On September 28, 2005, the City Manager approved a contract with the firm of Hite, Fanning and Honeyman L.L.P. to defend the City in that lawsuit. The maximum payment for fees and expenses in that contract was \$24,000. In January of 2006, the contract was amended to add \$50,000 in payment authority, which proved sufficient to move the case through discovery and motion hearings to an eventual summary judgment in favor of the City. The plaintiffs docketed an appeal which has been fully briefed and is pending hearing on January 28, 2008.

Hite, Fanning & Honeyman has performed substantial legal work in defending the appeal, and the maximum amount of fees and expenses set out in the amended contract has been met.

In order to continue to represent the City adequately in this matter such maximum amount needs to be increased by \$15,000. The fees and expenses for the City's defense of this lawsuit will be paid out of the Economic Development fund.

Internal Perspective. The case involves a claim by the plaintiffs that approval of a letter of intent is an irreversible commitment by Council to pass future Ordinances for industrial bonds and tax abatements benefiting the applicant.

The additional amendment to the contract for legal services was drafted and approved as to form by the Law Department.

Motion--
--carried

Brewer moved that the amendment to the contract, increasing the maximum amount that may be paid there under by \$15,000 be approved and the Mayor authorized to sign. Motion carried 7 to 0.

LEGAL SERVICES

PROFESSIONAL LEGAL SERVICES - WORKER'S COMPENSATION.

Agenda Item No. 26.

The City retains outside legal counsel to provide legal advice and handle workers' compensation claims, litigation and related assignments. Because workers' compensation litigation has become a specialized area of law, it is necessary to retain outside legal counsel to perform these services.

Because of the variety and volume of legal issues and services that the claims will generate, outside legal counsel will be utilized to assist the Department of Law and the Risk Manager in performing a broad range of professional services related to workers' compensation. To select legal representation in workers' compensation cases commencing in 2007, a request for proposals was sent to 11 local attorneys and law firms that handle workers' compensation matters. Four attorneys and firms responded to the request and two were interviewed by a panel. Those who were interviewed were evaluated on their experience, approach to problems, legal skills and knowledge, price and overall value. Mr. Heath was ranked the highest following the interviews, and was selected to provide services commencing in 2007. Mr. Heath has performed fully through 2007 and has agreed to continue to perform for 2008, without an increase in annual cost.

This Agreement provides authority for \$60,000, to be paid upon receipt of detailed billings of hourly work and expenses. The charges are reasonable for the amount of legal services involved. Payment will be from the Workers' Compensation fund.

Internal Perspective. The workers' compensation services under this Agreement will be for all departments.

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

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Motion--

Brewer moved that the Agreement with Edward D. Heath, Jr., Attorney at Law, to provide workers' compensation professional legal services be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

VACANT LOT

TRANSFER OF VACANT LOT AT 1248 SOUTH TOPEKA TO USD 259. (DISTRICT I)

Agenda Item No. 27.

USD 259 has acquired several properties adjacent to Lincoln School in preparation for the expansion of the playground and parking areas. The City owns a vacant lot adjacent to the properties acquired by USD 259. USD 259 has requested that the City transfer ownership of this lot to them to facilitate their assemblage.

The lot was acquired by the City in 1998 as part of the Bayley Street Rail Corridor project. The project eliminated access for the improvements on the site, necessitating their removal. The lot is outside the boundaries of the rail corridor/lineal park project.

The City will be relieved of mowing and maintenance of the lot.

Support a dynamic core area and vibrant neighborhoods by improving public schools and providing additional open space for recreational use.

The Law Department has approved the deed as to form.

Motion--carried

Brewer moved that the Deed and the necessary signatures authorized. Motion carried 7 to 0.

DEDICATION

DEDICATION OF PROPERTY NEAR 3300 SOUTH ROCK ROAD FOR PUBLIC PURPOSES. (DISTRICT II)

Agenda Item No. 28.

The Ritchie Company has offered to donate land platted as Lot 7, Block A, Reserve B and parts of Reserve A, Rocky Ford Industrial Park to the City for public purposes. The parcel is located ¼ mile south of 31st Street South approximately 250 feet east of Rock Road. Access will be from 33rd Street, which has not yet been constructed. The site encompasses approximately 58.5 acres.

The property, while platted and zoned, is currently undeveloped. The parcel is about 700 feet east of Rock Road. The donor will retain the frontage, approximately 21.5 acres, for future development. They also own 40 acres east of the parcel, which they plan to hold for future residential development. The land is well positioned in a rapidly growing part of the City. The land is being donated to the City without restriction. This will allow the City to utilize the land in whatever manner is deemed most appropriate.

There will be minimal maintenance costs due to the undeveloped nature of the property. There will be special assessments associated with the development of the Rocky Ford Industrial Park Addition of which this parcel is part. It is currently estimated that specials associated with this parcel will total approximately \$717,000. Initiation of payment on the special assessments has not been determined. A funding source will need to be identified when these payments start.

Acceptance of this donation will assist the City in meeting future infrastructure and quality of life needs in the area.

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The Law Department has approved the deed as to form.

Motion--
--carried

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

STREET MAINT.

PROPOSED 2008 CONTRACTED STREET MAINTENANCE PROGRAM.

Agenda Item No. 29.

Each year, funding is allocated in the City's budget for contracted repairs and resurfacing of City streets. The Contracted Street Maintenance Program provides maintenance work including concrete repairs, curb and gutter repairs, bridge repairs, crack repairs, and asphalt surface treatments of city streets. The Street Maintenance budget is the primary funding source for the program.

The 2008 Budget, approved by the City Council in August, provides for the following funding levels for contracted street repairs:

Street Maintenance Budget	\$ 5,168,910
Capital Investment Maintenance Program (General Fund)	762,400
Total Contracted Street Maintenance Program	\$ 5,931,310

The City of Wichita is responsible for maintenance of approximately 1,700 miles of paved streets, and 96 miles of dirt streets. In addition, the City maintains 300 vehicular bridges and 30 pedestrian bridges. The Department of Public Works utilizes a computerized Pavement Management System (PMS) to assess the street conditions throughout the City, and prioritize needed repairs. Staff uses this information, along with citizen input and CIP planning documents, to develop the maintenance program.

The 2008 program will provide repairs to approximately 2.5 miles (6.5 lane miles) of arterial streets, and 14.26 miles (28.8 lane miles) of collector and residential streets. In addition, the program will address numerous other concerns, including critically needed repairs to vehicular and pedestrian bridges, ADA mandated modifications to existing facilities, and the provision of engineering oversight and inspection.

The proposed total expenditure for Contracted Street Maintenance Program is \$5,931,310. Funds have been approved in the 2008 budget for the program.

This project will support the Efficient Infrastructure Goal by providing improved, safer streets throughout the City.

Motion--
--carried

Brewer moved that the 2008 Contracted Street Maintenance Program be approved. Motion carried 7 to 0.

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FIRE TRAINING

FACILITY IMPROVEMENT AT FIRE TRAINING GROUNDS.

Agenda Item No. 30.

The Fire Training Facility located at 4780 E 31st S., is the primary source of fire safety / rescue training facility in Wichita, which provides a safe controlled environment for fire training for local fire fighters and EMS.

The facility recently underwent the first significant improvements in 20 years, including a new burn tower, a new pump test pit, and replacement of approximately 785,000 square feet of concrete paving.

It is the intent of the City of Wichita and the WFD to create a regional facility to be utilized for training by various local departments. To accomplish this, the improvements will include land acquisition, new classrooms, and training equipment.

The project is authorized in the 2007 – 2016 Capital Improvement Program (CIP) (Project No. 435432, OCA No. 792510). GO funding is a total of \$400,000 in 2007, \$2,000,000 in 2009 and \$2,000,000 in 2010. Staff is requesting that the 2007 funding be authorized at this time, for \$400,000.

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

The Law Department has approved the Resolution as to form.

Motion--
--carried

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

RESOLUTION NO. 07-733

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas; setting forth the general nature of the estimated cost of such improvements; and authorizing the issuance of bonds of the City of Wichita, Kansas to pay all or a portion of the cost thereof, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(Item 31)

SPACE UTILIZATION SPACE UTILIZATION AND ERGONOMIC IMPROVEMENTS PROJECT.

Chris Carrier Public Works Director reviewed the item.

Ed Martin Building Services Manager gave an overview of the proposed projects.

(Vice-Member Fearey momentarily absent)

Agenda Item No. 31.

The 2007-2016 Capital Improvement Program (CIP) contains a project to improve space utilization and ergonomics at City facilities. Many facilities, including City Hall, have areas that have not been updated since they were opened.

On July 26, 2005 City Council approved CIP funds to update the numerous existing facilities, furniture, and equipment located throughout the City of Wichita organization, including City Hall. Many projects have been completed with the 2005 and 2006 budget, with several projects planned to utilize the 2007 and 2008 budget. Individual contracts will be presented to Council and/or City Manager for approval as required under normal purchasing procedures.

The Facilities Space Utilization & Ergonomic Improvements project is included in the 2007 – 2016 Capital Improvement Program. The project budget is \$750,000 each year in 2007 through 2008. The

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2007 and 2008 budgets are proposed for initiation with a project budget of \$1.5 million. The funding source is general obligation bonds.

Efficient Infrastructure – Maintained and optimized public facilities and assets.

The Law Department has approved the bonding resolution as to legal form.

Council Member Skelton Council Member Skelton stated he is not going to support this in its current form and that his preference would be to look at projects on a case by case basis. Stated he has expressed his concerns about funding for things like street maintenance, which should come first. Stated he understands that we have to keep our facilities modernized and updated to carry out the functions but he is not comfortable with signing off on \$750,000.00.

Motion-- Brewer moved that the bonding resolution be adopted and the necessary signatures authorized. Motion --carried 6 to 1. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer. (Nay-Skelton).

RESOLUTION NO. 07-734

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas, and setting forth the general nature and the estimated costs of such improvements; authorizing and providing for the making and financing of the improvement in accordance with the findings of the governing body; and directing the publication of this Resolution, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 1. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Nay-Skelton).

HOME PROGRAM

HOME PROGRAM FUNDING ALLOCATIONS. (DISTRICT I)

Agenda Item No. 32.

Background: During the 2007-2008 Consolidated Plan funding process, the City Council allocated a total of \$200,000 in HOME funding for the Boarded-up House Program. The purpose of the program is to provide Community Housing Development Organizations (CHDOs) with a means to access HOME development subsidy funding for the purpose of acquiring vacant, boarded-up or otherwise blighted houses within the City's Local Investment Areas (LIAs), in order to rehabilitate them or demolish them and construct a new home on the site. The City Council also allocated a total of \$238,000 in HOME CHDO set-aside development subsidy funding in the Local Investment Areas to Mennonite Housing Rehabilitation Services, Inc. (MHRS) and Power CDC, Inc. (Power CDC) in order to undertake affordable single-family residential housing projects in the City's LIAs. Completed homes developed under these programs are sold to owner-occupant, income eligible homebuyers receiving down payment assistance loans through the City's HOMEownership 80 Program.

