

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 8, 2007  
Tuesday, 9:07A.M.

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

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

Ruth Bradshaw, Plymouth Congregational Church, gave the invocation.

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

The Minutes of the regular meeting of May 1, 2007, approved 6 to 0.

## AWARDS AND PROCLAMATIONS

Proclamations

### Proclamations:

Mayor Brewer read aloud the following Proclamations:

- Music Week
- Arson Awareness Week.
- Riverfest XXXVI Week
- Tourism Week
- National Association of Letter Carriers Branch 201 Food Drive Day

Recognition

### Presentation of the Braille Flag.

Presentation

### Presentation of the 2006-2007 MiniMPA Certificates.

Recognition

### Recognition of Wichita State University' Women's Bowling Team.

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## PUBLIC AGENDA

Courtney Cloyd Courtney Cloyd-UPKeep Kansas, Inc.-Future of the property located at 2718 East 10th.  
Ms. Cloyd was not present.

Eric Henderson Eric Henderson-Possible alternative to public funded wireless network for the City.

Mr. Henderson stated he lives at 216 North Mosley, stated he read the article in last Saturday's newspaper, basically announcing to the whole world that we're going to have wireless internet here, and congratulates the city for moving in that direction. Stated he has a couple of concerns, namely the CIO, Jim Norris, was quoted as saying "there are no other vendors here locally who are working on this, and I believe that is inaccurate. States that he wants us to be aware that there are other people who have been trying to work with the City, that they have gone to different city departments to find out what assets are available, what other things we can do for a private network as opposed to a public network that is funded by the public, and that he is one of those individuals; and that he received calls yesterday because of his name being on this agenda, from two other individuals with companies that are in existence, here in town. Would encourage council to consider waiting a just a little bit longer and try to approach some of the companies that are here in town and find out what they have in their works before spending 1.2 million dollars of your money, and tying to a long-term contract, which would basically eliminate the possibility of a company like his or some of the other individuals to merge, to grow, or anything else. Would like Council's support in talking to some our city departments to find out what easement, or franchise requirements would be needed. Would request council open the doors to individuals in the community who actually have businesses that are going, and hear us out and see what we have planned, because he has a rather large network planned for Old Town and has access to private structures. After question from Council Member Skelton asking Mr. Henderson if he was aware of the cities' RFP and did he respond to that? Mr. Henderson stated that he did not respond, and there were certain reasons why he did not and he had made those reasons very clear to certain individuals in the city. Feels that there are items in the RFP that are kind of vague and general. Feels if RFP had been more specific, that they would have responses from other companies as well. Council Member Brewer asked City Manager Kolb if he could ask Staff to meet with Mr. Henderson to see what he actually has. Mr. Kolb stated that he would do that.

Rickie Coleman Rickie Coleman-Sunflower Community Action -Cameras in police cars.

Mr. Coleman stated that Sunflower fought a long battle last year, that they feel it's worth coming back for again. Knowing that the 2008 budget is coming up, he is encouraging council to put cameras in the police cars this year as it will take out of the doubt and will protect the citizens and the police. Stated there have been rumors and reports of racial profiling and police abuse and cameras will help in many of these cases. Urges council to put cameras in cars in the 2008 budget.

## CONSENT AGENDA

Motion-- Brewer moved that the Consent Agenda, except Items 9a and 16, be approved in accordance with the  
--carried recommended action shown thereon. Motion carried 6 to 0.

## **BOARD OF BIDS**

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 7, 2007

Bids were opened May 4, 2007, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.  
Westlakes Courts serving Lots 14 through 41, Block 4, from the south line of Westlakes Parkway to and including the cul-de-sacs to serve Fox Ridge Addition -north of 29th Street North, east of Maize. (472-84470/766119/490137) Does not affect existing traffic. (District V)

Kansas Paving Company - \$165,114.00

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Motion--

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

--carried

WATER DEPARTMENT/WATER DISTRIBUTION DIVISION: Waterwork Supplies.

Wichita Winwater Works - \$57,305.20\* (Group 1-Total base bid)  
Water Products Inc. - \$12,734.89\* (Group 2-Total base bid)  
HD Supply Waterworks - \$8,255.55\* (Group 3-Total base bid)  
Wichita Winwater Works - \$223,302.85\* (Group 4-Total base bid)  
Water Products Inc. - \$2,643.88\* (Group 5-Total base bid)  
HD Supply Waterworks - \$8,690.00\* (Group 6-Total base bid)  
Municipal Supply Inc. - \$14,979.00\* (Group 7-Total base bid)  
\*Estimate – Contract approved on unit cost basis;.

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Interior Modifications – 2607 North Ash.

Arambula Construction Co. Inc. - \$18,590.00 (Total bid)

WICHITA PUBLIC LIBRARY DEPARTMENT: Janitorial Services – Branch Libraries.

His & Hers Cleaning - \$33,156.05\* (Total bid)  
\*Estimate – Contract approved on unit cost basis.

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Football Field Development.

Spring Creek Services - \$38,864.00 (Alternate Bid #2)  
\$ 8,755.00 (Option 1)

WATER & SEWER DEPARTMENT/CUSTOMER SERVICE DIVISION: Two Seven Passenger Mini-Vans.

Parks Motor - \$46,020.00\*  
\*Purchases under Ordinance No. 35-856, Section 2.64.020 (d) - No Bids Received. In those instances when no bids have been received after formal advertising, the Purchasing Manager is authorized to negotiate those purchases subject to ratification and approval by the Governing Body.

IT/IS DEPARTMENT: Storage Area Network Replacement System/RQ700789-IT/IS Department Ninth Floor.

Dell - \$233,000.00 (Per State of Kansas Contract #07979)  
\*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

IT/IS DEPARTMENT: StorServer for Airport/RQ700791-IT/IS Department-Ninth Floor.

Dataedge - \$43,000.00 (Per State of Kansas Contract)  
\*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

Motion--

Brewer moved to receive and file report; approve Contracts; and authorize necessary signatures.  
Motion carried 6 to 0.

--carried

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## LICENSE

### APPLICATION FOR LICENSE.

<u>Renewal</u>	<u>2007</u>	
Gail R. Crump	GS Entertainment dba Adult Super Store	585 South Broadway

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

## CMBS

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

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Dzung Banh	KC Gas and Groceries #3	1955 South Washington

<u>New Operator</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Alfonso F. Amaro Sr.	Mexico Café*	555 West Douglas

<u>New Establishment</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Robert Potter	M&R Equipment Leasing* LLC dba R&S BBQ	206 West Kellogg

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

## PRELIMINARY EST.

### PRELIMINARY ESTIMATES:

- a. K-96 Bike Path, Trailhead Landscaping at Hillside Avenue south of K-96, west of Hillside (TE-254-01/472-84003/785008/706928/390140/205394) Does not affect existing traffic. (District ) - \$560,768.00
- b. Lateral 1, Main 22 Four Mile Creek Sewer to serve Brentwood South Addition north of Pawnee, east of Webb Road (468-84263/744205/480893) Does not affect existing traffic. (District II) - \$102,000.00
- c. Storm Water Drain #301 to serve Southwest Passage Addition south of Pawnee, west of 119th Street West (468-84230/751434/485325) Does not affect existing traffic. (District IV) - \$158,000.00
- d. Water Distribution System to serve Northgate Addition north of 53rd Street North, west of Meridian (448-90242/735349/470022) Does not affect existing traffic. (District VI) - \$160,000.00
- e. Storm Water Drain #318 to serve Krug South Addition south of 21st Street North, west of 143rd Street East (468-84323/751439/485330) Does not affect existing traffic. (District II) - \$400,000.00
- f. Flutter Lane/24th Street from the north line of 21st Street to the west line of Lot 1, Block 2; Boxthorn from the east line of Flutter Lane/24th Street to the east line of Lot 2, Block 3; Camden Chase, from the east line of Flutter Lane/24th Street to the east line of Lot 2, Block 4; Chelmsford/Camden Chase/Graystone from the south line of Flutter Lane/24th Street to the north line of Lot 38, Block 1; Chelmsford Circle from the south line of Chelmsford to and including the cul-de-sac serving Lots 16 through 24, Block 1; Camden Chase Court from the north line of Camden Chase to and including the cul-de-sac serving Lots 8 through 19, Block 2; Sidewalk on one side of Graystone, Camden Chase, 24th Street, Flutter Lane and Chelmsford to serve Monarch Landing Addition north of 21st Street North, west of 159th Street East (472-84505/766129/490147) Does not affect existing traffic. (District II) - \$1,060,000.00

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

## PETITION

### **CONSTRUCT A STORM WATER DRAIN FOR AN AREA TO BE PLATTED AS EDGEWATER ADDITION, SOUTH OF 45TH STREET NORTH, WEST OF HOOVER. (DISTRICT V)**

Agenda Report No. 07-0424

The Petition has been signed by two owners representing 100% of the improvement district.

The project will provide for the excavation of detention ponds and associated drainage ditches for a new residential development located south of 45th St. North, west of Hoover.

The Petition totals \$1,450,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing drainage improvements required 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-- Brewer moved that the Petition approved; the Resolution adopted; and the necessary signatures.  
--carried Motion carried 6 to 0.

### RESOLUTION NO. 07-288

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 326 (south of 45<sup>th</sup> Street North, west of Hoover) 468-84353, 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, Longwell, Gray, Schlapp, Skelton, and Brewer.

## STREET CLOSURE

### **2007 WICHITA WAKEFEST, JUNE 8, 2007, 9:00 A.M. THROUGH JUNE 10, 2007, 11:59 P.M. (DISTRICTS I & IV)**

Agenda Report No. 07-0425

In accordance with the Community Events Procedure, the event promoter Les Eck with Rusty Eck Ford is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

2007 Wichita Wakefest, June 8, 2007 9:00 am through June 10, 2007 11:59 pm  
McLean Boulevard, Douglas Avenue to Lewis Street

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Enhance the Quality of Life

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

## **STREET CLOSURE** **LGBT PRIDE PARADE AND FESTIVAL 2007, JUNE 24, 2007, 12:00 P.M.-9:00 P.M.** **(DISTRICT I)**

Agenda Report No. 07-0426

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

The following street closure request has been submitted:

LGBT Pride Parade and Festival 2007, June 24, 2007 12:00 pm – 9:00 pm  
William Street, Main Street to Market Street

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Enhance the Quality of Life

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

## **TENNIS CENTER** **(Agenda Item 9a)** **TENNIS SERVICES AND MANAGEMENT FOR THE RALPH WULZ TENNIS CENTER.** **(DISTRICT VI)**

Agenda Report No. 07-0427

The operational services and management of the Ralph Wulz Riverside Tennis Center has been contracted out since 2001. The City is currently under contract with Mr. Jack Oxler. Mr. Oxler has provided professional tennis services for the past four years. The current tennis contract is scheduled to be renewed on June 1, 2007.

With the addition of the tennis dome to the tennis courts at the Ralph Wulz Riverside Tennis Center, the current Tennis Professional Contract does not have a provision that designates the commission that will be paid on the rent of indoor tennis courts. An additional line item has been added to the Addendum, letter K, which reflects the commission that will be paid to the Tennis Professional. Also, page 5 of the contract, Addendum, letter K notes that a 30% commission fee for indoor tennis court fees has been added to the contract. Any change being made to the contract requires City Council approval.

Implementation of the contract's terms may be achieved with an estimated \$9,000 net increase to the basic operational costs for commissions paid on the indoor court user fees. Contingency funding of \$50,000 has been added to the 2007 revised budget to offset additional costs that will be encountered by the new tennis courts. Funding has been built into operational costs for the 2008 proposed budget and the 2009 projected budget.

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The new contract will cover the period between June 1, 2007 to May 31, 2008, with an option to renew the contract under the same terms and conditions for one (1) additional, one-year period by mutual agreement of the parties.

The addition of the indoor tennis courts will enhance the Quality of Life for citizens by providing a year-round facility to play tennis. Tennis helps promote healthy life styles by providing opportunities for vigorous physical activity and play value.

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

Council Member Schlapp Council Member Schlapp stated this was discussed at agenda review on Friday, and she went back and spoke with some individuals in the tennis community, and that she is OK with going forward with the contract for this year. Stated some of the things she was told on Friday were not quiet the same, and maybe there was a misunderstanding. She would like to go on the record stating that if this does come up again for review next year, she believes we need to take a better look at it. Would like to have it brought ahead of time next year so she can take a look at it and make sure going it's going in the right direction.

