

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 10, 2007
Tuesday, 9:04 a.m.

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

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

Father Pat Malone, Holy Savior Catholic Church gave the invocation.

The Fire Department Honor Guard posted the colors and the pledge of allegiance was participated in by the Council members, Staff, and guests.

The Minutes of the regular meeting of April 3, 2007, approved 6 to 0.

CONSENT AGENDA.

Vice Mayor Gray

Vice Mayor Gray stated he would like to make a few comments regarding item 8d.

Motion--
--carried

Mayor Mayans moved that Consent Agenda items 1-17d be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 9, 2007.

Bids were opened April 6, 2007, pursuant to advertisements published on:

Water Main Replacement in Estelle from Kellogg to Douglas (448-90209/636163/776556) Traffic to be maintained during construction using flagpersons & barricades. (District I)

Duling Construction - \$242,610.00

Main 20 Four Mile Creek Sewer to serve Monarch Landing Addition north of 21st Street North, west of 159th Street East (468-84206/744195/480883) Traffic to be maintained during construction using flagpersons & barricades. (District II)

Mies Construction - \$456,597.50

Water Distribution System to serve Valencia Addition south of 53rd Street North, east of Meridian (448-90248/735359/470032) Does not affect existing traffic. (District VI)

Utilities Plus \$26,791.50

2007 Contract Maintenance Residential Overlay south of 45th Street South, east of Ridge Road (472-84514/132720/620469/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District II, VI)

Kansas Paving Company* - \$313,300.00

*Engineer's Estimate

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2007 Contract Maintenance Hot in Place Resurfacing north of 47th Street South, east of 119th Street West (472-84511/131532/132720/620469/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District II, III, IV, V)

Cutler repaving Co., Inc.* - \$946,000.00
*Engineer's Estimate

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

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Remodel Atwater
Neighborhood City Hall.

Van Asdale Construction LLC - \$83,700.00 (Base bid)
\$17,800.00 (Option 1)
\$101,500.00 (Total Bid)

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

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Paul A. Eck	Family Home Association Inc.*	3202 West 13th Street
Terri S. Webb	Delano Barbecue Co., L.L.C.	710 West Douglas
Troy Hendricks	Auburn Hills Golf Course*	443 South 135th Street West
Navid Haeri	24 K LLC dba Valero	1622 South West Street
Steven T. Knolla	Knolla's Pizza East LLC	7732 East Central
Juan A Castaneda	Angela's Café *	10901 E Kellogg
<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Stephen Diehl	Dillon Store #81	13415 West Maple
Brandon Diep	Speedway	565 South Market
<u>New Operator</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Mai H. Vo	T&T Discount Cigarette	3448 Douglas

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

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

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CERT. OF CANVASS **CERTIFICATE OF CANVASS.**

Certificate of Canvass of the votes cast in the General Election on April 3, 2007, determining that the following candidates were duly elected.

Mayor

Carl Brewer

Council Member, District II

Susan Schlapp

Council Member, District IV

Paul Gray

Council Member, District V

Jeffery Longwell

Motion--carried

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

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. 2007 Sanitary Sewer Reconstruction, Phase 4 east of Hydraulic at Lincoln Street (468-84331/620474/667592) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$337,000.00
- b. 2007 Condemned Sidewalk & Wheelchair Ramps north of 63rd Street South, east of 119th Street West (472-84543/132100/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District ALL) - \$161,580.00
- c. 2007 Contract Maintenance Thermal Crack Repair (north of 63rd Street South, east of 135th Street West) (472-84509/132720/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, IV, V) - \$261,000.00
- d. 2007 Contract Maintenance Area Concrete Phase I north of MacArthur, east of 119th Street West (472-84512/132720/620469/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District I, III, IV, VI) - \$373,000.00
- e. Stormwater Drain #307 to serve Northgate Addition north of 53rd Street North, west of Meridian (468-84253/751445/485336) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$617,000.00
- f. Onewood from the east line of the plat west to the west line of Lot 1, Block D; City View and City View Circle from the south line of Onewood, southwesterly to and including the cul-de-sac; City View Court from the west line of City View, west to and including the cul-de-sac to serve Auburn Hills 16th Addition south of Maple, west of 135th Street West (472-84393/766130/490148) Does not affect existing traffic. (District V) - \$427,000.00
- g. Lateral 518 Southwest Interceptor Sewer to serve Pier 37 Addition south of 37th Street North, west of Ridge (468-84303/744214/480902) Does not affect existing traffic. (District V) - \$238,000.00
- h. Storm Water Drain #290 to serve Fox Ridge Addition north of 29th Street North, east of Maize (468-84151/751431/485322) Does not affect existing traffic. (District V) - \$531,240.00

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- i. Cost of 30th Street South between Custer and St. Paul to serve Builders 14th Addition - south of Pawnee, east of Washington. (472-84251/765944/490-057) (District IV) – Total Estimated Cost \$99,196.38

Motion—carried

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

PETITION

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

Agenda Report No. 07-0315

On October 17, 2006, the City Council approved Petitions for sanitary sewer improvements in Silverton and Cheryl's Hollow Additions. The developers have submitted new petitions that rephrase the projects to reflect recent marketing conditions. The signatures on the new Petitions represent 100% of the improvement districts.

The projects will serve new residential development located north of 13th, west of 135th St. West.

The existing Petitions total \$1,026,765. The new Petitions total \$914,298. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer improvements required for a new residential subdivision.

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

Motion--
--carried

Mayans moved that the new Petitions be approved; the Resolutions adopted; and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-226

Resolution of findings of advisability and resolution authorizing construction of Lateral 11, Main 4, Northwest Interceptor Sewer, 468-84244 (north of 13th Street North, west of 135th Street West, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-227

Resolution of findings of advisability and resolution authorizing construction of Lateral 12, Main 4, Northwest Interceptor Sewer, 468-84245 (north of 13th Street North, west of 135th Street West, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-228

Resolution of findings of advisability and resolution authorizing construction of Lateral 13, Main 4, Northwest Interceptor Sewer, 468-84246 (north of 13th Street North, west of 135th Street West, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 07-229

Resolution of findings of advisability and resolution authorizing construction of Lateral 14, Main 4, Northwest Interceptor Sewer, 468-84245 (north of 13th Street North, west of 135th Street West, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

PETITION

PAVING AND SANITARY SEWER IMPROVEMENTS IN BLACKSTONE AND CHERYL'S HOLLOW SECOND ADDITIONS, NORTH OF 13TH STREET, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 07-0316

On June 27, 2006, the City Council approved Petitions for paving and sanitary sewer improvements in Blackstone and Cheryl's Hollow 2nd Additions. The developers have submitted new petitions that rephrase the projects to reflect marketing conditions. The signatures on the new Petitions represent 100% of the improvement districts.