Analysis: Funding allocated for the 2007-2008 HOME-funded Boarded-up House Program is committed. CHDO set-aside funding allocated to MHRS and Power CDC for the 2007-2008 program year is also committed. However, additional funding could be made available for additional projects from unallocated HOME program income funds, due to loan repayments. Opportunities have arisen to purchase 3 single-family homes that could be re-developed, with HOME development subsidy funding. The properties are located at 1457 N. Grove, 230 N. Ash, and 1110 N. Madison. The property at 230 N. Ash is not located within a LIA, but is located within the City's Neighborhood Revitalization Area (NRA) and otherwise meets the criteria for the Boarded-up House Program. Housing and Community Services proposes to allocate HOME funding for the redevelopment of these properties, as follows:

- \$93,128 for MHRS, in order to partially finance a redevelopment project involving the construction of two new single-family homes located at 1457 N. Grove and at 230 N. Ash.
- \$47,751 for Power CDC, in order to partially finance a redevelopment project involving the construction of one new single-family home located at 1110 N. Madison.

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All homes constructed with HOME funding will be sold to income-eligible, owner-occupant families receiving down payment and closing costs assistance loans through the City's HOMEownership 80 Program.

Housing and Community Services proposes to amend the City's 2007-2008 HUD Consolidated Plan in order to provide this funding as CHDO set-aside funding for MHRS and Power CDC. The amendment does not qualify as a substantial amendment, as the proposed funding amount does not exceed 15% of the City's 2007-2008 HOME funding allocation, and does not involve the creation of new activities, as MHRS and Power CDC have already received CHDO set-aside funding for the construction of single-family homes.

The total cost of the proposed projects is estimated to be \$397,979, including contingencies. The proposed HOME funding of \$140,879, will be utilized to partially cover the costs involved with acquisition, demolition, construction, site improvements, and developer fees for the three projects. MHRS and Power CDC will leverage HOME funds with private sector construction loans or other financing.

Projects to be funded under the subject HOME funding will contribute to the goal of Economic Vitality and Affordable Living.

Funding agreements have been drafted and approved as to form by the City Law Department.

Motion--
--carried

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

(Item 33)

SENIOR WEDNESDAY SENIOR WEDNESDAYS PROGRAM. (DISTRICT III)

John D'Angelo

Arts and Cultural Services Manager reviewed the item.

Agenda Item No. 33.

Senior Wednesdays has been a program offered by the WATER Center since 2005 and was funded in 2006 and 2007 by a portion of a Kansas Health Foundation Recognition Grant. This program utilizes the WATER Center's mission as the basis for the program to focus on senior citizens. It directly impacts the health of senior adults by enhancing their quality of life through community involvement, lifelong learning and the opportunity to socialize with other senior adults.

The WATER Center is part of a local, informal coalition of museums focusing their efforts once a month specifically on seniors. The WATER Center received notice recently that the Senior Wednesdays program had been awarded a Kansas Health Foundation Recognition Grant. The grant will be managed in 2008 by the Great Plains Nature Center (who submitted the grant application). The grant money will be used to offset the marketing expenses associated with the program and to fund the program supplies and presentations of the ten museums involved in presenting Senior Wednesdays programs including Environmental Services' WATER Center.

The WATER Center has been awarded \$2,083.62 for the 2008 Senior Wednesdays program from the Kansas Health Foundation Recognition Grant received by the Great Plains Nature Center. There is no match required. The WATER Center agrees to:

- To use the grant monies toward Senior Wednesdays programming, and
- To make available, on request by the Kansas Health Foundation, all financial and other records relating to Senior Wednesdays.

Enhance Quality of Life by educating senior citizens on water pollution and conservation concepts to protect the City of Wichita's natural resources.

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The Department of Law has approved the grant award as to form.

Motion--
--carried

Skelton moved that the receipt of the grant award be approved and the necessary signatures authorized. Motion carried 7 to 0.

BRENTWOOD APTS. EXTENSION OF IRB LETTER OF INTENT, BRENTWOOD APARTMENTS. (DISTRICT II)

Agenda Item No. 34.

On June 19, 2007, the City Council approved a letter of intent to issue qualified residential housing revenue bonds in an amount not-to-exceed \$8,000,000 for Inner City Development Company, LC (ICDC) to finance a portion of the costs of acquisition and rehabilitation of the Brentwood Apartments, located at 6602 E. Harry in southeast Wichita. The City Council also adopted a resolution of support for 4% Low-Income Housing Tax Credits in connection with project. The letter of intent to issue the bonds has a term of six months which expires on December 23, 2007. The developer is asking for a 90-day extension of the letter of intent.

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

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

The extension of the letter of intent will allow the developers to complete the arrangements for the issuance of the bonds.

The developer agrees to pay all of the City's costs associated with the issuance of the bonds and to pay the City's \$2,500 annual administrative service fee.

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

Motion--
--carried

Brewer moved that an extension of the letter of intent to issue qualified residential housing revenue bonds in an amount not-to-exceed \$8,000,000 for Inner City Development Company until April 1, 2008 be granted. Motion carried 7 to 0.

CIS SYSTEM CONTRACTS AND PROJECT BUDGET FOR UPGRADE FOR CIS SYSTEM - AMENDMENT.

Agenda Item No. 35.

Since 2001, Water Utilities has employed the use of the Banner CIS system. This system provides for the issuance of over 1,600,000 invoices annually and results in the generation of a cash flow in excess of \$75,000,000 annually. Since the original implementation, several newer versions of the software have been issued; however, the City is still using the original version.

City Council authorized an expenditure of \$748,480 on November 2006, to maintain the viability of the CIS system, to insure its maximum effectiveness as a tool used to maintain cash flows, and to assure adequate customer service levels

The original budget was established on the assumption that the version of the CIS software to be implemented would be Version 4.0. The CIS System vendor (Ventyx) communicated to Staff during

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the implementation process in 2007 that a newer version (4.1) was to come out in September 2007. The 4.1 version would address many of the needs of Water Utilities, particularly in terms of the charge calculation process without the need to heavily customize the software. Several additional functional advantages were also resident in the 4.1 version.

The lack of customization has significant advantages in terms of eliminating system maintenance issues and will result in avoiding costs associated with implementation of future versions of the software by eliminating the need to migrate the current customizations. As a plus, the later issuance date of Version 4.1 will result an additional two years of software warranty.

An additional \$50,400 needs to be authorized to be paid to the primary system vendor (Ventyx) and an additional \$15,000 authorized to be paid to MAK Solutions, who is assisting with the implementation. This is due to the lengthened time frame for implementation and the need to configure Version 4.1 to accommodate the needs of Water Utilities. Funding will be derived from cash funded capital in the Water Utility.

This action will promote achievement of the following goal: Ensure efficient infrastructure. The CIS/Billing system is an essential component of Utility operations

The Contracts for both vendors have been approved as to form by the Law Department.

Motion--

Brewer moved that revisions to the Contracts with Ventyx and MAK Solutions approved; an increase of \$65,400 in the amount of the project authorization authorized; and the necessary signatures authorized.

--carried

Motion carried 7 to 0.

STAFF POSITION

CHENEY WATERSHED STAFF POSITION.

Agenda Item No. 36.

Cheney Reservoir is one of Wichita's major sources of water, currently providing approximately 60 percent of Wichita's annual water supply. Since 1993, the City has participated in a program to encourage the implementation of projects that will reduce pollution entering the reservoir. Participation includes the concept of the City assuming part of the cost-share necessary to allow landowners to implement Best Management Practices in the watershed. On October 13, 1998, the City Council approved a Memorandum of Understanding with the Citizens Management Committee, now incorporated as the Cheney Lake Watershed, Inc., to fund a public relations/education position and has renewed the MOU annually. On September 19, 2006, City Council approved continuing participation in the Cheney Watershed Protection Program.

The Cheney Watershed Improvements project is one of the most successful projects of its kind in the nation, having received several national awards. Over 2,300 projects have been completed in the watershed. This work has resulted in a reduction in taste and odor events in the City's drinking water, plus a significant reduction in sediment entering the reservoir. Much of the credit for the success of the project can be attributed to the work of the Citizens Management Committee (CMC), composed of people living and working in the watershed who have worked to convince their neighbors that these improvements are good for both them and the City.

The staff person funded through this MOU assists the CMC in executing public relations and educational tasks. The staff position has been very successful in increasing interest in the watershed project, increasing the number of projects completed in the watershed, and consequently, improving the water quality in the reservoir.

The cost for the position is \$39,706. The Kansas Department of Health and Environment has offered to provide \$13,986 (approx. 35 percent) towards this position through a grant from the U.S. Environmental Protection Agency, with the City providing \$25,720 (65 percent), as well as \$3,000 to assist with other contractual expenses. Funds are available in the Cheney Watershed Protection Plan, CIP W-500, that has \$250,000 allocated for this project in 2008.

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Ensure efficient infrastructure by maintaining and optimizing public facilities and assets. While the work in the project occurs in the watershed above the reservoir, the intent is to improve the water quality and prolong the life of the reservoir.

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

Motion--
--carried

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

WATER MAIN

WATER DISTRIBUTION MAIN REPLACEMENT.

Agenda Item No. 37.

This project is included in the ten-year Capital Improvement Program. It provides funding for the replacement of water lines that either leak frequently, or need to be replaced because they are too small to meet current demands. Specific lines to be replaced are identified on an ongoing basis by Water & Sewer staff.

Distribution main replacement is essential for maintaining the water system infrastructure, decreasing the number of water main breaks, reducing water system maintenance costs, and improving customer service.

Financial Considerations: Distribution Main Replacement Program (CIP W-67) has a budget of \$5,000,000 in 2008. It will be funded from future revenue bonds and/or Water Utility cash reserves.

This project addresses the goal of efficient infrastructure by providing reliable water service to the Water Utility customers.

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

Motion--
--carried

Brewer moved that the expenditures for 2008 be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 07-735

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water utilities owned the water utilities owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$5 million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. 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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(Item 38)
BUDGET ADJUST.

BUDGET ADJUSTMENT – INCREASED OCI ACTIVITY

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda No. 38.

The Office of Central Inspection has experienced a higher level of activity than was anticipated in the 2007 Revised Budget. This increased activity for Building & Construction Code Review has increased expenditures for OCI. Concurrently, the increased activities have also increased permit revenue for the OCI Fund.

Because Central Inspection activity is a function of economic conditions; a budgeted contingency of \$100,000 was included in the 2007 Revised Budget. The greater than budgeted expenditures in contractual and commodities in the Building & Construction Code Review service can be tied directly to strong commercial development activity.

