

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 12, 2007

Tuesday, 9:06 A.M.

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

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

Horace Santry from Peace & Social Justice Center of South Central Kansas gave the invocation.

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

The Minutes of the regular meeting of June 5, 2007, approved 6 to 0.

Recognition Recognition of Wichita as a "Preserve America" Community.

Mayor Brewer recognized Barbara Hammond and Cathy Morgan for their efforts and Barbara Hammond spoke on what this program means to Wichita.

Recognition Sister Cities Student Ambassadors to Orleans, France.

Mayor Brewer called upon Jeanne Goodvin, 2007 Sister Cities President and the students who will be leaving for Orleans, France to study the language and culture. Each student was presented with a certificate, City of Wichita lapel pin and scholarship check.

Motion-- Brewer moved that the City Council take an agenda item out of order and that item 15, Final report for 2006 Cultural Funding, which is on the Unfinished Business Agenda, be considered at this time and move item 28, Ballot Selection for District I City Council Member, to the Public Agenda. Motion --carried 6 to 0.

CULTURAL ARTS **FINAL REPORT FOR 2006 CULTURAL FUNDING**

CULTURAL FUNDING FINAL REPORT FOR 2006 CULTURAL FUNDING.

Joan Cole Joan Cole reviewed the item.

Jenny Becker Jenny Becker, Cultural Funding Chair, gave an update on the 2007 process.

Agenda Report No. 07-0560

On February 8, 2005, the City Council approved the formation of the Cultural Funding Committee consisting of 11 members. Members of City Council appointed 7 members. The Arts Council appointed 4 members. The committee consisted of representatives from government, education, business, philanthropy, arts organizations and the public at large. The committee was assigned the responsibility to make recommendations to members of City Council on allocation of additional performance funding for Tier II and Tier III arts and cultural organizations. In 2005, The City Council approved 24 performance contracts for local, non-profit Arts and Cultural organizations in the amount of \$719,000.

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The 2006 Cultural Funding Final Report summarizes the performance goals and achievements of 24 local arts and cultural organizations that were awarded cultural funding grants during the 2006 calendar year.

Quality of life.

Motion--
--carried

Brewer moved that the to receive and file the 2006 Cultural Funding Final Report as presented by representatives of the Arts Council and Cultural Funding Committee. Motion carried 6 to 0.

PUBLIC AGENDA

Dennis Hesselbarth-Thank you to Council for providing sidewalks in his neighborhood.

Dennis Hesselbarth

Mr. Hesselbarth, Pastor of Hilltop Urban Church, stated that their community has never had sidewalks, which has been an ongoing concern for the residents in this area. Stated he would like to thank the City Council for funding sidewalks for the entire neighborhood and presented Council Member Skelton with a thank you note. Stated that Council Member Skelton has provided central leadership for their neighborhood.

Council Member Skelton

Council Member Skelton stated he realized their need and could help with the use of CDBG funds and looks forward with working with this neighborhood. Stated he appreciates Mr. Hesselbarth's positive attitude and coming before the Council today.

Motion--
--carried

Brewer moved to recess the City Council Meeting at this time and reconvene the Council Meeting in the City Council Chambers of City Hall at 10:50 a. m. Motion carried 6 to 0.

RECONVENE

The City Council reconvened in the City Council Chambers at 11:09 a.m.

DISTRICT I

DISTRICT I CANDIDATE'S PRESENTATIONS:

Mayor Brewer

Mayor Brewer explained that each one of the five candidates will be allowed five minutes to speak to the Council and after that the Council will proceed with the balloting process of voting.

Eugene Anderson

Mr. Anderson, 1832 North Poplar, stated that he has lived in that community since 1968. Stated that one of the reasons that he sought this position was due to the encouragement from a lot of people and he challenged them to assist in attaining the required number of signatures and he kept his commitment to them. Stated he understands that this position will require some decisions that are very difficult and will not always please everyone but when you look at the big picture, we have to make those decisions based on what is best for the population. Stated he has acquired some skills, knowledge, and ability over the years that he has served in the public capacity to enable him to work with different people who share similar ideas and sometimes different ideas. Stated having had the opportunity to work with county and city officials, office of the Governor, and colleagues in the senate, they worked together to bring about the establishment of a State Office building in the core area of this City. Stated that particular mile stone, brought a lot of state services under one roof, saved the tax payers money, and helped to promote development in the core area of this City. Stated he has had the opportunity to work with the financial community in bringing about some much needed changes in our banking laws that put our banks and financial institutions on an even playing field with other states as we move into a global economy. Stated he has had the opportunity to work with city and county officials in developing a state highway program in the mid 1980's that is ongoing today. Stated in any public capacity that you serve in, you have to have the ability to work with people, build those relationships that bring about trust, and mutual respect for each other. Stated he feels that he has performed in that fashion for the 25 years that he has spent in public service. Stated that he believes that he brings a sense of reasoning and thought to this process, where the citizens to this community and this governing body can and will benefit from. Stated he knows there will be disagreements among the Council Members but those

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disagreements on his part will political and not personal. Stated he believes in getting things done and speaks what is on his mind, but does not argue with his colleagues in public. Stated if he is selected for this position, there are some things that he has to do that he will share with the Council, and that he has several contracts with the City and he has spoken with those individuals he has worked with for the last seven years and he will no longer do business with the City of Wichita. Stated he feels this is an appropriate decision and will remove any appearance of impropriety on his part. Stated if selected he will look forward serving the City Council and the people of this community.

Treatha Brown-Foster

Ms. Foster stated she would like to tell the Council why she desires and is qualified to be the District I City Council Member. Stated she brings a considerable amount of experience to the position and has represented the constituents of District I by serving on the DAB I since Mayor Brewer became elected to the City Council in 2001. Stated she has attended numerous City Council Meetings and has addressed this Council regarding many issues that have a direct impact on the citizens of District I and the Wichita community. Stated she has been engaged and committed to the City of Wichita and to the citizens who call this great City their home. Stated she has been on the executive board of the Northeast Millair Neighborhood Association since 1998. Stated she routinely attends and addresses the membership of other neighborhood associations across Wichita. Stated she has been instrumental in helping establish the A. Price Woodard Park and the K-96 Neighborhood Association. Stated her commitment to community can be shown by her involvement with the Sedgwick County Community Emergency Response Team, the Sedgwick County Ex-Offender Re-entry Program, and Wichita Visioneering. Stated her past professional experience also proves to be an asset to the Wichita community and she is an independent contractor for a national financial service provider and has over 25 years of experience in banking and bank examining and was the first African American employed by the Kansas Banking Department as a financial examiner. Stated she was the first African American to be an educator of the principles of banking for employees of local banks for the American Institute of Banking. Stated she was one of the people to help initiate the first and only minority owned bank in Wichita, The University State Bank, which was founded in 1974 with the contributions of former state senator Rip Gooch, Dr. Ralph Brown, Bill Littleton, and the late Elmer Johnson. Stated her parents owned and operated a business for over 35 years in Wichita, which she and her siblings continued the business for a few more years. Stated she understands the struggle of small businesses and would like to help create a climate in Wichita for all businesses to be successful both large and small. Stated she feels that downtown development is vital for our young people to want to stay in Wichita and would help make downtown an exciting and growing community and a destination point for our residents, visitors, and businesses. Stated she would also support creating higher paying non-manufacturing jobs. Stated the City needs to look at the economy globally, nationally, and look at the surrounding counties. Stated she feels that public safety is a must in order for the citizens to feel safe and that Beat 44 is the most present issue for public safety in District I and she is currently working with Northeast Central Neighborhood Association, which she was their guest speaker at their last Neighborhood Association Meeting. Stated she gave pointers to help the residents create a trust between the police and the community and engaged them to start a Neighborhood Watch Program and to participate in National Night Out, which would help them identify issues that create crime and help them find resources to eliminate crime. Stated by being involved in the community, she has already worked with most of the department heads at City Hall long before she attended the Citizens Academy. Stated she is familiar with the functions of city government and since being involved with her Neighborhood Association, crime was reduced from the highest in the City to one of the lowest in the City and supports the Stop Blight Program. Stated she feels she can take District I to the next level where Mayor Brewer left off and asks for the Council's support.