Motion-- Schlapp moved that the amendment to the current contract be approved and the necessary signatures be authorized. Motion carried 6 to 0.  
-- carried

## GOLF COURSE

### GOLF COURSE PRO SHOP SALES SERVICES. (DISTRICT I)

Agenda Report No. 07-0428

The City currently operates five municipal golf courses and City staff performs all clubhouse and maintenance functions for these courses. The Department of Park and Recreation recently hired a new golf professional for MacDonald Golf Course and retains City-employed golf professionals at all five golf courses to manage clubhouse activities. This contract is with the newly employed golf professional at MacDonald Golf Course and is nearly identical to the contract approved by City Council on March 21, 2006.

It is the intent of the Department of Park and Recreation to have the golf professionals be responsible for stocking all golf-related inventory at these facilities, thereby alleviating the City for golf apparel and equipment expenses. City-employed golf pros will then lease floor space at the clubhouses for 3% of their gross sales. The proposed agreement includes a 21-month term.

The agreement will provide a modest amount of additional revenue for the Golf Fund and reduce expenditures for golf-related inventory.

The Law Department has reviewed and approved this contract as to form.

This action will directly impact Quality of Life by providing excellent customer service and satisfying citizens by providing the pro shop services they expect at City golf courses.

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

## SEWER MAIN

### SANITARY SEWER MAIN TO SERVE AN AREA ON BOTH SIDES OF PAWNEE, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 07-0429

The City Council approved the sanitary sewer main to serve an in a developing residential and commercial area on both sides of Pawnee, east of 127th Street East on April 24, 2007.

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The proposed Agreement between the City and Ruggles & Bohm, P.A. provides for the design of bond financed improvements consisting of a sanitary sewer main. Per Administrative Regulation 1.10, staff recommends that Ruggles & Bohm be hired for this work, as this firm provided the preliminary engineering services for the platting of the residential and commercial area and can expedite plan preparation.

Payment to Ruggles & Bohm will be on a lump sum basis of \$126,000 and will be paid by special assessments and Sewer Utility.

This project addresses the Efficient Infrastructure and Economic Vitality goals by facilitating new development that is important to Wichita's continued growth.

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

Motion--  
--carried

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

## CHANGE ORDER

### CHANGE ORDER, PAWNEE/MCLEAN INTERSECTION IMPROVEMENT. (DISTRICTS III AND IV)

Agenda Report No. 07-0430

Background: On October 17, 2006, the City Council approved a construction contract with Cornejo & Sons, Inc. to improve the intersection of Pawnee and McLean Boulevard. A part of the work is the installation of camera wire within the existing underground conduit for a new traffic signal system. After the work began it was determined that the existing conduit could not be reused. As a result, new conduit will need to be bored under the pavement.

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 \$14,927 with \$2,987 paid by City General Obligation bonds and \$11,940 paid by Federal grants. The original contract amount is \$824,482. This Change Order plus a previous Change Order represents 03.02% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving traffic flow along an important transportation corridor.

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 to approve the Change Orders and authorize the necessary signatures.  
Motion carried 6 to 0.

## BOARD MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS.

Historic Preservation Board, February 12, 2007  
Public Library, March 2007 monthly report  
Wichita Employees' Retirement Board, March 1, 2007  
Police & Fire Retirement Board, March 1, 2007  
Historic Preservation Board, March 12, 2007  
Board of Electrical Appeals, March 13, 2007  
Wichita Employees' Retirement Board, March 20, 2007  
Police & Fire Retirement Board, March 20, 2007

Motion--carried

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

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## CONTRACTS

### CONTRACTS AND AGREEMENTS FOR APRIL 2007

Motion—carried

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

## 2008 CSGB

### 2008 CSBG DISCRETIONARY FUND APPLICATION.

Agenda Report No. 07-0431

The Community Services Block Grant (CSBG) is a federal program targeted to the needs of the low-income. In addition to the formula funds granted to the City of Wichita by the State of Kansas Housing Resources Corporation, CSBG Discretionary Funds have become available through a competitive Request for Proposal. The proposal is due on May 11, 2007.

The City Manager's Career Development Office (CDO) is responsible for administration of the CSBG formula funds. The CDO also provides employment services to several hundred welfare recipients each year through a purchase of services agreement with the Kansas State Department of Social and Rehabilitation Services. These employment services include basic skills education, which provides clients with a greater variety of employment opportunities, higher starting wages, long-term stable employment and the ability for families to reach self-sufficiency. The CDO is requesting \$50,300 in CSBG Discretionary Funds to purchase laptop computers to enhance the basic skills education component of its employment services.

No general operating funds from the City's budget are obligated by the application.

The program supported by CSBG Discretionary Funds will promote economic vitality and affordable living by sustaining the affordable living of the clients served.

The CSBG Review Committee met on April 27, 2007 to consider the Application and recommends approval by the City Council.

Motion--  
--carried

Brewer moved that the 2008 CSBG Discretionary Fund be approved and to authorize the necessary signatures. Motion carried 6 to 0.

## SOUTHERN RIDGE

### AMENDING RESOLUTIONS FOR PAVING AND WATER SYSTEM IMPROVEMENTS IN SOUTHERN RIDGE FOURTH ADDITION, SOUTH OF PAWNEE, WEST OF MAIZE. (DISTRICT IV)

Agenda Report No. 07-0432

On March 22, 2005, the City Council approved Petitions for paving and water system improvements in Southern Ridge 3rd Addition. On December 13, 2005, the City Council approved Petitions for paving and water system improvements for Southern Ridge 4th Addition. It has since been determined that the Southern Ridge 4th Addition Petitions were intended to replace the Southern Ridge 3rd Addition Petitions. Amending Resolutions have been prepared to update the projects in accordance with the intent of the developer.

The projects will serve a new residential development located south of Pawnee, west of Maize.

The project budget remains unchanged.

This project addresses the Efficient Infrastructure goal by providing paving and water system improvements required for new residential development.

State Statutes provide the City Council the authority to revise a project by amending Resolutions.

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Motion--  
--carried

Brewer moved that City Council adopt the amending Resolutions and authorize the necessary signatures. Motion carried 6 to 0.

## RESOLUTION NO. 07-289

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90147 (south of Pawnee, west of Maize) in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Gray, , Skelton, and Brewer.

## RESOLUTION NO. 07-290

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90148 (south of Pawnee, west of Maize) in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Gray, , Skelton, and Brewer.

## RESOLUTION NO. 07-291

Resolution of findings of advisability and resolution authorizing constructing pavement on Yosemite from the southwest line of Lot 4, Block B, south to the southwest line of Lot 8, Block B, on Westgate from the southeast line of Yosemite, southeast to the north line of Greenfield, on Greenfield from the east line of Westgate, west to the east line of Lark Ln., and on Greenfield Cir. from the east line of Greenfield, east to and including the cul-de-sac and that sidewalk be constructed on Yosemite, Westgate and Greenfield 472-84343 (south of Pawnee, west of Maize) in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Gray, , Skelton, and Brewer.

## RESOLUTION NO. 07-292

Resolution of findings of advisability and resolution authorizing construction pavement on Yosemite from the southwest line of Lot 8, Block B, Southern Ridge Fourth Addition, south to the northeast line of Lark Lane, Southern Ridge Third Addition, and on Lark Ln.. from the northwest line of Lot 10, Block B, Southern Ridge Fourth Addition, southeast and south to the south line of the plat and on Lark Ct., from the west line of Lark Ln., west to and including the cul.-de-sac and that sidewalk be constructed on Yosemite and Lark Ln, 472-84344 (south of Pawnee, west of Maize) in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Gray, , Skelton, and Brewer.

(Item No. 16)  
**CHAPIN PARK**

### **CHAPIN PARK DESIGN SERVICES. (DISTRICT III)**

Agenda Report No. 07-0433

On June 6, 2006, City Council approved the hiring of a design consultant for improvements to Chapin Park. On January 4, 2007 the City received five design and planning proposals. The Staff Screening and Selection Committee (SSSC) met on February 9, 2007 and short-listed the firm of Law Kingdon, Inc and two other firms to interview for this project.

On March 26th, 2007 the City's SSSC conducted interviews and selected Law Kingdon, Inc. to provide design services for the development of Chapin Park.

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The selection of the consultant is an important step for developing future plans for Chapin Park. Once the selected consultant is under contract, important planning and design functions can begin with neighborhood participation in the design process.

The 2006 Park and Recreation Capital Improvement Program (CIP) Funds are \$70,000 for design services. In 2007, a total of \$700,000 in CIP funding is available for Chapin Park development.

The Law Department has reviewed and approved this contract as to form.

The initiation of this project will enhance the Quality of Life for citizens of Wichita and surrounding communities by increasing recreational opportunities and activities.

Council Member Longwell Council Member Longwell stated he would like to ask the Parks Director some questions about Chapin Park Design Services.

Doug Kupper Director of Parks and recreation in question from Longwell stated that they have yet to conduct our citizen process for input and that we need to get the consultants on board to guide us into what we can accomplish on an old landfill, but we will be meeting with the communities to get their input as we move forward.

Council Member Longwell Council Member Longwell asked Mr. Kupper regarding the contract, under scope of services, it states the following 8 parts: --Entrance road from MacArthur Road --shared parking for RC airplane area and dog park --dog park -- mountain bike riding course and cross country trail centrally located shared use picnic shelter --disc golf area -- picnic area with shelter, playground and shelters --integration of planned bike path, what happens when we have our public meetings, and if the public down there says this is not exactly what we're looking at or we'd like a lot of this, but we'd rather do this and that. How will that affect this contract?

Doug Kupper Director of Park and Recreation stated they had the right to scope of services based on the original needs assessment that was done for this piece of real estate, back in 2001, because that was the basis that we put money into the CIP, that's finally coming to resolution now. It had to be based on what the community told us in 2001, that they thought it would be the first phase for Chapin. But as we develop it and find out more of what we can accomplish on this old landfill, we'll get that type of input from the community and see what the prices are and things along those line for those type of amenities that might come up, now, compared with what they came up with in 2001 and there will be room to change something based on the citizen input if desired.

Council Member Longwell Council Member Longwell asked if KDHE would be involved since it is an old landfill, and Mr. Kupper stated yes. Also asked what involvement with KDHE is actually going to be, and if there's a problem, how would it be addressed. Asked about our relationship with KKHE in this matter.

Doug Kupper Director of Parks and Recreation, stated that's why we wanted to get some outside assistance on this particular issue; a group of contractors that have had experience in designing parks or other type of amenities on old land fills, to help guide us into that realm with KDHE. They will be brought in up front to have conversations about what it is we can or cannot do. Stated if approved today, would probably be looking at this fall having public meetings.

Motion-- Longwell moved that City Council approve the vendor selection, approve the contract scope of services; -- carried and authorize the necessary signatures. Motion carried 6 to 0.

## **BULLETPROOF VEST 2006 BULLETPROOF VEST PARTNERSHIP GRANT.**

Agenda Report No. 07-0434

The Department of Justice has awarded the City of Wichita \$31,410.67 under the 2006 Bulletproof Vest Partnership (BVP) grant. The BVP provides funds for law enforcement agencies to purchase bulletproof vests, in an effort to reduce injury and death to law enforcement officers.

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NIJ-approved vests purchased by the Police Department from April 1, 2006 through March 30, 2007 were included in the grant application. The grant pays up to 50% of each applicant's total vest costs. This is the sixth year the City has been awarded these grant funds. The funding will be used to purchase additional vests and/or safety equipment for police officers.

The City of Wichita has been awarded \$31,410.67 for the total cost of bulletproof vests included in the application.

The funding will allow the Police Department to purchase additional bulletproof vests and provide a Safe and Secure community.

Motion--  
--carried

Brewer moved that City Council approved the receipt of funds from the 2006 Bulletproof Vest Partnership Grant. Motion carried 6 to 0.