The increased expenditures for contractual activities and commodities can be offset by the Central Inspection Fund's budgeted contingency. In addition, increased fund revenues more than offset the additional expenditures.

This action impacts the Safe & Secure Community goal. The Building & Construction Code Review service's focus is to ensure the safety of buildings in which people reside, work, and assemble.

City Council approval is required for budget transfers in excess of \$25,000.

Motion--

Skelton moved that the budget adjustment be approved and the transfer up to \$100,000 from the budgeted OCI Fund contingency to the contractual and commodities line items within the OCI budget authorized. Motion carried 7 to 0.

--carried

GRANT MATCHES

BUDGET ADJUSTMENT-FUEL AND CAPITAL GRANT MATCHES.

Agenda Item No. 39.

This year Wichita Transit installed benches and pads at bus stops throughout Wichita. This project leveraged local funds by utilizing a FTA capital grant, which funded 80% of the cost. Due to the timing of this effort the local grant match is required from 2007 funds. Additionally, increasing fuel costs, especially the escalating cost of diesel, has impacted Wichita Transit operations.

Wichita Transit has savings in several line items. Most of these savings are in personal services, due to turnover savings. These savings are adequate to address the increased fuel and grant match costs.

The increased amount necessary to match grants and for additional fuel are offset by savings in personal services and other line items within the 2007 Revised Budget. Total expenditures from the Transit Fund will be within the 2007 Revised budget amount.

This action impacts the Efficient Infrastructure goal by ensuring reliable and convenient public transportation.

City Council approval is required for budget transfers in excess of \$25,000.

Motion--

Brewer moved that the budget adjustment be approved and the transfer in a not to exceed amount of \$200,000 from under-expenditures within the Transit Fund authorized. Motion carried 7 to 0.

--carried

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WATERWALK

APPROVAL OF TITLE TRANSFER-WATERWALK PROJECT. (DISTRICT I)

Agenda Item No. 40.

In September 2002, the City of Wichita entered into a development agreement with WaterWalk LLC to develop the East Bank Redevelopment District, which was established in 1995. The Development Agreement was amended in December 2003, October 2004 and June 2006. The 2002 Development Agreement provided, among other things, for the WaterWalk developer to lease portions of the project area from the City for a term of 99 years at the rate of \$1.00 per year, and to construct private, taxable buildings thereon. The 2003 and 2004 amendments made changes that facilitated the recruitment of a destination retailer to the project. The 2006 amendments allow certain publicly-financed improvements associated with Building C to be constructed by design-build.

Building C, located at Main and Lewis, is currently under construction and has been renamed WaterWalk Place. It includes a 490-car parking structure, 48 residential condominium units, 12,000 square feet of office space and 16,000 square feet of retail space. A number of the residential condo units have been contracted for and the buyers have been unable to obtain first mortgage financing for their units because of the underlying ground lease. The developer has asked the City to replace the ground lease with a first-right-of-refusal to repurchase the property for \$1.00.

Banks require real estate appraisals as a condition for making first mortgage loans, since the real estate is the primary collateral for the loan. Real estate appraisals acceptable to banks are based in significant part on the analysis of comparable properties. According to WaterWalk LLC, there are no residential condominium properties in the State of Kansas that can serve as comparables for the purpose of real estate appraisals acceptable to banks. The reason for this is that all residential condo properties in Kansas are located on land owned by the condo association and not on leased land. Because of this, banks have been unwilling to make loans for the purchase of condo units in WaterWalk Place.

WaterWalk LLC has offered the City a First Right of Refusal in exchange for the City's agreement to transfer title to the WaterWalk Place land. The First Right of Refusal, in the form of a fee title transfer agreement, will give the City the unilateral right to purchase the land for \$1.00 in the event it should ever be sold, transferred or otherwise change ownership in any way, manner or form. As long as the property remains a condominium property used for the purpose set forth in the First Right of Refusal, its will remain with the ownership entity set forth in the First Right of Refusal, potentially forever. However, if the use or ownership of the property changes, the City will have the right to take back possession of the property whenever that should occur, without regard to the 99-year term of the original ground lease.

The City has received a payment of \$99.00 from WaterWalk as prepayment of the dollar-per-year 99-year ground lease. The City will retain these funds in consideration of transferring title to the land.

Core Area and Neighborhoods, Quality of Life, Economic Vitality and Affordable Living, Safe and Secure Neighborhoods, Efficient Infrastructure: Downtown revitalization is crucial to all aspects of community betterment.

The Law Department has reviewed the requested action and has approved the documents as to form.

Motion--

Brewer moved that the Fee Title Transfer Agreement be approved and the execution of a warranty deed and termination of ground lease authorized. Motion carried 7 to 0.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 11, 2007)

- a. Public Hearing and Issuance of Industrial Revenue Bonds, Bombardier Learjet.
(Districts IV and V)

ORDINANCE NO. 47-717

An ordinance authorizing the city of Wichita, Kansas, to issue its taxable industrial revenue bonds in the original aggregate principal amount not to exceed \$4,500,000 for the purpose of providing funds to finance the construction, installation and equipping of an expansion and improvements to existing aviation manufacturing and flight testing facilities located in the city of Wichita, Kansas; prescribing the form and authorizing execution of a twelfth supplemental trust indenture by and between the city and the Bank of New York Trust Company, N.A., St Louis, Missouri (the "trustee"), as trustee with respect to the bonds; prescribing the form and authorizing the execution of a twelfth supplemental lease by and between Learjet inc. and the city; approving the form of a guaranty agreement; and authorizing the execution of a bond purchase agreement by and between the city and Learjet inc., as purchaser of the bonds, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- b. Public Hearing and Issuance of Industrial Revenue Bonds, Cessna Aircraft Company.
(Districts III and IV)

ORDINANCE NO. 47-718

A ordinance authorizing the city of Wichita, Kansas, to issue its taxable industrial revenue bonds, series vii, 2007 (Cessna Aircraft Company), in the original aggregate principal amount of not to exceed \$36,331,000 for the purpose of purchasing, acquiring, constructing and installing an industrial and commercial facility; authorizing execution of a seventeenth supplemental trust indenture by and between the city and the Bank of New York Trust Company, N.A., St. Louis, Missouri, as trustee with respect to the series vii, 2007 bonds; authorizing the city to lease said project to Cessna aircraft company; authorizing the execution of a seventeenth supplemental lease by and between the city and Cessna aircraft company; authorizing the execution of a bond purchase agreement by and between the city and Cessna aircraft company, as purchaser of the bonds; and authorizing execution of a bill of sale, termination and release of sixth supplemental lease and cancellation, discharge and release of sixth supplemental trust indenture. , read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- c. Public Hearing and Issuance of Industrial Revenue Bonds, The Coleman Company. (District I)

ORDINANCE NO. 47-719

An ordinance authorizing the city of Wichita, Kansas, to issue its taxable industrial revenue bonds, series viii, 2007 (the Coleman company, inc.), in the aggregate principal amount of not to exceed \$24,400,000 for the purpose of providing funds to acquire, construct and equip improvements to existing facilities located in the city of maize, Kansas, and the city of Wichita, Kansas; prescribing the form and authorizing execution of a thirteenth supplemental trust indenture by and between the city and the bank of New York trust company, N.A., as trustee, with respect to the bonds; prescribing the form and authorizing execution of a thirteenth supplemental lease agreement by and between the city and the Coleman company, inc.; approving the form of a guaranty agreement; authorizing the execution of a bond purchase agreement by and between the city and the Coleman company, inc., as purchaser of the bonds; and authorizing execution of a bill of sale. , read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- d. Issuance of Tax-exempt Housing Bonds, Inwood Crossing Apartments. (District I)

ORDINANCE NO. 47-720

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An ordinance authorizing the city of Wichita, Kansas, to issue its multifamily housing revenue bonds, series x, 2007 (Inwood Crossings Apartments Project), in the aggregate principal amount of \$20,000,000 for the purpose of acquiring and constructing a multifamily housing facility; and authorizing the execution of certain documents in connection with the issuance of the bonds. , read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

e. Life Insurance Program Ordinance Revision.

ORDINANCE NO. 47-721

An ordinance amending sections 2.52.030 and 2.52.100 of the code of the city of Wichita, Kansas and repealing the originals thereof and repealing section 2.52.020 of the code of the city of Wichita, Kansas pertaining to group life insurance, accidental death and dismemberment insurance and dependent life insurance for city employees. , read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

f. Improvement to the Intersection of Central and I-235. (Districts IV, V, and VI)

ORDINANCE NO. 47-722

An ordinance declaring the interchange of Central Avenue at the I-235 freeway (472-84639) 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. , read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

g. Child Care Facilities.

ORDINANCE NO. 47-723

An ordinance creating chapter 7.25 of the code of the city of Wichita, Kansas, pertaining to child care facilities. , read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

h. DER2007-00010 – Zone change from “LI” Limited Industrial to “SF-5” Single-family Residential. Generally located north of MacArthur Road and west of South Sabin Street. (District IV)

ORDINANCE NO. 47-724

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended. , read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

NEW BUSINESS

EATON PLACE

APPROVAL OF PROPERTY TAX REBATES – EATON PLACE PROJECT. (DISTRICT 1)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 43.

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In 2001, the City of Wichita completed the Eaton Place redevelopment project. The Eaton Place project was a \$15.3 million dollar public-private partnership between the City and MetroPlains Development, LLC, a Minneapolis, Minnesota based developer. The intent of the project was to restore the last complete historic block on Douglas Avenue and create 115 units of mixed income apartments and 30,000 square feet of commercial space on the first floor. The development achieved the community goals of saving the historic Eaton Block and adding substantial new residential and commercial development in downtown Wichita.

The City utilized a wide variety of redevelopment incentives in order to make this difficult project work as a public-private partnership. To finance the residential component of the project, the City provided tax-exempt residential rental facility bonds, a HOME loan, a CDBG loan, a HOME grant, housing tax credits, and historic preservation tax credits. For the commercial component of the project, the City provided a CDBG grant and a lender support agreement to secure a commercial bank loan. The City also acquired the Eaton Block property and conveyed it to the developer at no cost.

In addition to the above incentives, the City also established a redevelopment district for the purpose of providing tax increment financing to defray part of the cost of the project. In the end, tax increment financing was not used in the Eaton Place Project because the project did not include enough elements that were eligible for TIF under state law. To compensate for this loss of potential project funding, the City substituted property tax exemptions and rebates for tax increment financing. The resulting increased project cash flow allowed MetroPlains to incur additional indebtedness in the form of subordinated IRBs.