Michael Kinard

Mr. Kinard, 1555 North Ash, has lived there for the past 20 years. Stated this is a community that he has lived in, worked in, worshipped in and understands the people of this community. Stated he has provided each City Council Member with a copy of his resume and are well aware of the qualifications that he brings to the table. Mr. Kinard gave a family background and stated why he is very proud of the Kinard name. Stated he lives by a simple saying that "people may doubt what you say but will always believe what you do" and always tries to do what is right. Stated he would like to be a positive role model for the children of this district and City. Stated he will be passionate for what he brings to the bench and argue for what is right and stands here today to ask the City Council for their vote so that he can represent the people of District I.

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George Rogers

Mr. Rogers, 2527 North Roosevelt Court, stated he has lived at this residence for 30 plus years and came to Wichita because of a job opportunity in 1972. Stated he and his family looked at the City of Wichita and decided that this is where they wanted to be because of the self respect that was manifested by citizens in this community during that time and the respect that they offered to other citizens and saw a great opportunity to be a part of a thriving, growing, developing, vibrant City. Stated he was a ninth grade dropout and received an athletic scholarship to Langston, Oklahoma and finished there in four years and then received a Master of Science degree from Central State in Oklahoma and then received a degree in Administration of Supervision from the University of Kansas. Stated he came to Wichita as the Chairman of the Department of Minority Studies and began the development of that department and stayed there for 12 years and when he left, that department had 800 students, eight full-time faculties and three graduated assistants and offers a Bachelors and a Masters degree. Stated he became the vice-president for Academic Affairs at Langston University and was there for four years before returning to Wichita and he was the administrative assistant to the Director of Internal Revenue. Stated he was then appointed by Governor Mike Hayden to the Kansas Parole Board and served four years and eight years through the term limits as a City Council Member. Stated he has had a wide variety of experiences. Stated he believes that Wichita is a vibrant City and has the possibility of becoming super excellent and looks forward to being a part of the additional progress that this City can make.

Lavonta Williams

Ms. Williams stated she would like to have the opportunity to represent District I because she has been a hard worker in her community for the past several years and welcomes the opportunity to empower her community from another level and continue to move our City forward. Stated by attending the Visioneering Meetings, this would be a tremendous asset. Stated she loves working in District I and the entire Wichita community. Stated she believes that everyone deserves a high quality of life and where you live should not determine whether you live or die. Stated she is a team player, consensus builder, and commends the Council for working together for the betterment of our City. Stated she has been a grassroots learner, starting with being a member of the WIN Board, holding offices in Neighborhood Associations, going to the Citizens Academy and then becoming a member of DAB I. Stated she was also the liaison between the school district and the City of Wichita for several years working with community education and the parks and recreation department and that union helped them to gain the International Weber-Seavey Award. Stated she has also been involved with many interview boards for the Wichita Police Department as she interviewed officers who were seeking to advance in their ranks and made several presentations representing the City locally and nationally. Stated she would like to see the infrastructure continue in District I and street improvements continue. Stated she would like the developments to continue, some which would create jobs and others that would entice our young professionals to stay and make Wichita their home. Stated an increase in our global market would create and diversify our economic developments and could continue to create an environment, which supports companies in the global economy and we need to continue with our exports and imports and when we are a wireless city that will even enhance our strategic plan. Stated she would like to see partnerships and collaborations continue to grow because by combining efforts, we can gain so much more and we need to continue to clean and rebuild and bring the voices of the people and the community to the Council because listening matters to her. Stated she feels that Wichita is doing many things right and people are anxious to hear how and what we are doing. Stated she has taught for 35 years in District I and the community trusted her to teach and to guide their children and now she is asking that the City Council trust her again to do what is right for District I and the City of Wichita.

Mayor Brewer

Mayor Brewer thanked each of the candidates for coming today and speaking to the City Council and putting their names in the hat to represent District I. Stated that each Council Member has ballots before them and today the City Council will vote up to a maximum of 20 times until we get a majority vote, which would be four or more votes. Stated if we cannot come to a conclusion or come to a majority of four votes, then at the next Council Meeting we will continue the ballots until we get four votes.

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DISTRIC I BALLOT **BALLOT SELECTION FOR DISTRICT I CITY COUNCIL MEMBER.**

- Motion--carried Brewer moved to recess at 11:49 a.m. and reconvene at noon. Motion carried 6 to 0.
- RECONVENE** The City Council reconvened in the City Council Chambers at noon.
- Mayor Brewer Mayor Brewer stated the Law Department told him that if we run into a snag and cannot get past the three votes, the Council can waive the policy and not do the 20 votes and could continue this to the next City Council Meeting.
- Council Member Skelton Council Member Skelton stated he would be open to go ahead and go on with the rest of the meeting and at the end of the meeting, continue voting.
- Gary Rebenstorf Director or Law explained that a motion to suspend the rules of procedure would be needed concerning the number of ballots that need to take place and it would automatically put this item on the agenda for next Tuesday, June 19th as the last item for that next meeting.
- Council Member Schlapp Council Member Schlapp asked what the rules for people lobbying the Council Members if we end up in this tie.
- Gary Rebenstorf Director or Law explained there are no rules concerning that. Stated the Council could decide how they want to handle that today. Stated when this process was put in place, they did not put anything that refers to stopping the vote and going to the next meeting. Stated the only thing that would be necessary at this time is that it would have to be a unanimous vote since you are suspending a written ballot procedure, which the ordinance says it has to be unanimous if a rule regarding a written ballot is suspended.
- Motion-- Brewer moved to waive the rules of the allotted 20 ballots that are actually in place and that we proceed at the next scheduled Council Meeting, which would be next week that we complete and finalize the balloting.
- Council Member Skelton Council Member Skelton stated he is not going to support the motion because we have an established procedure in place and the Council has found themselves suspending the rules quite a bit and he has advocated in having the City Council sitting down with Staff and try to get these rules updated. Stated when we get back to that we can make the change at that time.
- failed Motion failed, 4 to 2, (Nays-Fearey and Skelton).
- Mayor Brewer Mayor Brewer stated we will continue on with the votes.
- The City Council voted 20 times with each of the 20 votes resulting in a tie with three votes for Treatha Brown-Foster and three votes for Lavonta Williams.
- Mayor Brewer Mayor Brewer stated that was 20 ballots per the ordinance and the City Council was unable to break the tie, so the next scheduled City Council Meeting we will continue the balloting until we break the tie.

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CONSENT AGENDA

Motion-- Brewer moved to approve consent agenda items, 3-14f in accordance with the recommended action
--carried shown thereon. Motion carried 6 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 11, 2007.

Bids were opened June 8, 2007, pursuant to advertisements published on:

Lateral 12, Main 6 Cowskin Interceptor Sewer to serve Southwest Passage Addition south of Pawnee, west of 119th Street West (468-84228/744209/480897) Does not affect traffic. (District V)

Utility Contractors - \$129,686.00

Water Supply Line to serve Southwest Passage Addition south of Pawnee, west of 119th Street West (448-90230/735345/470018) Water Distribution System to serve Turkey Creek Addition (south of Pawnee, west of 119th Street West) (448-89959/735351/470024) Does not affect traffic. Does not affect traffic. (District V)

Duling Construction* - \$130,243.00 (Group 1)
\$56,145.00 (Group 2)*
\$186,388.00 Total Bid

*Negotiated to Engineer's Estimate

Water Distribution System to serve Turkey Creek Addition south of Pawnee, west of 119th Street West (448-89959/735351/470024) Water Distribution System to serve Southwest Passage Addition (south of Pawnee, west of 119th Street West) (448-90231/735346/470019) Does not affect traffic. (District V)

WBW Contractors - \$44,018.00

2007 Contract Maintenance Bridge Rail Rehabilitation, Phase 1 K-15 Bridge over Wichita Drainage Canal & Mosley Bridge over Chisholm Creek (472-84558/132720/) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Dondlinger & Sons Construction* - \$193,800.00 (Group 1 Base Bid)
* Engineer's Estimate

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

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

WATER & SEWER /PRODUCTION & PUMPING: Hess Pumping Station Electrical Improvement.