## **PUBLIC EXIG**

### **PUBLIC EXIGENCY-REPAIR OF WATER TRANSMISSION MAIN. (DISTRICT II)**

Agenda Report No. 07-0435

On April 13, 2007, a 20-inch concrete water main was damaged by underground boring equipment in front of 350 North Pershing. The main was shut down and removed from service. Investigation determined that no customers were affected by the water main break.

On April 16, 2007, Water Distribution crews excavated to determine the extent of the damage and to develop a plan of action. Due to the extent of the damage on this particular material, Water Distribution crews were unable to complete the repairs and found that larger and more specialized equipment was needed. Staff then sent requests for bids to contractors having experience with this particular material and type of work.

WB Carter Construction submitted the low bid with an estimate of \$21,000 for labor and materials (excluding street repairs which will be done through the Public Works utility cut procedures). Water Main Replacement, CIP W-67, has a budget of \$5 Million for 2007. The repair will be a subproject of this CIP and will be funded from Water Utility Revenues and Reserves and/or a future revenue bond issue.

This project addresses the goal of ensuring efficient infrastructure by providing reliable, compliant and secure water transmission mains to Water Utility customers.

City Ordinance 2.64.020.5 "Public Exigency," authorizes the City Manager to approve emergency work to be performed by a contractor without formal bidding. The City Manager approved the public exigency on April 17, 2007.

Motion--  
--carried

Brewer moved that City Council affirm the City Manager's Public Exigency approval of the project. Motion 6 to 0.

## **INTERNATIONAL TRADE**

### **AMENDMENT TO THE CONTRACT-INTERNATIONAL TRADE PROCESSING CENTER STUDY.**

Agenda Report No. 07-0436

Under the federal 2004 Consolidated Appropriations Act, the City of Wichita received a \$1,000,000 Congressional Earmark for a feasibility study and work plan for an International Trade Processing Center. These funds are issued by the Federal Highway Administration and are provided through the Kansas Department of Transportation (KDOT) to the City. On March 8, 2005, the City Council approved the grant agreement with the Kansas Department of Transportation. The KDOT Agreement authorized the City to select a consultant and implement a feasibility study. On January 24, 2006, the City Council approved a contract with TranSystems Corporation, Inc. to undertake and complete a feasibility study and work plan for an International Trade Processing Center.

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The consultant has completed most of the contract tasks, including:

Survey user needs and support for a trade processing (and warehousing) center and develop an operations concept based on the survey results;  
Create an operational design for a trade processing center and model various physical features and business service offerings based on the survey;  
Create a strategy and development plan for a South Central Kansas international trade processing center and related facilities;  
Coordinate with other agencies, including governments and organizations, in the development of infrastructure and technology needs;  
Identify financial support needed from beneficiaries from the improvement of trade and transportation facilities and operational requirements.

Additional time is needed to complete the final report and make a formal presentation of the final report to the City Council. The amendment extends the time of performance to no later July 31, 2007.

The total contract amount will not change from the existing \$908,325. The City has KDOT grant funds of \$963,190 approved and budgeted for the feasibility study. No local matching funds are required.

This project addresses the goal of Economic Vitality by increasing the potential for international trade.

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

Motion--  
--carried

Brewer moved that City Council approve the contract amendment and authorize the appropriate signatures. Motion carried 6 to 0.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ MAY 1, 2007)

- a. Establishment of the City Center South Redevelopment District, Tax Increment Financing.  
(Districts I and VI)

#### ORDINANCE NO. 47-475

An Ordinance of the City of Wichita, Kansas establishing the City Center South 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, Schlaap, Skelton and Brewer.

- b. Issuance of Industrial Revenue Bonds, Harlow Aerostructures, LLC. (District IV)

#### ORDINANCE NO. 47-476

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$4,000,000 aggregate principal amount of industrial revenue bonds, Series II, 2007 (Harlow Aerostructures LLC) for the purpose of providing funds to purchase and acquire machinery and equipment for use in an existing manufacturing facility; prescribing the form and authorizing execution of a trust indenture by and between the city and Security Bank of Kansas City, Kansas City, Kansas, as trustee with respect to the bonds; prescribing the form and authorizing the execution of a lease agreement by and among GE Capital Public Finance, Inc., as Bondholder, the City and Harlow Aerostructures LLC; approving the form of a guaranty agreement; and authorizing the execution of a bond purchase agreement by and among the city, Harlow Aerostructures LLC and GE Capital Public Finance, Inc. as Bondholder of the bonds, 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, Schlaap, Skelton and Brewer.

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- c. A07-07R-generally located northwest of the Intersection of K-96 Highway and Hoover Road. (District VI)

## ORDINANCE NO. 47-477

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. (A07-07)

- d. A07-08R Request by George E. Laham, of Greenwich 13, LLC, and Kevin Mullen, of Waterfront Residential Company, LLC, to annex land generally located north of 13th Street and west of Greenwich Road. (District II)

## ORDINANCE NO. 47-478

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. (A07-08)

## UNFINISHED BUSINESS

**INWOOD CROSSING PUBLIC HEARING: REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR LOW-INCOME HOUSING TAX CREDITS, INWOOD CROSSINGS APARTMENTS. (District I)**  
(Deferred March 13, 2007)

Mark Stanberry Housing Specialist, reviewed the Item.

Agenda Report No. 07-0239a.

The City has received a request from LDG Development (LDG), of Louisville, Kentucky, for a City Council resolution of support for its application for 4% Low-Income Housing Tax Credits in connection with the development of the Inwood Crossings Apartments. (The State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.) The developers are also requesting a letter of intent to issue industrial revenue bonds ("IRB") in an amount not-to-exceed \$22,000,000.

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

The project proposed by LDG Development, will be known as the Inwood Crossings Apartments, to be located on a currently vacant tract of land near Inwood and 35th Street North. Based on the information provided by the developer, the apartment complex will provide 260 apartments, including 40 one-bedroom units, 90 two-bedroom units, 100 three-bedroom units, and 30 four-bedroom units. Rents, net of utility allowances, for the units assisted through the Housing Tax Credit program are estimated to be \$700 for two-bedroom units, \$820 for three-bedroom units, and \$925 for four-bedroom units.

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The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units for market-rate tenants. Therefore, the resolution of support, if adopted, can only apply to 208 units, with 52 units considered to be available for market-rate tenants. Rent amounts for the market-rate units are estimated to be \$650 for the one-bedroom units, \$988 for the two-bedroom units, and \$1,000 for the three-bedroom units. There will be no four-bedroom units offered to market-rate tenants.

Amenities to be provided include a large clubhouse with a fitness center and business center, a large swimming pool and patio area, a playground area with equipment, and cookout areas with picnic tables.

The City's Planning Department has provided comment regarding the proposed project, with respect to zoning compliance and design. The site is considered to be "split-zoned", as the zoning designation for the north 8 acres is MF-18, and the zoning designation for the south 14 acres is MF-29. The total number of units proposed will be acceptable, as long as no more than 140 units are constructed on the portion of the site zoned MF-18. It will be necessary for traffic engineering to review access/driveway locations when the final site plan is developed and submitted for plan review, as there are streets that intersect from the west. Planning further notes that there are platted building setbacks along 34th and Inwood, and that proper vacations would be required to encroach a platted setback. Easements along the east side of the property must be observed. The height of the buildings may not exceed 45 feet, and parking spaces located within 150 feet of the street will require screening.

The Office of Central Inspection recommends additional "berming" and landscaping, over and above the landscape code requirements, and further recommends that the building setback be increased from 25 feet to 35 feet.

The project has been reviewed by the Housing and Community Services Department, and has received recommendation for adoption of the resolution of support from the DAB and the HAB. The District I Advisory Board approved a recommendation for adoption of the resolution of support by a 9-0 vote, and the Housing Advisory Board approved recommendation for adoption of the resolution of support by a 6-0 vote. The DCC has also approved recommendation of adoption of the resolution.

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

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

The total project cost is estimated to be approximately \$29,704,000. The applicant intends to finance the project utilizing funding from the sale of 4% housing tax credits, and partial deferral of the developer fee. The 4% housing tax credits do not involve a competitive application process, but require the issuance of tax-exempt qualified residential housing bonds for the debt-financed portion of the project, which is expected to be approximately \$22,000,000. The developer agrees to pay all of the City's costs associated with the issuance of the IRBs and to pay the City's \$2,500 annual administrative service fee.

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

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

- Council Member Skelton Council Member Skelton inquired if these IRB's are different from the IRB's we give to Spirit or Boeing, or are they special housing IRB's.
- Mark Stanberry Housing Specialist stated they are known as qualified housing bonds under the umbrella of IRB's and are a bond that is specifically for housing projects. In question from Council Member Skelton as to why the city wants to be the issuing authority, believes that according to Allen Bell, Economic Development Director, we do have these we collect for issuing the bonds and also gives us some local control. Also that it will not impact our bonding capacity.
- Mayor Brewer Mayer Brewer asked if anyone wished to be heard.
- Joyce Kennison, Ms. Kennison, 7409 Breckview Circle, stated she built her home in 1998 and is in within 200 feet of this project. There is also one other person in this building right now that is also 200 feet from the project, straight across the street from the project. Believes that decisions have already been made. One of the things they would ask, that if you are going to vote for this project, we are asking for community policing for the residents, a security gate, and local management. Local in house management means that they care about our residents. This is an out of state development. We are asking for a wall to be put up. We are asking landscaping, which they have mentioned. We do not want baby trees. We want mature trees as the area has now. We are asking that no vehicles be parked on the street inside the premises. Ms. Kennison would like to personally form a neighborhood committee within 200 feet from this project to help with the developers to make sure that they are in compliance. She will help make sure it's in compliance. Stated that's if you guys vote for it.
- Asked if this has been a fair project? No. Has it been an honest project? No. Have not been invited to Advisory Board meeting and that is their district. Are we at a disadvantage? Yes. Feels Council represents them and are asking for "no" vote. Feels like this has not been done in a business-like manner. She has petitions against this.
- Mayor Brewer Mayer Brewer stated that the District Advisory Board is an advisory board to the Council and that they make recommendations. Also that the Planning Department has an ordinance in place that they abide by. Secondly, in response to her concern about what direction the council is going to go, he can assure her that she is incorrect, because he doesn't even know what direction they are going to go.
- Council Member Fearey Council Member Fearey stated that District Advisory Meetings are open to the public every time we have one and the agendas are posted on the internet. She doesn't know how the other districts do this, but in District VI, they have an e-mail list, and that if you want to be on that list to get notices of these meeting, you can be. They are public meetings and that they meet at the same time every month. You do not need to be invited. These are your meetings to come and have your input in the evenings to city Council Members and to people who are advising them.
- Council Member Skelton Council Member Skelton stated they have a similar system for notifying citizens that request notification by e-mail, and also are on city website.
- Council Member Schlapp Council Member Schlapp stated that prior to her election, she was not aware of these meetings and that she is not an internet person and understands what Ms. Kennison is saying. Said it would be a great thing if interested parties would look on the internet. Also, she can guarantee that this council has not made up its mind, because she has not made up her mind.