The residential condominium received a 10-year tax exemption under IRB authority and 5 years of tax rebate payments under the Neighborhood Revitalization Area (NRA) Program, to follow the IRB exemption. Since the commercial condominium was not eligible under state law for IRB tax abatements, the City's intent was to provide the commercial property with 15 years of NRA tax rebates. It has been determined that the actions taken by the City Council in 1998 to provide the 15 years of tax exemptions and rebates did not clearly include the commercial property. To make good on this promised incentive, the City Council needs to re-approve the tax rebate incentive for the commercial condominium.

Authority to grant property tax rebates is conveyed to cities through the Neighborhood Revitalization Act, K.S.A. 12-17,114 et seq. The statutes require cities to set boundaries and adopt written policies to provide procedures and rules for granting the rebates. The City of Wichita adopted its NRA Program Policy in April 1998 and then entered into interlocal agreements with Sedgwick County and U.S.D. 259 so that rebates include all ad valorem taxes on real property. The policy has been amended once and the interlocal agreements have been renewed for an additional 7-year period.

The NRA rebate policy provides for 5-year rebates equal to 95% of incremental taxes on single-family residential property and historic buildings located within the NRA boundaries, and 75% on commercial or industrial property and apartment complexes. The policy expressly gives the City Council the right to make exceptions to the policy and grant rebates that exceed the standard terms relating to the number of years and percentage of the rebates.

The official minutes of the December 15, 1998 City Council meeting show that the City Council made an exception to the NRA Policy and granted a five-year 100% tax rebate, along with a 10-year 100% IRB tax abatement, on the residential portion of the Eaton Place project. No mention is made in the minutes of a tax rebate for the commercial property. The minutes of the Council meeting on August 24, 1999 state that the Council did grant a 15-year 100% tax rebate on the commercial property on December 15, 1998.

Due to this inconsistency in the official record, the Sedgwick County Counselor's Office has asked for further action by the City Council to clarify the City's intent to make an exception to the NRA Policy and grant a 15-year 100% property tax rebate for the Eaton Place's commercial condominium.

Financial Considerations: Under the NRA Program, the City's Economic Development Office receives an accounting each year from the County Appraiser's Office of the properties with approved tax rebates and the amounts due to the owners. The Finance Department transfers funds equal to the total amount of rebates based on the City's mill levy to the NRA rebate fund. The County and School District

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transfer funds based on their respective mill levies. The City's Treasurer's Office then processes rebate payments to each property owner.

Metro Plains Development submitted NRA rebate applications for both the commercial and residential condominiums. Payments on the commercial property were processed during the first 5 years, pursuant to normal program procedures; however, the payments were withheld as an offset against funds owed to the City by Metro Plains under the lender support agreement. In March 2006, the City and Metro Plains agreed on a cash settlement in exchange for termination of the lender support agreement and the HOME and CDBG loans. The settlement terms allowed the City to retain the withheld tax rebate payments and for Metro Plains to receive future rebate payments, estimated to be approximately \$125,000 over the remaining 10 years. The City's share of future rebate payments will be approximately \$35,000.

Core Area and Neighborhoods, Quality of Life, Economic Vitality and Affordable Living, Safe and Secure Neighborhoods, Efficient Infrastructure: Downtown revitalization is crucial to all aspects of community betterment.

The City Council has the authority under the Neighborhood Revitalization Area Program to make exceptions to the NRA Policy and approve tax rebates that exceed the limits set forth in the Policy.

Mayor Brewer

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

Motion--

Williams moved that a 100% tax rebate under the Neighborhood Revitalization Area Program for the Eaton Place commercial condominium for a term ending with tax year 2015 be approved. Motion carried 7 to 0.

--carried

YORK INTL

APPROVAL OF ECONOMIC DEVELOPMENT INCENTIVES FOR YORK INTERNATIONAL. (DISTRICT VI)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 44.

On February 27, 2001, the Wichita City Council approved a \$350,000 forgivable loan to York International as part of an incentive package that resulted in York consolidating its manufacturing operations by closing a plant in Ohio and moving the jobs to Wichita. Sedgwick County matched the City with a \$350,000 forgivable loan and the State of Kansas offered cash incentives equal to \$700,000. As a result of these incentives, York International increased its employment in Wichita by 450 jobs and constructed a 300,000 square foot addition to their plant at 33rd and Mead in north Wichita, at a cost of \$13 million.

In 2005, York was acquired by Johnson Controls and Wichita has become the headquarters for the Residential Unitary Products Division of York/Johnson Controls. York proposes to make its Wichita plant the center of excellence for production of its "next-generation" residential air conditioner, using newly developed micro-channel heat transfer technology. Selection of Wichita is contingent on purchase of additional land for parking semi-trailers. The Greater Wichita Economic Development Coalition (GWEDC) has worked with the City, County and State to develop an incentive package, subject to approval by the governing bodies.

York/Johnson Controls currently employs approximately 1,100 at an average hourly wage of \$13.00. As a result of its decision to expand in Wichita, York/Johnson Controls will increase its employment in Wichita by 300 net new employees and will spend \$45-50 million in new machinery and equipment. The economic development incentives that have been offered are as follows:

City of Wichita –

- Sale of 5.88 acres of land at 33rd & Ohio @ \$.79 per SF
- Forgivable Loan of \$50,000
- No tax abatement

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Sedgwick County –

- Forgivable Loan of \$50,000

State of Kansas –

- Forgivable Loan of \$90,000
- Enterprise Zone Tax Credits

The City and County each offered a cash incentive of \$50,000 in the form of forgivable loans, to defray the costs of developing a new parking lot. The land offered by the City is in the Bridgeport Industrial Park and was previously the temporary site of a community soccer field. The price for the land is the same price paid by the City several years ago to acquire the land.

Funding for the City's forgivable loan will come from the Economic Development Fund and monies appropriated therein for cash incentives. The terms of the proposed forgivable loan provide for the forgiveness of a portion of the loan balance each year based on achieving projected employment levels over a 5-year period. If at the end of the 5-year term, the projected employment levels have not been reached, the outstanding loan balance will be immediately due and payable.

Economic Vitality and Affordable Living. Growth of non-aviation manufacturing businesses is the one of the most effective ways to diversify the economy.

Prior to the disbursement of any forgivable loan proceeds or the sale of land, additional City Council action will be required to approve a specific forgivable loan agreement and real estate sale agreement.

Mayor Brewer

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

Motion--
--carried

Fearey moved that the proposed economic development incentive package for York International, subject to approval of appropriate agreements be approved. Motion carried 7 to 0.

DOUGLAS/HILLSIDE

RESOLUTION CONSIDERING THE AMENDMENT OF A REDEVELOPMENT PLAN, DOUGLAS AND HILLSIDE REDEVELOPMENT DISTRICT. (DISTRICT II)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 45.

On August 15, 2006, the City Council adopted an ordinance establishing a redevelopment district in the area of Douglas Avenue and Hillside, for the purpose of providing tax increment financing (TIF) to pay a portion of the costs of constructing a commercial redevelopment project in that area. On February 13, 2007, the City Council approved of the TIF Project Plan. Since that time, College Hill Urban Village, LLC ("Developer") has made changes to the redevelopment project and has requested an amendment to the TIF Project Plan and Development Agreement in order to proceed with the project. Amendment of TIF project plans requires holding a new public hearing at a time and place set by resolution by the City Council.

The TIF Project Plan and Development Agreement approved by the City Council consisted of demolition of remaining structures in the Project Area and development of a 14-story high-rise tower, with 87 residential condominium units and underground parking, over 50 brownstone-type row houses with built-in 2-car garages, a four-story building of residential flats and retail buildings with loft apartments above, with adjacent parking lots. The Project Plan also included an aesthetic feature, a roundabout. Since the adoption of the TIF Project Plan, the roundabout has had to be removed due to Fire Department access concerns. The roundabout has been replaced with decorative entry features at the same cost.

The Developer would like to purchase three more properties within the redevelopment district, but outside of the current Project Area, using TIF funds. The Developer has made changes to the project description based on the additional property and other changes needed. The changes to the project have increased the number of units that will be constructed in the area. The new Project Plan will increase

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the residential condominium units from 87 to 94; the Brownstones will increase from over 50, to 65; phase two will include 3,800 sq ft of retail space, the Clubhouse/Pool has been removed from phase three. The project area will also be increased to include the properties to be purchased.

The additional property and change in design have increased the TIF eligible development costs by \$1,180,000. The increased costs are in property acquisition, demolition, landscaping, park area, public art, street lighting and public parking lots.

The Developer has asked the City to increase the not-to-exceed amount of TIF funding by \$1,180,000. The increased revenue generated will be more than enough to support \$1,180,000 of increased costs. The TIF Project Plan and the development agreement both limit the TIF funding at \$4,450,000 plus financing costs, so both would have to be amended to increase the cap to \$5,630,000.

The current TIF-bond financing structure calls for the issuance of general obligation bonds, which are secured solely by TIF revenues generated by the property within the TIF district. .

Economic Vitality and Affordable Living, Quality of Life, Core Area and Neighborhood. Redevelopment of blighted and declining areas are needed to avoid economic stagnation. Business prospects and workers seeking to relocate are attracted to a new city that takes care of its older sections.

The proposed increase in the not-to-exceed amount of TIF funding and increased size of the project area are of sufficient magnitude to require amendment of the TIF Project Plan. Under state law, TIF project plan amendments require public hearings, which must be set by resolution and published on two consecutive weeks in the City's official newspaper. The attached resolution, setting a public hearing for January 8, 2008, has been reviewed by the Department of Law and approved as to form.

Mayor Brewer

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

Motion--

Schlapp moved that the resolution setting a public hearing on January 8, 2008 to consider amendments to the Douglas and Hillside Redevelopment District be adopted; the necessary signatures authorized; and the City Clerk directed to cause the resolution to be published on two consecutive weeks prior to the date set for the public hearing. Motion carried 7 to 0.

--carried

RESOLUTION NO. 07-741

A Resolution stating the city of Wichita is considering the amendment of a redevelopment project plan for the Douglas and Hillside Redevelopment District, presented. Schlapp moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

SSMID

RESOLUTION CONSIDERING AMENDMENTS TO THE SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT (SSMID) ORDINANCE. (DISTRICTS I, IV AND VI)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 46

On March 20, 2001, the City Council adopted an ordinance establishing a self-supported municipal improvement district (SSMID) for downtown Wichita (the "SSMID Ordinance"). The ordinance provides for the levying of an additional ad valorem tax, up to 10 mills, on all taxable real and personal property located within the boundaries set forth in the SSMID Ordinance. The SSMID boundaries generally describe the area from the Arkansas River to Washington and Kellogg to Central. The term of the SSMID Ordinance is 10 years, until December 31, 2011.