Rockwell Automation Inc.	Group 1	\$1,115,000.00
B&B Electric Motor Co.	Group 2	\$562,068.00
No Bids Received	Group 3	
No Bids Received	Group 4	
No Bids Received	Group 5	
Stanion Wholesale Electric Co.	Group 6	\$398,000.00

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VARIOUS DEPARTMENTS BOARDS AND AGENCIES: Reprographic Services.

City Blue Print* - \$ 81,336.70

*Estimate – Contract approved on unit cost basis.

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Veterans Memorial Park Renovations.

Sutherland Builders Inc. - \$156,104.00 (Base Bid)

\$21,502.00 (Add Alternate 1)

\$4,075.00 (Add Alternate 2)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: 35,000 GVWR Dump Trucks.

Roberts Truck Center - \$587,500.00 (Base Bid)

\$550.00 (Option 1, per each)

\$200.00 (Option 2, per each)

\$100.00 (Option 3, per each)

\$458.00 (Option 4, per each)

\$566.00 (Option 5, per each)

\$28,208.00 (Option 6, per each)

\$28,929.00 (Option 7, per each)

<\$30,000.00> (Option 8)

Motion--
--carried

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

CMBS

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

Renewal
Robert E. Gerrett

2007
Old Cowtown Museum*

(Consumption on Premises)
1871 Sim Park Dr.

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

Motion--
--carried

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

PRELIM ESTS.

PRELIMINARY ESTIMATES:

- a. Victoria Court from Victoria south to and including the cul-de-sac to serve Lots 30 through 43, Block C; Pattie, north from Maywood to the south line of Lot 26, Block B; Maywood, from the west line of Lot 19, Block B east to Victoria; Victoria from 55th Street South, north to the south line of Lot 10, Block E; Maywood Court from Maywood, south to and including the cul-de-sac; Sidewalk along one side of Pattie, Maywood and Victoria to serve Rivendale Addition north of 55th Street South, west of Hydraulic (472-83868/766126/490144) Does not affect existing traffic. (District III) - \$753,000.00
- b. Tyler Road Mill & Overlay from Cowskin Bridge north of Yosemite to south side of Harry Street including Turn Lanes Tyler, Yosemite to Harry (472-84475/706961/206427) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$700,000.00

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- c. Athenian from the south line of 51st Street North to the south line of Lot 8, Block 2; Athenian Court, from the east line of Athenian through and including the cul-de-sac to serve Valencia Addition south of 53rd Street North, east of Meridian (472-84473/766137/490155) Does not affect existing traffic. (District VI) - \$192,000.00
- d. 2007 Contract Maintenance Planeview ROW Repair north of 31st Street South, east of Hillside (472-84518/132720/) Traffic to be maintained during constructions using flagpersons and barricades. (District III) - \$105,941.00
- e. Lateral 404 Four Mile Creek Sewer to serve Willow Creek Estates Addition (south of Harry, east of Greenwich) (468-84338/744228/480916) Does not affect traffic. (District II) - \$264,000.00
- f. Storm Water Drain #320 to serve Krug South Addition (south of 21st Street North, west of 143rd Street East) (468-84327/751440/485331) Does not affect existing traffic. (District II) - \$386,983.36
- g. Storm Water Sewer #628 to serve Krug South Addition (south of 21st Street North, west of 143rd Street East) (468-84325/751441/485332) Does not affect existing traffic. (District II) - \$534,000.00
- h. 2007 KLINK 1R Resurfacing FY 2007 (US-54 Kellogg: 2123 W CL of Webb Road to EL of 127th St. E.) (North of Harry Street, east of Woodlawn) (54-87 U-2060-01/472-84582/706962/206428) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$743,000.00
- i. 2007 Contract Maintenance Mill & Overlay Phase 2 (south of 45th Street North, east of 135th Street West) (472-84516/132720/620469/133116/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, VI) - \$872,719.00
- j. 37th Street North from the major entrance serving Lot 1, Ridge Port North 2nd Addition, east to the drive constructed for Lot 1, Block D to serve Ridge Port North 4th Addition (south of 37th Street North, east of Ridge) (472-83411/766144/490162) Traffic to be maintained during construction using flagpersons and barricades). (District V) - \$137,500.00
- k. Storm Water Drain No. 288 to serve Whispering Lakes Estates Addition (south of Harry, west of 159th Street East). (District II) - \$421,300.00
- l. Storm Water Drain No. 275 to serve Falcon Falls 3rd Addition (north of 45th Street North, west of Hillside). (District I) - \$1,063,700.00

Motion--carried

Brewer moved that the file be received. Motion carried 6 to 0.

PETITION

RENOVATE BUILDING FACADE AT THE NORTHEAST CORNER OF HARRY AND BROADWAY. (DISTRICT III)

Agenda Report No. 07-0551

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics for buildings along Douglas, between Seneca and Washington, and provide an incentive for businesses to improve their property. On August 1, 2006, the City Council expanded the program boundaries to include the Downtown Self Supporting Municipal Improvement District and other areas. Up to two facades per building can be improved with 25% of the cost up to \$15,000 per facade in the form of a forgivable loan. Mid-block buildings are limited to \$10,000 and one facade. The owner of a building located at the northeast corner of Harry and Broadway has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

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The project has received approval of the Design Council. The building location does not require approval of the Design Review Committee of the Historic Preservation Board.

The existing building is a one story mixed-use commercial building. The facade project will install a new exterior finish, awnings and lighting. Windows and doors will be repaired/replaced as needed.

The project budget is \$91,500 with \$68,625 paid by special assessments and \$22,875 as a forgivable loan. The City Council has allocated \$761,000 for the forgivable loan component of the Facade Program. With the approval of this project, \$448,268 will be available for future projects.

This project addresses the Vibrant Neighborhood goal by facilitating improvements to a privately owned building in the South Broadway area.

State Statutes provide the City Council authority to use special assessment funding for the project.

Motion--
--carried

Brewer moved that the Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-349

Resolution of findings of advisability and resolution authorizing design and reconstruction of a facade at Harry and Broadway to be improved and eliminate exterior code deficiencies north of Harry, east of Broadway) 472-84563 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

PETITION

CONSTRUCT A SANITARY SEWER FOR SOUTHWEST PASSAGE ADDITION, SOUTH OF PAWNEE, WEST OF 119TH STREET WEST. (DISTRICT IV)

Agenda Report No. 07-0552

On January 9, 2007, the City Council approved a Petition to construct a Sanitary Sewer for Southwest Passage Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located south of Pawnee, west of 119th St. West.

The existing Petition totals \$119,000 with the total assessed to the improvement district. The new Petition totals \$169,000 with the total assessed to the improvement district.

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

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

Motion--
--carried

Brewer moved that the new Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-350

Resolution of findings of advisability and resolution authorizing construction of Lateral 12, Main 6, Cowskin Interceptor Sewer (south of Pawnee, west of 119th St. West) 468-84228 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

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STREET CLOSURE **CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures to consider.

AUBURN HILLS **SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING IN AUBURN HILLS 16TH ADDITION, SOUTH OF MAPLE, EAST OF 151ST STREET WEST. (DISTRICT V)**

Agenda Report No. 07-0553

The City Council approved the paving improvements in Auburn Hills 16th Addition on February 13, 2007. On April 10, 2007 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

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

Payment to Baughman will be on a lump sum basis of \$14,230 and will be paid by special assessments.