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The following individuals also spoke in opposition to the project:

- Harold Havland who lives close to the proposed project.
- Adam Thompson, president of the newly formed K-96 Neighborhood Association.
- Marsha Street, 7210 East Brookview Circle.
- Moham?, 4022 North Rushwood Circle.
- Unknown Speaker, 7215 Cedar Ridge Circle

- Council Member Gray Council Member Gray, in response to comment from Ms. Street regarding tax credits. He can guarantee that they are going to end up spending a lot more than one million dollars. It's not a give-a-way program to do this project. It does require a substantial amount of capital.
- Tim Austin Tim Austin, with POE and Associates, 5940 Central, agent for LDG Development. stated he wanted to clarify something as far as action today which Council Member Schlapp eluded to at this point in based on last night's district advisory board meeting with District II. We continue to have a lot of good questions and information presented, and it's been a very extensive review process. Said it's unfortunate that everybody isn't at every meeting because a lot of their questions have been answered in the past. At this time, for today, Council Member Schlapp and I discussed last night about deferring final action on the Resolution until next week. The resolution that's being presented to you with your agenda packet, we think has some fundamental problems and issues and he would like to take the opportunity with her and staff to maybe work on some language that might be acceptable to both sides.
- Council Member Schlapp Council Member Schlapp stated she expressed this last night and will express it again today that she is extremely frustrated. Stated she did get some information and information continues to come in this morning. Has question about how can we not know how many acres are in phase 2 when we've been working on this project. How can we not know what the occupancy of the apartments of the area were; and we've gotten some answers to that, and probably some fairly important answers that are much in defense of your project. Is concerned for the residents of the Area.
- (Council Member Fearey momentarily absent)
- Council Member Skelton Council Member Skelton asked Staff to explain how IRB housing bonds will actually work.
- Allen Bell Economic Development Director. These will be issued as qualified residential housing bonds, revenue bonds. The key work is revenue bonds. They're similar to industrial bonds that we issue. Since the city is not lending their credit to these bonds, you gave the example of Spirit, and it's certainly lending money to the developers. The city is acting as a facilitator to allow the developers to access a certain type of borrowing, which in this case is tax exempt borrowing, meaning that the interest that will be paid to the investors who purchase the bonds will not be subject to federal income tax. Because of that the investors are willing to purchase bonds at a lower interest rate and so the development, and ultimately the residents that live in the development, are able to benefit from the lower cost of borrowing making the project more financially feasible. The developers are responsible for repayment of principal and interest.
- Connie Fahar-Clark Connie Fahar-Clark, 6922 East 35<sup>th</sup> Street Court North, stated she has a question for Council Member Schlapp. She said that information is coming in at this late hour, this morning, that we did not have at the DAB II meeting last night. Asked what process could make this available to the homeowners that we can have this, so we'll be in touch with what's going on before this is put to a vote. States she needs to have all that information to the neighbors as well as the Council Members.
- Council Member Schlapp Council Member Schlapp stated that she agrees that all that information should be available. The council can make their vote and the neighbors can have their input, but there will be nothing here with information that you're not aware of.
- Motion -- Schlapp moved that the public hearing be closed and that this Item be deferred for one week and that interested parties have an opportunity to discuss what the Resolution would be and that by Friday, we'll see a copy of what it is that we'll probably be voting on next week. Motion carried 6 to 0.
- carried

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## NEW BUSINESS

### **UNSAFE STRUCT**

### **REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES.** (Districts I, IV, and VI)

Kurt Schroeder

OCI Superintendent reviewed the Item.

Agenda Report No. 07-0437

On March 27, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on May 8, 2007.

On March 5, 2007 the Board of Code Standards and Appeals (BCSA) held a hearing on five (5) properties. These five (5) properties are listed below:

<u>Property Address</u>	<u>Council District</u>
a. 2305 North Waco	VI
b. 2718 East 10th Street	I
d. 1954 North Minneapolis	I
e. 623 South Martinson (Front)	IV

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

Pursuant to State Statute, the Resolutions were duly published twice on March 29, 2007, and April 5, 2007. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder

OCI Superintendent reported that there are individuals present that would like to speak on Items a. 2305 North Waco and Item b. 2718 East 10<sup>th</sup> Street.

Mayor Brewer

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

Motion --

Brewer moved that the public hearing be closed and the resolutions for Items c. 1748 North Estelle; d. 1954 North Minneapolis and e. 623 South Martinson (front) declaring the buildings dangerous and unsafe structures be adopted, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of May 8, 2007; (2) the structures have been secured as of May 8, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of May 8, 2007 and will be so maintained during renovation. Motion carried 6 to 0.

carried

## RESOLUTION NO. 07-296

A Resolution finding that the structure/s legally described as the north 14.5 feet of Lot 46 and the south 37.5 feet of Lot 48, on Estelle Avenue, Getto's 3rd Addition to Wichita, Sedgwick County, Kansas, known as 1748 North Estelle, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, 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. 07.297

A Resolution finding that the structure/s legally described Lots 98 and 100, Block 11, Pennsylvania Addition to Wichita, Sedgwick County, Kansas, Known as 1954 North Minneapolis, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

## RESOLUTION NO. 07.298

A Resolution finding that the structure/s legally described as Lots 82 and 84, except west 54 feet, Coop's Grove Addition to Wichita, Sedgwick County, Kansas known as 623 South Martinson (front), is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

### Item a. 2305 North Waco.

Kurt Schroeder

OCI Superintendent stated that Central Inspection has been working a housing case on this property for many years, prior to starting the condemnation action. This is one of those properties that has been vacant for a long time and has been generally maintained and in pretty good shape on the exterior. There have never had any clean-ups or weed mowing on the premises. However, in the last year to year and a half or so, there's been some break-ins, some of the windows have been opened, the roof is bad and the foundation is starting to shift. The owner was given an opportunity to appear before the Board of Code Standards and Appeals, several times, January, February and March of this year. The owner does live in California, so he has not been able to make those meetings, although he was communicating via letters, etc. with the board. However, he never got the work initiated to a sufficient extent and didn't come up with a real detailed plan, so on March 5<sup>th</sup>, the board recommended proceeding with condemnation action. Just a couple of days ago, we received a letter from the property owner, Mr. Murano, who is in California, and he has indicated that he's kind of outlined his action to make all of the repairs in 90 days. The taxes are current, the premise is clean and secured, as of now, and has been that way for the last month or two. His intent is that he plans to retire soon and come back here and hopefully move into this house.

Council Member Fearey

Council Member Fearey inquired if the plan that he submitted is enough for OCI to work with.

Kurt Schroeder

OCI Superintendent stated it is pretty extensive about all the things they are going to repair and a time frame for that, and it's pretty much all the things we've talked about, new roof, fix the siding, put some new windows in, do the porches and replace those kinds of things in addition to fixing or repairing or removing. He is asking for 90 days as opposed to the normal 60 day policy.

Mayor Brewer

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

Motion --

Fearey moved that we extend this for the 90 days to give Mr. Murano the time to take care of this property, and that the resolution declaring the buildings dangerous and unsafe structures be adopted, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of May 8, 2007; (2) the structures have been secured as of May 8, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of May 8, 2007 and will be so maintained during Renovation; and that staff report to her in 30 days and again in 60 days on whether or not any action is being taken. Motion carried 6 to 0.

-- carried

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## RESOLUTION NO. 07-294

A Resolution finding that the structure/s legally described as Lots 414 and 416, on Jewett Avenue, now Waco, Rosenthal's Subdivision of Meyers and Snyders Out Lots to Wichita, Sedgwick County, Kansas known as 2305 North Waco, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

### **b. 2718 East 10th Street.**

- Kurt Schroeder OCI Superintendent reported that this property is located at the corner of 10<sup>th</sup> Street and Volutsia. We had had a minimum housing code case on this property for a few years, its been in court and through those court actions, the owner was ultimately ordered to clean up the property. He's been through the process on the housing case to repair the property. Obviously, it's not been repaired at this point and we have started this condemnation action after the pretty extensive, massive property clean up that happened here in early January of this year. When that was completed, we were able to get up and look at the house. There's quite a few problems with the foundation; there's bulging walls and cracks in several of the walls of different areas of the foundation. Also roof damage and shifting foundation. There's also a garage that needs pretty extensive repair. The owner was notified and given an opportunity to appear at the March Board of Code Standards and Appeals meeting. No one appeared at that meeting and after reviewing the case, the board recommended proceeding with condemnation and removal of the structures. There are some 2006 taxes that are delinquent in an amount of just under \$400, at least as of late last week. There's a pending special in the amount of \$3,500 for that clean-up that happened in January as a result of that court order for the city to clean it. Actually the amount of the clean up was much more than that. The owner, Mr. Gracie is here with Mr. Phillip Journey, who has represented him prior on this case. He's told that they are looking for some time to start repairs to the building.
- Council Member Skelton Council Member Skelton asked if the city initiated the first case on this property September 19, 2005.
- Kurt Schroeder OCI Superintendent stating it was initiated back in 2003, and then it was in court through 2005 and 2006.
- Gary Rebenstorf Director of Law, in answering a question from Council Member Skelton inquiring if we had any cases on this before 2003, stated that looking at our summary of this matter, we started in 1999 with cases filed in environmental court concerning this property.
- Mayor Brewer Mayor Brewer inquired about the in looking at the picture asked what was in the garage.
- Kurt Schroeder OCI Superintendent, stated it appears to be a whole bunch of trash and other items, although he has not actually raised the door.
- Mayor Brewer Mayor Brewer inquired if anyone wished to be heard.
- Phil Journey Phil Journey, representing Mr. Gracie, stated because of his duties and being elsewhere in the state, has been unable or even unaware that this matter was pending until just a few weeks ago when a realtor friend called and told me that this action had been initiated. Stated that he went out and looked at the property today, and thinks they do need some time. He has received some estimates for some of the masonry repair. Also, knows the history we went through in cleaning up the property with the city and it appears that the contractor contributed to some of this damage by using a skid loader or fork lift to dispose of the property and broke off some of the stem walls on the window wells and damage going east to west on the footings. A lot of its covered up by dirt that's been recently moved by that contractor, so we haven't been able to dig that out to see the extent of that damage and what's responsible from that action to force the apparent situation of decay. Would like to ask for 30 to 60 days so that more estimates could be prepared and to investigate this a little bit more, and then perhaps we can come back with a comprehensive plan at that time.

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- Mayor Brewer                      Mayor Brewer asked Mr. Journey the total amount of back taxes and fees that are actually owed to the city, the county, and the state.
- Phil Journey                        Mr. Journey stated he believes it is about \$394 for the property tax and he feels Mr. Gracie can take care of that in a reasonable amount of time.
- Mayor Brewer                        Mayor Brewer inquired of Mr. Journey if it was another \$3,500 to the City and asked about the \$12,000 figure.
- Kurt Schroeder                      OCI Superintendent stated that the \$3,500 was for the time of the court case when it was ordered to be cleaned up was the maximum limit set that the city would access. The cost was actually closer to \$12,000 since he did not end up cleaning it up.
- Gary Rebenstorf                      Director of Law advised that the court order was the cost to Mr. Gracie of \$3,500, if the property remained in compliance. However it wasn't in compliance and that's why the city went in to clean up, and the cost to clean it up was \$12,679.54 and that Mr. Gracie is responsible for that amount.
- Mayor Brewer                        Mayor Brewer asked how long it would take to get this property cleaned up and if Mr. Gracie was going to live in this house.
- Phil Journey                        Mr. Journey believes he plans to live there eventually, and that there is an awful lot of work that needs to be done.
- Kurt Schroeder                      OCI Superintendent, in response to question from Council Member Skelton, stated that in his knowledge, the property had been vacant since the housing case started in 2003, and maybe prior to that.
- Motion --                              Fearey moved that the public hearing be closed; that the resolution declaring the buildings dangerous and unsafe structures be adopted, and to accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of May 8, 2007; (2) the structures have been secured as of May 8, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of May 8, 2007 and will be so maintained during Renovation; and that staff report to her in 30 days and again in 60 days on whether or not any action is being taken. Motion carried 6 to 0.
- carried

## RESOLUTION NO. 07-295

A Resolution finding that the structure/s legally described as Lot 25, Fairmount Park Second, an addition to the City of Wichita, Sedgwick County, Kansas, known as 2718 East 10th Street North, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

## QUARTERLY REPORT

### QUARTERLY FINANCIAL REPORT FOR THE QUARTER ENDING MARCH 31, 2007.

Kelly Carpenter

Finance Director reviewed the Item.

Agenda Report No. 07-0438

The Finance Department prepares quarterly unaudited financial reports to monitor and review the financial activities of the operating and capital funds. The report is presented to provide the City Council and citizens with information that will assist in making informed decisions. The report is available on the City's web-site and citizens may obtain a printed copy by contacting the Department of Finance at 268-4651.

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Comparisons of budgeted amounts to actual revenue and expenditures are provided for each operating fund. In addition, financial statements prepared on an accrual basis are presented for enterprise funds, consistent with requirements of revenue bond covenants. The quarterly financial report does not contain all the entries and adjustments that will be reflected in the Comprehensive Annual Financial Report for fiscal 2007.

Financial highlights are summarized beginning on page iii, with financial statements beginning on page 1. Information supplementary to the financial statements begins on page 61, including information on the performance of invested funds, the City's bonded indebtedness relative to the legal debt limitations, capital projects currently underway, tax abatements, the status of the Debt Service fund relative to any debt service payments due from the tax increment financing districts, and a quarterly summary of disadvantaged and emerging business activity.