On December 18, 2001, the City Council approved a contract with the Wichita Downtown Development Corporation (WDDC) to provide economic development services to the City for the revitalization of the SSMID area described above. The contract for downtown development services with the WDDC provides for payments of SSMID assessment revenues to the WDDC in consideration

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of the implementation of the scope of services set forth in the contract. The WDDC Board of Directors has requested an amendment to the SSMID Ordinance that would extend the term of the Ordinance.

The Wichita Downtown Development Corporation, with an estimated annual budget of \$500,000 funded by SSMID assessments, focuses its efforts in four major program areas:

1. Image enhancement and marketing programs to attract consumers visitors and residents and promote a positive downtown image.
2. Business retention and recruitment initiatives to retain, grow and attract jobs, businesses and investment.
3. Urban vitality improvements to make downtown more attractive and vital.
4. SSMID operations to support program activities

The WDDC Board is in the process of a national search for a new president to lead the organization and believe that the extension of the term of the SSMID Ordinance will assist in that effort by addressing any concern about how long the job might last.

The WDDC Board is asking for an amendment that would extend the term of the SSMID Ordinance by one year, to 2012, and then automatically extend it by one year each year that the City Council adopts the annual SSMID budget, starting with the budget adoption in August 2008, unless the City Council affirmatively disapproves the extension. This will provide the WDDC and SSMID Advisory Board with a 5-year rolling budget horizon within which to plan future activities.

SSMID assessments are billed to property owners by the County Treasurer as part of each year's property tax statement. Assessments are collected by the County Treasurer and distributed to the City along with property taxes. A detailed budget for the use of SSMID revenues is recommended each year by a City-appointed SSMID Advisory Board and submitted to the City Council for approval as part of the normal budget process. The annual tax levy that results has been around 5 mills in past years.

Core Area and Neighborhoods, Quality of Life, Economic Vitality and Affordable Living, Safe and Secure Neighborhoods, Efficient Infrastructure: Downtown revitalization is crucial to all aspects of community betterment.

K.S.A. 12-1794 et seq. provides the authority and procedures for establishing and operating self-supported municipal improvement districts, including amendments to the SSMID Ordinance. To amend provisions to the SSMID Ordinance, the City Council must first adopt a resolution setting a public hearing to consider the amendments. The public hearing must be held not-less-than 30 days or more than 60 days following the adoption of the resolution. The resolution must be mailed to all property owners in the District and published three times with the last publication not less than one week prior to the date set for the public hearing. Following the public hearing, the City Council must wait at least 30 days before final adoption of an ordinance amending the SSMID Ordinance. The City Council shall not take final action to amend the SSMID Ordinance if the City Clerk receives a petition opposing the amendment within 30 days of the public hearing, signed by 40% of all owners of property located within the SSMID boundaries who also own 40% of the total assessed valuation of the SSMID.

Mayor Brewer

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

Motion--

Fearey moved that the resolution setting a public hearing on February 12, 2008 for consideration of amendment of the SSMID Ordinance be adopted and the City Clerk directed to give notice of the hearing in the manner required by law. Motion carried 7 to 0.

--carried

RESOLUTION NO. 07-740

A Resolution of the governing body of the City of Wichita, Kansas to initiate proceedings to amend the Ordinance establishing a self supported municipal improvement district pursuant to K.S.A. 12-1794 et seq., presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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2008 LIQUOR TAX

2008 SPECIAL LIQUOR TAX FUND ALLOCATIONS AND CONTRACTS.

Cathy Holdeman

Assistant City Manager introduced Deb Donaldson, the Director of Human Services for Sedgwick County. Stated ComCare is the Program Administrator for the Special Liquor Tax Fund and she has worked directly with providers in negotiating these contracts.

Deb Donaldson

Ms. Donaldson reviewed the item.

Agenda Item No. 47.

In December of 1999, the City Council set policy guidelines for the use and administration of the Special Liquor Tax dollars received for alcohol and substance abuse prevention and treatment. These policy guidelines were reviewed and reaffirmed at a May 24, 2005 City Council workshop and are being used in the operation and administration of the 2007 Special Liquor Tax Program. The 2007 program has a provider operating budget of \$1,670,495 and uses 15 different organizations to operate 21 projects in the provision of alcohol and substance abuse prevention, treatment, detoxification, case management and administrative services. There is no an option to renew current non-administrative providers through the 2008 calendar year.

A comprehensive Special Liquor Tax services request for proposals (RFP) was issued by the City's Purchasing Office to procure services for the 2008 calendar year. Seventeen (17) proposals were received in response to its issuance.

Special Liquor Tax Coalition members are appointed to assess Special Liquor Tax Program needs and make program-funding recommendations to the City Council. Staff of COMCARE, which is the program administrative contractor, conducts monitoring of current programs and has reviewed third quarter outcome results with the Coalition. The Coalition has also reviewed the proposals received in response to the Special Liquor Tax Programs RFP. Based on those reviews the Coalition is recommending that the Council approve allocations and contracts for 13 current providers offering 16 different projects for a non-administrative 2008 program total of \$1,527,332.

The 16 Special Liquor Tax proposals recommended for 2008 funding include both prevention and treatment programs and a case management program designed to coordinate the needs of families and individuals receiving services through the various programs. Recommended programs address diverse populations, which include children and adults, men and women, various ethnic groups and judicially detained/referred individuals. These programs also have addressed the RFP's intent to serve clients within the New Communities Initiative (NCI) initial focus area.

The only proposal received that was not recommended for funding was from Rainbows United. The Coalition did not recommend the Rainbow's project for funding because it was felt that the proposal's outcomes could not be sufficiently tied to the reduction of alcohol or substance abuse.

Funding level recommendations for the 16 recommended proposals either equal the proposal amount requested or exceed the program's 2007 funding level, except for the Regional Prevention Center recommendation. Considerations that went into the funding level recommendations included how clearly the proposal defined the program funded and how successfully the program met its 2007 outcome-based measurements. All proposals recommended for funding contain outcomes based measures, which will be monitored for successful performance during 2008. The following chart lists the providers' 2007 funding level, the 2008 proposal amount and the Coalition's 2008 recommended funding level.

Submitted Program Proposals	2007 Funding		
Level	2008 Proposal Amount	2008 Recommended Funding	
Big Brothers/Big Sisters	\$ 73,400	\$ 134,135	\$ 98,400
Center for Health and Wellness	\$ 105,527	\$ 172,720	\$ 150,000
Communities in Schools	\$ 31,652	\$ 31,652	\$ 31,652
Friends of Recovery Association	\$ 13,000*	\$ 135,753	\$ 68,000
Higher Ground, Tiyospaye/CBC	\$ 68,535	\$ 101,520	\$ 70,000

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Higher Ground, Tiyospaye/Pueblo	\$ 70,000	\$ 80,000	\$ 80,000
Knox Center	\$ 34,215	\$ 77,825	\$ 40,000
Mental Health Association	\$ 42,000	\$ 128,239	\$ 42,000
Miracles, Case Management	\$ 150,000	\$ 150,000	\$ 150,000
Miracles, Children's Prevention	\$ 71,800	\$ 78,924	\$ 72,000
Parallax Program, Chronic Relapse	\$ 109,410	\$ 109,410	\$ 109,410
Parallax Program, Social Detox.	\$ 275,870	\$ 275,870	\$ 275,870
Rainbows United \$ 0	\$ 42,070	\$ 0	
Recovery Concepts (formerly IATS)	\$ 48,870	\$ 65,000	\$ 50,000
Regional Prevention Center	\$ 199,070*	\$ 227,319	\$ 100,000
Substance Abuse Center of Kansas	\$ 124,111*	\$ 164,191	\$ 150,000
Youth Development Services	\$ 33,530	\$ 94,067	\$ 40,000
Totals	\$1,450,990**	\$2,068,695	\$1,527,332

* = combined total for two 2007 programs

** = 2007 total provider allocation was \$1,542,980 (one former provider didn't submit proposal)

2008 funding will be available in the Special Liquor Tax Fund to contract with providers for the seventeen (17) recommended programs totaling \$1,527,332. The 2008 budget for provider projects is \$1,673,500, which leaves a balance of \$146,168 for future consideration by the Council. Program administration funds are budgeted at \$127,515 for the contract period. No general fund monies are obligated.

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

Approval as to form by the Law Office will be obtained prior to the execution of the 2008 Special Liquor Tax provider agreements.

Mayor Brewer

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

Motion--
--carried

Brewer moved that the funding allocations and provider contracts developed for those allocations are approved. Motion carried 7 to 0.

TAX INCREMENT

CENTRAL AND HILLSIDE TAX INCREMENT. (DISTRICTS I AND II)

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Item No. 48.

On December 11, 2001, the City Council adopted a redevelopment project plan for the Central and Hillside Redevelopment District. The Project Plan called for the City to work with Starr Holdings, LLC (the "Developer") to redevelop the project area, which is bounded by Central Avenue, Hillside Avenue, Third Street and Rutan Avenue.

The Project consisted of the following:

- Demolition of all existing structures located on the Project site,
- Sale and disposition of various parcels of land to various parties;
- Construction of stormwater drainage structures and other infrastructure,
- Construction of a hotel, a Walgreen's drug store and a strip shopping center, and
- Associated paving, fencing and landscaping.

The City agreed to purchase a 1.7 acre parcel for the hotel site, leased to Wesley Inn LLC (the hotel developer) under a 50-year lease. They also agreed to pay one-fourth of the cost of demolishing the 8-story building located at 3333 E. Central, up to a maximum contribution of \$150,000. In addition, the City agreed to construct an enclosed stormwater drainage system on the Project site. Lastly, the City agreed to provide \$70,000 for various landscaping, fencing and infrastructure costs. Total expenditures for the Project were \$1,560,002.57.

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It was anticipated that the redevelopment costs of projects funded with tax increment would be financed with general obligation bonds. The TIF district produced a sufficient cash flow to fund the project over a four-year term without issuing long-term debt.

The Kansas Statutes Sections 12-1775(b)(2) states ... "When the redevelopment project costs have been paid and such obligation bonds and interest thereon have been paid, all moneys thereafter received from real property taxes within such redevelopment district shall be allocated and paid to the respective taxing subdivisions in the same manner as are other ad valorem taxes. If such obligation bonds and interest thereon have been paid before the completion of a project, the city may continue to use such moneys for any purpose authorized by this act until such time as the project is completed, but for not to exceed 20 years from the date of the approval of the project plan, except as otherwise provided by this act."

Staff is recommending the City Council effectively terminate the TIF with a resolution stating the project is complete and future funds are not required from the Central and Hillside Redevelopment District. With this action, the Project area will no longer require the capturing of property taxes within a special fund for distribution to the City of Wichita.

The Project has been fully funded and closed. The TIF fund has a balance of \$874,432 and the Project account has \$45,998, together totaling \$920,430. To the extent possible, these funds should be returned to Sedgwick County for distribution to the respective taxing subdivisions.