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

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

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

MEADLOWLAKE **SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING IN MEADLOWLAKE BEACH ADDITION, WEST OF CLIFTON, NORTH OF 63RD STREET SOUTH. (DISTRICT III)**

Agenda Report No. 07-0554

The City Council approved the storm water drainage improvements in Meadowlake Beach Addition on February 27, 2007. On April 24, 2007 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

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

Payment to Baughman will be on a lump sum basis of \$31,110 and will be paid by special assessments.

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

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

Motion--
--carried

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

TYLER'S LANDING

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING IN TYLER'S LANDING THIRD AND TYLER'S LANDING COMMERCIAL ADDITIONS, SOUTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V).

Agenda Report No. 07-0555

The City Council approved the storm water sewer improvements in Tyler's Landing 3rd & Tyler's Landing Commercial Additions on January 9, 2007. On March 6, 2007 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

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

Payment to Baughman will be on a lump sum basis of \$14,360 and will be paid by special assessments.

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

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

Motion--
--carried

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

BRIDGES

STRUCTURAL INVENTORY AND APPRAISAL OF 265 BRIDGES.

Agenda Report No. 07-0556

Every two years, the Federal Highway Administration and the Kansas Department of Transportation (KDOT) require the Structural Inventory and Appraisal of all bridges and box culverts maintained by the City of Wichita. The City's previous inspection report was submitted in 2004. The inspections are required to maintain eligibility for Federal funding for bridge repair and replacement projects, to aid in developing and performing maintenance programs and to prioritize projects for maintenance and Capital Improvement funding.

On January 10, 2007, the Staff Screening and Selection Committee selected Professional Engineering Consultants, P.A. (PEC) to provide the inspection report for 2007. KDOT approved of the selection and prepared a 3-party Agreement between KDOT, the City and PEC.

The estimated cost is \$60,000 with \$14,500 paid by the City and \$45,500 paid by Federal transportation grants administered by the KDOT. The funding source for the City share is General Obligation Bonds. The payment to PEC will on a cost plus basis not to exceed \$56,814.

This project addresses the Efficient Infrastructure goal by providing needed inspection of all bridges and box culverts maintained by the City.

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The Agreement and Authorizing Ordinance have been approved as to form by the Law Department.

Motion--
--carried

Brewer moved that the project be approved; the Resolution adopted; the Agreement approved; and the signing of State/Federal agreements as required authorized. Motion carried 6 to 0.

ORDINANCE

An ordinance of the City of Wichita, Kansas authorizing the issuance of its General Obligation Bonds to pay a portion of the costs of a city-wide structural inventory and appraisal of 265 bridges (472-84564); and authorizing and providing for the issuance of temporary improvement notes of the city from time to time as funds are needed for such purpose, introduced and under the rules laid over.

EASEMENT

EASEMENT ENCROACHMENT AGREEMENT FOR A DRAINAGE EASEMENT IN LOT 1, BLOCK 1, OAK CLIFF ESTATES FOURTH ADDITION, NORTH OF MAPLE, WEST OF MAIZE ROAD. (DISTRICT V)

Agenda Report No. 07-0574

An Agreement has been prepared to formally permit AIS; L.L.C. to occupy and construct improvements on, over, and across a platted drainage easement described as being located in Lot 1, Block 1, Oak Cliff Estates 4th Addition and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a building, parking and sidewalk with the building and sidewalk encroaching six feet into said above easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said drainage structures lying within the easement and from claims from replacement or upgrade of drainage structures.

No cost to City.

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

The Law Department has approved the Agreement as to form.

Motion--
--carried

Brewer moved that the Agreement be approved and the Mayor authorized to sign. Motion carried 6 to 0.

CONTRACTS

CONTRACTS AND AGREEMENTS FOR MAY 2007.

Motion--carried

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

SENIOR MANAGE

SENIOR MANAGEMENT EXPENDITURES FOR THE MONTH OF APRIL 2007.

Motion--carried

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

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CDBG

CDBG-BUDGET ADJUSTMENT. (DISTRICTS I, III, IV, AND VI)

Agenda Report No. 07-0557

On April 3, 2007, the City Council approved funding allocations detailed in the required HUD 2007/2008 Annual Action Plan (the fourth year of the City's 5-Year Consolidated Plan). Initially staff did not expect to have funding available for the Public Services - Youth Recreation and Enrichment category. However, Final appropriations from HUD netted more than expected and it was determined to reinstate funding for this program.

A Request for Proposals for Youth Recreation and Enrichment was issued on April 10, 2007 with a submission deadline of May 11, 2007. Two proposals were submitted. The Grants Review Committee reconvened on May 22, 2007 to hear proposers' presentations and conduct a public hearing. No public comments were received.

The 2007/2008 Annual Action Plan covers the period July 1, 2007 through June 30, 2008 and was received by HUD on the required due date of May 17, 2007. The Plan includes the Public Services - Youth Recreation & Enrichment category with an allocation of \$100,000. Although no delegate agency was identified prior to submission of the Plan, no amendment is required because the category was included.

The Grants Review Committee reviewed the proposals, heard presentations, and recommended the full \$100,000 be granted to the Greater Wichita YMCA. This recommendation is based on services to be provided, number of persons to be served, cost analysis, and the organization's overall experience working with middle school youth.

Support a Dynamic Core Area and Vibrant Neighborhoods.

Funding for this service is an eligible activity and funding was included in the One Year Action Plan.

Motion--carried

Brewer moved that the allocation to the YMCA be approved. Motion carried 6 to 0.

CDBG

CDBG-COMMUNITY HOUSING SERVICES BUDGET ADJUSTMENT. (DISTRICTS I AND VI)

Agenda Report No.07-0558

On February 6, 2007, the City Council approved re-allocation of \$126,476.73 in CDBG funds to Community Housing Services to initiate a special housing repair program to complement StopBlight efforts.

The StopBlight Program is a joint effort between multiple City departments to reduce substandard housing and blight at scattered sites throughout the city of Wichita. A property is blighted when it is deteriorating and/or hazardous to the public or neighboring property, resulting in a distressed neighborhood. This program will focus on boarded up and/or abandoned buildings as well as other problem properties.

Under this program, Community Housing Development Organizations (CHDOs) and other developers can elect to acquire and rehabilitate blighted properties to increase quality affordable housing stock for low to moderate-income individuals and families, as well as market rate housing. CHDOs and/or other developers will be given specific timeframes to complete renovations, but deadline extensions can be granted provided effort is being made to restore the property.

Funds will be used to cover costs associated with compliance with all federal regulations and can include, but are not limited to, financial feasibility reviews, title searches, construction inspections, environmental review, acquisition, demolition, rehabilitation, reconstruction, architectural design, site

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improvement, maintenance, developer fees and marketing for sale properties. Program income generated by property sales will be properly allocated to allow for program continuation.

Initial review of the Community Housing Services budget showed an account balance of \$126,476 and the Council-approved contract was drafted for that amount. However, subsequent to that action, staff discovered additional funds which were available from loan repayments received from CHS, and a prior year account balance, which brings the total available for this contract, to \$154,144.41. Staff recommends increasing the CHS contract budget to \$154,144.41. All funds will be used to initiate the Hazardous Housing Prevention/Elimination Program (StopBlight).

Support a Dynamic Core Area and Vibrant Neighborhoods

This budget adjustment exceeds \$10,000, requiring City Council approval.

Motion--
--carried

Brewer moved that the budget adjustment to add the \$27,668.41 difference to the contract be approved and the necessary signatures authorized. Motion carried 6 to 0.

FOOD SERVICES

RENEWAL OF FOOD SERVICE ESTABLISHMENT INSPECTION CONTRACT WITH THE KANSAS DEPARTMENT OF AGRICULTURE.

Agenda Report No. 07-0559

The Environmental Services Department conducts inspections of food service establishments within Wichita and Sedgwick County on behalf of the Kansas Department of Agriculture and the Kansas Department of Health and Environment. KDHE licenses most restaurants and other food service establishments, while KDA licenses food service operations in retail grocery stores (delicatessens, salad bars, convenience store ready-to-eat food, etc.) Local staff enforces state regulations and utilize state enforcement mechanisms as appropriate. KDA and KDHE remit eighty percent of license revenue (as established by Kansas statute) to the City, and provide enforcement assistance and training for local staff. KDA has proposed renewal of their contract for state fiscal year 2007. (The Council previously approved renewal of the KDHE contract, on May 22, 2007.)