The Director of Finance will provide a financial overview and stand for questions.

The Internal Perspective is advanced with the Quarterly Financial Report providing information on the financial condition of City to the City Council, the Citizens of Wichita and to investors. In addition, the report demonstrates budgetary compliance with applicable laws and ordinances for report year.

Council Member Skelton Council Member Skelton inquired about the holding of freezing positions.

Kelly Carpenter Finance Director stated not freezing positions, just holding them about a month before actually fill those positions so that we can insure that we will make our 6.1 million dollar target for planned savings, and to also make up for any loss, maybe in the gas tax revenues or for the additional payment of snow and ice that we had pay earlier this year.

Council Member Skelton Council Member Skelton stated that his main concern is that we keep these three fire stations on schedule and if it involves holding back fire fighters, he would not support that; and that the three fire stations, in his opinion, needs to be the number one priority of the city at this time. He also would like to save dollars through the eliminating of consultants that we hire, and how about no more city hall remodel as a way to save money.

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

Motion-- Fearey moved to receive and file the Quarterly Financial Report for the quarter ending December 31, --carried 2007. Motion carried 6 to 0.

## **OVERCROWDING ORDINANCE AMENDMENT-SECTION 15.01.480 OF THE CITY CODE-OVERCROWDING.**

Ed Bricknell Fire Marshall reviewed the Item.

Agenda Report No. 07-0439

On October 12, 2004, the Wichita City Council adopted the 2000 International Fire Code. Since the adoption, we have noted that provisions in the current Code do not adequately address overcrowding violations. In order to remedy the enforcement issue, the Law Department of the City of Wichita developed an overcrowding ordinance that clearly defines overcrowding and related conditions.

The new Ordinance not only addresses overcrowding, but obstruction of aisles, passageways and means of egress as well as any condition that may constitute a life safety hazard. The Ordinance furthermore allows any law enforcement officer, Fire Chief or his representative to take action as necessary to insure the safety of persons in or around a building including causing the event to be stopped until such condition or obstruction is corrected. The Ordinance also includes an appeals process.

Safe and Secure. Quality of Life. This Ordinance will insure that citizens in our community will be able to safely exit an occupancy in case of an emergency.

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

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- Council Member Gray Council Member Gray inquired of Fire Marshall Bricknell about statement regarding giving law enforcement the opportunity to enter a premise if they feel there's overcrowding and wanted to know where specifically, in this document, does it site that, because he's concerned about the potential for misuse and Mr. Bricknell replied that it is in the last paragraph of the first page, and that what currently happens is the fact that law enforcement officers on regular patrol, they see a parking lot in a club that's full of automobiles, and notice cars parked in the street, they have the ability now to go into the club and take action if necessary if they find a dangerous condition. Also that this has been happening over the years, so this is actually nothing new.
- Gary Rebenstorf Director of Law in response to question form Council Member Gray advised that under these licensing types of situations, the owner, when they apply and receive a license to operate their business, provides consent for law enforcement to enter, be it either the city law enforcement or state law enforcement, to check and see if the laws are being complied with. Also there is an occupancy tag inside the building and if it looks as if the occupancy is exceeding what that tag shows, then that triggers that the officer can make sure that the public and the persons inside the building is protected.
- Mayor Brewer Mayor Brewer inquired if anyone wished to be heard.
- Lonnie Wright Lonnie Wright, 1729 South Lulu, states he doesn't oppose the amendments, however, it goes against the city body of codes. Stated it was only two years ago that we went away from the National Fire Protection Code, the strongest, most traditional Code that protects hospitals. States we need to be aware of what we're giving up. The National Home Builders, on their website, are proud that they've been able to keep the carbon monoxide detectors out of the building codes and other safety things; He's not opposed to that, because we need affordability. Also doesn't object to any of the amendments that are proposed to day, and feels that our community is very safe.
- Motion -- carried Brewer moved that the Ordinance be placed on first reading. Motion carried 6 to 0.

## ORDINANCE

An Ordinance creating new section 15.01.480 of the code of the City of Wichita, Kansas, pertaining to overcrowding of buildings or any portion thereof, and the penalty therefore, introduced and under the rules laid over.

## FIREFIIGHTERS

### ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM.

Mike Rudd

Deputy Fire Chief reviewed the Item.

Agenda Report No. 07-0440

The FY 2005 Defense Authorization Act authorized the federal Department of Homeland Security, Federal Emergency Management Agency (FEMA), to make \$547 million in grants available to fire departments. For the 2007 program year, each eligible applicant may submit one application for each of the program areas, i.e., one application for the Vehicle Acquisition program area, one application for Operations and Safety program area, and one application for a regional project. The programs that are eligible for the 2007 grant programs are the Firefighter Operations and Safety Program and the Firefighting Vehicle Acquisition Program.

Fire Department Staff has developed a proposed \$678,044 grant application requesting funding in the Operations and Firefighter Safety Program category. If approved, the grant funds would be used to establish a comprehensive Health and Wellness program for the Wichita Fire Department. This Health and Wellness program would be designed to do the following: reduce associated health and injury cost from firefighters to the City of Wichita; reduce the number of cardiac related issues to firefighters; reduce lost/time injuries to firefighters due to physical limitations; improve recovery time from injuries that do occur; provide firefighters with a standard for a healthier lifestyle; and provide and promote mental health and stability. This will be accomplished by providing members a health baseline with physicals, certified personal trainers, and appropriate fitness equipment at every fire station.

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The program also promotes a healthier lifestyle by providing firefighters with fitness, nutrition, cholesterol screening and other pertinent information to assist firefighters in becoming heart-healthy. The program consists of six (6) components: Medical evaluations; fitness and immunization assessments; certified personal trainers; health and wellness education; exercise equipment; and program evaluation. This program would extend well beyond the City's existing Wellness Program.

The total cost to fund the health and wellness program is \$678,044. If approved, the proposed \$678,044 grant application would require a local match of \$135,609, with \$542,435 funded through the Assistance to Firefighters Grant Program. Because the grant funding is only good for one year, the International Association of Fire Fighters (IAFF) and the Firemen's Association has agreed to take care of the on-going expenses such as maintenance of the fitness equipment and training for the existing firefighters to become Personal Trainers. The City would pay the medical assessment for new fire employees only. Existing firefighters would use their personal physicians for their medical assessment. The City's existing Wellness Coaches would provide the Health and Wellness education. Matching funds in the amount of \$135,609 are not budgeted and will need to come from the Fire Department's capital projects fund.

This project addresses the Safe and Secure goal by providing health and wellness to the members of the Wichita Fire Department who work at the various stations located throughout the City.

The due date for this grant application is May 4, 2007. In order to meet this deadline, pursuant to City Administrative Regulation 2.4, Preparation and Submittal of Federal, State and Private Grant Applications, the City Manager is authorized to sign the grant application where delay would invalidate the grant application.

Mayor Brewer

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

Motion--

Brewer moved to approve the grant application and matching funds of \$135,609 from the Fire Department's capital projects fund as grant match funding, subject to an award by the granting agency. Motion carried 6 to 0.

--carried

**13<sup>th</sup> BRIDGE.**

**13TH STREET BRIDGE REHABILITATION OVER THE LITTLE ARKANSAS RIVER.  
(DISTRICT VI)**

Jim Armour

City Engineer reviewed the Item.

Agenda Report No. 07-0441

The 2005-2014 Capital Improvement Program (CIP) includes funding to reconstruct the 13th St. Bridge over the Little Arkansas River. The bridge, which is a historic landmark often referred to as the Minisa Bridge, was constructed in 1932, moderately rehabilitated in 1988, and is now in need of major repairs. The bridge carries four narrow lanes of traffic with sidewalks on each side. Approximately 18,000 vehicles per day use the bridge, based on recent traffic counts. District VI Advisory Board reviewed the proposed project on February 5, 2007. The Board voted 8-0 to recommend approval of the project.

The project will include a major rehabilitation of the bridge. During the design of the project it was determined that the condition of the bridge was much worse than anticipated. The existing abutments and support beams will need to be replaced and the piers will be rehabilitated. New support girders are needed to replace the existing bridge girders. This will provide a new support deck for the replacement of the existing brick, which currently poses a potential hazard for the traveling public and will be replaced as the driving surface. The new driving surface will be wider than existing, while maintaining all existing features on the outer edges of the bridge. New approach pavement on each end of the bridge will be constructed.

All historic elements of the bridge will be repaired, refinished and rehabilitated in an effort to restore them to original condition, or as close as possible. This will be accomplished through the efforts of an artist, a historic preservation specialist and several contractors experienced in this type of work.

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The project is scheduled to be bid this June, pending approval by the Kansas Department of Transportation (KDOT). The bridge will be closed for approximately 6 months with a formal signed detour route along Waco, 21st and Amidon Streets.

The CIP budget includes \$800,000 for the City share of the project. Federal Grant funding administered by KDOT in the amount of \$1,000,000 is available for the project. The current estimated cost is \$2,600,000 with \$1,600,000 paid by the City and \$1,000,000 by Federal Grants. The additional funding is needed for the increased scope of the project and an increase in the cost of materials for the preservation work. The funding source for the City share is General Obligation bonds. The increased City funding will need to be programmed in the Capital Improvement Program, thus possibly impacting future project scheduling. A re-application has been made for TCSP funds in addition to the Federal funds already secured. It is not know at this time whether these addition Federal funds will be approved.

This project addresses the Efficient Infrastructure goal by rehabilitating a bridge on an important transportation route.

The Department of Law has approved the authorizing Ordinance as to legal form.

Council Member Fearey Council Member Fearey asked if she had heard correctly that this was not going to start for over a year.

Jim Armour City Engineer stated that it would start as soon possible, yet this summer, in the hopes of completing it before winter, but if it appears that we're not going to be able to do that, we would recommend delaying the start until probably January of February of '08 and then we'd be able to do a bulk of the work next summer while school is out and complete it in August. Stated that the bidding process and the KDOT approval process requires a 30-day advertising period and then with the materials needed for this bridge and the fabrication for those materials, has a long lead time of approximately two months. Getting started probably would not be able to occur before August of this year and that would put some critical operations then to be completed in December or January, when weather may not allow those to be completed.

Council Member Longwell Council Member Longwell inquired about the estimation of a six-month completions, and if that's based on whoever is awarded this working X-amount of hours a day.

Jim Armour City Engineer stated that was correct. Also in question from Council Member Longwell, asking if we put in the RFP's that we want whoever is awarded the bid to work an extended day, that we do and that a lot of times we put in a ten-hour day. It depends on the time of year as there might not be ten hours of daylight.

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

Motion-- Brewer moved to approve the project, place the Ordinance on first reading and authorize the signing of State/Federal Agreements as required. Motion carried 6 to 0.  
--carried

## ORDINANCE

An Ordinance amending Ordinance no. 46-854 of the City of Wichita, Kansas declaring the 13th street bridge at the little Arkansas River (472-84314) 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.

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## HUD

### 2007-2008 HUD COMBINED ALLOCATIONS/ONE YEAR ACTION PLAN. (DISTRICTS I, III, IV, VI)

Mary K. Vaughn

Director of Housing and Community Services reviewed the Item.

Agenda Report No. 07-0442

(Mayor Brewer temporarily absent)

On April 3, 2007, the City Council approved funding allocations for the 2007/2008 Consolidated Plan. To receive these federal funds, HUD requires cities to prepare an Annual Action Plan listing eligible projects and services to be undertaken with Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Emergency Shelter Grant (ESG) funds. The proposed Annual Action Plan must be submitted for public comment prior to final adoption by the City Council.

The City's preliminary 2007/2008 Annual Action Plan lists the federal resources expected to be available from various grant assistance programs to address priority needs (as adopted by the City Council), a description of the activities funded by the City Council, the geographic location of the activities, and other special needs and activities (including homeless services) to be undertaken during the fiscal year. The 2007/2008 Annual Action Plan covers the period July 1, 2007 through June 30, 2008.

The 2007/2008 Annual Action Plan totals 5,371,776 and is comprised of grant funds in the amount of \$4,795,569 and estimated income (primarily from revolving funds such as Historic Loans) of \$576,207. The actual Congressional appropriations reduced the CDBG allocation by \$12,167, increased the HOME allocation by \$29,244, and increased the ESG allocation by \$617. Program income from prior year CDBG projects was added to bring the CDBG allocation to the level **approved by the City Council** on April 3, 2007. HOME and ESG fund categories were adjusted to meet actual allocation announcements and approved by the City Council on April 3, 2007.