The projects will serve the new residential development located north of 13th, west of 135th St. West.

The existing Petitions total \$748,976. The new Petitions total \$782,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing paving and sanitary sewer improvements required for a new residential subdivision.

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

Motion--
--carried

Mayans moved that the new Petitions be approved; the Resolutions adopted; and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-230

Resolution of findings of advisability and resolution authorizing construction of Lateral 7, Main 4, Northwest Interceptor Sewer, 468-84170 (east of 151st Street West, north of 13th) in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-231

Resolution of findings of advisability and resolution authorizing constructing asphalt mat on 13th Street North from the west line of Aksarben to the west line of Blackstone, 472-84400, (east of 151st Street West, north of 13th) in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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PETITION

SANITARY SEWER IN BRENTWOOD SOUTH ADDITION, NORTH OF PAWNEE, EAST OF WEBB. (DISTRICT II)

Agenda Report No. 07-0317

On November 7, 2006, the City Council approved a Petition to construct a Sanitary Sewer in Brentwood South Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of Pawnee, east of Webb.

The existing Petition totals \$60,000 with the total assessed to the improvement district. The new Petition totals \$89,000 with the total assessed to the improvement district.

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

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

Motion--
--carried

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

RESOLUTION NO. 07-232

Resolution of findings of advisability and resolution authorizing construction of Lateral 1, Main 22, Four Mile Creek Sewer, 468-84263 (north of Pawnee, east of Webb) in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

STREET CLOSURE

WICHITA RIVER FESTIVAL AT&T CONCERT, MAY 11, 2007-8:30 A.M. TO 10:30 P.M.

Agenda Report No. 07-0339

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

The following street closure request has been submitted:

Wichita River Festival AT&T Concert, May 11, 2007 8:30 am – 10:30 pm

- McLean Boulevard, Douglas Street to 2nd Street
- Sycamore Street, Douglas Street to McLean Boulevard

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

Motion--

Mayans moved that the street closure 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. (3) Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 6 to 0.

--carried

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STREET CLOSURE TOPEKA AND 20TH STREET NORTH. (DISTRICT VI)

Agenda Report No. 07-0340

The Burlington Northern Santa Fe Railroad (BNSF) has scheduled the reconstruction of the three-track railroad crossing of Topeka Avenue at 20th St. North. The railroad is requesting a 5 day closure of Topeka to allow the complete removal of the three, 120 foot long, crossings and existing pavement headers, the installation of new track panels and ballast, the installation of concrete crossing material and the replacement of the street approach pavement and headers.

During the street closure, businesses along Topeka between 21st and 20th Streets will need to access the area from 21st St. North. Businesses along Topeka south of 20th St. may be able to access the area using 19th, 18th, or 17th Streets. BNSF is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses. During the closure Topeka Ave. traffic will be detoured as follows:

Northbound Topeka traffic will be detoured west on 19th St. to Broadway, north to 21st, and then east to Topeka.

Southbound Topeka traffic will be detoured west on 21st St. to Broadway, south to 17th, and then east to Topeka.

This project addresses the Efficient Infrastructure goal by maintaining safe and dependable transportation systems.

Motion--carried Mayans moved that the street closure be approved. Motion carried 6 to 0.

CONTS/AGRMNTS CONTRACTS & AGREEMENTS FOR MARCH 2007.

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

WATER MAIN AGREEMENT BETWEEN CITY OF WICHITA AND ANDOVER, 24 INCH WATER MAIN.

Agenda Report No. 07-0318

159th Street East is the dividing line between the agreed service area of the City of Wichita and Andover. A 24-inch water main is required on 159th Street East as a transmission main to serve properties in Wichita and Andover.

The cost for approximately 810 feet of 24-inch water main will be divided between the City of Wichita, Andover, and the adjacent property owners petitioning for water service. The property owners will pay for the 8-inch equivalent water main, and both cities will pay the over sizing cost.

The City of Wichita will record properties in Andover that do not participate in the benefit district for the water main and require them to obtain a letter from the City of Andover that they have paid capital recovery costs to Andover for their over sizing costs of the 24-inch main. In addition, the City of Andover shall grant the City of Wichita access to the 24-inch water main for maintenance and/or replacement of the line.

There are no costs associated with the Agreement between the City of Wichita and the City of Andover. The Agreement does specify, however, that when the 24-inch petitioned project is approved, Wichita and Andover shall share equally in the cost between the 8-inch equivalent and the cost of the 24-inch main.

This agreement addresses ensuring efficient infrastructure by supplying an adequate water transmission main in east Wichita for additional growth and development

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

Motion--
--carried

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

ALCOHOL TESTING CONTROLLED SUBSTANCES AND ALCOHOL TESTING PROGRAM THIRD-PARTY ADMINISTRATOR.

Agenda Report No. 07-0319

The City of Wichita began random drug and alcohol testing in 1995 in compliance with the Omnibus Transportation Employee Testing Act of 1991. Testing at that time was limited to employees required to have a Commercial Driver's License to do their jobs. During the last round of negotiations with the Fraternal Order of Police, the International Association of Fire Fighters, Service Employees International Union, and Teamsters, it was agreed that the random pool would be increased to include safety sensitive positions identified by the Unions, Law Department, and Human Resources Department (HRD). This increases the pool from approximately 600 to 1874, and the number of random tests from 250 to 500 for drugs and from 50 to 188 for alcohol.

Since 1995, the City's Human Resources Department has managed the random screening process; however, the increase in volume along with the federal requirements for diligence and documentation would have required an increase in the HRD budget for specialized staff to implement the new agreements. Instead, a Formal Request For Proposal was released in September, 2006 to solicit for a Third-Party Administrator to manage the Controlled Substance and Alcohol Testing Program.

Eight proposals were received. Negotiations with the top proposer were not successful and in February, 2007 Foley Services, Inc., the second proposer, was selected. Foley Services, Inc. specializes in federal Department of Transportation safety regulation compliance with special emphasis on substance abuse testing programs. They serve over 10,000 companies throughout the country.

Contracting with a third party to administer the Controlled Substances and Alcohol Testing Program is less expensive than operating the program with City staff and provides the City with protection against claims of bias in the selection and testing process. Employees who are identified with drug or alcohol abuse problems are referred to mandatory treatment programs and must be released by a substance abuse professional before returning to work.

The estimated cost of the program for the remainder of 2007 will be \$22,550 for 2008; the estimated cost is \$45,000.