Contract inspections by local entities reduce duplication of effort, provide a single source of contact for industry and citizens, and contribute substantially to local food protection budgets. The use of Kansas regulations and enforcement procedures promotes consistency with other jurisdictions within the state.

Staff estimates the value of this contract at approximately \$ 41,000 annually. The recently approved KDHE contract will yield an additional \$ 318,000 annually, and approximately \$42,000 is projected from the sale of City grocery and food processor licenses.

The requested approval supports the "Safe and Secure Community" goal by improving environmental health and community safety. Inspection, education, and enforcement actions under the contract reduce the risk of food borne illness.

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

Motion--
--carried

Brewer moved that the contract with the Kansas Department of Agriculture be approved and the appropriate signatures authorized. Motion carried 6 to 0.

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HEALTHY PEOPLE CENTERS FOR DISEASE CONTROL GRANT APPLICATION-HEALTHY PEOPLE AND HEALTHY COMMUNITIES THROUGH IMPROVED ENVIRONMENTAL HEALTH SERVICE.

Agenda Report No. 07-0573

The City's Environmental Services (ES) database identifies 1,323 for environmental code enforcement cases at the end of 2006 for Wichita Police Department (WPD) Beats 43 and 44. This area is encompassed by the following street boundaries: Hillside on the east, Hydraulic on the west, 21st Street on the north, and Central Avenue on the south. This small, northeast area of Wichita had more environmental code cases in 2006 than all of Council District 2 (859) or Council District 5 (1,008) during the same 2006 period. There are similar statistics (large number of cases) for the same two police beats indicating poor housing conditions as well as abandoned and neglected buildings that Office of Central Inspection maintains in its database for 2006. WPD Beats 43 and 44 have been the focal point of many health studies and surveys indicating high rates of hypertension, asthma, diabetes, etc. This area consists of significantly older housing stock that can impact children with higher than normal lead in blood levels. The racial and ethnic composition of the northeast part of Wichita is approximately 23.5 % white, 55.4% black, 18.8% Hispanic, and 2.3% other racial and ethnic categories.

The Centers for Disease Control (CDC) grant request, "Healthy People and Health Communities through Improved Environmental Health Service" states that since racial and ethnic minorities are disproportionately poor, tend to have relatively poorer health and health outcomes, and have greater challenges to accessing appropriate health care and resources; a community may tend to have more environmental issues and concerns. Therefore, if environmental risk factors are targeted for improvement then it stands that the living and health conditions of a targeted area will experience health and environmental health improvements. Grant requirements include providing summaries of information indicating that the project area has been evaluated for health and environmental health disparities. Environmental Services Department determined that these two WPD Beats fit the requirements of the CDC grant offering and are of sufficient size to achieve success with the proposed grant funding allocation. Therefore, the Environmental Services Department submitted a CDC grant application on May 31, 2007.

The grant application deadline was June 1, 2007. Under authority of City of Wichita Administrative Regulation No. 2.4, the City Manager is authorized to sign the grant application where delay would invalidate the grant application. A grant application was prepared in accordance with CDC requirements and submitted on May 31, 2007 for environmental health improvement activities for the WPD Beats 43 and 44 areas.

Environmental Services Department requests authorization to apply for the CDC's "Healthy People and Health Communities through Improved Environmental Health Service."

It is proposed that one environmental quality specialist would be hired as a limited term employee to develop a holistic and systems approach to providing environmental health services to the WPD Beats 43 and 44 area, a small community that is disproportionately underserved for health and environmental health conditions. Environmental Services Department and other City departments would be utilized to further evaluate living conditions and to assist in prioritizing properties and providing focus for improvement. Mini-grants will be developed for property owners to procure services to restore their properties within environmental and housing code compliance as may be available from CDC grant funding. In return, property owners would be asked to perform community service or attend neighborhood meetings to offset service costs. Improvement of environmental health issues in this target area is one goal of the City's New Communities Initiative and several support letters were provided from the City's Housing Director; the Justice Center Council of State Governments; University of Kansas School of Medicine; Sedgwick County and Wichita Independent Neighborhood Association. Due to significant evaluation and reporting requirements, grant partners would be hired for certain functions including documentation of results. This project will serve as a pilot demonstration. If successful, similar strategies could be potentially used in additional areas of the City.

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Environmental Services Department is requesting CDC fund this project for \$134,340 for the initial year (FFY 2007) beginning approximately August 2007. Environmental Services Department has prepared the CDC grant application with plans to apply for two subsequent years for similar grant amounts, \$133,706 (FFY 2008) and \$133,836 (FFY 2009). The grant does not require matching funds from the City. No local funds are required.

This project supports two City goals, the "Safe and Secure Community" and "Core Area and Vital Neighborhoods", by improving health and environmental health in two City areas.

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

Motion--
--carried

Brewer moved that the grant application and the grant award be approved and the necessary signatures authorized. Motion carried 6 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 5, 2007)

- a. Amendment of a Redevelopment Plan and Development Agreement, Broadway and 47th Street Redevelopment District. (District IV)

ORDINANCE NO. 47-490

An ordinance adopting a first amendment to the project plan for the Broadway and 47th Redevelopment District. read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

- b. Amendments to Non-exempt Salary Ordinance to implement New Fraternal Order of Police Agreement.

ORDINANCE NO. 47-491

A ordinance providing for a uniform schedule of standard pay ranges for non-exempt employees of the City of Wichita, repealing Ordinance No. 47-320 be it ordained by the governing body of the City of Wichita, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

- c. Greenwich improvement, between Central and 13th Street. (District II)

ORDINANCE NO. 47-492

An ordinance declaring Greenwich Road, between Central and 13th St. North (472-84435) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said city main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

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- d. DR2005-21-Establish the AT/FP-O, Anti-Terrorism/Force Protection Overlay District on properties generally located south of Pawnee, west of Webb, north of 31st Street South and east of Oliver. (Districts II and III)

ORDINANCE NO. 47-493

An ordinance establishing the AT/FP-O anti-terrorism/force protection overlay district for certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

- e. A07-12R-Request by Charles and Connie Woodard, of Charles R and Connie L Woodard Trust, to annex land generally located north of 45th Street North and west of Hoover Road. (District VI)

ORDINANCE NO. 47-495

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita. read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer. (A07-12).

- f. A07-14R-Request by Eugene Vitarelli to annex land generally located southwest of the intersection at 127th Street East and Mount Vernon Road. (District II)

ORDINANCE NO. 47-496

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer. (A07-14).

UNFINISHED BUSINESS

CULTURAL FUND

FINAL REPORT FOR 2006 CULTURAL FUNDING.

(This item was moved and voted on under the Public Agenda)

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WIRELESS

CITY OF WICHITA, SEDGWICK COUNTY, AND USD 259 WIRELESS DATA NETWORK SERVICES.

Jim Norris

IT/IS Director reviewed the item.

Agenda Report No. 07-0561

In October of 2006, an RFP was released for solicitations by a provider to deploy a wireless network with the primary intent for WWNC members to lease high bandwidth services for both mobile units and fixed sites. The RFP also allowed proposers to identify if the resultant wireless network would be structured to provide free, retail and wholesale services to the business and residential community.

The IT/IS Department has been in correspondence with the Knight Foundation, whose purpose is to assist in the improvement of life in 26 communities where the brothers own a newspaper distribution. IT/IS would request permission to invite Jorge Martinez, the Director of Information Systems for the Foundation, to Wichita, to conduct a procedural evaluation of the entire wireless network RFP and vendor selection process. While present, IT/IS will also request that Mr. Martinez conduct a workshop for the USD School Board, the County Commission and the City Council on the results of his findings and the current state of municipal wireless networks in general.