Approval of the Annual Action Plan will impact the Economic Vitality and Affordable Living, Quality of Life, Core Area and Neighborhood, and Efficient Infrastructure goals.

The City has met all federal requirements to proceed with issuance of a preliminary Annual Action Plan. The 30 day public comment period began April 5, 2007 and ended on May 4, 2007.

Mayor Brewer

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

Motion--

Brewer moved that the public comment period be closed and that the City Council approve reallocation of prior year funds; approve the proposed 2007/2008 Annual Action Plan as an amendment to the City's Consolidated Plan; and authorize all necessary signatures. Motion carried 6 to 0.

Carried

## WIRELESS DATA.

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

(Deferred no more than 30 days)

Jim Norris

Chief Information Officer, IT/IS Administration, reviewed the Item.

Agenda Report No. 07-0443

In October of 2006 an RFP was released for solicitations for wireless network services with the intent to purchase high bandwidth wireless network services for both mobile units and fixed sites. The RFP also asked for options for both retail and wholesale services to the community.

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It is recommended that the City of Wichita pursue negotiation for wireless network services with the selected Vendor. By providing wireless data connectivity it will be possible to implement a wide array of technologies and processes to improve operational efficiencies, customer service and public safety. Examples of this might include Automated Vehicle Location, direct access to systems and information from the field such as inspection requests, building diagrams, Police records, etc., issuance of work orders directly to field work crews, and camera images relayed in real time to command centers or Public Safety laptops. This network is highly desired for the implementation of many aspects of the Intelligent Transportation Systems (ITS) that are envisioned for this region and provides for enhanced accessibility to wireless broadband network access to the community at large.

This matter has been reviewed and approved by the IT/IS Advisory Board.

The City has identified several funding sources from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) totaling \$2,307,037, with matching funds having been identified from the IT/IS Department operating budget and the Equipment Replacement Fund totaling \$340,249 to be used for City Mobile Units and Transit vehicles. Ongoing General Fund expenditures are anticipated at \$279,000 per year.

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

A contract for the use of a high capacity network communication system, capable of supporting various data, voice and digital image applications, to both fixed-location and mobile subscribers will be negotiated.

- Mayor Brewer Recognized the President of USD 259, Sara Skelton in the audience and thanked her for joining us.
- Jim Skelton Council Member Skelton questioned whether there had been staff discussions with Sedgwick County and USD 259.
- Jim Norris Chief Information Officer stated they have and that USD 259, CIO and Assistant were involved in at least ten different meetings.
- Council Member Skelton Council Member Skelton questioned what they say about the Wireless Network Services and do they have any concerns.
- Jim Norris Chief Information Officer stated they voiced their concerns and based upon their concerns there was actually a removal of two of their originally proposed usages from the proposed list that you saw. That a replacement of their push to talk radios and security communications, were removed. Stated whether or not USD 259 participates or not. because the minimum level of their participation is not really going to have that huge of an impact. In his personal opinion whether or not USD 259 chooses to remain after negotiations are finished or not.
- Council Member Skelton Council Members Skelton asked Mr. Norris whether he cared if USD 259 participates or not.
- Jim Norris Chief Information Officer, stated that he did not say he did not care. That he said it probably would not impact the project that severely or significantly because of their limited proposed use of the network.
- Council Member Skelton Council Member Skelton asked if the city wants to be an anchor tenant.
- Jim Norris Chief Information Officer stated that was correct.
- Council Member Skelton Council Member Skelton asked if we were 100 percent sure what this wireless network is going to look like when we're done.
- Jim Norris Chief Information Office responded that this is why we're here asking for permission to negotiate. We have an engineering proposal. What we want to bring back to you is a finalized document for your approval with all the "I's" dotted and the "T's" crossed.

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- Council Member Skelton Council Member Skelton asked what it was called and Mr. Norris stated it would be a wide area network.
- Council Member Skelton Council Member Skelton asked about considerations for something like a mesh network technology. Is that something we're going to look at?
- Jim Norris Chief Information Officer replied that it's actually in the 900 Y-Max, Y Fie configuration that we're considering and that it is a mesh network, because it does handoffs at the different frequency levels for the data to be transmitted to the user.
- Council Member Skelton Council Member Skelton asked about an 802.11 and Mr. Norris stated there enough 802.11's to make your head spin, currently in service and that were are not looking at doing an 802.11 S. We're looking at is a 802.11GNRS, whatever is applicable during contract negotiations, as well as an 802.11.16, as well as an 802.11.22.
- Council Member Longwell Council Member Longwell asked about the former Council concerns. One of those you mentioned was the rapid change in technology. What provision is there to address that?
- Jim Norris Chief Information Officer – The fact that we do not assume any of the risks of the maintenance of the infrastructure. Any commercial entity that become out-dated will loose their business.
- Council Member Longwell Council Member Longwell asked about, from our perspective, when we go into these negotiations as an anchor tenant, how many years we are signing on for. Mr. Norris stated he did not know, that that is part of what the negotiations are. Typically, one year, with a year to renew. Also that all technologies that re proposed in the negotiation process are all industry standard, off the shelf. Everything is pervasively used within the commercial industry as we speak. None of it is special one-offs for government use.
- Council Member Schlapp Council Member Schlapp believed it was a five-year contract, and asked if it is now a one-year renewal.
- Jim Norris Chief Information Officer answered that during discussions, we did talk about a three to five-year commitment, and during that same discussion, we talked about that those were generally done with one-year increments and renewal periods of every 12 months.
- Council Member Schlapp Council Member Schlapp stated that she knew they had not gone through the contract negotiations and she understands that we don't have all the information and understands that we're not committing to anything if we vote for this.
- Jim Norris Chief Information Officer replied that we're not spending a dime, that were not committing you to anything other than letting us publicly and openly speak.
- Council Member Schlapp Council Member Schlapp states that from what she has seen, in five years, everything we have is usually pretty out-dated. She's very concerned about committing to something. Stated she hears from the public, Mr. Alexander, I believe it was, that this RFP was a little difficult for some person to understand exactly what we were asking for, and so not all respondents felt comfortable in responding and just wants to be sure. Has no problem with going ahead with negotiation of a contract with the opportunity to see it, obviously, before we vote on it and to make her point. Concerned that someone in another year could come in with a much better opportunity and a better rate. Would like to make sure we keep that opportunity available to us and that if other people, locally, would have something that are constantly able to look at this and renegotiate. Is very nervous about setting a contract that excludes those possibilities and keeps free enterprise out of the system.
- Mayer Brewer Mayor Brewer states that we had some others, that when the RFP went out, we weren't very specific as to saying we want "A through X," so they weren't sure how they were to respond as it was not very clear. Stated these are not fly-by-night companies, but companies that are very experienced in that particular area and have a lot of history in that particular file. Asked what is it about the entire thing that they did not understand.

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- Jim Norris Chief Information Officer stated he could not speak for them. We have a letter stating that the technical specifications were not clearly outlined. One of the things we did not want to do was to tie this to a specific technology, because we wanted the best and the brightest to take a look at this to see where we were going. It could also possible that some business model is not at the point where they're ready to do this here. That could well be, but he doesn't know. Stated that some of the folks that declined to bid here have done very similar contracts in other states and locations. Why they wouldn't understand the stipulations within an RFP that talks about a wide-area network, I couldn't answer for them. Five other people did understand it, to a degree, where they were able to submit quite lengthy and detailed responses. In answer to another question from Mayor Brewer said that to his knowledge that there was never an attempt to contact him personally, or anyone on my staff, that I'm aware of to clarify any stipulations in the RFP.
- Mayor Brewer Mayor Brewer inquired of Mr. Norris that if he had gone out and selected the best and the brightest, would like to know how sure he is that he did get the best and brightest to present exactly what's available out there to us. Mr. Norris replied that the group selected has already built out, at least 11 networks of greater scale and scope than this one. To include one that extends through the high desert, through very rugged terrene, very limited power capabilities and very inaccessible equipment, and done so successfully. Also, that they had contacted each and every one of their references, and all the references were good. Two of them said they didn't deliver what they promised when they first turned on the network, but they came back and they fixed it and did not charge them any additional money.
- Jim Norris Chief Information Officer, in responding to a questions from Council Member Schlapp stated he would strongly suggest that we have a working group that does an annual review of this process and where we're at with it and to include others and it could be opened for further discussion with others.
- Mayor Brewer Mayor Brewer inquired is anyone wish to speak on this matter.
- Sarah Skelton Sarah Skelton, board member for 259, stated she is present on her own behalf and not on behalf of the board. States she believes this is this a good project and does not want to put a negative note on it. Respectfully asking that this be deferred until all the entities involved have had the opportunity to collaboratively discuss this project.in a workshop with the city, county and 259, and would like all the elected bodies get together and at least talk about to make sure we're all on board and we understand all the perimeters of this project.
- Council Member Skelton Council Member Skelton asked Mrs. Skelton how important she feels this is and what her superintendent's position is on this issue. Mrs. Skelton stated that she feels this is important and everybody should be involved in this project. Mrs. Skelton stated that her superintendent is a little concerned that we don't have a board meeting until May 1<sup>st</sup> and wanted to know if we were going to have a workshop with the Council, the Commission and the Board to discuss.
- Following are others who came forward stating reasons they did not respond to the RFP and asking that the RFP be reissued:
- Scott (inaudible), Connective Services in Wichita, Kansas.  
--Eric Henderson, 216 North Mosley  
--Jay Maxeell, Managing member of Pixius Communication.
- Motion -- Fearey moved that this Item be deferred for a period, not to exceed one month, that we appoint Council Members Longwell and Gray to start negotiations with two elected officials from the school board and the county, if they are agreeable to that; that we send these same two Council Members to the field; that they can go to a city that can get to on AirTran.
- Council Member Gray Council Member Gray stated he would like the Vice-Mayor to make one amendment, that this also include Council Members and Staff.
- Council Member Fearey Council Member Fearey stated that would be fine.

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Council Member Longwell Council Member Longwell, states that he feels a deferral in itself is saying that we are rejecting all the bids, because how can you put out an RFP, not like the results, say you want to defer it to open up negotiations, with other vendors, without saying that we are starting the process over again.

Council Member Fearey Council Member Fearey stated we would be negotiating with the elected officials and their staff, and going out and testing the system is just testing Azulstar.

Mayor Brewer Mayor Brewer asked if we could do that without going further with negotiations

George Kolb City Manager said that you can do more research on your vendor selection.

Council Member Longwell Council Member Longwell stated that he would make part of the motion, that in this point in time, because of the direction we're going in and the research we're requiring, simple make it Azulstar, specific. Because if we don't make it Azulstar specific at this point in time, we're saying we're starting the process over, in my book.

Council Member Fearey Council Member Fearey said that she actually meant that on her motion, and that's another amendment if that's OK; that they go to one of these cities that Mr. Norris was talking about that has Azulstar.

Council Member Skelton Council Member Skelton asked Council Member Fearey to repeat the motion.

## REPEATED MOTION:

Motion -- Fearey moved that City Council appoint Council Members Longwell and Gray to work with two appointed members of the County and the Board of Education elected bodies, if they are willing, on this; and that the same two council members, along with staff, go visit one of these cities that has Azulstar service in it, and would prefer that that City would be some place where they can get to on AirTran; and to defer for a period not to exceed 30 days. Motion carried 6 to 0.  
-- carried

## NAME CHANGES

### ADMINISTRATIVE DEPARTMENTS NAME CHANGES.

Agenda Report No. 07-07-0444

In recent years, City departments have been reorganized and names changed. The Code Book has not kept up with those changes and is out of date. It is necessary to provide updates to Chapter 2.08, Administrative Code to reflect these administrative and budget changes and propose other new changes. These changes will also provide more consistency in terminology in dealing with the public and other governmental entities. (Note: The City Council has already updated the name of the Department of Environmental Services by separate action.)

Code § 2.08.120 lists the established administrative departments and department directors of the City. The following departments and directors are added to this list:

Department of Airports; Director of Airports. The creation of a department or division under the City Manager was authorized by Code § 2.12.1049 at the time that the City Council became the governing body for the Wichita Airport Authority. This is the terminology that has been used internally.

Human Resources Department: Director of Human Resources. This function was formerly a division under General Government known as the Personnel Office. It has now been recreated as a human resources department.

The following department name changes are also proposed by ordinance.

Housing and Community Services Department; Director of Housing and Community Services. This change reflects the current terminology and updated functions of this department.

Wichita Water Utilities; Director of Utilities. This proposed change for the Water & Sewer Department (still codified as the old "Department of Water & Pollution Control") will update the function and image of this department.

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Code sections describing the functions of each department are also added or updated to match these names. The old names still remain throughout the text of the Code but will gradually be changed as the City Code is updated and supplemented.

There is no direct financial impact from these ordinance changes.

Internal perspective. This ordinance amendment will improve efficiency in using consistent names for City departments.

The ordinance has been prepared and approved as to form by the Law Department. State law for the city manager form of government directs the creation of certain administrative departments under the city manager; cities have Home Rule authority to create additional departments or reorganize these administrative departments.

Mayor Brewer

Mayor Brewer asked if anyone wished to be heard and no one came forward.

Motion--  
--carried

Brewer moved the first reading of the ordinance changing the names of certain departments be approved. Motion carried 6 to 0.

## ORDINANCE

An Ordinance of the city of Wichita pertaining to the Administrative Code Changing the Names of Certain Departments; amending Sections 2.08.120, 2.08.160 and 2.08.210 of the Code of the city of Wichita; creating sections 2.08.085, 2.08.125 repealing the originals of Section 2.08.120, 2.08.160, and 2.08.210, and also repealing Section 2.08.216 of the Code of the City of Wichita, introduced and under the rules laid over.

## **GREENSBURG RES.**

### **RESOLUTION - EMERGENCY RESPONSE TO GREENSBURG TORNADO DISASTER.**

George Kolb

City Manager reviewed the Item.

Agenda Item No. 07-0452

On May 4, 2007, a tornado struck and destroyed most of Greensburg, Kansas. The area is receiving aid from FEMA, pursuant to a Presidential Disaster Declaration, DR #1699.

The City of Wichita has offered staff and equipment to assist the City of Greensburg. Much of this support will likely be eligible for FEMA funding. However, before reimbursement is received, the City will need to aggregate and track relevant costs. In addition, based on FEMA and State of Kansas Division of Emergency Preparedness rules, the City Manager will be required to designate a staff member as an "authorized representative" to interface with FEMA and DEP staff during any reimbursement process.

The response to the Greensburg disaster will increase City expenditures. If a disaster area is declared, it is anticipated that many of these expenditures will be eligible for FEMA reimbursement, usually at a rate of 85%. At this point, an exact estimate of projected expenditures is not available. When the project is closed out, the transfer of funds from the General Fund may be required to balance the project account.

Budget transfers over \$25,000 require City Council approval. The creation of a capital project requires City Council approval.

Mayor Brewer

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

Motion -- carried

Brewer moved the resolution be adopted. Motion carried 6 to 0.

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## RESOLUTION NO. 07-293

WHEREAS, the City of Wichita is interested in helping our fellow Kansans living in the City of Greensburg, after that city was significantly impacted by a tornado on May 4, 2007, therefore it is necessary to offer any help necessary in the form of City staff and equipment to that City, and

WHEREAS, there are several City departments taking extraordinary measures to assist the City of Greensburg in cleaning-up damaged areas, opening roads, assisting and searching for victims, and restoring public services to those affected by the tornado and such emergency measures require use of equipment for debris removal, purchase of tools and equipment, and payment of overtime to City staff, and

WHEREAS, it is necessary that a project account be established to isolate costs associated with such emergency response and debris removal efforts, and

WHEREAS, it is anticipated that much of the City's expenses for matters such as overtime and non-personnel expenses will be reimbursed, making it necessary to isolate costs in a project, to enable the City to report costs eligible for reimbursement from the Federal Emergency Management Agency (FEMA), and

WHEREAS, to the extent possible, emergency response costs will be recovered from FEMA, however, there may be some costs within respective departments' budgets that will not be reimbursed and will be the responsibility of City funds.

WHEREAS, it is anticipated that much of the City's expenses for matters such as overtime and non-personnel expenses will be reimbursed, making it necessary to isolate costs in a project, to enable the City to report costs eligible for reimbursement from the Federal Emergency Management Agency (FEMA) under Federal Disaster Recovery No. 1699, and

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

1. The Governing Body of the City of Wichita hereby authorizes the assistance of the emergency response and debris removal aid to the City of Greensburg.
2. The Governing Body of the City of Wichita hereby approves the establishment of such project and project budget, as necessary.
3. The Governing Body of the City of Wichita hereby authorizes the City Manager to use the "public exigency" provisions of the City's purchasing ordinance and designated emergency management functions to expedite the acquisition of contractual services, equipment and supplies as necessary to address the damage caused by the tornado emergency.
4. The Governing Body hereby authorizes the use of general funds for expenses that cannot be absorbed in departmental budgets and approves necessary budget adjustments.
5. The Governing Body hereby authorizes the City Manager to appoint staff to serve as an "authorized representative", as required by the State of Kansas Division of Emergency Preparedness, and authorizes the designated staff to sign forms necessary to secure FEMA reimbursement, including a required form in which the City agrees to indemnify and hold harmless the United States and the State of Kansas in the event of claims arising from the removal of debris of wreckage from the disaster.

The Governing Body hereby authorizes the transfer of funds from the General Fund to the project account in the amount necessary to fund any expenditures that are not reimbursed by other agencies, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Gray, , Skelton, and Brewer

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## PLANNING AGENDA

Motion -- Brewer moved that Items 32 and 34 be approved as Consent Items and that Item 33 be pulled for  
-- carried discussion. Motion carried 6 to 0.

(Item No. 30)  
ZON2007-00005

**ZON2007-00005-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "TF-3" TWO-FAMILY RESIDENTIAL. GENERALLY LOCATED MIDWAY BETWEEN NORTH ROCK ROAD AND NORTH WEBB ROAD, ON THE SOUTH SIDE OF EAST 45TH STREET NORTH, 8801 AND 8823 EAST 45TH STREET NORTH.** (DISTRICT II)  
(DEFERRED MAY 1, 2007)

John Schlegel Director of Planning reviewed the Item.

Agenda Report No. 07-0417a.

MAPC Recommendations: Approve, subject to staff recommendations (12-0) and additional conditions:

- 1) Installation of temporary fence on south and east property line during construction
- 2) Include immediate installation of fence on west property line.
- 3) Permanent fence needs to be installed before a Certificate of Occupancy is issued.

MAPD Staff Recommendations: Approve, subject to platting within one year and limited to seven lots.

DAB Recommendations: Defer until fence was constructed on the west property line.

The application area consists of two developed, platted lots located midway between North Rock Road and North Webb Road, on the south side of E. 45th Street North. The 2.5-acre site is zoned "SF-5" Single-family Residential and the applicant requests "TF-3" zoning to allow for duplex development. The applicant proposes to develop the site with duplexes along a planned cul-de-sac.

The property north of the site is within the Bel Aire city limits and is currently undeveloped. South and east of the site are "SF-5" zoned single-family residences. West of the site, are "TF-3" zoned duplex units. The site has easy access to East 45th Street North.

At the MAPC meeting held March 15, 2007, MAPC voted (12-0) to approve subject to platting within one year and with the following additional conditions:

- 1) Installation of temporary fence on south and east property line during construction
- 2) Include immediate installation of fence on west property line.
- 3) Permanent fence needs to be installed before a Certificate of Occupancy is issued.

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

Promote Economic Vitality.

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

Council Member Schlapp Council Member Schlapp asked for clarification regarding the temporary fence on the south and east. Asked if it was there or no.

John Schlegel Director of Planning stated that it is not there. It is a condition that is recommended by the MAPC.

Mayor Brewer Mayer Brewer asked if anyone wished to be heard and no one came forward.

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Motion-- Schlapp moved to adopt the findings of the MAPC, with the exception of MAPC Recommendation No. 2) that there will be NO installation of a fence on the west property line and to place the Ordinance approving the zone change, subject to platting within one year on first reading with publication of the ordinance being withheld until the plat is recorded. Motion carried 6 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. An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended. (ZON2007-00005)

## RECESS

Motion -- Brewer moved that Council recess for lunch and then go to the tenth floor for the workshop with the Arts Council (asked City Manager if he could reschedule the 2008-2009 preliminary budget process results workshop) and then come back to finish the council meeting and then go into executive session.

George Kolb City Manager announced that he had just been informed that the Arts Council has left the building.

Mayor Brewer Mayor Brewer inquired of Mr. Kolb if he wanted to cancel the budget workshop and Mr. Kolb stated that it would be cancelled.

Motion continued Brewer moved that council recess until 2:10 p.m. and come back and resume the meeting. Motion -- carried

## COUNCIL MEETING RESUMED COUNCIL MEMBERS RETURNED AND THE MEETING RESUMED AT 2:19 P.M.

(Item No. 31)  
ZON2007-07

**ZON2007-07/CON2007-09-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "GO" GENERAL OFFICE AND CONDITIONAL USE REQUEST FOR A BANK IN "GO" GENERAL OFFICE ZONING; GENERALLY LOCATED ON THE EAST SIDE OF MAIZE ROAD, NORTH OF KELLOGG, 1424 SOUTH MAIZE ROAD. (DISTRICT V)**

John Schlegel Director of Planning reviewed the Item.

Agenda Report No. 07-0445

MAPC Recommendations: Approve, subject to staff recommendations (12-0).

MAPD Staff Recommendations: Approve the zone change and Conditional Use, subject to re-platting within one year and conditions.

DAB Recommendations: Approve, subject to staff recommendations (6-3) and return the drainage plan to DAB V.

The applicant requests a zone change from "SF-5" Single-family Residential to "GO" General Office with a Conditional Use for a bank or financial institution on 0.66 acres. The site is located east on the east side of Maize Road, north of Kellogg. The platted site was originally developed with two single-family residential units. The applicant intends to develop a bank on the site.

The site has SF-5 zoned single-family residences to the north and west across Maize Road. East of the site is vacant SF-5 zoned property containing the Cowskin Creek Floodway. South of the site is vacant LC zoned property. Further south, at the Kellogg and Maize Road intersection, is an LC zoned convenience store and car wash.

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DAB V heard this request on April 2, 2007. Area residents and the DAB spoke about drainage and traffic concerns. DAB V moved to approve the request, subject to staff recommended conditions and replatting, with drainage to be reviewed by DAB V (6-3).

MAPC heard this request on April 5, 2007 and approved, subject to staff recommendations (12-0). No members of the public spoke at the MAPC hearing, and no protests have been received.

There are no financial considerations.

Promote Economic Vitality.

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

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

Council Member Longwell Council Member Longwell asked if this property is in the new flood plain area that FEMA redistricted on their maps.

John Schlegel Director of Planning stated he'd be surprised if the portion affronting along Maize did, because of the existing two houses there and doesn't know if any portion of the property would fall within the flood zone and that's something he'd have to research. Also in answer to additional question by Council Member Longwell, that it would be researched when they do the platting as it would impact the platting.

Council Member Longwell Council Member Longwell stated he has an additional concern since the DAB Board asked for that to come back to them and the reality is that the District Advisory Board is going to change significantly before this has an opportunity to come back and he would like to be kept abreast of the platting and the flood control issues that are going to accompany this property so that he can keep the DAB V Board knowledgeable with this specific property issues, at regular time, not after we come back and approve it.

John Schlegel Director of Planning stated that Staff would be glad to honor that request.

Motion-- Longwell moved to adopt the findings of the MAPC and approve the zone change and Conditional Use subject to replatting within one year; to place the Ordinance first reading with publication of the Ordinance being withheld until plat is recorded. Motion carried 6 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. An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended. (ZON2007-00007)

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ZON2007-00006

**ZON2007-00006-ZONE CHANGE FROM "TF-3" TWO-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL WITH A PROTECTIVE OVERLAY LOCATED WEST OF MERIDIAN AVENUE BETWEEN KELLOGG AND MCCORMICK AVENUE, 831 SOUTH RICHMOND. (DISTRICT IV)**

Agenda Report No. 07-0446

MAPC Recommendations: Approve, subject to staff recommendations (12-0).

MAPD Staff Recommendations: Approve, subject to the provisions of the Protective Overlay.

DAB Recommendations: Approve, subject to staff recommendations (9-0) with 1 abstention.

The applicant requests LI zoning on a 0.58-acre site, currently zoned TF-3 Two-Family with a Protective Overlay ("PO"). The proposed use is for additional truck terminal parking on a corner site, north of McCormick Avenue, between Meridian Avenue and Southwest Boulevard (K-42). The western 75 feet of the three southern lots of the application area are already zoned LI; the proposed additional truck parking would locate in the existing LI zoned lots with site access to McCormick Avenue. North of the application area are TF-3 zoned single-family residences. South of the application area, across McCormick, are TF-3 zoned single-family residences. East of the application area, across Richmond, are TF-3 zoned single-family residences and west of the application area is a LI zoned terminal-warehouse use.

There were no speakers in opposition to the request at the MAPC meeting on April 5, 2007. The MAPC voted unanimously (12-0) to recommend approval of the zone change from "TF-3" Two-Family Residential to "LI" Limited Industrial, subject to the provisions of "PO" #187. No protest petitions have been submitted and staff has received no telephone calls protesting the proposed zone change. The provisions of "PO" #187 are:

In addition to any other code requirement, screening consistent with zone screen standards shall be installed along the east property line fronting Richmond Street.

Dedicate complete access control along the site's Richmond Street frontage.

Landscaping and screening shall be installed prior to the lot being put to use.

There are no financial considerations.

Promote Economic Vitality.

The ordinance has been reviewed and approved as to form by the Law Department. Per the provisions of the Protective Overlay, a restrictive covenant and a dedication of complete access control by separate instrument will be recorded with the Register of Deeds.

Motion --  
carried

Gray moved to concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of the Protective Overlay; and to place the ordinance establishing the zone change on first reading.

## 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. An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended. (ZON2007-00006)

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(Item No. 33)  
SUB2006-82

## SUB2006-82-PLAT OF PEARSON COMMERCIAL ADDITION LOCATED SOUTH OF 29TH STREET NORTH AND ON THE EAST SIDE OF MAIZE ROAD. (DISTRICT V)

John Schlegel

Director of Planning, reviewed the Item.

Agenda Report No. 07-0447

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

This site, consisting of seven lots on 25.3 acres, is located within Wichita's city limits. A zone change (ZON 2006-20) has been approved from "SF-5" Single-family Residential District to "LC" Limited Commercial District and "GC" General Commercial District, subject to platting. The Pearson Commercial Community Unit Plan (CUP 2006-16, DP-297) has also been approved. A Notice of Community Unit Plan has been submitted identifying the approved CUP and its special conditions for development on this property.

Water service is available to serve this site. Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, drainage and traffic improvements. In accordance with the approved CUP, a Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements has been submitted that provides for the ownership and maintenance responsibilities of the reserves being platted and for cross-lot circulation between the lots. As requested by City Engineering, a Restrictive Covenant has been submitted that includes an off-site drainage agreement.

This plat has been reviewed and approved by the Planning Commission, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Notice of Community Unit Plan, Certificate of Petitions, Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements and Restrictive Covenant will be recorded with the Register of Deeds.

Council Member Longwell Council Member Longwell stated that he had asked that this Item be pulled as he wanted to make a couple of comments. To his knowledge, we're talking about that property that Lowe's intends to build on, and most people recognize this property as the Cadillac Lake issue, although it's not specifically the Cadillac Lake portion of it, it goes hand in hand with what we're doing there. He asked for that issue to be on the DAB agenda last night and also asked for the representatives from the home owners associations that surround that whole area to come to the DAB meeting and they did. They all had representation there. Said he updated them on the process that we're going through, as when we were going through the election, this was kind of a continuous issue in front of the council and there was much debate and there were rooms full of people talking about it for hours. In summation, Council Member Longwell reported that at the DAB V meeting last night there was no opposition and that everyone was appreciative of understanding the process, and they understand that this project brings a lot of value to the community and we're ready to move forward; Also Chris Carrier did an outstanding job of explaining it.

Motion--  
--carried

Longwell moved to approve the documents and plat; authorize the necessary signatures; adopt the Resolutions and approve first reading of the Ordinance. Motion carried 5 to 1, (Fearey no).

### RESOLUTION NO. 07-299

Resolution of findings of advisability and resolution authorizing construction of Lateral 4 Main 2, Northwest Interceptor Sewer, (south of 29th St. North, east of Maize) 468-84346 in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Longwell moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Gray, Schlapp, Skelton, and Brewer.

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## RESOLUTION NO. 07-300

Resolution of findings of advisability and resolution authorizing constructing a traffic signalization system at Maize Road and Central Park Street (south of 29th St. North, east of Maize) 472-84556 in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Longwell moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Gray, Schlapp, Skelton, and Brewer.

## 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. 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. (ZON2006-00020)

**SUB2006-101**

**SUB2006-101-PLAT OF GROENDYKE ADDITION LOCATED NORTH OF 29TH STREET NORTH AND WEST OF HYDRAULIC.**  
(DISTRICT VI)

Agenda Report No. 07-0448

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

This site, consisting of one lot on 17.4 acres, is located within Wichita's city limits and is zoned "GI" General Industrial District.

City water and sewer services are available to serve the site. A Petition, 100 percent, and a Certificate of Petition have been submitted for paving improvements.

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

Ensure Efficient Infrastructure.

The Certificate of Petition will be recorded with the Register of Deeds.

Motion--  
--carried

Fearey moved to approve the document and plat, authorize the necessary signatures and adopt the Resolution. Motion carried 6 to 0.

## RESOLUTION NO. 07-301

Resolution of findings of advisability and resolution authorizing constructing pavement on the south half of 33rd St. North from the west line of Groendyke Addition to the east line of Groendyke Addition (south of 29th St. North, east of maize) 472-84555 in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas., presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Gray, , Skelton, and Brewer.

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## HOUSING AGENDA

Mary K. Vaughn

Director of Housing and Community Services announced this would be the last official meeting that Inafay Grays -McClellan would be meeting with Council in this capacity, as she has submitted her resignation and Council Members would be receiving her resignation soon. Also, they are going to bring her back for special recognition.

**DEVEL. PLAN**

### SUBMISSION OF PROPOSED KS004016 DEVELOPMENT PLAN. (DISTRICT 1)

Agenda Report No. 07-0449

Authorize the submission of the proposed KS004016 Development Plan to the U.S. Department of Housing and Urban Development (HUD) and authorize the necessary signatures.

The City of Wichita Housing Authority (WHA) has the ability to construct three handicap accessible single-family dwellings to replace three dwellings that were previously sold through the Section 5(h) Homeownership Program. These houses will be constructed on vacant lots, which are currently owned by the WHA. The lots are located at 2511 N. Chautauqua, 1212 N. Green and 2930 Maplewood.

Staff recommends the addition of the three dwellings to maximize the usage of all HUD subsidies allowable in the WHA's Annual Contributions Contract for Public Housing and provide three additional affordable rental units to the WHA's rental inventory. Low to moderate-income families requiring handicap accommodations will be eligible to lease the new dwellings at an income-based rental amount. The 2007 Annual Agency Plan, previously approved by the Housing Authority Board, includes the addition of three single-family dwellings as replacements to the dwellings that were previously sold.

Financial Considerations: Funding for the construction of the houses will come from the 2006 Capital Fund Grant and proceeds from the previous sales of Public Housing single-family dwellings through the Section 5(h) Homeownership Program. No local funds will be used.

Promote Economic Vitality and Affordable Living

Motion--  
--carried

Brewer moved to authorize the submission of the proposed KS004016 Development Plan to the Department of HUD and authorize the necessary signatures. Motion carried 7 to 0.

**GRANT APP.**

### HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY GRANT APPLICATION.

Agenda Report 07-0450

Approve the application; approve the grant award upon receipt; and authorize the necessary signatures.

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for continued funding of the Family Self-Sufficiency Program Coordinator and Homeownership Coordinator positions.

HUD requires that Housing Authorities operate a Family Self-Sufficiency (FSS) program. Though it is a HUD requirement for Housing Authorities, participation by Section 8 Housing Choice Voucher holders is voluntary. The advantage to the client is the program provides the opportunity for them to increase their income potential and eventually become independent of public assistance. The Family Self-Sufficiency and Homeownership Coordinators work with program participants to connect them with community resources such as job training, to help them achieve self-sufficiency. Many FSS participants have become homeowners through the Homeownership 80 program and/or the Housing Choice Voucher Homeownership program as a result of their participation.

HUD requires the Family Self-Sufficiency program.

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## Promote Economic Vitality and Affordable Living

The amount of the application is \$172,912, which covers the salary and fringe benefits of one Homeownership Coordinator and two Family Self-Sufficiency program coordinators, all of whom are currently employed.

Motion-- Brewer moved to approve the application and the grant award upon receipt; and to authorize the necessary signatures. Motion carried 7 to 0.  
--carried

Mayor Brewer Mayor Brewer thanked Ms. Grays McClellan for her contribution and input during this time.

## AIRPORT AGENDA

### **INTRUST BANK** AGREEMENT-INTRUST BANK, NA.

Agenda Report No. 07-0451

Proposals were solicited from financial institutions to provide automatic teller services (ATM) in the terminal building at Wichita Mid-Continent Airport. Responses were received from two entities. The entity proposing the most favorable offer was INTRUST Bank.

The ATM has proven to be of value to the people using Mid-Continent Airport, in addition to providing a revenue source to the Airport. INTRUST Bank has proposed to operate the existing ATM machine and install a second machine to increase the service to our passengers.

Revenue to the Airport is a fixed fee of \$400 per month in addition to 50% of the surcharge income generated from users of the ATM with a minimum monthly guarantee of \$500.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which allow the Airport to serve its users and to continue its operation on a self-sustaining basis.

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

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

Motion – carried Skelton moved to recess the Airport Agenda. Motion carried 6 to 0.

## CITY COUNCIL

### **BOARD APPTS.** BOARD APPOINTMENTS.

Council Member Gray Council Member Gray appointed Gerald Marsh to the Wichita Area Sister Cities Board and reappoint Mike Hastings to the Police and Fire Retirement Board.

Motion -- carried Brewer moved that the appointments be approved. Motion carried 6 to 0.

### **TRAVEL EXPEND.** APPROVAL OF TRAVEL EXPENDITURES FOR MAYOR TO ATTEND NATIONAL LEAGUE OF CITIES COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING IN NEW HAVEN, CT, JUNE 14-17, 2007.

Motion – carried Fearey moved that the travel expenditures be approved. Motion carried 6 to 0.

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## EXECUTIVE SESSION

Motion -- Brewer moved that City Council recess into Executive Session at 2:35 p.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship, relating to: potential litigation, legal advice, personnel matters of non-elected personnel, and preliminary discussions relating to the acquisition of real property for public purposes, and that Council return from Executive Session no earlier than 3:20 p.m. and reconvene in the City Council Chambers on the First Floor of City Hall.

-- carried Motion carried 6 to 0.

## COUNCIL RETURNED AT 3:24 P.M.

Motion -- Mayor Brewer moved to extend the Executive Session 40 minutes. Motion carried 4 to 0; (Council Members Gray and Skelton absent).

-- carried

## COUNCIL RETURNED AT 4:07 P.M.

Motion -- Brewer moved to extend the executive until approximately 4:30 p.m. Motion carried 5 to 0, (Gray, absent).

-- carried

## RECONVENE

The City Council reconvened in City Council Chambers at 4:36 p.m. Mayor Brewer reported that no action was taken.

## ADJOURNMENT

Motion -- Brewer moved to close the Executive Session at 4:36 p.m. Motion carried 4 to 0, (Fearey and Schlapp, absent).

-- carried

Motion -- Brewer moved to close the regular meeting and Airport Authority agenda meeting at 4:37 p.m. Motion carried 4 to 0, (Fearey and Schlapp, absent).

-- carried

Respectfully submitted,

Janis Edwards  
Deputy City Clerk