The City's goal of Economic Vitality and Affordable Living is enhanced by the use of Tax Increment Financing to leverage investment from local developers and commercial development adding value to the City.

The Law Department has prepared the resolution.

- Council Member Gray Council Member Gray stated he is glad to see that we are putting the overages back into the budget because that has been one of his concerns about our TIF projects especially with Old Town.
- Council Member Schlapp Council Member Schlapp stated it is nice to see that it works and the monies come back and we are seeing it distributed properly.
- Council Member Longwell Council Member Longwell stated when we talk about using these types of tools for economic development, we collected that \$900,000 from last year that we are re-dispersing but from here forward we have an additional \$900,000.00 that will be re-dispersed every year. Stated that tool worked for that area regardless of what we helped to promote and we now have an additional \$900,000.00 to disperse every year.
- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.
- Mayor Brewer Mayor Brewer thanked Wesley Hospital and all of the other developers in that area because they took an opportunity and the risks and it has changed the entire dynamics in that area. Stated you had two districts that had to work very closely with everyone to be able to get that done.
- Motion-- Brewer moved that the resolution be adopted; the payment of excess funds to Sedgwick County for distribution as appropriate to all taxing jurisdictions authorized; and budget adjustments as required are authorized. Motion carried 7 to 0.
- carried

RESOLUTION NO. 07-742

A Resolution of the governing body of the City of Wichita, Kansas, concerning completion of the redevelopment project plan for the Central and Hillside Redevelopment District, and confirming that all associated redevelopment project costs have been paid, 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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GWCVB

CONTRACT RENEWAL: GREATER WICHITA CONVENTION AND VISITORS BUREAU.

John D'Angelo

Arts and Cultural Services Manager reviewed the item.

Agenda Item No. 49.

Fiscal year 2007 brought several successes to the GWCVB. The Bureau has exceeded their primary goal of securing 106,000 convention room nights as well as 4,200 group tours. They also increased their membership and private sponsorship dollars, well exceeding their goal of \$198,000. They also increased national advertising for Wichita with ads in national publications such as Fortune magazine and USA Today.

The Contract for the current fiscal year was negotiated with City staff and representatives from the Greater Wichita Convention and Visitors Bureau. The results are a proposed 2008 contract with performance goals for the GWCVB outlined in "Exhibit B." Exhibit B includes relevant and measurable goals in a performance matrix format. The Bureau continues strive to exceed its base goals while working to secure larger conventions approximately every 5 years.

The 2008 Adopted budget includes funding for GWCVB annual allocation in the amount of \$1,977,510 from the Tourism and Convention Fund. The 2008 contract increases GWCVB allocation of \$94,170 or 5.0%. The T&C Fund will also finance an additional payment of up to \$75,000 to the GWCVB, as a dollar for dollar match for private funds the Bureau raised in 2008 exceed its baseline goal of \$200,000.

This project will impact "Economic Vitality," due to Wichita's economic development having a direct correlation to the vitality and success of the tourism and service industries. "Quality of Life" will also be impacted as the GWCVB helps promote attendance at various cultural attractions and events.

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

Mayor Brewer

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

Motion--
--carried

Brewer moved that the renewal of the 2008 Contract with the Greater Wichita Convention and Visitor's Bureau be approved. Motion carried 7 to 0.

COWTOWN

COWTOWN OPERATING AGREEMENT. (DISTRICT VI)

John D'Angelo

Arts and Cultural Services Manager reviewed the item.

Agenda Item No. 50.

In August 2007, City Council members approved the termination of the 99-year lease between Old Cowtown Museum and the City of Wichita. With the termination of the 99-year lease, Cowtown's Board of Trustees and the City have come to agreement outlined in the attached Operating Agreement (see attached document).

The proposed Operating Agreement establishes the roles and responsibilities with a joint agreement between Old Cowtown Museum and the City of Wichita. The City agrees to assume daily operation of the museum and management of staff. In addition the City agrees to accept financial responsibility and to invest in capital improvements to operate and maintain the museum in compliance with required safety, health, and ADA standards.

In short, Old Cowtown Museum will retain its status as a 501(C3) non-profit organization, retain ownership and maintenance responsibilities for the collections, and act as an advisory board for present and future educational programs. In return, Old Cowtown Museum's Board of Trustees will receive 100% of membership revenue they collect as well as a portion of gift shop sales after net profit to continue fundraising and collection maintenance. The City reserves the right to review membership revenue collected at a future dated.

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Beginning in 2008, the City and Old Cowtown Museum will submit line item budgets for each calendar year which may be reviewed by either party. The City will collect all facility revenues derived from the use and operation of the facility and deposit those revenues into appropriate accounts determined by the City of Wichita Finance Department and credited to the General Fund of the City of Wichita. In addition, both parties agree the City will retain 33.3% of the net profits from sale of merchandise and goods sold in the gift shop to cover expenses for the operation of the gift shop including reimbursement of inventory costs. The remaining balance of gift shop revenues shall be divided 50/50. The exception to this agreement would be revenues received for the sale of merchandise and goods provided for sale by Diamond W Chuckwagon, LLC.

Old Cowtown Museum will retain 100% of membership revenues generated for the maintenance of its collections and fundraising activities but the City reserves the right to review membership revenue at a future date.

Old Cowtown Museum enhances the Quality of Life by providing opportunities for historical and educational enrichment, as well as entertainment.

The 99-year lease termination agreement with Historic Wichita-Sedgwick County, Inc. has been approved.

Mayor Brewer

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

Motion--
--carried

Fearey moved that the Operating Agreement between the City of Wichita and Historic Wichita-Sedgwick County, Inc. (Old Cowtown Museum) be approved. Motion carried 7 to 0.

ZEBRA MUSSELS

ZEBRA MUSSEL CONTROL FACILITIES.

David Warren

Director of Water and Sewer reviewed the item.

Agenda Item No. 51.

Zebra Mussels are a foreign species of clams that were introduced into this country in the Great Lakes in the 1980s. They grow in dense colonies that attach to solid surfaces, such as rock, rip-rap, the interior of water pipelines and intakes. Because of their rapid growth rates and lack of natural predators, they can plug water supply facilities such as water intakes and pumping stations. In September 2007, the Kansas Department of Wildlife and Parks confirmed that zebra mussels were present in Cheney Reservoir, a critical component of the City's water supply system.

The Zebra Mussel Control Study completed by CH2M Hill identified several chemical and physical methods of controlling zebra mussels for the water supply facilities at Cheney. Staff recommends that the City proceed with the design and construction for the control facilities at Cheney, even though mussels have not yet been found attached to the actual facilities. Zebra mussels can grow and accumulate very rapidly, and construction of control facilities may require that the Cheney Pump Station be taken out of service during construction. If the City waits until the mussels create a problem, this may cause them to obstruct the water facilities before control facilities can be constructed. Staff recommends that chemicals not be fed at the new control facilities until zebra mussels are observed at the water intake structures. This may occur relatively soon, or take several years.

The study estimated that the ongoing operation and maintenance costs to feed chemicals to control zebra mussels could cost \$273,000 per year. The Control Study estimated that construction of control facilities would cost \$500,000. Funding for this project can be obtained from unexpended funds in W-65, Mains for Future Development.

The project will help ensure efficient infrastructure by assuring that zebra mussels do not plug essential water intakes, pumps and pipelines.

There are no legal considerations.

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Mayor Brewer

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

Motion--

Brewer moved that Staff be authorized to proceed with the project to control zebra mussels; the project expenditure approved; the Resolution adopted; Staff authorized to solicit proposals for engineering services; and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 07-743

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

PLANNING AGENDA

Motion--

Brewer moved that Planning Consent Agenda items 52 to 55 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

--carried

ZON2007-46

ZON2007-46 – ZONE CHANGE FROM “NR” NEIGHBORHOOD RETAIL TO “LC” LIMITED COMMERCIAL SUBJECT TO PROTECTIVE OVERLAY #200. GENERALLY LOCATED ON THE EAST SIDE OF MAIZE ROAD, NORTH OF MAIZE ROAD COURT. (DISTRICT V)

Agenda Item No. 52.

The applicant is seeking “LC,” Limited Commercial zoning. The application area is located north of Maize Road Court, east of Maize Road, is platted as Lot 1, Block 1, Chadsworth Plaza Addition and contains 1.01 acres. In 2001, the application area was rezoned from “SF-5,” Single-family Residential to “NR,” Neighborhood Retail, subject to Protective Overlay #111 (ZON2001-47). P-O #111 required construction of a masonry-screening wall along the south line of the application area, was subject to platting within one year, the property was to be developed according to the submitted site plan and the “SF-5” zoned residential property to the east of the application area was to be a part of the same plat as the application area.

The property has been developed with a strip commercial building divided into six store-fronts that face west. The building’s parking is located just west of the structure, adjacent to Maize Road. The application area has platted complete access control across its 182.44 feet of Maize Road frontage. Access to the site is by way of Maize Road Court.

A median in Maize Road Court contains a 20 foot, 5 inch tall, 96 square-foot ground sign. BZA2005-33 permits a second 96 square-foot ground sign, located in the northwest corner of the site, for a total of 192 square feet of ground signage.

The “NR” zoning district permits one multi-tenant ground sign up to 96 square feet in size. Additional ground signs are permitted provided there is 150 feet of spacing between ground signs, and the total amount of signage does not exceed 0.5 square feet of area times the frontage. Ground signs must also be located at least 15 feet from adjacent property. Ground signs are limited to a maximum height of 22 feet. “NR” district signage is limited to indirect or internal illumination of white light only. Flashing or moving images are prohibited; portable signs are prohibited, except for institutional uses. Building signs cannot exceed 32 feet in area, 30 feet in height and are limited to one per building elevation for each major use provided the building elevation on which the building sign is to be attached has at least one of the following circumstances: street frontage, adjacent to a non-residential zoning district or if adjacent to a residential zoning district there must be parking or open space with a depth of 150 feet or more measured from the face of the sign to the property line which adjoins the residential district. Building

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signs facing residential zoning are limited to direct of internal illumination of white light only. Flashing or moving images are prohibited. Off-site signs are prohibited.

In general, the "LC" district permits one ground or pole sign per zoning lot except that two signs are permitted on an interior lot with at least 180 feet of frontage. Properties with less than 330 feet of arterial street frontage are permitted 1 square foot of ground signage per lineal foot of street frontage up to a maximum area of 300 square feet. The height of a ground sign is not to exceed 20 feet except when the number of permitted signs exceeds one, then five feet of additional height can be added for every sign that is not installed, up to 25 feet. Building signs are permitted on any building elevation that has street frontage, or is adjacent to non-residential zoning, or if adjacent to residential use or zoning there must be 150 feet of parking or open space between the sign and the non-residential use or zoning. Building signs are limited to 20 percent of each tenant space up to 400 square feet in area with no more than a total of three signs per elevation. Off-site and portable signs are permitted subject to conditions. (The "LC" district does not prohibit flashing or moving images or off-site signs.)