The new RFP for mobile equipment will be multi-platform and interoperable. The purpose of the RFP is to demonstrate project progress to Federal agencies to safeguard federal grant monies.

The City of Wichita IT/IS Department will absorb all cost for the Knight Foundation's participation.

This project addresses the Internal Perspective goal by influencing the following indicators: Improve Technology Efficiencies and Increase Productivity.

Council Member Longwell Council Member Longwell stated he thinks this is the right direction to go in right now and feels there are still issues that are unresolved and when we are looking at going out and experiencing a WIFI network, we are not quite there yet to be able to experience that on a scale that we would like to see. Stated he is not sure if we are back to the drawing board but this workshop gives him more comfort where we can bring some people together to pursue a path and not go all the way back to square one. Stated he is also comfortable with trying to capture some of these dollars in a way that we can upgrade our public transportation system that he feels will have some real benefits. Stated he is comfortable in the direction that we are now heading even though it seems like we are still dragging our feet a little bit.

Council Member Schlapp Council Member Schlapp stated she agrees with Council Member Longwell and feels it is the right thing to do some of these things but she does not want to hear in a couple of months that we made this investment and now we need to go ahead. Stated if this is somehow causing something else to happen automatically, then she does not want to play. Stated but if it is something that the City needs to have and helps us to continue to get the grant money and it is things that we can use, that are fine. Stated she has had some struggles with this RFP process and she is not agreeing to any RFP at this time or in agreement that we are going to do wireless but she does feel that we can proceed and in her mind one is not hinged on the other at this time.

Mayor Brewer

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

Council Member Longwell Council Member Longwell stated under the recommended action it is asking that the Council approve the development of an RFP centered on what we discussed, such as some of the equipment we can put on our public transportation to meet ADA requirements. Stated he agrees with Council Member Schlapp and is not ready to take that next step to start a whole new RFP process at this time but does want to move forward on some of those issues and thinks there may be some other things we can plug into that as we are developing that RFP. Stated as we are developing that, can Staff bring that back to Council long before it is taken out and will Council have an opportunity to sit down and formally help develop that RFP.

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- George Kolb City Manager stated there may be some confusion and Staff intended to develop the RFP for the equipment only, that would go into the vehicles or other locations where we are going to use wireless technology and is not sure what the purpose would be to bring the RFP back to Council just for the equipment. Stated it is not for the infrastructure or the system but for whatever technology is available and Staff would write the RFP for that equipment to be used specifically in City vehicles. Stated Staff would develop the RFP and it would be issued and vendors would bid on it but the award of that equipment would have to come back to the City Council. Stated at that time Council can decide whether to go forward or not. Stated Council can look at the RFP and participate in that process as Staff always offers to Council.
- George Kolb City Manager suggested that the recommended action be amended to include “and issuance of” after 2) the development of.
- Motion-- Brewer moved to approve the invitation to the Knight Foundation representative and approve the development of *and issuance of* an RFP in the purchase and deployment of industry standard equipment on City of Wichita vehicles to bring them into compliance with the Federally mandated ADA requirements. Motion carried 6 to 0.
- carried

NEW BUSINESS

PMI PUBLIC HEARING AND ISSUANCE OF HEALTH CARE FACILITIES REFUNDING AND IMPROVEMENT REVENUE BONDS, PRESBYTERIAN MANORS, INC. (DISTRICTS I AND VI)

Allen Bell Economic Development Administrator reviewed the item.

Agenda Report No. 07-0562

Since 1990, the City of Wichita has issued refunding and improvement revenue bonds for the benefit of Presbyterian Manors, Inc., a Kansas not-for-profit corporation, to finance or refinance PMI facilities located throughout Kansas. Through a series of inter-local agreements, the City of Wichita has agreed to serve as a “host” bond issuer in order to facilitate consolidated financings of PMI facilities in Kansas. As a result of this financing arrangement, PMI moved its corporate headquarters to Wichita, at 6525 E. Mainsgate. There is a Presbyterian Manor residential facility at 4700 W. 13th Street.

On May 1, 2007, City Council approved a Letter of Intent to issue Health Care Facilities Refunding and Improvement Revenue Bonds in the amount not-to-exceed \$28,000,000, to finance and refinance facilities for the benefit of Presbyterian Manors, Inc (“PMI”). Bond proceeds will be used primarily to refinance currently existing debt and pay costs of issuance. A smaller portion of the bonds will be used to construct improvements for the PMI Kansas facilities located in Arkansas City, Clay Center, Emporia, Ft. Scott, Kansas City, Lawrence, Newton, Parsons, Salina, Topeka and Wichita. The company is now requesting the City to issue its Health Care Facilities Refunding and Improvement Revenue Bonds in the amount not-to-exceed \$28,000,000.

PMI is a Kansas not-for-profit corporation, and its predecessors have operated Presbyterian Manors facilities for more than 58 years. PMI owns and operates 16 retirement facilities in Kansas and Missouri, which have an aggregate of 1,472 licensed adult care beds and 576 additional retirement units. PMI was organized to operate retirement communities and independent living centers, provide other long-term care services for older individuals and disabled persons, and offer accommodations and services especially designed to meet the physical, social, spiritual and psychological needs, and to contribute to the health, security, sense of well-being and usefulness of older individuals and disabled persons.

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Bond proceeds will be used primarily to refinance currently existing debt and pay costs of issuance. A smaller portion of the bonds will be used to construct improvements for the PMI Kansas facilities located in Arkansas City, Clay Center, Emporia, Ft. Scott, Kansas City, Lawrence, Newton, Parsons, Salina, Topeka and Wichita.

An estimated analysis of the uses of project funds is:

USES OF FUNDS

Refunding of Existing Bonds	\$15,207,714
New money capital project	9,855,000
Debt service reserve fund	2,500,000
Costs of issuance including underwriter's discount	434,095
Contingency for other potential costs	<u>3,191</u>
Total cost of Refinancing Project	\$28,000,000

Ziegler Capital Markets Group, a division of B.C. Ziegler and Company in Chicago, Illinois, has agreed to underwrite the bonds. The firm of Kutak Rock LLP serves as bond counsel in the transaction. Presbyterian Manor, Inc. agrees to comply with the Standard Letter of Intent Conditions.

Presbyterian Manor, Inc., agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Presbyterian Manor, Inc., does not request property tax abatement in conjunction with the IRBs.

Economic Vitality and Affordable Living. This financing arrangement helps secure PMI as a statewide corporate headquarters in Wichita.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. The public hearing held in conjunction with this item is intended to comply with the TEFRA Hearing requirement in the federal tax code for tax-exempt bonds. Cities with PMI facilities financed or refinanced by the proposed bond issue will have held TEFRA hearings and approved interlocal agreements prior to the issuance of the bonds.

In addition to authorizing the issuance of the Series 2007 Revenue Bonds, the bond ordinance also authorizes the release of the Hutchinson facility and hereby waives the notice requirements as set forth in the Lease.

Mayor Brewer

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

Motion--

Fearey moved that the public hearing be closed; first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Health Care Facilities Refunding and Improvement Revenue Bonds to Presbyterian Manor, Inc., in an amount not-to-exceed \$28,000,000; 2 be approved; the Bond Purchase Agreement be approved; the purchase option be approved; and the necessary signatures authorized. Motion carried 6 to 0.