Goal Impact: Internal Perspectives. Increased Productivity will result through this proactive approach to employee problems. Reduce/Avoid Costs will be achieved through reduction in preventable accidents and returning recovered employees to their positions.

The Law Department has reviewed and approved the contract as to form. The contract will be for one year with annual renewable options for four (4) years.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0.

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AUDIO/VISUAL

AUDIO/VISUAL SYSTEM 10TH FLOOR MAPD REMODEL.

Agenda Report No. 07-0320

On November 14, 2006 City Council approved the remodel of the Metropolitan Area Planning Department (MAPD) located on the 10th floor of City Hall. A major component of the MAPD and their ability to function as a public service is the large meeting/conference room. The meeting room is approximately 1800 square feet, and is used primarily for meetings of the planning commission, citizens with concerns, and small conferences with presentations.

The audio/visual system in the meeting room is significantly outdated, and is in need of an upgrade. The upgrade will include a totally re-designed system including new wireless microphones, speakers, control center, amplifier, video projector, projection screen, etc. The new system will give planning commissioners and citizens the ability to make presentations, hold discussions, and allow media types to record minutes of the meetings.

On November 17, 2006 Purchasing issued RFP FP600113 for Professional Services for the Design, Supply, and Install Audio/Visual System for the 10th Floor MAPD Conference Room. Two firms responded to the RFP, McClelland Sound and Media Specialists.

The Staff Screening and Selection Committee was convened and it was determined that McClelland Sound was the only firm of the two that could provide the City with the required response time of 1 hour in the event of a system failure, as well as loaner equipment free of charge for the warranty period in the event of prolonged system failure. Media Specialists located in Tulsa, Oklahoma, could not provide this vital service, and therefore did not meet the requirements of the original RFP.

The cost of the system is \$67,225.28, and will be completed as part as the remodel project. Funding for the total remodel project is comprised of City/County funds (\$257,436.40), Federal Grant (\$91,590), and City facilities remodeling funds (\$56,890.05). No additional project funding will be needed to purchase and install this equipment.

Efficient Infrastructure – Maintained and optimized public facilities and assets.

The Law Department has approved the Contract as to form.

Motion--
--carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 6 to 0.

(ITEM 8d) COWSKIN CREEK

PROJECT COOPERATION AGREEMENT, COWSKIN CREEK IMPROVEMENT, BETWEEN KELLOGG AND MAPLE. (DISTRICT V)

Agenda Report No. 07-0321

During the Halloween 1998 flood in the Cowskin Creek Basin, many homes were flooded in the Dell and Hidden Lakes areas of west Wichita. Subsequent to the flood, the City and the US Army Corps of Engineers undertook various studies in an attempt to determine the cause of the flooding and what might be done in the future to improve conditions. The US Army Corps of Engineers performed a Section 205 Basinwide Flood Study and determined that the only project that they could justify participating in was a channel improvement project between Kellogg and Maple. For the last several years, the City and the Corps have been developing this project including design and right of way acquisition.

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The work to be completed with this project is the construction of a 300 ft. wide overflow channel parallel to the main channel of the Cowskin Creek in the area between Kellogg and Maple. These channel improvements will lower flood elevations up to 1 ½ ft. during the one hundred year flood event and will provide additional protection for more frequent storms. The project, as designed, will include environmental mitigation measures for repair of any habitat that needs to be altered to allow for the construction of the project.

The total estimated cost for the construction of this project is \$4,539,000. The amount of \$2,339,000 will be paid by the Corps of Engineers, with the balance of \$2,200,000 to be paid the City of Wichita. The City's share is included in the project budget that was approved by the City Council on February 13, 2007.

The project addresses the Efficient Infrastructure goal and the safe and secure community goal by reducing flood risks for the nearby neighborhoods.

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

Vice Mayor Gray Vice Mayor Gray stated this was the last project that Council Member Bob Martz had worked on and he would like to recognize his efforts in getting this before the Council today for approval and one more honor that can be given to him.

Motion-- Mayans moved that the Project Cooperation Agreement be approved and the necessary signatures
--carried Motion carried 6 to 0.

LILLIE ADDITION LILLIE ADDITION, SOUTH OF MAPLE, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 07-0322

The City Council approved the water, sanitary sewer, storm drainage, and paving improvements in Lillie Addition on July 25, 2006.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sanitary sewer, storm drainage and paving in Lillie Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$54,450 and will be paid by special assessments.

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

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

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

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AUBURN HILLS

AUBURN HILLS 16TH ADDITION, SOUTH OF MAPLE, EAST OF 151ST STREET. (DISTRICT V)

Agenda Report No. 07-0323

The City Council approved the paving improvements in Auburn Hills 16th Addition on February 13, 2007.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of paving in Auburn Hills 16th Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$26,900 and will be paid by special assessments.

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

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

Motion--
--carried

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

CROSS POINTE

SANITARY SEWER TO SERVE CROSS POINTE ADDITION, SOUTH OF 21ST STREET EAST OF GREENWICH. (DISTRICT II)

Agenda Report No. 07-0324

On February 14, 2006, the City Council approved a construction contract with McCullough Excavation, Inc. to construct a sanitary sewer for Cross Ponte Addition. The alignment of the pipeline is across an existing pond, part of which was to have been filled in by a following drainage project. It has since been determined that the work can be expedited by filling in the pond with the sanitary sewer project rather than waiting for the drainage project.

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 \$12,800 with the total paid by Special Assessments. The original contract amount is \$64,000. This Change Order represents 20% of the original contract amount.

This project addresses the Efficient Infrastructure goal by proving a sanitary sewer system required for new development.

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

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

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PROP. ACQUIS.

PARTIAL ACQUISITION OF 141 NORTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0325

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. This particular acquisition consists of twenty-foot strip of land along West Street.

The proposed 2,400 square foot of land being acquired from a 36,000 square foot, vacant site poses no damages to the remainder. The owner rejected the \$13,800 or \$4.50 per square foot appraised offer and countered at \$17,400, or \$7.25 per square foot. \$7.25 a square foot is within the range of land values in the West Street corridor. This coupled with the cost of eminent domain action; it is recommended we accept the counter offer.

The funding source for the project is General Obligation Bonds. A budget of \$20,000 is requested. This includes \$17,400 for the acquisition, \$2,600 for closing costs and title insurance.

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

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 6 to 0.

PROP. ACQUIS.

PARTIAL ACQUISITION OF 219 NORTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0326

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. This particular acquisition consists of ten-foot strip of land along West Street. The property is improved with a commercial, retail store.