Adjoining property is zoned "GO," General Office / offices (east), "SF-5," Single-family Residential / single-family residences (south), "LC," Limited Commercial / retail strip center (west) and "SF-5," Single-family Residential approved for "LC," Limited Commercial, subject to a community unit plan / single-family residence (north). There is a landscaped buffer running along the south side of Maize Court, adjacent to the residences located south of the application area.

The "NR" district permits "retail, general," but limits individual commercial uses to 8,000 square feet or less and does not permit outdoor storage or display for commercial uses. Restaurants in the "NR" district are limited to a maximum of 2,000 square feet and are not permitted to provide drive-up window or in-vehicle food service. The "LC" district does not have these development standards. The "NR" district limits building height to 35 feet while the "LC" district permits 80 feet or higher with greater setbacks.

District Advisory Board V heard the request twice, most recently on November 9, 2007. At the November 9 meeting, the DAB recommended (5-1) that the case be approved subject to staff's original protective overlay:

1. The following LC uses are prohibited: recycling collection station, public and private; construction sales and service; pawn shop; secondhand store; service station; vehicle repair, limited; wireless communication facility; asphalt or concrete plant, limited and outside storage. Off-site signage, billboards, flashing or moving signage, LED or video signage that can be seen from residentially zoned property is also prohibited. Also prohibited is building or identification signage that faces south.
2. Building heights are limited to 35 feet
3. There shall not be any lighting or light fixtures directed to the south, and light fixtures shall be absolutely screened to the south to prevent light from spilling over on the residence to the south.

At the Metropolitan Area Planning Commission (MAPC) meeting held on November 15, 2007, the commission recommended approval (10-0) of the request subject to a modified protective overlay (modified language underlined):

1. The following LC uses are prohibited: recycling collection station, public and private; construction sales and service; pawn shop; secondhand store; service station; vehicle repair, limited; wireless communication facility; asphalt or concrete plant, limited and outside storage. Off-site signage, billboards, flashing or moving signage, LED or video signage that can be seen from residentially zoned property is also prohibited. Building or identification signage that faces south is restricted to the sign depicted on the attached exhibit, is limited to internal lighting, and south facing building signage shall be lit only during business hours.
2. Building heights are limited to 35 feet.

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3. There shall not be any lighting or light fixtures directed to the south, and light fixtures shall be absolutely screened to the south to prevent light from spilling over on the residence to the south.

No one other than the applicant was present at either the MAPC or DAB V meetings to discuss the case, and no protests have been received.

Promote Economic Vitality.

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

Motion--

Brewer moved that the zone change be approved subject to the provisions of Protective Overlay #200 (simple majority vote required) and the first reading of the ordinance be approved. 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.

ZON2007-00051

ZON2007-00051 – ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “LI” LIMITED INDUSTRIAL. GENERALLY LOCATED ½ MILE SOUTH OF THE INTERSECTION OF SOUTH HOOVER AND WEST HARRY. (District IV)

Agenda Item No. 53.

The applicant requests a zone change from “SF-5” Single-Family Residential to “LI” Limited Industrial on two unplatted lots totaling 1.70-acres located ½ mile south of the intersection of South Hoover and West Harry; the subject property is currently undeveloped. The applicant proposes to develop the property with an industrial building.

The surrounding area is characterized primarily by industrial uses; although, there is an SF-5 zoned lot south of the site. Further north on Hoover, towards the Harry intersection, are industrial uses zoned LI. The property to the west is zoned “LI” Limited Industrial and developed with warehousing and aviation uses. Directly to the east is the Wichita-Valley Center Flood Control Project.

Because property to the south is zoned residential, screening will be required along that property line. The compatibility setback standards will require a 25-foot building setback along the south property line unless a Zoning Adjustment is granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback. Because the property to the south is zoned residential, a landscape buffer will be required when the site is developed; a landscape plan will require approval by the Planning Department.

At the MAPC meeting held November 15, 2007, the MAPC voted (10-0) to approve subject to staff recommendation. No citizens were present to speak and no protests have been received.

Promote Economic Vitality.

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

Motion--

Brewer moved that the zone change be approved subject to platting within one year and the Planning Department instructed to forward the ordinance for first reading when the plat is forwarded to City Council. 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.

ZON2007-00052

ZON2007-00052 – ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “LI” LIMITED INDUSTRIAL. GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH WEST STREET AND WEST 42ND STREET SOUTH. (DISTRICT IV)

Agenda Item No. 54.

The applicant is requesting to rezone a 34-acre tract from “SF-5” Single-family Residential to “LI” Limited Industrial for limited industrial uses. No specific users are identified for the tract. The property is located south of MacArthur and along the east side of West Street.

North of the application area is SF-20 zoned property used for agriculture and a LI zoned property used for warehousing and office combination. East of the site is SF-20 zoned property which is currently vacant/agricultural land. South of the site is a 2.4-acre property zoned GC, developed with a mini-storage facility, and a larger, approximately 60-acre, property zoned MH, developed with a mobile home park. West of the site, across West Street, are large properties zoned LI, with uses from warehousing and aircraft manufacturing to a C&D Landfill. The site is developed; a landscape plan will require approval by the Planning Department.

At the MAPC meeting held November 15, 2007, the MAPC voted (10-0) to approve, subject to platting within one year and the conditions of Protective Overlay #198:

1. All uses permitted by right in the “LI” zoning district except the following uses: correctional facility; correctional placement residence, limited and general; day reporting center; kennel, boarding/breeding/training; night club in the city; pawn shop; secondhand store; sexually oriented business in the city; tattooing and body piercing facility (city); tavern and drinking establishment; asphalt or concrete plant, limited and general; and grain storage. The City Traffic Engineer may require that additional traffic improvements, acceleration/deceleration lanes, be guaranteed to support the increased traffic volume.
2. Screening shall be per Unified Zoning Code; however, any fences or walls shall be constructed of a consistent pattern and color.
3. Storage of merchandise shall be allowed outside an enclosed building only in compliance with the general screening standards of the Unified Zoning Code and the following additional standards: (1) outdoor storage or work areas shall be permitted in any building setback, but items stored within any building setback may not exceed the maximum height of the screening wall; (2) no required off-street parking space or loading area shall be utilized for storage; and (3) items stored outdoors shall be screened from view from West Street or any residentially zoned property.
4. Roof-mounted equipment and loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing coolers or refrigeration units, outdoor storage including portable storage containers, outdoor work areas or similar uses shall be screened from ground level view along West Street and any residentially zoned property.
5. Minimum setback requirements shall be 35 feet along West Street and a 50-foot setback, with two times the required landscaping from the south property line, where adjacent to “MH” zoning.

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6. All signs shall be limited to signs that would be allowed in the "LC" Limited Commercial zoning district; no off-site, billboard or portable signs shall be permitted except for off-site signs advertising uses located within this tract that shall be allowed to have signage placed on signs fronting West Street.

No citizens were present to speak and no protests have been received.

Promote Economic Vitality.

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

Motion--

Brewer moved that the zone change be approved subject to platting within one year and the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to City Council. 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.

ZON2007-53

ZON2007-53 - CITY ZONE CHANGE FROM "TF-3" TWO-FAMILY RESIDENTIAL TO "GO" GENERAL OFFICE. GENERALLY LOCATED 1/5 MILE NORTH OF HARRY ON THE WEST SIDE OF BLUFFVIEW DRIVE. (DISTRICT III)

Agenda Item No. 55.

The application area is developed with a residential structure which has been converted to an office use. The applicant wishes to add onto the existing building, and requests a zone change to "GO" General Office. The existing office and future expansion will manage surrounding residential units and will provide counseling services for residents.

All properties north, south and west of the site are zoned TF-3. Single and two-family residences exist west and south of the site. Further south is the GO zoned Via Christi-Saint Joseph Hospital. North of the site is a community garden. East of the site are "B" Multi-family zoned residences.

DAB III reviewed this request on November 7, 2007; the DAB approved the request 11-0. MAPC heard this request on November 15, 2007. The MAPC voted (10-0) to recommended approval of the request, subject to staff recommendations. No individuals spoke at the MAPC hearing regarding the request, and no protest petitions have been filed.

Promote economic vitality.

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

Motion--

Brewer moved that the first reading of the ordinance establishing the zone change be approved.

--carried

Motion carried 7 to 0.

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning code, section v-c, as adopted by section 28.04.010, as amended, introduced and under the rules laid over.

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HOUSING AGENDA

2008 PROJ. BUDGET

BOARD RESOLUTION APPROVING 2008 PROJECT BASED BUDGET.

Agenda Item No. 56.

Congress directed HUD to contract with Harvard University to conduct a study to determine the cost to operate well-run public housing; the result of the study is the "New Public Housing Operating Fund" Rule (24 CFR 990). The final rule included 2 major provisions: It establishes a new formula "Operating Fund Program" for determining operating subsidy and it introduces a new business model, called asset management. Implementation of asset management is expected to lead to better management and oversight of public housing by providing greater information about the operating costs and performance level of each public housing project. Asset management will also facilitate future investment in public housing by public and private entities. This program represents a major overhaul of the structure and operations of Public Housing Agencies (PHAs).

The Wichita Housing Authority (WHA) is considered a "stop loss" agency under the new program; our subsidy is scheduled to decline \$179,000 under the new formula. A stop loss agency is a PHA that (1) loses funding under the new "Operating Fund" formula; and (2) wishes to submit documentation of successful conversion to asset management in accordance with the requirements for stop-loss. PHAs that are "stop loss" will have their lower subsidy levels phased-in over a 5-year period. These subsidy levels determine how much an agency is "eligible" to receive. Subsidy eligibility is then subject to annual congressional appropriations. In 2007, we received 83.4% of our eligible funding and that determination was made on October 12, 2007. The WHA is scheduled to receive only 80% of what we are eligible for in 2008, due to the fact that Congressional appropriations are below the needs of Public Housing Agencies.

City Council has approved the Housing Authority annual budget, but HUD has mandated that the 2008 annual budget be prepared in a project based format.

Financial Considerations: HUD requires Housing Authorities to move to an asset based management model and to create project based budgets in order to minimize budget reductions. Submission of the project based budget does not represent a change in the budget allocation.

Economic Vitality and Affordable Living

The proposed Project Based Budget brings the Wichita Housing Authority into compliance with new federal regulations.

Motion--
--carried

Allan Murdock moved that the resolution approving the Project Based Budget be adopted and the necessary signatures for submittal to HUD be authorized. Motion carried 8 to 0.

AIRPORT AGENDA

Council Member Skelton

Council Member Skelton requested that item 59 be pulled for discussion.

Motion--
--carried

Brewer moved that Airport Consent items 57 and 58 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

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CAPITAL IMPR

MID-CONTINENT AIRPORT - ADJUSTMENT OF CAPITAL IMPROVEMENT PROGRAM (CIP).

Agenda Item No. 57.

Airport projects are included in the CIP and assigned to particular years. Pursuant to City policy, a project can only be initiated in the year that it is included in the adopted CIP.

The following CIP lines need adjustment to move the expenditure estimates from 2007 to 2008:

Line 1 Administration Building Remodel – \$175,000

Line 2 Airfield Equipment – \$425,000

Line 17 Radar Relocation Study (ARS-9) – \$255,000

Line 22 Tenant Facility Improvements –\$774,000

Line 24 Utility Improvements – \$2,725,000

These projects have been deferred to 2008 due to various factors including further development of project definition, responding to the timing imposed by tenant decisions and prioritization of resources.

The amounts requested to be deferred to 2008 are less than or equal to the values included for these projects in the CIP for 2007.

The Airport's contribution to the economic vitality of Wichita is promoted through the development of infrastructure, maintenance and safety of the airfield, and improvements to leasable property to serve the aviation community.

Motion--carried

Brewer moved that the capital improvement program adjustment be approved. Motion carried 7 to 0.

SCHEDULE OF FEES **2008 SCHEDULE OF FEES AND CHARGES AND RESOLUTION FOR THE WICHITA AIRPORT AUTHORITY.**

Agenda Item No. 58.

Background: Annually the Wichita Airport Authority (WAA) adopts a Schedule of Fees and Charges and a Resolution to establish certain rates for aviation users of Mid-Continent Airport. The fees are calculated to maintain adequate revenue streams that will cover budgeted operating and capital costs incurred to support the related functions. Two additional schedules have been added to disclose the established rates for Non-Aeronautical Users and users of Colonel James Jabara Airport. These fees are set to appropriately compensate the WAA for operations on its premises.

Analysis: The landing fee and terminal space rent rate calculations are in accordance with the methodology established in the airline/airport use agreement and its application to the adopted budget. Other aviation use fees and non-aeronautical fees are set to reflect market price, and are in accordance with leasing policies previously adopted by the WAA. Rates are established through resolution for those entities that do not hold agreements with the WAA at a higher rate to reflect the lack of fixed commitment. The proposed rates have been reviewed and approved by the Wichita Airport Advisory Board.

Financial Considerations: The landing fee and average terminal rates calculated for 2008 are very comparable with 2007 with a 1% decrease and 1% increase, respectively. The majority of the other rates did not change from 2007,; although some have not previously been included in the Schedule of Fees and Charges. The land rental rates have been adjusted to operate on a calendar year basis. All of the use rates can be altered at any time by the WAA with appropriate deference to existing contracts. Rates will be effective on January 1, 2008.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is promoted through establishment of a rate structure which allows the Airport to continue its operation on a self-sustaining basis.

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Rates have been developed in accordance with Federal rates and charges regulations. The Resolution has been approved as to form by the Department of Law.

Motion-- Brewer moved that the Schedule of Fees and Charges and the Resolution of the Wichita Airport Authority implementing a schedule of fees and charges for passenger airlines, all to be retroactively effective to January 1, 2008 be adopted. Motion carried 7 to 0.
--carried

RESOLUTION NO. A07-011

A Resolution of the Wichita Airport Authority adopting and implementing a schedule of fees and charges for passenger airlines, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(Item 59)

U.S. DEPT OF AGR.

AGREEMENT-U.S. DEPARTMENT OF AGRICULTURE.

Victor White Director of Airports reviewed the item.

(Vice-Mayor Fearey momentarily absent)

(Council Member Schlapp momentarily absent)

Agenda Item No. 59.

In 2000, the WAA entered into an agreement with the U. S. Department of Agriculture/Wildlife Services to provide funding for one specialist to assist the WAA with its wildlife management program at Wichita Mid-Continent and Jabara Airports. This agreement has been renewed annually for the past years.

The U. S. Department of Agriculture/Wildlife Services has prepared a cooperative services agreement to collect and monitor biological assessment data and provide continuous wildlife management oversight. The cooperative services agreement is for a not-to-exceed five-year term, but may be cancelled by either party upon giving a 60-day notice. The cost will be reviewed and approved annually. Wildlife management at airports is mandated by the FAA.

The cost for services provided is \$46,829 for the period October 1, 2007 through September 30, 2008. This amount reflects an increase of \$1,159 above the 2006/2007 contract amount for these services. One specialist, based on the airport, will be assigned to the project for approximately 32 hours per week. Work hours will vary to most appropriately interact with wildlife management issues. Funds are included in the operating budget.

The Airport's contribution to the economic vitality of Wichita is promoted by complying with Federal regulations.

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

Council Member Skelton Council Member Skelton stated we want to get rid of birds and we are spending \$46,000.00 a year to do that. Stated he does not know why it would cost that much every year and if we can train people to get rid of the birds we should not have to hire this guy and that would be his preference and asked if this was a federal regulation.

Victor White Airport Director stated yes and the FAA requires it. Stated the alternative would be if we did not hire the USDA we would have to hire a private consultant firm at a higher rate.

Council Member Skelton Council Member Skelton stated he will support this today but thinks that the City could come up with an alternative method other than spending \$46,829.00 to mitigate birds especially if this person is going to be in here training our personnel.

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Motion-- Brewer moved that the Wichita Airport Authority approve the Agreement and authorize the necessary
--carried signatures. Motion carried 7 to 0.

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Vice-Mayor Fearey Vice-Mayor Fearey requested to appoint Jeff Longwell to the Labor Management Committee with Paul Gray as the alternate; Lavonta Williams to the Water Resource Committee with David Warren as the alternate; accept the resignation of Elizabeth Bishop from MAPC and appoint David Foster to that position; and recommend appointment of Andy Beech to the Plumbing Board.

Mayor Brewer Mayor Brewer stated we need someone to sit on the Criminal Justice Coordinating Committee.

Council Member Skelton Council Member Skelton stated he would volunteer to sit on that committee.

Council Member Williams Council Member Williams requested that Billy L. Breckenridge be appointed to the Wichita Employees Retirement Board.

Mayor Brewer Mayor Brewer requested to appoint Dee Eaton to the Wichita Access Advisory Board and Jerry Smart to the Wichita Area Sister Cities.

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

RESOLUTION

RESOLUTION SUPPORTING THE PRESERVING PATIENT ACCESS TO INPATIENT REHABILITATION HOSPITALS ACT.

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA KANSAS, SUPPORTING THE PRESERVING OF PATIENT ACCESS TO INPATIENT REHABILITATION CARE AND SERVICES.

WHEREAS, inpatient rehabilitation is an important intervention of care for many patients in Wichita, Kansas, who require intensive rehabilitation care and services; and

WHEREAS, Wichita's rehabilitation hospitals and units are important members of the healthcare provider community in Wichita, and their existence benefits the communities they serve; and

WHEREAS, there is a federal regulation, commonly known as the "75 Percent Rule" that rehabilitation hospitals and units must adhere to and that requires them to treat specified numbers of patients having specific medical conditions or diagnoses; and

WHEREAS, the impact of the "75 Percent Rule" upon patients and providers is significant and substantially deeper than initially projected by the Federal Government; and

WHEREAS, legislation has been introduced in both chambers of the United States Congress, H.R. 1459/S. 543 that would alleviate the impact of this Rule and would help protect patients' access to inpatient rehabilitation care and services;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, THAT;

The Wichita City Council views H.R. 1459/S. 543 as sound public policy that would be good for the citizens of Wichita, KS, desires to see its enactment into law, and encourages the Kansas Congressional Delegation to work to ensure such enactment.

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Cathy Holdeman Assistant City Manger stated that this is a carry over item from last week's workshop and would be adopting the resolution based on their discussions last week.

Council Member Longwell Council Member Longwell stated this is a resolution that came forward from his district and is asking for support on an issue that give people an oppportunity to have a choice on medical care and this resolution supports some House and Senate Bills that will be going through congress this year.

Motion-- Longwell moved that the resolution be adopted and the necessary signatures authorized. Motion
--carried carried 7 to 0.

RESOLUTION NO. 07-744

A Resolution of the governing body of the City of Wichita, Kansas, supporting the preserving of patient access to inpatient rehabilitation care and services, presented. Longwell moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CITY MANAGER

DISCUSSION OF THE INTERIM CITY MANAGER.

Motion-- Brewer moved that the City Council appoint Ed Flentje as the interim City Manager for the City of Wichita and approve the Intergovernmental Cooperation Agreement between the City of Wichita and Wichita State University.

Council Member Longwell Council Member Longwell stated he fully supports Dr. Flentje as our interim City Manager and thinks it will allow Council to do several things and will give him an opportunity to be a mentor and a coach and does not "pit" anybody against anyone trying to name someone as an interim during this difficult process. Stated he feels it puts us in the right direction and is looking forward to getting this behind us.

Mayor Brewer Mayor Brewer stated this will be effective January 2, 2008 and ending July 1, 2008.

Vice-Mayor Fearey Vice-Mayor Fearey asked what happens if we hire a new manager before July 1st.

Mayor Brewer Mayor Brewer stated it would end the Intergovernmental Agreement between the City of Wichita and Wichita State University.

Vice-Mayor Fearey Vice-Mayor Fearey it does not say that in the agreement. Stated it says it may be extended but does not say that it can end early.

Gary Rebenstorf Director of Law stated if you look page 2, paragraph number six, it says that "the parties agree that this agreement may be terminated in writing by mutual consent" so mutual consent between Dr. Flentje and the City Council would terminate the contract.

Vice-Mayor Fearey Vice-Mayor Fearey stated she would rather see it saying, ending on or before.

Gary Rebenstorf Director of Law stated he can do that as long as it is not a problem with Dr. Flentje and he would assume that it will not be.

Mayor Brewer Mayor Brewer asked what the bi-weekly rate would be.

Gary Rebenstorf Director of Law stated the bi-weekly rate will be \$5,769.23

--carried Motion carried 7 to 0.

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RECESS

EXECUTIVE SESSION.

Motion--

Brewer moved that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation and legal advice, confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 11:45 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

RECONVENE

The City Council reconvened in the City Council Chambers at 11:47 a.m. Mayor Brewer announced that no action was taken.

Motion--carried

Brewer moved that the Executive Session be closed. Motion carried 5 to 0, (Longwell and Schlapp absent).

Motion--carried

Brewer moved that the Regular Meeting be adjourned. Motion carried 5 to 0, (Longwell and Schlapp absent).

ADJOURNMENT

The meeting was adjourned at 11:47 a.m.

Workshop followed in the 10th Floor MAPC Training Room