--carried

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ORDINANCE

An ordinance authorizing the City of Wichita, Kansas to issue its health care facilities refunding and improvement revenue bonds, series iii, 2007 (Presbyterian Manors, Inc.) in the aggregate principal amount of not to exceed \$28,000,000 for the purposes of refunding certain outstanding City of Wichita, Kansas bonds and paying the cost of renovating, expanding and/or equipping certain health care facilities; prescribing the form and authorizing execution of a ninth supplemental bond indenture by and between the city and the Bank of New York Trust Company, N.A., as bond trustee; prescribing the form and authorizing the execution of an eighth supplemental lease agreement by and between Presbyterian Manors, Inc. and the city; approving the form of the guaranty agreement to be executed in connection with the issuance of said bonds; authorizing execution of a tax compliance agreement by and among the issuer, the bond trustee and Presbyterian Manors, Inc.; authorizing execution of an escrow deposit agreement by and among the issuer, the Bank of New York Trust Company, N.A., as escrow trustee, and Presbyterian Manors, Inc.; authorizing the execution of a bond purchase agreement by and between the city, Presbyterian Manors, Inc. and Ziegler Capital Markets, as underwriter of the bonds; authorizing the issuer to convey title to a certain portion of the facilities; authorizing execution of a special warranty deed; authorizing a partial release of lease to effect the release of said portion of the facilities; and authorizing the execution of all such other documents necessary to convey title to said portion of the facilities to Presbyterian Manors, Inc., introduced and under the rules laid over.

RESOLUTION

RESOLUTION CONSIDERING THE ADOPTION OF A REDEVELOPMENT PLAN, TAX INCREMENT FINANCING, CENTER CITY SOUTH REDEVELOPMENT DISTRICT, (DISTRICTS I AND VI)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0563

On May 8, 2007, the City Council adopted an ordinance establishing a redevelopment district in the area of Douglas and Market, known as the Center City South Redevelopment District, for the purpose of providing tax increment financing (TIF) to pay a portion of the costs of a redevelopment project in that area. The next step in establishing the legal authority to use tax increment financing is the adoption by the City Council of a redevelopment project plan, which provides more detailed information on the proposed project and how tax increment financing would be used, and demonstrates how the projected increase in property tax revenue will amortize the costs financed with tax increment financing.

Similar to the process for establishing the TIF district, adoption of the TIF project plan also requires a public hearing to be held by the City Council, following the giving of proper notice, prior to adopting an ordinance that approves the project plan. The action needed to set the public hearing is by adoption of a resolution.

Real Development LLC, a real estate developer based in Minneapolis MN, has provided the details of a redevelopment project in the Douglas and Market area, called the Exchange Place Project. This project includes construction of a multi-story parking structure and conversion of two vacant high-rise buildings into a condominium complex consisting of residential condo units, residential parking spaces and ground floor retail space. The Project Plan has been prepared in consultation with the Wichita-Sedgwick County Metropolitan Planning Commission, which has made a finding that the project is consistent with the Comprehensive Plan for development of the area. The date of July 17, 2007 at the regular City Council meeting is proposed for the public hearing on the Exchange Place Project Plan.

If adopted by the City Council, the resolution calling for the public hearing will be sent to the owners and occupants of all property located within the Center City South Redevelopment District, by certified mail. The resolution includes a map that shows the boundaries of the redevelopment district and project area. The resolution will also be published in the Wichita Eagle and copies will be provided to the Board of County Commissioners and Board of Education.

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After closing the public hearing on July 17th, the City Council may adopt the Project Plan by ordinance, by two-thirds majority vote. Once adopted, the City will be authorized to use tax increment financing to finance eligible project costs. However, any expenditure of public funds on any project costs will be governed by the terms of a development agreement to be approved by the City Council, and all other necessary proceedings governing the expenditure of public funds.

All costs of reproducing, mailing and publishing the resolution will be paid from the City's Economic Development Fund and will be ultimately reimbursed from the proceeds of tax increment financing.

Economic Vitality and Affordable Living and Quality of Life. Redevelopment of declining areas is needed to avoid economic stagnation.

The Resolution 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--
--carried

Fearey moved that the resolution be adopted and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-352

A resolution stating the City of Wichita is considering the adoption of a redevelopment project plan for the Center City South Redevelopment District, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

PLANNING AGENDA

Council Member Schlapp

Council Member Schlapp stated she cannot vote on item 20 due to a conflict of interest.

Gary Rebenstorf

Director of Law explained that this is only a legislative decision and assuming that Council Member Schlapp has put down on her disclosure statement that she is working for the Country Club, this would not be a conflict of interest for her under the state law.

Motion--
--carried

Brewer moved to approve Planning Consent items 20-25 in accordance with the recommended action shown thereon. Motion carried 6 to 0.

SUB2007-13

SUB2007-13-PLAT OF WICHITA COUNTRY CLUB SECOND ADDITION, LOCATED ON THE SOUTH SIDE OF 13TH STREET NORTH AND EAST OF ROCK ROAD. (DISTRICT II)

Agenda Report No. 07-0565

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 41.61 acres, is located within Wichita's city limits and is zoned "SF-5" Single-family Residential District.

City water and sewer services are available to serve the site.

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

Ensure Efficient Infrastructure.

Motion--
--carried

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

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SUB2007-17

SUB2007-17-PLAT OF SAVINA FIFTH ADDITION LOCATED NORTH OF 29TH STREET NORTH AND WEST OF BROADWAY. (DISTRICT VI)

Agenda Report No. 07-0566

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of 38 lots on 6.56 acres, is a replat of Savina 4th Addition. This site is located within Wichita's city limits and is zoned "MF-29" Multi-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water and paving improvements. Restrictive Covenants have been submitted to provide for the ownership and maintenance responsibilities of the proposed reserves and to provide two off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street. Due to the platting of 32-foot streets, a Restrictive Covenant has been submitted limiting the site to single-family development. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements, a Restrictive Covenant has also been submitted outlining restrictions for lot-owner use of these easements.

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

Ensure Efficient Infrastructure.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved that the documents and plat be approved; the necessary signatures approved; and the Resolutions adopted. Motion carried 6 to 0.

RESOLUTION NO. 07-353

Resolution of findings of advisability and resolution authorizing construction of water Distribution System Number 448-90302 (north of 29th St. North, west of Broadway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-354

Resolution of findings of advisability and resolution authorizing construction of Lateral 150, Main 4, Sanitary Sewer No. 23 (north of 29th St. North, west of Broadway) 468-84370 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-355

Resolution of findings of advisability and resolution authorizing constructing pavement on the north half of 32nd St. North from the west line of Lot 11, Block A, East to the east line of Jackson St. (north of 29th St. North, west of Broadway) 472-84566 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

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RESOLUTION NO. 07-356

Resolution of findings of advisability and resolution authorizing constructing pavement on Jackson St. from the north line of 32nd St. North, north to the south line of 33rd St. North; on Jackson Ct. (Lots 1 through 8, Block B and Lots 1 through 7, Block C) from the east line of Jackson St., east to and including the Cul-de-Sac; on Jackson Ct. (Lots 8 through 12, Block C and Lots 1 through 4, Block D) from the east line of Jackson St., east to and including the Cul-de-Sac; and on 32nd Cir. north from the east line of Jackson St., east to and including the turnaround (north of 29th St. North, west of Broadway) 472-84567 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

VAC2000-00044

VAC2000-00044-REQUEST TO VACATE A PLATTED ALLEY GENERALLY LOCATED BETWEEN 9TH STREET AND 10TH STREET BETWEEN MOSLEY AVENUE AND MEAD AVENUE. (DISTRICT VI)

Agenda Report No. 07-0567

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicant is requesting consideration for the vacation of the platted alley located between Lots 1-20, Block 1, the Parmenters 3rd Addition; Lots 2-24 (even) and Lots 9-23 (odd) in the Stover's Addition; and Lot 5, White's Subdivision of Stovers Addition. The applicant owns all abutting lots and property, thus there are no access issues nor will the vacation create a dead-end alley. There is a sewer line and manholes in the alley; the alley will be retained as a utility easement. The Parmenters 3rd Addition was recorded with the Register of Deeds on February 3, 1887. The Stover's Addition was recorded with the Register of Deeds on November 11, 1883. The White's Subdivision of Stovers Addition was recorded with the Register of Deeds on May 15, 1887.