The proposed 1,200 square foot of land being acquired from the subject site encompasses part of the parking area and a store advertising sign. Two parking spaces will be lost as a result of the taking. The sign is personal property and will be relocated by the landowner. The appraiser did not attribute any other damages to the remainder. The owner rejected the \$8,138 offer, which included \$2,138 as compensation for loss of parking. The land was valued at \$5.00 per square foot. The owner rejected the offer and countered at \$12,500. The \$7.25 a square foot for land is within the range of land values in the West Street corridor and \$3,800 for loss of parking. This coupled with the cost of eminent domain action; it is recommended we accept the counter offer.

The funding source for the project is General Obligation Bonds. A budget of \$19,900 is requested. This includes \$12,500 for the acquisition, \$2,400 for closing costs and title insurance and \$5,000 for sign relocation.

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

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 6 to 0.

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PROP. ACQUIS.

ACQUISITION OF SANITARY SEWER EASEMENT FOR THE MAIN 5 SEWER SANITARY LATERAL LINE NEAR 13TH STREET NORTH AND HOOVER. (DISTRICT VI)

Agenda Report No. 07-0327

On July 12, 2005, the City Council approved the construction and extension of a sanitary sewer lateral line to provide service to a developed area in northwest Wichita. This project requires the acquisition of an easement on four tracts of land. On December 10, 2006, City Council approved the acquisition of the final tract through the use of eminent domain. During this process, city staff continued to negotiate with the landowner.

The owner has accepted an amicable, negotiated value of \$5,000. This amount is less than the cost to pursue acquisition of the necessary easement if pursued through eminent domain.

The funding source for the project is Special Assessments. A budget of \$6,000 is requested. This includes \$5,000 for the acquisition and \$1,000 for closing costs and title insurance.

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

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 6 to 0.

ABATEMENT ASSESS NUISANCE ABATEMENT ASSESSMENTS.

Agenda Report 07-0328

The Department of Environmental Services supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local s allow the City to clean up or mow private property that is in violation of environmental standards after proper notification of the responsible party. A private contractor performs the work, and Environmental Services bills the cost to the property owner.

State law and city ordinances allow placement of the cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and Environmental Services is requesting permission for the Department of Finance to process the necessary special assessments.

Nuisance abatement and mowing contractors are paid through budgeted appropriations from the City's General Fund. Placement of special assessments provides for reimbursement of these expenditures to the City. Nuisance abatements to be placed on special assessment total \$90,342.69; weed mowing charges total \$5,396.24.

Dynamic Core Area and vibrant Neighborhoods

These assessments are in accordance with Chapter 7.40.050 and 7.40.060 of the City Code.

Motion--
--carried

Mayans moved that the proposed assessments be approved and the ordinances placed on first reading. Motion carried 6 to 0.

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ORDINANCE

An ordinance making a special assessment to pay for the cost of cutting weeds in the city of Wichita, Kansas, introduced and under the rules laid over.

ORDINANCE

An ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of section 7.40.050 of the code of the city of Wichita, Kansas, introduced and under the rules laid over.

PRINTING, INC.

PURCHASE OPTION, PRINTING, INC. (DISTRICT VI)

Agenda Report No. 07-0329

In December of 1995, the City Council approved the issuance of \$2.75 million in Industrial Revenue Bonds, Series XIII- A&B, 1995, for the purpose of financing additional land, the construction of a 27,500 s.f. production facility and the purchase of a 6-color press, for the benefit of Printing, Inc. ("Tenant"). On March 5, 1996, City Council approved the issuance of \$4.2 million in IRBs, Series IV- A&B, 1996, for the purpose of purchasing a new Full Webb press and binding equipment for the Tenant's facility. City Council also approved a 100% property tax exemption for a five-plus-five year term on the property financed by these Bond issues.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for the bond series, Printing, Inc. has the option, if all outstanding bonds have been paid, to purchase the facility from the City of Wichita for the sum of \$1000. The City of Wichita on March 7, 2007, received notice of the Tenant's intention to exercise its purchase option, and all the Bonds have matured and been paid.

Under the terms of the Lease, the City is required to convey the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds.

The purchase price is \$1000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

Economic Vitality and Quality of Life. Cooperating with the Tenant and Trustee on IRB issues is a necessary part of preserving the credibility and integrity of the City's IRB program for future projects.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution to authorize the execution of the Special Warranty Deed, Termination and Release of Lease and Easement, Satisfaction, Discharge and Release of Indenture, and Bill of Sale.

Motion--

Mayans moved that the Resolution approving the Special Warranty Deed, Termination and Release of Lease and Easement, Satisfaction, Discharge and Release of Indenture, and Bill of Sale be adopted and the necessary signatures authorized. Motion carried 6 to 0.

--carried

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RESOLUTION

RESOLUTION ORDERING A PUBLIC HEARING, 51ST STREET NORTH PAVING, BETWEEN MERIDIAN AND ATHENIAN. (DISTRICT VI)

Agenda Report No. 07-0330

51st St. North, between Meridian and Athenian, is partially unpaved and partially paved with an old asphalt mat that is of sub-standard width. The road width is narrow and the lanes are unsafe for two cars to pass. Attempts to obtain a valid paving Petition to improve the street to an urban standard have not been successful. A Resolution to order a public hearing on May 1, 2007, has been prepared that will provide an opportunity for the project to proceed.

The completed project will be a two-lane asphalt roadway with curb and gutter; and a storm water sewer system.

The estimated project cost is \$310,000 with \$291,298 assessed to the improvement district and \$18,702 paid by the City. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.25 per square foot of ownership. The City's share is for the cost of intersection paving. The funding source for the City share is General Obligation Bonds.

The project addresses the Efficient Infrastructure goal by providing paved access in an existing residential development.

State Statutes provides the authority for the City Council to order in paving projects. Adopting the Resolution does not obligate the Council to approve the project, only to hold a public hearing on May 1, 2007.

Motion--
--carried

Mayans moved that the Resolution be adopted and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-234

Resolution directing and ordering a public hearing on the advisability of an improvement, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

1631 E. 17TH ST. N.

SALE OF 1631 EAST 17TH STREET NORTH. (DISTRICT I)

Agenda Report No.07-0332

The Wichita Housing Authority owns a building at 1631 East 17th Street North. The property consists of a 6,925 square foot masonry brick building on a 32,450 square foot site. The site is zoned multifamily. This zoning would allow the current use as community service facility but office or retail uses would not be allowed. The building was constructed in 1969 as the main office for the Wichita Housing Authority (WHA). WHA vacated the facility in 1981 and it was leased in 1984 to a social service provider. On May 9, 2006 the City Council in its capacity as the Wichita Housing Authority Board, approved the submission of a Disposition Application to the United States Department of Housing and Urban Development (HUD) to allow WHA to sell the property to the tenant.

The disposition plan specified a sale price of \$50,000. HUD has approved the plan and the price. HUD has required that there be a clause in the contract requiring the property to revert to WHA if it ceases to be used for the prescribed purposes. Upon sale, the buyer will be able to borrow funds to allow them to renovate the building and increase its viability.

WHA will receive cash consideration for the sale of the property and WHA will no longer be responsible for maintenance.

The sale of this parcel would assist in increasing neighborhood vibrancy.

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The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ APRIL 3, 2007)

ORDINANCE NO. 47-454

a. Acquisition by Eminent Domain of tracts required for the East 13th Street and North

An ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of the planned East 13th Street and North Mosley road improvement project in the city of Wichita Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the district court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-455

b. Transient Guest Registration.

An ordinance amending Sections 5.38.010 and 5.38.020 of the code of the City of Wichita, Kansas, pertaining to transient guests pertaining to registration at places of lodging and sleeping accommodations, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-456

c. Approval of Forgivable Loan for Convergys Corporation. (District II)

An ordinance of the City of Wichita, Kansas, authorizing, prescribing the form and authorizing the execution of a forgivable loan agreement and promissory note by and between Convergys Customer Management Group, Inc. and the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0 Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

d. ZON2007-00002-Zone Change request from "LI" Limited Industrial to "SF-5" Single-Family Residential zoning for residential. Generally located east of Ridge Road and south of 29th Street North. (District V)

ORDINANCE NO. 47-457

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. (ZON2007-00002), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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PLANNING AGENDA

Motion--
--carried

Mayans moved that Planning Consent items 19-22 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0.

DR2005-21

DR2005-21-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY AND "LI" LIMITED INDUSTRIAL TO "AFB" AIR FORCE BASE. GENERALLY LOCATED AT THE NORTHEAST CORNER OF 31ST STREET SOUTH AND GEORGE WASHINGTON BOULEVARD. (DISTRICT III)

Agenda Report No. 07-0335

MAPC Recommendations: Approve (12-0).
MAPD Staff Recommendations: Approve.
DAB Recommendations: DAB III did not review.

On November 14, 2006, the City Council accepted the recommendations of the McConnell Air Force Base Joint Land Use Study Implementation Coordinating Committee and directed staff to proceed with implementing the recommendations. One of those recommendations is to change the zoning of the properties owned by McConnell Air Force Base to the "AFB" Air Force Base District.

Four parcels on McConnell Air Force Base are located within the corporate limits of Wichita. Three of the parcels are currently zoned "SF-5" Single Family. One of the parcels is currently zoned "LI" Limited Industrial. The proposed zone change being considered by the City Council is to change these four parcels to the "AFB" Air Force Base District. The remainder of the Air Force Base is unincorporated, and the rezoning of those parcels is being considered by the Sedgwick County Board of Commissioners on April 11, 2007.

The Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the proposed zone change on March 15, 2007, and unanimously recommended approval. Representatives from McConnell Air Force Base spoke at the hearing in favor of the proposed zoned change. No surrounding property owners have expressed concerns regarding the proposed zone change.

The proposed rezoning addresses the Efficient Infrastructure Goal by establishing zoning for the Air Force Base that is more suitable for current and future uses and eliminates all current non-conforming uses on the Air Force Base.

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

Motion--
--carried

Mayans moved that the Council concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change. Motion carried 6 to 0.

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. (DR2005-21)

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SUB2006-108

SUB2006-108-PLAT OF SOUTH LAKES SPORTS COMPLEX ADDITION LOCATED NORTH OF 55TH STREET SOUTH AND ON THE EAST SIDE OF MERIDIAN. (DISTRICT IV)

Agenda Report No. 07-0336

Staff Recommendation: Approve the plat.

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

This site consists of one lot on 7.60 acres. The portion of the site located in the County has recently been annexed into Wichita's city limits. This site is zoned "SF-5" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for drainage and paving improvements. Municipal services are available to serve the site. A Restrictive Covenant was submitted providing for the ownership and maintenance responsibilities of the reserves being platted for drainage purposes. In order to guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings, a Drive Approach Closure Certificate has been submitted. The City of Wichita is the owner of this property.

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

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenant and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Motion--

Mayans moved that the documents and plat be approved; the necessary signatures for both approvals of the plat and as to the City's ownership authorized, and the Resolutions adopted. Motion carried 6 to 0.

--carried

RESOLUTION NO. 07-235

Resolution of findings of advisability and resolution authorizing Storm Water Drain No. 324, 468-84347 (north of 55th Street South, east of Meridian), in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-236

Resolution of findings of advisability and resolution authorizing Storm Water Drain No. 325, 468-84348 (north of 55th Street South, east of Meridian), in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-237

Resolution of findings of advisability and resolution authorizing constructing a left turn lane on Meridian Ave. to serve south lakes sports complex addition (north of 55th Street South, east of Meridian) 472-84547 in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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A07-05R

**A07-05R-REQUEST BY JUSTIN AND CAROLYN RADFORD TO ANNEX LAND
GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF 21ST STREET
NORTH AND 135TH STREET WEST. (DISTRICT V)**

Agenda Report No. 07-0337

The City has received a request to annex 0.82 acres of land generally located southeast of the intersection of 21st Street North and 135th Street West. The annexation area abuts the City of Wichita to the north. The subject property is within the L.R. Jones, 2nd Addition, and the property owner does not anticipate changes to the existing development at this time.

Land Use and Zoning: The proposed annexation consists of approximately 0.82 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north is the City of Wichita Northwest Main Pump Station and is zoned "LC" Limited Commercial and "SF-5" Single-Family Residential. Property to the east is zoned "SF-20" Single-Family Residential and "GO" General Office. The lot directly to the east is developed as a part of the L.R. Jones, 2nd Addition with Eberly Farms and Office Park just beyond. The property to the south is also a part of the L.R. Jones, 2nd Addition and is zoned "SF-20" Single-Family Residential. Property to the west is zoned "SF-20" Single-Family Residential and is primarily agricultural land with a few scattered single-family residences.

Public Services: There is a 12" water line under construction across the front of the subject property, along the east side of 135th Street West. There are 8" public laterals on the lots to the north of the subject property, as well as, a large diameter, extremely deep sewer main in the 135th Street right-of-way north of the subject property. There are no lines that the property could directly connect to, but there are many options for extending a public lateral for that purpose.

Street System: The subject property borders 135th Street to the west, which is a paved, two-lane road. The 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 have scheduled the majority of 135th Street West to be reconstructed and widened, between 21st Street North and Kellogg, which is west of the subject property. In addition, the City of Wichita recently rebuilt the bridge over the Cowskin Creek, which requires 13th Street North, west of the bridge, to be elevated and repaved. As a result, the Sedgwick County Capital Improvement Program 2006-2010 calls for improvements to 13th Street North, between 135th Street and 119th Street, which is south of the subject property.

Public Safety: Fire service to this site can be provided by the City of Wichita within nine (9) to ten (10) minute approximate response time from City Station No. 16, located at 1632 North Tyler Street. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: The West Meadows Park, a 1.5-acre park, is located approximately 1 1/2 miles to the southeast of the subject property and contains tennis courts, a basketball court and a children's play area. The Swanson Park, a 93-acre park, is located approximately 2 1/2 miles to the southeast of the subject property and contains a nature trail and a parking area. In addition, Dugan Park, although located within the City of Maize, is about 1 1/2 miles to the northeast of the subject property. According to the 1996 Parks and Open Space Master Plan, a potential future pathway has been identified that would run along the western edge of the subject property, along 135th Street West. In addition, an existing pathway runs along 21st Street North to the north of the property.

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

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The current approximate appraised value of the proposed annexation lands, according to County records, is \$124,900 with a total assessed value of \$14,363. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$451 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other development on the proposed annexation property and the current mill levy. Since the subject property is within the L.R. Jones, 2nd Addition, the property owner does not anticipate changes to the existing development at this time.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 6 to 0.

ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. introduced and under the rules laid over. (A07-05

A07-06R

A07-06R-REQUEST BY STEVE MILLER OF JBC INVESTMENT INC. TO ANNEX LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF HARRY STREET AND 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 07-0338

The City has received a request to annex 73.34 acres of land generally located northeast of the intersection of Harry Street and 127th Street East. The annexation area abuts the City of Wichita to the north and west. The property owner anticipates that the proposed property will be developed with 186 single-family units in the next five years.

Land Use and Zoning: The proposed annexation consists of approximately 73.34 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north and west is currently being developed and is zoned "SF-5" Single-Family Residential. Property to the east is primarily undeveloped, with a few scattered homes and zoned "SF-20" Single-Family Residential. Property to the south is zoned both "SF-20" Single-Family Residential and "PUD" Planned Unit Development. The PUD directly south of the subject property is developed and known as the Equestrian Estates Addition.

Public Services: There is an existing 16" water main along Harry Street. In addition, 8" lines are being constructed in the new subdivisions to the north and west from the 12" water line in 127th Street East. There are 8" sewer lines on and/or adjacent to the entire boundary of the subject property that were constructed to drain the new subdivisions to the north and east, down to the 30" main just north of Harry Street.

Street System: The subject property is northeast of the intersection at 127th Street East and Harry Street. So, 127th Street East, a paved two-lane road, is west of the subject property, and Harry Street, also a paved two-lane road, is south of the subject property. The 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 have scheduled Harry to be reconstructed and widened, between Greenwich and 143rd Street East, which is south of the subject property. The Sedgwick County Capital Improvement Program 2006-2010 does not call for improvements near the proposed annexation site.

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Public Safety: Fire services to this site can be provided by the City of Wichita within a nine (9) to ten (10) minute approximate response time from City Station No. 15, located at 7923 E. Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

Parks: The WB Harrison Park, a 40.15-acre park, is located approximately 2 miles to the west of the proposed annexation site and contains 2 tennis courts, a softball diamond, a rugby field, a children's play area, a restroom, a paved jogging trail, a fishing pond, 2 benches and 12 picnic tables. According to the 1996 Parks and Open Space Master Plan, a potential future park site has been proposed at the site of the subject property. In addition, a pathway has been proposed that would run along the southern edge of the subject property, as well as, west of the subject property along 127th Street East.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$4,360 with a total assessed value of \$1,308. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$41 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 186 single-family units will be developed in the next five years. The total appraised value of this development after completion is estimated at \$33,480,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$120,919 in City annual tax revenues.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures. Motion carried 6 to 0.

ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas, introduced and under the rules laid over. (A07-06)

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PRESENTATION

PRESENTATION TO OUTGOING MAYOR MAYANS.

Vice Mayor Gray

Vice Mayor Gray presented Mayor Carlos Mayans a statute of the Keeper of the Plains and stated it is a presentation and appreciation for his dedication and service to the City of Wichita. Stated the past four years has provided him the opportunity to learn a lot of great things from Mayor Mayans and he enjoyed many of them and he has been a good teacher.

Mayor Mayans

Mayor Mayans stated that this morning he stands before you as your humble servant to thank you for the opportunity to have served you as the Mayor of this great City. Stated four years ago we began the process of altering the course of our City's future, a promise that we would be different from any government that this City has ever seen. Stated we would focus on our most valuable resource, the value and spirit of our people. Stated our vision was to make Wichita one of the 10 best cities in America and there is no better proof of where we are today then the contrast to our recent history. Stated together we reduced the unemployment rate from 7.7% in January 2003 to 4.4% in February of this year. Stated together we retained and increased our job base by more than 6,000 good paying jobs. Stated we have more police, more fire fighters, and better equipment then we did four years ago and our low airfare initiative continues to be a model for others to follow. Stated he promised to bring accountability and trust to our city government and promised to treat every employee and every citizen with the respect that they deserved. Stated he has taken the trust that was placed in him as the guardian of the public purse with great seriousness. "Make no mistake, our first duty, our first obligation, comes to our tax payers. I kept my promises, we have become a City that does not fear mistakes but in action, a City that gives hope to those who seek opportunity and yes, refuge to those who seek freedom." Stated we are a City that future generations will be proud of. Stated my faithful service has been about giving our children better than we have received. Stated that he leaves the office of Mayor today with much gratitude for those employees who made his job easier and while there are too many to individually mention, he would like to especially recognize the City Council Staff and thanked Nesa and Bernadette for making every citizen who visited their office feel important and feel welcome and a special thanks to Carla for her friendship, her wit, and advice and keeping him on time for his appointments. Stated he could not have done his job without her help and assistance. Thanked the people of Wichita who prayed for them and supported them everyday. Thanked his wife Linda for being a wonder First Lady to the people of Wichita and thanked her for being his rock to lean on and for being there for him on days of rain as well as sunshine. Stated we have high hopes and leave in good spirit and with deep humility.

RECESS

Vice Mayor Gray announced a brief recess at 9:18 a.m.

RECONVENE

Vice Mayor Gray called the meeting back to order at 9:21 a.m.

Council Member Brewer

Council Member Brewer stated at this time he would like to present to the City Clerk his resignation as City Council Member of District I.

RESIGNATION

CITY CLERK READ ALOUD THE RESIGNATION:

I submit my resignation from the District I City Council seat, effective today, April 10, 2007. It has been my honor and pleasure to serve the many fine citizens of this community. Thank you, Carl Brewer.

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INTROS/OATHS

INTRODUCTION OF NEW MEMBERS AND OATH OF OFFICE.

Judge Jennifer Jones

Judge Jones administered the oath of office to Carl Brewer.

Mayor Brewer

Mayor Brewer stated he is eager and humble to serve you as the Mayor of the City of Wichita. Stated he has enjoyed his tenure as a City Council Member for District I. Stated over the past six years he has worked hard with many exceptional people who have had countless hours in the DAB and he is blessed because there are so many engaged citizens in District I and they are all working and demonstrated that they care about the City of Wichita. Stated he is excited about the opportunity ahead of us with the work with citizens and business leaders and City Council Members to make Wichita a great premier mid-size City. Stated together we can make great things happen that will spur economic development, create vibrant quality of life and put Wichita on the map as a place where people of all ages want to come, live, work, and play. Stated he would like to briefly touch on five themes: core area development; bridging the digital divide; public safety; quality of life; and government efficiency. Stated these are a few of the challenges that lie ahead and sees these challenges as opportunities to work with his fellow Council Members to affirm the Council-Manager form of government that has served us since 1917 and to build consensus on issues. Mayor Brewer thanked his wife, family, friends, and introduced his family members. Stated he is very grateful and honored that he was elected to be the new Mayor of the City of Wichita and thanked everyone.

Judge Jennifer Jones

Judge Jones administered the oath of office to Paul Gray.

Vice Mayor Gray

Vice Mayor Gray stated four years ago they started out on a journey to try and accomplish the most they could for the City of Wichita and southwest Wichita and thinks he has accomplished many of those goals. Stated he is pleased and honored that the community has decided to support him to continue that journey and to continue on to things that he promised to do four years ago. Stated this is an honor for him to represent this community, the City, and his district for four more years as a Council Member. Thanked his family, wife, citizens, and the business community.

Judge Jennifer Jones

Judge Jones administered the oath of office to Sue Schlapp.

Council Member Schlapp

Council Member Schlapp stated it is an honor to serve this community and this community is a fabulous community. Stated she is grateful and looks forward to these next four years and we have a great City Council. Stated there are good things that are being done. Introduced her family and stated she is looking forward to serving the citizens.

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Judge Jennifer Jones Judge Jones administered the oath of office to Jeff Longwell.

Council Member Longwell Council Member Longwell thanked the City of Wichita and stated he is looking forward to serving for the next four years. Introduced his wife and family members. Also thanked Mayor Mayans for his four years of service and knows that his heart was in the right place. Stated he is looking forward to four years with this group and knows in his heart that we have a terrific group of council people that are going to bring so much diversity and difference of opinion and experience to this group but at the end of the day they will come with one collective vision for this City. Stated he wants to bring this group together, the City of Wichita together, and the community together, and reach out to our neighbors and partners at the County, State, and in outlying areas, so that we all can form a collective voice to form a vision to move our community together because we are all in this together. Thanked west Wichita for giving him this opportunity and is looking forward to serving the next four years.

VICE MAYOR

BALLOT SELECTION OF VICE MAYOR.

Mayor Brewer Mayor Brewer announced that the results for the position of Vice Mayor reflect that the new Vice Mayor for the City of Wichita is Council Member Sharon Fearey.

Judge Jennifer Jones Judge Jones administered the oath of office to Vice Mayor Fearey.

Vice Mayor Fearey Vice Mayor Fearey introduced her father-in-law Evan Fearey and thanked the Council for asking her to assume the role of Vice Mayor. Stated she is looking forward to working with this new Council and hopes that they all learn to listen to each other, find common ground, and to agree to disagree with respect, understanding, and grace. Stated tomorrow starts the real work and thinks that they are all looking forward to it and are prepared to listen to the citizens of this community and respond accordingly.

Council Member Skelton Council Member Skelton recognized his wife Sarah and stated that he appreciates being here at today's swearing in ceremony because after two years of working in this building, he knows that he has sat through a few "swearing at" ceremonies. Stated today's positive atmosphere is one that he thinks this new City Council should endeavor to maintain and he will continue his public commitment by working with this new Council in a positive light, while not letting political or philosophical difference interfere with personal relationships. Stated he stands ready this morning to get to work with the new City Council on the important business facing this great City.

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NEW BUSINESS

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I AND III)

Kurt Schroeder Office of Central Inspection reviewed the item.

Agenda Report No. 07-0333

On February 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 April 10, 2007.

On February 5, 2007 the Board of Code Standards and Appeals (BCSA) held a hearing on eleven (11) properties. The eleven (11) properties are listed below:

<u>Property Address</u>	<u>Council District</u>
a. 814 West Clark	III
b. 1021 North Spruce	I
c. 1602 North Kansas (Garage)	I
d. 1612 North Kansas	I
e. 1547 North Estelle	I
f. 1502 East 16th	I
g. 2502-04 East 20th	I
h. 2508 East 20th	I
i. 2635 East Stadium	I
j. 1401 North Battin	I
k. 2137 South Emporia	III

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 1, 2007, and March 8, 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 Office of Central Inspection stated that on nine of the eleven properties, no one has contacted him for items C through K and no one is here to speak on those items. Stated they would like to recommend that the Council take the recommended action and proceed with condemnation for items C through K. Regarding items A and B, they have been contacted by the owners who would like the opportunity to speak with the Council and have agreed to a deferral for one week. Stated that the recommendation for items A and B is to defer action for one week, until April 17th.

Motion-- Gray moved to close the public hearing, adopt the resolutions declaring the buildings dangerous and unsafe structures, 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 April 10, 2007; (2) the structures have been secured as of April 10, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of April 10, 2007 and will be so maintained during renovation for items C through K and defer action for items A and B until next week.

--carried Motion carried 6 to 0.

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RESOLUTION NO. 07-238

A Resolution finding that the structure/s legally described as Lots 88, 90, 92 and 94, Block 6, Kansas Addition to the City of Wichita, Kansas, Sedgwick County, known as 1602 North Kansas (Garage), is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-239

A Resolution finding that the structure/s legally described as Lots 84 and 86, Block 6, Kansas Addition to the City of Wichita, Kansas, Sedgwick County, know as 1612 North is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-240

A Resolution finding that the structure/s legally described as Lots 34, 36, 38 and 40, on Estelle Avenue, replant of part of Ghetto's Second Addition to the City of Wichita, Kansas, Sedgwick County, known as 1547 North Estelle is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, , Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-241

A Resolution finding that the structure/s legally described as Lot 13, Fox-Huey Addition to the City of Wichita, Kansas, Sedgwick County, Kansas, known as 1502 East 16th, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-242

A Resolution finding that the structure/s legally described as the west 50 feet of Lot 34 and the east 27 feet of Lot 35, Block 5, Shady brook Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 2502-04 East 20th, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-243

A Resolution finding that the structure/s legally described as the west 17 feet of Lot 32, all of Lot 33 and the east 5 feet of Lot 34, Block 5, Shady brook Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 2508 east 20th is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell,, Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-244

A Resolution finding that the structure/s legally described as Lot 19, Block 5, Shady brook Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 2635 East Stadium, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Gray 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. 07-245

A Resolution finding that the structure/s legally described as Lot 10, Block 3, University Heights Second to the City of Wichita, Kansas, Sedgwick County, Kansas known 1401 North Batten is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, , Schlapp, Skelton, and Brewer.

RESOLUTION NO. 07-246

A Resolution finding that the structure/s legally described as Lots 30 and 32, on Emporia Avenue, Jack's Subdivision of Lot 1 Lawrence, 2 Topeka, 1 Emporia and 2 Fourth Avenue, Kincaid's Outlets to Wichita, Kansas, Sedgwick County, Kansas known 2137 South Emporia is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer.

CITY COUNCIL AGENDA

TRIBUTE

TRIBUTE TO FORMER COUNCIL MEMBER BOB MARTZ & RECOGNITION OF DAB V

A video tribute to former Council Member Bob Martz was shown.

Mayor Brewer and Council Members each shared comments regarding their working relationships and friendships with former Council Member Bob Martz.

Mayor Brewer

Mayor Brewer asked Mrs. Sandy Martz, District Advisory Board V, and Dana Brown to come up front. Stated that Council Member Bob Martz appointed each of you in 2000 and you remained there through both of his terms as his advisors. Stated Bob was unable to thank you for your service at the conclusion of his term, so the Wichita City Council would like to do so and do that today. Stated their appreciation is extended to them for their time and recommendations and commitment to the City Council and also representatives of Bob Martz and District V and presented each of them with a silver coin that he and Bob had developed together when they both hosted the National League of Cities. Stated Bob was proud of this coin and hopes that they will be too. Mayor Brewer and Council Member Longwell presented each of the DAB V members with a silver coin. Mayor Brewer presented Sandy Martz with a Keeper of the Plains statute as a tribute for his years of service.

Norman Williams

Police Chief Norman Williams stated between 2000 and 2006, the Wichita Police Department set two different strategic agendas and this book is a copulation of all those accomplishments that was the result of the Wichita Police Department. Stated Mr. Martz was very instrumental in assisting them with accomplishing a lot of these goals that they set as an organization and presented Mrs. Sandy Martz with a book on behalf of the men and women of the Wichita Police Department. Chief Norman also presented Mrs. Sandy Martz with a BTK Commemorative Coin and stated there is a limited edition of these that were developed in recognition of the efforts of the men and women of the Wichita Police Department as well as the overall community's support.

Council Member Gray

Council Member Gray stated that shortly after Bob Martz passed away a friend of his, Richard Crowson, had a delightful picture of Bob Martz that he put into the Wichita Eagle. Stated that his wife Krista had the idea that they should get the original from him and have it framed and present it to Mrs. Martz today. Stated this is the original of the picture and presented it to Mrs. Sandy Martz and stated it is a gift from the City Council and Staff.

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Mrs. Sandy Martz

Mrs. Sandy Martz stated that Bob would have loved this and believes that he is up there right now working and is with us here today. Thanked all of the Council Members for all of their kind remarks and stated that Bob enjoyed working with each and every one of them and that he learned from them also. Stated this was a great eight years for Bob, all of the great experiences he had and friendships he made not only in Wichita but all over the United States as he served on the Steering Committee for the National League of Cities. Stated Bob took special pride in the improvements in west Wichita to prevent flooding along the Cowskin Creek; the development of New Market Square; the expansion of east and west Kellogg; and Auburn Hill Golf Course. Stated he talked a lot about the development of the downtown river corridor and was very proud of that development and what the future would hold for Wichita. Stated when he passed away she received many letters and read aloud an excerpt from one, which was written by Police Chief Norman Williams. Stated that if he were here today he would say thank you to each one of the Council Members for listening and sharing your ideas and knowledge and for your friendships. Thanked City Staff for providing all the information and resources that he needed to make his decisions and the voters of District V who gave him the opportunity to serve on the Wichita City Council for nearly eight years.

NAMING OF PARK

NAMING OF PARK FACILITY. (DISTRICT V)

Karen Walker

Assistant Director of Parks and Recreation reviewed the item.

Agenda Report No. 07-0334

City Council Policy 13 delineates the requirements for naming public facilities "... in accordance with their intended use ...". The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration. On March 4, 2003, the City Council approved the official naming committee to be the Board of Park Commissioners.

Mr. Bob Martz served the Wichita City Council for District V from April 13, 1999 until he passed away on January 17, 2007. Mr. Martz also served as a member of the Wichita Board of Park Commissioners for a number of years prior to being elected to the City Council. He contributed greatly to the parks, open space and golf system that the community has the pleasure of enjoying today.

Mr. Martz's friends and neighbors would like to pay a special tribute to him for the many years of dedicated public service and commitment that he made to improve and touch the lives of our citizens and visitors. Mr. Martz will always be remembered for his community contributions, his devotion to parks and open space and his passion for golf. Through his perseverance, we will all miss him and therefore recommend that the City Council rename a park facility in his honor.

The costs to the Park and Recreation department will be limited to labor for installation of a new sign and can be absorbed in the current annual operating budget.

Renaming the park will continue to give our citizens a better sense of place and provides a vibrant neighborhood.

The Board of Park Commissioners action as naming authority for park and recreation areas is consistent with the provisions of City Council Policy 13.

Motion--
--carried

Council Member Longwell moved to rename the Auburn Hills Club House, the Bob Martz Memorial Club House. Motion carried 6 to 0.

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned.

Motion--carried

Mayor Brewer moved to adjourn the meeting at 10:32 a.m. Motion carried 6 to 0.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

A reception followed in the east lobby