The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

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

Motion--
--carried

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

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VAC2007-00004

VAC2007-00004-REQUEST TO VACATE A RECORDED PLAT LOCATED APPROXIMATELY 1/4 MILE SOUTH OF CENTRAL AVENUE ON THE WEST SIDE OF GREENWICH ROAD. CITY OF WICHITA THREE-MILE RING SUBDIVISION JURISDICTION, SEDGWICK COUNTY. (DISTRICT II)

Agenda Report No. 07-0568

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicant is requesting consideration for the vacation of the nine (9) lots, easements, setbacks and street right-of-way (ROW) that is recorded in the Barth Addition. The applicant is not requesting the vacation of the dedicated 40-foot wide Greenwich Road ROW recorded on the Barth Addition or any Greenwich ROW dedicated by separate instrument. The Barth Addition was platted for residential development, but was never developed for that use. The site is currently part of the grounds/facilities of the Raytheon/Beechcraft aircraft company, with a portion of it used as paved parking. There is a private sewer line and manholes running diagonally, northwest to southeast, through approximately half of the plat. There are no franchised utilities, public manholes, sewer or water lines located in the plat. The Barth Addition was recorded with the Register of Deeds on August 2, 1951. The site is located in Sedgwick County, and surrounded by the City of Wichita, thus the 3-mile ring process will apply.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed. Because this vacation case is located in Sedgwick County, but within the City of Wichita's 3-mile ring subdivision jurisdiction, consideration and final action by both the Wichita City Council and the Sedgwick County Board of County Commissioners is required

Ensure efficient infrastructure.

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

Motion--
--carried

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

VAC2007-00010

VAC2007-00010-REQUEST TO VACATE A PORTION OF A PLATTED RESERVE AND ITS RESTRICTIONS OF USES; GENERALLY LOCATED SOUTH OF 21ST STREET NORTH AND WEST OF WEBB ROAD. (DISTRICT II)

Agenda Report No. 07-0569

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicants are requesting consideration for the vacation of the portions of the platted Reserve T that abuts the west, back yard lot line of Lot 8, Block 8, Wilson Farms Addition, and the restriction of uses in the plat's text for the platted reserve to allow "SF-5" Single-family Residential uses. The uses that Reserve T has been set aside for include open space, landscaping, lighting, irrigation and construction and maintenance of public drainage and lakes. The plat's text also states that Reserve T shall be owned and maintained by the homeowner's association. The homeowner's association has already sold the described portions of the Reserve to the applicants. There are no utilities, manholes, sewer or water lines in the reserve. The Wilson Farm Addition was recorded with the Register of Deeds on July 15, 1997.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

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Ensure efficient infrastructure.

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

Motion--
--carried

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

VAC2007-00013

**VAC2007-00013-REQUEST TO VACATE A PORTION OF A PLATTED SETBACK
GENERALLY LOCATED EAST OF HILLSIDE AVENUE AND NORTH OF MURDOCK
AVENUE. (DISTRICT I)**

Agenda Report No. 07-0570

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicant proposes to vacate that portion of the platted 20-foot street side yard setback that generally runs parallel to the dead end of Holyoke Avenue. The Unified Zoning Code's minimum street side setback for the site's "B" Multi-family Residential zoning district is 5-feet. Because of the site's location on the dead end portion of Holyoke, the compatibility setback standards do not apply. There is a platted easement that runs through the platted setback and a water line within the easement; the easement will be retained. No other utilities are within the setback. The Wesley Medical Center 5th Addition was recorded with the Register of Deeds on April 1, 1993.

The MAPC voted (8-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

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

Motion--
--carried

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

AIRPORT AGENDA

Motion--
--carried

Brewer moved that the Airport Consent items 26 and 27 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0.

ELITE SHUTTLE

AGREEMENT-ELITE SHUTTLE, INC.

Agenda Report No. 07-0571

The Airport has received a request from Elite Shuttle Inc. to provide limousine service to and from Wichita Mid-Continent Airport.

The limousine service would be an enhancement to the existing ground transportation services provided to the users of Mid-Continent Airport. In order to provide services on the Airport, it will be necessary for Elite Shuttle, Inc. to enter into an agreement with the Wichita Airport Authority, and to obtain approval of a Certificate of Public Convenience and Necessity.

Revenue to the Airport will be \$50 per month for the opportunity to do business on the airport, in addition to a phone charge of \$50 per month.

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The Airport's contribution to the economic vitality of Wichita is promoted through providing enhanced services for users of Mid-Continent Airport.

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

Motion--
--carried

Brewer moved that the Agreement and the Certificate of Public Convenience and Necessity be approved and the necessary signatures authorized. Motion carried 6 to 0.

TAXIWAY A

COLONEL JAMES JABARA AIRPORT, TAXIWAY A AND APRON-DRAINAGE STUDY.

Agenda Report No. 07-0572

The airfield paving projects are included in the Capital Improvement Program.

Pending tenant development requires the construction of airfield pavements. The Staff Screening and Selection Committee selected Professional Engineering Consultants to conduct a drainage study for this project.

The contract with Professional Engineering Consultants for the drainage study is \$15,934. The total project cost is estimated to be \$1,040,000. Subsequent supplemental agreements will address the design and construction phases of the project. Ultimate funding is expected to be from AIP Federal Grant funds and General Obligation bonds paid for with Airport Revenue.

The Airport's contribution to the economic vitality of Wichita is promoted through the development of additional pavements to serve the aviation community.

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

Motion--
--carried

Brewer moved that the contract be approved; the resolution adopted; the capital budget approved and the necessary signatures contingent on FAA approval authorized. Motion carried 6 to 0.

CITY COUNCIL

DISTRIC I BALLOT

BALLOT SELECTION FOR DISTRICT I CITY COUNCIL MEMBER.

(This item was moved and voted on under the Public Agenda)

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Gray

Council Member Gray requested that following persons be appointed: Mechanical Board-Ray Fredrick, Carl Hanna, Frank Rash, David Hughes, Gary Highfill, Rand Holm; Board of Electrical Appeals-Dale Johnson, John Whittit, Harrold Ragland, Dave Urban, Shane Chapman, Ron Meinhardt; and there is a vacancy there to be filled; Board of Appeals of Plumber and Gas Fitters-Terry Irwin, Richard Tade, David Leffler, Leon Breadlove, Don Vaugh, Sr, Keith Brewer; and to the Board of Code Standard and Appeals-Fransico Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, John Youle and there is one vacancy that needs to be filled.

Council Member Schlapp

Council Member Schlapp requested the following person be appointed: DAB II-Daryl Crotts, Sarah DeVries, Larry Frutiger, Tim Good pasture, Joe Johnson, David Mollhagen, Phil Ryan, Marty Weeks, Brian Carduff, Aaron Mayes, Max Weddle; Board of Code Standards and Appeals-Bernard Hentzen; Library Board-Nancy Ogle; Metropolitan Area Planning Commission- Don Anderson; Police & Fire Retirement Board of Trustees, David Moses; Wichita Access Advisory Board, Marty Rothwell; Wichita Employees Retirement Board, Don Boleski; Wichita Public Building Commission, Tim Goodpasture;

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Board of Zoning Appeals, Charlie Young; Park Board, Tom Roth; Historic Preservation Board, Rachelle Ablah Pulkila; and the Cultural Funding Committee, Susan Pompeo.

Council Member Fearey Council Member Fearey requested that Charlie Claycomb be appointed to the Public Building Commission.

Council Member Longwell Council Member Longwell requested that Dana Brown be appointed to DAB V.

Motion--carried Brewer moved to approve the appointments. Motion carried 6 to 0.

RECESS

EXECUTIVE SESSION:

Motion-- Brewer moved that the City Council recess into Executive Session at 12:47 p.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, legal advice, contract negotiations, and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 1:30 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 6 to 0.

RECONVENE

The City Council reconvened in the Council Chambers at 1:40 p.m. Mayor Brewer stated no action was taken.

Motion--carried Brewer moved to close the Executive Session at 1:40 p.m. Motion carried 5 to 0, (Skelton absent).

Motion--carried Brewer moved to adjourn the regular meeting at 1:41 p.m. Motion carried 5 to 0, (Skelton absent).

ADJOURNMENT

The meeting was adjourned at 1:41 p.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk