

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 27, 2007
Tuesday, 9: 33 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.

The Minutes of the February 17, 2007 meeting were approved 6 to 0.

CONSENT AGENDA

Motion--
--carried

Mayans moved that the Consent Agenda Items 1-19a 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 FEBRUARY 26, 2007

Bids were opened February 16 and 23, 2007, pursuant to advertisements published on:

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

2007 Sanitary Sewer Reconstruction, Phase 3 various locations east of Maize, south of 13th Street North (468-84308/620471/667589) Traffic to be maintained during construction using flag persons and barricades. (District IV,V,VI)

WB Carter Construction - \$192,320.00 (Negotiated to Engineer's Estimate)

Main 23 Four Mile Creek Sewer to serve Monarch Landing Addition north of 21st Street North, west of 159th Street East (468-84316/744211/480899); AND Lateral 1, Main 23 Four Mile Creek Sewer to serve Monarch Landing Addition north of 21st Street North, west of 159th Street East (468-84317/744212/480900); AND Water Distribution System to serve Monarch Landing Addition north of 21st Street North, west of 159th Street East (448-90275/735348/470021) Does not affect existing traffic. (District II)

Utility Contractors - \$817,885.00 (Total aggregate bid)

Lateral 25, Main 19 Southwest Interceptor Sewer to serve Tyler's Landing 3rd Addition south of 37th Street North, east of Tyler (468-84064/744210/480898) Does not affect existing traffic. (District V)

Utility Contractors - \$179,164.00

Storm water Sewer Improvements at 21st Street North & Valley view south of 21st Street West, east of Maize Road (468-84198/660517/855107) Traffic to be maintained during construction using flag persons and barricades. (District V)

Utility Contractors - \$232,422.00

Storm Water Drain #311 to serve North crest Addition south of 53rd Street North, east of Meridian (468-84260/751435/485326) Does not affect existing traffic. (District VI)

Bob Bergamo Construction - \$156,120.00

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Central & Oliver Intersection Improvements (472-84362/706950/636184/620472/206416 /777575/667590) Traffic to be maintained during construction using flag persons and barricades. (District I,II)

Lafarge North America - \$1,270,505.25

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 flag persons and barricades. (District I,II,IV,V)

PP & J Construction - \$220,800.00 (Engineer's Estimate)

Street Paving and Storm Water Improvements to Mascot Avenue north of 29th Street North, west of Arkansas (472-84298/765970/490085) Traffic to be maintained during construction using flag persons and barricades. (District VI)

Kansas Paving Company - \$188,894.50

Belle chase from the east line of 127th Street East to the east line of Belle chase Addition; Spring Valley from the east line of 127th Street East to the east line of Belle chase Addition; Horseback from the north line of Belle chase to the south line of Spring Valley; Horseback Court from the west line of Horseback; Horseback Court from the east line of Horseback; Horseback Circle from the north line of Spring Valley; Belle chase Court from the north line of Belle chase, and Sidewalk on one side of all through, non cul-de-sac streets to serve Belle chase Addition north of Harry, east of 127th Street East (472-84426/766113/490130) Does not affect existing traffic. (District II)

Conejos & Sons Construction - \$319,890.99

Lateral 2, Main 15, Sanitary Sewer #23 to serve Northgate Addition north of 53rd Street North, west of Meridian (468-84248/744213/480901) Does not affect existing traffic. (District VI)

Nowak Construction - \$276,563.00

Lateral 402 Four Mile Creek Sewer to serve Teradyne West Addition north of Central, west of 159th Street East (468-84261/744203/480891) Does not affect existing traffic. (District II)

Nowak Construction - \$114,094.50

Storm Water Sewer #626 to serve Tyler's Landing 3rd Addition south of 37th Street North, east of Tyler (468-84298/751436/485327) Does not affect existing traffic. (District V)

Nowak Construction - \$268,011.50

Motion--

Mayans moved that the contracts 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 authorize Motion carried. 6 to 0.

--carried

PARK AND RECREATION DEPARTMENT/RECREATION DIVISION: Watson Park Improvements Train Track Ext.

Laser Contracting Inc - \$473,802.70 (Base Bid)
\$12,000.00 (Alternate 2)
\$6,840.00 (Alternate 3)
\$4,000.00 (Alternate 4)
\$1,000.00 (Alternate 5)

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WATER AND SEWER DEPARTMENT/PRODUCTION AND PUMPING DIVISION: Well Chemical Rehabilitation.

Layne Western Company* - \$29,652.00 (Base Bid)
\$1,250.00 (Option 1)
\$2,850.00 (Option 3)
\$900.00 (Option 4)

*Estimate-Contract approved on unit cost basis.

HOUSING AND COMMUNITY SERVICES/PUBLIC HOUSING DIVISION: Interior and Exterior Modifications of 2 Houses.

Roof Mechanics Inc. - \$30,000.00

HOUSING AND COMMUNITY SERVICES/PUBLIC HOUSING DIVISION: Interior and Exterior Modifications of 1 House.

Roof Mechanics Inc. - \$22,000.00

TWO VARIOUS DEPARTMENTS, BOARDS AND AGENCIES: Automotive and Commercial Batteries.

Allied Battery Supply Company* - \$69,081.50 (Base Bid)
<-\$450.00> (Deduct, Option 1)
<- \$11,200.00> (Deduct, Option 2)

*Estimate – Contract approved on unit cost basis.

PARK DEPARTMENT/GOLF DIVISION: Herbicides, Fertilizer, Fungicides.

Van Diest Supply Company* – Groups 1,3,7,10,13,15,16,18,19,22,24,27,28,29,
30,32,& 36

Estes Inc.* – Groups 2 & 26

Helena Chemical Company* – Groups 4,9,14 & 33

BWI Springfield* – Groups 5 & 17

Lawrence Pest Control Company Inc.* – Group 6

Lesco Inc* – Groups 8,11,12 & 31

Grass Pad* – Groups 20,21 & 34

Gard'n Wise Distribution Inc.* – Group 23

Supreme Truf Products Inc.* – Group 25

Quaility Turf* – Group 35

*Refer to attachment for Group Costs.

VARIOUS DEPARTMENTS, VARIOUS BOARDS AND AGENCIES: Ballast and Ballast Kits.

Star Electric Supply Inc.* - \$20,203.85

*Estimate – Contract approved on unit cost basis.

WICHITA AIRPORT AUTHORITY/AIRPORT OPERATIONS DIVISION: Tractor & Mower.

Conrady Western Inc. - \$43,384.00 (Group 1, Base Bid)
Sellers Equipment Inc. - \$28,590.00 (Group 2)

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WATER AND SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Custom Setter, Monitor Cover and Meter Box.

HD Supply Waterworks - \$51,038.40 (Group 1)
Water Products Inc. - \$4,140.00 (Group 2)

PARKS AND RECREATION DEPARTMENT/AQUATIC DIVISION: Waterslide Aley Swimming Pool.

United Industries Inc. - \$42,137.50

AIRPORT/ENGINEERING: Jabara Airport Paving, Grading, Drainage.

Conejos & Sons Inc. - \$270,873.25 (Base Bid)

VARIOUS DEPARTMENTS/DIVISIONS: Dump Trucks, Step Van, Aerial Trucks.

Two (2) Additional Dump Trucks Base Bid with Options 2,3,4,5 & 6* - \$187,214.00 (Total Bid)

WATER AND SEWER DEPARTMENT/CUSTOMER SERVICE DIVISION: Oracle Licenses and Support Fees/RQ700349 Water Department/8th Floor.

Mythic* - \$136,077.00

*Purchase utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j)

LAW DEPARTMENT: Herman Miller System Furniture Law Department/13th Floor.

John Marshall Company* - \$55,830.00

*Purchase utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j)

Motion--
--carried

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

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>(2007)</u>	<u>Consumption on Premises</u>
Ajounh Sengseeoung	Bankok Thai Restaurant*	2020 South Rock Road, Suite 50
<u>Renewal</u>	<u>(2007)</u>	<u>Consumption off Premises</u>
Greg Johnson	Whatta Stop #1	1203 East Pawnee
Rick W. Brazile	Wal-Mart Super center #1099	501 East Pawnee
Rick W. Brazile	Wal-Mart Super center #3492	11411 East Kellogg
<u>New Operator</u>	<u>(2007)</u>	<u>Consumption off Premises</u>
Kulwinder Jaswal	Petrol America #3	8008 East 21st Street

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

Motion--
--carried

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

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PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. 2007 Sanitary Sewer Reconstruction, Phase 2 various locations south of 13th Street North, east of Hydraulic (468-84307/620407/667588) Traffic to be maintained during construction using flag persons and barricades. (Districts I, III) - \$133,000.
- b. Cost of construction of Water Main Replacement in North Oaklawn area (north of 47th Street South, west of K-15). (District III) (448-89814/636176/776-569) – Total Estimated Cost \$1,048,000.

Motion--carried

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

PETITION

CONSTRUCT A STORM WATER DRAIN FOR AN AREA TO BE PLATTED AS MEADOWLAKE BEACH ADDITION, WEST OF CLIFTON, NORTH OF 63RD STREET SOUTH. (DISTRICT III)

Agenda Report No. 07-0153

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 west of Clifton, north of 63rd St. South.

The Petition totals \$664,000. 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--
--carried

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

RESOLUTION NO. 07-144

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 315 (west of Clifton, north of 63rd Street South) 468-84302, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

PETITION

CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE LOTS 8 AND 9, SUNNYSIDE GARDENS THIRD ADDITION, NORTH OF CENTRAL, EAST OF GILDA. (DISTRICT V)

Agenda Report No. 07-0154

The Petition has been signed by one owner representing 100% of the improvement district.

The project will extend a water line to a commercial area located north of Central, east of Gilda.

The Petition totals \$13,500. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing water service for an undeveloped area.

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

RESOLUTION NO. 07-145

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90280 (North of Central, east of Gilda), 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, Schlep, Skelton, and Mayans.

DEEDS/ESMNTS

DEEDS AND EASEMENTS:

- a. Drainage and Utility Easement dated January 17, 2007 from International Trading, Inc. for a tract of land lying within portions of Lots 53, 54, 55, and 56, Block 1, Woodland Lakes Estates Fourth Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861) No cost to City. (D18005)
- b. Utility Easement dated December 14, 2006 from Mental Health Association of South Central Kansas for a tract of land lying in Lot 2, Block 1, Shady Ridge Second Addition, an Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City. (D18006)
- c. Storm Water Sewer Easement dated November 16, 2006 from Armstrong Plumbing, Inc. for a tract of land lying in Lot 9; Block A, Santa Fe Orient Industrial District 3rd Addition to Wichita, Sedgwick County, Kansas, (OCA # 751433), No Cost to City (D18007)
- d. Drainage Easement from Craig Smith, Managing Member of Terradyne Residential, LLC for a tract of land lying in Lot 1, Block 1 of Terradyne West an Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No cost to City. (D18008)
- e. Sidewalk Easement from Gary L. Pierce, Jane E. Pierce, Sara McCarthy, and Jonathon Pierce, all co-owners for a tract of land located in Lot 1,Block 1, Timberlands Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA 607861). No Cost to City. (D18009)

Motion--carried

Mayans moved that the documents be accepted. Motion carried 6 to 0.

STREET CLOSURE

BROADWAY, DOUGLAS TO WILLIAM. (DISTRICT I)

Agenda Report No. 07-0180

Belger Cartage Service Inc. has contracted to remove heating and cooling equipment from a downtown building. In order to be able to reach high enough they will have to assemble a crane boom and locate a large crane in Broadway between Douglas and William. The crane will need to be placed on the far side of the street to make the removal possible. There will not be enough room in Broadway for traffic to be safely carried past the work area during the crane assembly or equipment removal process. Belger Cartage Service Inc. is requesting a one-day closure of the 100 block of South Broadway to allow this work. The work is scheduled for Saturday, March 3, 2007 weather permitting, but may be rescheduled for Sunday, March 4th or Saturday or Sunday March 10th or 11th if necessary due to high winds or other weather related problems.

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Belger Cartage Service Inc. is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the street closure Broadway traffic will be detoured as follows:

Southbound Broadway traffic will be detoured east to Topeka, south to William, and then west to return to Broadway.

Northbound Broadway traffic will be detoured west to Market, north to First, and then east to return to Broadway.

Belger Cartage Service Inc. will be required to purchase the necessary Use-of-Street permit for the area of street needed to accomplish the work.

This street closure addresses the Core Area & Neighborhood Goal by allowing the maintenance of a building in the Downtown area.

Motion--carried

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

PROP. LEASE

PROPERTY LEASE AGREEMENT.

Agenda Report No. 07-0155

The City has periodically needed to rent storage facilities for equipment and other items. Uses will include safeguarding City assets that are currently stored in the elements. A total of 4,680 feet are available, including a portion for office space.

Property is available for total annualized rent payment of \$28,080. The proposed term is two years, with up to three additional renewal years included.

The negotiated lease rate of the facility is \$6 per square foot, or a total of \$28,080 annually. Funding is included in the budget for this purpose.

Provide a safe and secure community.

The lease contract will be approved in form by the Law Department.

Motion--
--carried

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

ELEC. IMAGING

AMENDED AGREEMENT: ELECTRONIC IMAGING PROJECT FOR DRAINAGE STRUCTURE INVENTORY.

Agenda Report No. 07-0156

On December 12, 2006, the City Council approved an agreement with Rely Services to implement a document imaging system for the Municipal Court and Police Department. The work will result in a significant reduction in paperwork and efficiencies in accessing records. On December 19, 2006, the City Council approved a Citywide Storm water Drainage Inventory Project. One element of the project is the imaging of all existing storm water drainage system maps. An amended agreement with Rely Services has been prepared to expand their work to include the drainage maps and engineering record plans.

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The drainage inventory will allow staff to accurately maintain and improve access to the records of existing structures

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The supplemental agreement fee is a not to exceed amount of \$47,030 and is available from the existing Drainage Structure Inventory budget. The funding source is the Storm Water Utility.

The project addresses the Efficient Infrastructure goal by facilitating drainage improvements throughout the City.

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

Motion--
--carried

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

COMPUTER EQUIP. COMPUTER EQUIPMENT AND MAINTENANCE-SELECTION OF VENDOR FOR THE COMPUTER HARDWARE SECTION.

Agenda Report No. 07-0157

The City purchases computer equipment and maintenance through a bid process based on each requirement. To secure volume pricing/discounts, staff explored securing a master contract for computer purchases in 2003 and 2000. In 2003, it was determined that splitting the contract into four sections: (Computer Hardware, Support Services and Maintenance, PC and Monitor Removal, and PC Accessories and Peripherals) the City of Wichita could attain optimal pricing each being awarded on its own merit. This Agenda Report is for the Computer Hardware Section

A competitive Request for Proposal (RFP) for computer equipment and maintenance was posted and 5 responses were received for some or all portions of the RFP. A staff screening and selection committee consisting of the IT/IS Help Desk Manager, the IT/IS Help Desk Lead Analyst, an IT/IS Systems Analyst, an IT/IS Operations Analyst, a Budget Analyst, and a Purchasing Analyst, reviewed and evaluated the proposals based on the criteria set forth in the Request for Proposal.

Computer Hardware: Dell Marketing LP's (our current vendor) proposal for the Computer Hardware section offered the lowest priced PC and monitor, including imaging services. Three year onsite technical support is included and extensive purchasing and technical support are available online.

Computer equipment and maintenance service costs are within departmental operating budgets.

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

The Law Department has reviewed and approved the contracts as to form. The contracts will be for one year with an annual renewal options for an additional two years.

Motion--
--carried

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

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TRANS. SERV.

TRANSCRIPTION SERVICE FROM AMERICAN HIGH-TECH TRANSCRIPTION AND REPORTING, INC.

Agenda Report 07-0179

The Police Department has recorded narrative reports from Police Officers and Investigation interviews for a number of years. The increase in officers has caused an additional workload in the Wichita Police Department's Records bureau and Investigation's transcription area which has not increased its' positions. Typed case reports and typed interviews must be available prior to trial for a number of offenses, including many Municipal Court cases. The Police Department has not been able to keep up with the current workload. The reports needing to be transcribed are taking over fifty percent of the storage on the current digital system.

New advancements in transfer of files from the digital dictation equipment have made it possible to have transcription done anywhere in the United States and not just locally as was required in the past. Firms that specialize in law enforcement transcription have the expertise to save time and effort because of their knowledge of terminology and report requirements. Proposals were solicited in November 2006 for transcription service. Thirteen bids were received and reviewed. Each proposal was evaluated on the basis of qualifications, experience, references, and price. Four vendors received a final telephone interview. American High-Tech Transcription and Reporting, Inc. received all of the first place ratings from the committee members and has been selected as the preferred vendor.

The Wichita Police Department will fund the contract with grant funding, it is estimated the total project will cost \$50,000.

Safe and secure community, this automated process will make the Wichita Police Department, Municipal Court and Prosecutor's Office more efficient.

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

Motion--
--carried

Mayans moved that the contract for American High-Tech Transcription & Reporting, Inc. be approved and the necessary signatures authorized. Motion carried 6 to 0.

PROP. ACQUIS.

PARTIAL ACQUISITION OF 140 SOUTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0158

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

The property is improved with a 3,456 square foot, one-story, commercial retail building. It is necessary to acquire a ten foot strip of land, a total of 800 square feet, along West Street for road purposes. As a result of the take, some parking will be lost. The appraiser valued the take and parking damages at \$17,638, or \$11.00 psf on the land. The owner has agreed to accept \$20,000, an additional \$2,362. This is a reasonable settlement for loss of parking and proximity of the new line to the building.

The funding source for the project is General Obligation Bonds. A budget of \$27,000 is requested. This includes \$20,000 for the acquisition and \$7,000 for closing costs, title insurance and sign relocation.

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

The Law Department has approved the contract as to form.

Motion--
--carried

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

Agenda Report No. 07-0159

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

The proposed 800 square foot acquisition was appraised at \$10,800, or \$13.50 per square foot for the land. The appraiser attributed an additional \$3,200 as damages to the landscaping. The property is improved with a 2,905 square foot, one-story, commercial retail building on a 11,050 square foot lot. The improvements are removed from the acquisition and are not impacted. The owner has agreed to accept the city's appraised value.

The funding source for the project is General Obligation Bonds. A budget of \$21,000 is requested. This includes \$14,000 for the acquisition and \$7,000 for closing costs, title insurance and 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 Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 6 to 0..

PROP. ACQUIS.

PARTIAL ACQUISITION OF 3859 SOUTH MERIDIAN FOR THE MACARTHUR ROAD IMPROVEMENT PROJECT, MERIDIAN TO SENECA. (DISTRICT IV)

Agenda Report No. 07-0160

On February 7, 2006, City Council approved a project to improve MacArthur, between Meridian and Seneca. The road will be widened to four lanes with left turn lanes and landscaped medians. The intersection of MacArthur and Meridian will be signalized with left turn lanes at all four approaches to the intersection. A new storm water sewer system will be built. To accommodate the project, right-of-way must be acquired from fifteen tracts of land.

The project requires a strip of land from both the east and south property line of the subject. The subject is a 78-acre tract of land consisting of both an agricultural field and farmstead and a vacant commercially zoned carve-out at the intersection. The land being acquired as right-of-way varies from eight feet wide to thirty feet wide nearest the intersection. The agricultural improvements are removed from the road and are not adversely impacted by the project. This proposed acquisition area consists of a total of 38,824 square feet. The owner agreed to accept the appraised value of \$62,391, or \$0.15 per square foot for that part within the agricultural tract (21,938 square feet) and \$3.50 per square foot for that part zoned commercial (16,886 square feet).

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A budget of \$68,391 is requested. This includes \$62,391 for the acquisition, \$6,000 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administrated by the Kansas Department of Transportation.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the agreement as to form.

Motion--
--carried

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

CONDEMNATIONS

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

Agenda Report No. 07-0162

On February 5, 2007, the Board of Code Standards and Appeals (BCSA) held a hearing on the following eleven (11) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

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

<u>Property Address</u>	<u>Council District</u>
a. 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 Batten	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.

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

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Motion--

Mayans moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on April 10, 2007 at 9:30 a.m. or as soon thereafter be adopted.

--carried

Motion carried 6 to 0.

RESOLUTION NO. 07-133

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lot 18, W.E. Evans Addition to the City of Wichita, Kansas, Sedgwick County, Kansas, known as 814 West Clark, as may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-134

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 25 and 27, on Penn, Now Spruce Street, Solomon's Second Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 1021 North Spruce, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-135

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property 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), may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-136

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 84 and 86, Block 6, Kansas Addition to the City of Wichita, Kansas, Sedgwick County, know as 1612 North Kansas may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-137

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property 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, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

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RESOLUTION NO. 07-138

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lot 13, Fox-Huey Addition to the City of Wichita, Kansas, Sedgwick County, Kansas, known as 1502 East 16th, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-139

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property 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, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-140

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property 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, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-141

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lot 19, Block 5, Shady brook Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 2635 East Stadium, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-142

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 10, Block 3, University Heights Second to the City of Wichita, Kansas, Sedgwick County, Kansas known 1401 North Batten, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

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RESOLUTION NO. 07-143

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property 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, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

CHECK COLLEC.

CHECK COLLECTION SERVICES.

Agenda Report No. 07-0163

The City of Wichita has a contract with KCI to recover insufficient fund checks presented to the City of Wichita for payment of primarily water and traffic related items. The contract with KCI expired on September 30, 2006. The City issued a Request for Proposal (RFP) for check collection services and needs assessment. The City is in the process of changing procedures due to new technology and process improvements. Rather than re-bid a new vendor contract for check collection services, during the transition it is recommended the City extend the existing contract through the end of the year ending on December 31, 2007. There is no cost currently to the city for check collection services. The contract vendor receives their commission from the customer.

Discussions with Water & Sewer, Municipal court and Treasury have indicated a continuing need for check collection services for these departments who have a large volume of returned checks during the review transition. A sufficient amount of time needs to be scheduled to incorporate all required changes.

There is no cost for this service.

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

Motion--

Mayans moved that the contract extension through the end of the year ending on December 31, 2007 for check collection services to KCI be approved and the Purchasing Manager authorized to sign the contract amendment. Motion carried 6 to 0.

--carried

NARCOTIC SEIZ.

NARCOTIC SEIZURE FUND BUDGET.

Agenda Report No. 07-0164

The Wichita Police Department has utilized the Narcotic Seizure Fund for approximately a decade to fund drug related Police operations. The Narcotic Seizure Fund consists of monies from federal, state, and other agencies obtained as a result of investigations into illegal enterprises such as the possession and sale of narcotics. After the judicial process is completed, the funds are awarded to the Department. The Wichita Police Department adheres to stringent state and federal guidelines in accounting for and using the Narcotic seizure funds.

The budget for the Narcotic Seizure Fund is adopted to permit the expenditure of funds forfeited to the Wichita Police Department. Federal and state regulations require separate accounts for assets forfeited under different forfeiture programs.

As of December 31, 2006, the Narcotic Seizure Fund totaled \$182,796.63. The following budget is recommended for 2007:

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Budgeted Item	Amount
Undercover buy money	30,000
Undercover vehicle maintenance/operations	50,000
Undercover fleet replacements	24,000
Law enforcement training	15,000
VOCA grant match	20,522
Tokens	5,000
Annual audit	3,000
Contingency/fund reserve	<u>35,275</u>
Total	\$182,797

Provide a safe and secure community by placing an emphasis on eliminating illegal enterprises such as the possession and sale of narcotics.

Federal and State laws require local units of government to use forfeited assets to supplement the funds dedicated to law enforcement and prohibits supplanting local funds with forfeited assets.

Motion--carried Mayans moved that the budget for the Narcotic Seizure Fund be adopted. Motion carried 6 to 0.

WEAPONS DEST. WEAPONS DESTRUCTION.

Agenda Report No.07-0165

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided, as Exhibit A – 43 long guns and 151 handguns. The destruction of the weapons will be witnessed and monitored by Staff.

Provide a Safe and Secure Community. Destruction of weapons on a timely basis will maintain adequate storage facilities for property and evidence stores by the Wichita Police Department.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion--carried Mayans moved that the list of weapons be received and filed. Motion carried 6 to 0.

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CENTRAL/OLIVER CENTRAL AND OLIVER INTERSECTION IMPROVEMENT. (DISTRICTS I AND II)

Agenda Report No. 07-0166

On January 10, 2006, the City Council approved a project to improve the intersection of Central and Oliver. Based on current bid prices, it is doubtful that a construction contract can be awarded with the existing budget. As a result, additional City funding is needed. An amending Ordinance has been prepared to revise the project budget.

The project will reconstruct the intersection of Central and Oliver to provide left turn lanes at all four approaches. A new storm water sewer will be constructed.

The current budget is \$1,250,000, with the total paid by the City. The funding source is General Obligation Bonds. The proposed revised budget is \$1,500,000. Funding for the increased City cost is available from under expenditures in other District I and II projects.

This project addresses the Efficient Infrastructure goal by improving traffic flow through a major traffic corridor.

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

Motion--
--carried

Mayans moved that the revised budget be approved; the amending Ordinance placed on First Reading and the signing of State/Federal agreements as required authorized. Motion carried 6 to 0.

ORDINANCE

An Ordinance amending Ordinance No. 46-879 of the City of Wichita, Kansas declaring the intersection of Central and Oliver (472-84362) to be a main traffic way within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main traffic way; 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.

SAFE ROUTES

SAFE ROUTES TO SCHOOLS PROGRAM.

Agenda Report No. 07-0167

On August 15, 2006, the City Council approved an application to the Kansas Department of Transportation (KDOT) for Safe Routes to School Program funding. The program is administered by KDOT and is intended to encourage school children to walk and bicycle to school. Funding is available for educational and infrastructure projects that benefit children in elementary and middle schools. KDOT Officials have advised that funding for an initial phase of a project for Wichita has been approved. A City/KDOT agreement has been prepared to establish the project.

The project will survey school children and their parents to determine their mode of traffic and route to school. The information collected will become the basis for future projects.

The project budget is \$15,000. The funding source is Federal Transportation Grants. There is no City matching funds required.

The project addresses the Safe and Secure Community goal by improving pedestrian safety along school routes.

The City/KDOT agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the project and agreement be approved and the signing of State/Federal agreements authorized as required. Motion carried 6 to 0.

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EUDL GRANT

ENFORCING UNDERAGE DRINKING LAWS (EUDL) GRANT.

Agenda Report No. 07-0168

For the past four years, the Wichita Police Department has placed an emphasis on eliminating underage alcohol consumption in our community. In an effort to address this problem, the Wichita Police Department, in collaboration with community agencies and citizens, developed and implemented the JUDGE (Juvenile Underage Drinking Group Education/Enforcement) program. The goals of the JUDGE program are to educate the public on underage alcohol consumption issues and enhance proactive enforcement of laws applicable to underage alcohol consumption. In an effort to assist with this effort, the Police Department is applying for a grant funded by the Kansas Department of Transportation, Bureau of Traffic Safety. The Enforcing Underage Drinking Laws (EUDL) grant is being made available to communities to support their enforcement activities in the area of preventing underage alcohol consumption. The Wichita Police Department received EUDL funding 2006 and is applying for funding again in 2007. The grant application has already been signed by the City Manager and submitted in order to meet the deadline of February 9, 2007, pursuant to authority under Administrative Regulation 2.4, where delay would invalidate the grant.

The Kansas Department of Transportation is providing financial support in the form of a three-month mini-grant. Funds would be made available from March 1 through May 31, for overtime to support enforcement activities during Spring break, proms and graduations.

The Wichita Police Department grant application requests funding for the JUDGE program in the amount of \$28,584.24 for overtime to support enforcement activities. There is no local match.

Provide a safe and secure community by placing an emphasis on eliminating underage alcohol consumption in our community.

Motion--
--carried

Mayans moved that the application be approved and the appropriate signatures authorized. Motion carried 6 to 0.

CLAIMS

REPORT ON CLAIMS ALLOWED FOR JANUARY 2007.

<u>Name of Claimant</u>	<u>Amount</u>
Safely, Norma	\$113.50
Willows, Inc.	\$568.50

Motion--carried

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

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RESOLUTION

RESOLUTION AUTHORIZING SECTION 5307 URBANIZED AREA FORMULA ANNUAL GRANT FROM THE FEDERAL TRANSPORTATION ADMINISTRATION (FTA).

Agenda Report No. 07-0169

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of this resolution is to authorize staff to file for eligible federal funds for the support of the City's transit services for FY2006 capital purchases and transit operation (pursuant to Section 5307 Urbanized Area Formula Annual Apportionment - \$3,849,269). The authorized total federal apportionment for FY2006 is \$3,849,269. A public hearing was held on February 23, 2007, with no adverse comments. Section 5307 funds are funded 72% federal funds and 28% local matching funds programs.

The proposed resolution authorizes funding to support the following:

- Safety and Security programs;
- Maintenance, including personnel costs, vehicle overhauls, parts and equipment;
- Special Services, including ADA operating expenses, and purchased services;
- Planning and training activities;
- Pass-through funding for urbanized area operators (Sedgwick and Butler Co., Park City, Derby/Haysville) for planning and preventive maintenance;
- Capital to finish concrete work and the installation of Wichita Transit's bus bench and shelter program; and
- Capital cost of specialized transportation contracting.

The total grant budget is \$5,317,835; federal share is \$3,849,269. The local share will be split between the City of Wichita (\$726,066), KDOT (\$400,000), and other local, non-City of Wichita, funds (\$342,500).

To ensure a efficient infrastructure by maintaining and optimizing public facilities and assets.

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

Motion--
--carried

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

RESOLUTION NO. 07-146

A Resolution authorizing the filing of an application with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49, U.S.C. Chapter 53, Title 23, and other federal statutes administered by the Federal Transit Administration to support FY2006 Section 5307 Projects, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

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RESOLUTION

RESOLUTION AUTHORIZING CONGESTION MITIGATION AIR QUALITY (CMAQ) GRANT FROM THE FEDERAL TRANSPORTATION ADMINISTRATION (FTA).

Agenda Report No. 07-0170

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of this resolution is to authorize staff to file for eligible federal funds for the support of the City's transit services for CY2007 Congestion Mitigation Air Quality. The authorized total federal apportionment for FY2006 is \$124,000. A public hearing was held on February 23, 2007, with no adverse comments. CMAQ funds are Federal Highway Administration (FHWA) funds that are transferred to FTA for use by transit services. These funds are 80% federal funds and 20% local matching fund programs.

The proposed resolution authorizes funding to support the following:

- Q-Line Trolley services for downtown Old Town and Delano Districts;
- Event services (i.e., Wichita State Sporting events, nation-wide golf tournament, and any other events that is open to the general public); and
- Regional rideshare program.

The total grant budget is \$155,000; federal share is \$124,000. The local share will be split between KDOT for \$11, 00, and other local shares from the Wichita Downtown Development Commission (WDDC) of \$20,000. No City of Wichita funds will be used as a local match for these CMAQ funds.

To ensure an efficient infrastructure by maintaining and optimizing public facilities and assets.

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

Motion--
--carried

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

RESOLUTION NO. 07- 147

A Resolution authorizing the filing of an application with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53, Title 23, and other federal statutes administered by the Federal Transit Administration to support FY 2006 Congestion Mitigation Air Quality (CMAQ) Projects, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

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ORDINANCES

SECOND READING ORDINANCE: (FIRST READ FEBRUARY 13, 2007)

- a. Amendments to Section 11.42.030 pertaining to driving while license suspended and creation of Section 11.32.035 pertaining to driving license restrictions.

An Ordinance Amending Section 11.42.030 pertaining to driving while license suspended and creation of Section 11.32.035 pertaining to driving license restrictions, 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, Schlep, Skelton, and Mayans.

PLANNING AGENDA

Motion--
--carried

Mayans moved that Planning Consent items 20-26 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0.

ZON2006-00054

ZON2006-00054-ZONE CHANGE FROM, "SF-5" SINGLE-FAMILY RESIDENTIAL TO "TF-3" DUPLEX RESIDENTIAL WITH A PROTECTIVE OVERLAY. GENERALLY LOCATED 1/8 MILE EAST OF ARKANSAS AVENUE, ON THE NORTH SIDE OF 27TH STREET NORTH. (DISTRICT VI)

Agenda Report No. 07-0171

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

MAPD Staff Recommendations: Approve, subject to the provisions of the Protective Overlay and platting within one year.

DAB Recommendations: Approve, subject to staff recommendations (8-0).

The applicant is seeking "TF-3" Duplex Residential zoning on a "SF-5" Single-family Residential zoned 3.5-acre unplanted and undeveloped site. The site is located approximately three-blocks east of Arkansas Avenue, on the north side of 27th Street North with its east side up against a drainage channel. 27th Street does not cross this abutting drainage channel, which flows north to southeast, from the Chisholm Creek Diversion (36th-37th Street North) to I-35. 27th Street provides the only access onto the site.

The predominate zoning in the area is "TF-3," with some "B" Multi-family Residential zoning (east of the site across the drainage channel) and that area is developed mostly as single-family residential. The site and four abutting and adjacent properties north of the site, are the area's only "SF-5" zoned properties between the drainage channel and Arkansas Street. The subject site and the largest of the other "SF-5" zoned properties are some of the few undeveloped properties in the area and both abut the drainage channel. The subject property is not platted and is vacant. Aerials of the area show a house and accessory structures on the site in 1973. Aerials from 1977 to the present show the site to be vacant (with the exception of what appears to be a trailer in 1987) for a period of at least 30 years. The site's area was annexed into the City between 1961-1970. The 1958 zoning map shows the site's area being zoned "R-1" Suburban Residential. When the site was annexed into the City, its zoning was changed to "A" Two-family Residential (which was changed to "TF-3" in 1996) and "B." The predominate single-family residential development in the area was in place prior to the "TF-3" and "B" rezoning, which was the result of the area being annexed into the City.

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There is also a small nonconforming trailer park north of the site and the other vacant "SF-5" zoned properties. Property west of the site is platted (North court Addition, recorded in 1938), is zoned "TF-3" and is developed as single-family residential, with residences appearing to have been built from the late 1930s through 1950. Property south of the site, across 27th Street, is platted (Maggarts Addition, 1909), zoned "TF-3" and is developed as single-family residential, with the residences closest to the site being built in the late 1930s through 1961. Properties east of the site, across the drainage channel, are zoned "TF-3" and "B." The "TF-3" zoned property is platted (Meadow Creeks Addition, 1995) and is developing as a single-family residential subdivision: this is the most recent building in the area and it is only partially developed. The "B" zoned properties are either not platted and not developed or platted (Northland Addition, 1919, and Mount Rose Park Addition, 1932) and developed as single-family residences. Although most of the zoning in the area is "TF-3" with some "B" zoning, development is predominately single-family residential and was developed as such prior to it being annexed into the City. There is a two-story apartment (1983), zoned "GO" General Office, located three blocks west of the site on Arkansas Avenue, a two-lane minor arterial. This is the only apartment within two blocks north of the site. There is a 2.21-acre complex of 16 duplexes (32 units) owned by the Wichita Housing Authority (LHA Addition, September 25, 1979) located two blocks south of the site. This site has direct access onto 25th Street North, a minor arterial, and Jackson and Waco Avenues, both residential streets.

There were no speakers in opposition to the request at the DAB VI meeting on January 17, 2006. The DAB voted unanimously (8-0) to recommend approval of the zone change from "SF-5" Single-family Residential to "TF-3" Duplex Residential, subject to the provisions of Protective Overlay "PO" #184 and platting within one year. There were no speakers in opposition to the request at the MAPC meeting on January 18, 2006. The MAPC voted unanimously (12-0) to recommend approval of the zone change from "SF-5" Single-family Residential to "TF-3" Duplex Residential, subject to the provisions of "PO" #184 and platting within one year. No protest petitions have been submitted and staff has received no phone calls protesting the proposed zone change. The provisions of "PO" #184 are:

(1) A minimum lot width of 50-feet for all lots, and a minimum lot size of 6,000-sqaure feet per lot for duplexes and 5,000-sqaure feet per lot for single-family residential lots. If developed as duplexes there will be no common parking area(s). Each duplex will have off street parking provided on the lot they occupy.

Promote Economic Vitality and Affordable Living.

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

Motion--

Mayans moved that the findings of the MAPC be approved; the zone change be approved subject to the additional recommended provisions of the Protective Overlay and subject to the condition of platting; and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0.

--carried

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SUB2005-141

SUB2005-141-PLAT OF NORTHGATE COMMERCIAL PARK FIRST ADDITION LOCATED ON THE NORTHWEST CORNER OF 53RD STREET NORTH AND MERIDIAN. (DISTRICT VI)

Agenda Report No. 07-0172

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of three lots on 28.8 acres, has recently been annexed into Wichita's city limits and is a replant of the Maize State Bank Addition along with unplanted property. The site has been approved for a zone change (ZON 2006-25) from "SF-5" Single-Family Residential District to "LC" Limited Commercial District. The Northgate Commercial Park Community Unit Plan (CUP 2006-24, DP-299) was also approved for this site. A Notice of Community Unit Plan has been submitted.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, drainage, paving and left-turn lane improvements. A Restrictive Covenant was submitted to provide for the ownership and maintenance of the proposed reserves. In accordance with the CUP approval, a Declaration of Cross-lot Circulation Agreement was submitted to assure internal vehicular movement between the lots. A Drive Approach Closure Certificate has been submitted for 54th Street North at Meridian Avenue.

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, Restrictive Covenant, Declaration of Cross-lot Circulation Agreement and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinance placed on first reading. Motion carried 6 to 0.

RESOLUTION NO. 07-148

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90281 (north of 53rd Street North, west 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, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-149

Resolution of findings of advisability and Resolution authorizing construction of Lateral 10, Main 15, Sanitary Sewer No. 23, 468-84336 (north of 53rd Street North, west 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, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-150

Resolution of findings of advisability and Resolution authorizing improving Storm Water Sewer No. 631, 468-84337 (north of 53rd Street North, west 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, Schlep, Skelton, and Mayans.

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RESOLUTION NO. 07-151

Resolution of findings of advisability and Resolution authorizing constructing an ace/decal lane and fifth lane in Meridian Avenue from 54th Street North to 53rd Street North to allow left turns, 472-84532 (north of 53rd Street North, west 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, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-152

Resolution of findings of advisability and Resolution authorizing constructing dual left turn lanes on the west and south legs of the intersection of 53rd and Meridian and a fifth lane in 53rd Street North from the west line of the plat to the dual left turn lanes, 472-84533 (north of 53rd Street North, west 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, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-153

Resolution of findings of advisability and Resolution authorizing constructing a traffic signalization device to serve the intersection of 54th Street North and Meridian Avenue, 472-84534 (north of 53rd Street North, west 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, Schlep, Skelton, and Mayans.

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. (ZON2006-25)

SUB2006-35

SUB2006-35-PLAT OF NEWMARKET OFFICE ADDITION, LOCATED ON THE NORTH SIDE OF 29TH STREET NORTH AND WEST OF MAIZE ROAD. (DISTRICT V)

Agenda Report No. 07-0173

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 38.2 acres, is located within Wichita's city limits. This site has been approved for a zone change (ZON 2004-41) from "SF-5" Single-Family Residential District to "GO" General Office District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sanitary sewer and left-turn lane improvements. Water service is available to serve this site. A Restrictive Covenant was submitted providing for the ownership and maintenance responsibilities of the reserves being platted for drainage purposes and the parking strips along 29th Street North.

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.

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

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinance placed on first reading. Motion carried 6 to 0.

RESOLUTION NO. 07-154

Resolution of findings of advisability and Resolution authorizing construction of Lateral 14, Main 7, Northwest Interceptor Sewer, 468-84295 (north of 29th Street North, 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. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

RESOLUTION NO. 07-155

Resolution of findings of advisability and Resolution authorizing constructing a left turn lane to serve the east bound left-turn movements from 29th Street North to Lot 1, Block 1, 472-84484 (north of 29th Street North, 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. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlep, Skelton, and Mayans.

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. (ZON 2004-41)

SUB2006-71

SUB2006-71-PLAT OF ANIMAL SERVICE CAMPUS ADDITION, LOCATED NORTH OF 29TH STREET NORTH AND ON THE WEST SIDE OF HILLSIDE. (DISTRICT I)

Agenda Report No. 07-0174

Staff Recommendation: Approve the plat.

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

This unplanted site, consisting of one lot on 23.5 acres, is located within Wichita's city limits. This site is zoned "LI" Limited Industrial District.

Municipal services are available to serve the site. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the proposed reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions. The City of Wichita is shown on the plat as the owner of this property.

Ensure Efficient Infrastructure.

Motion--
--carried

Mayans moved that the plat be approved and the necessary signatures for both approval of the plat and as to the City's ownership authorized. Motion carried 6 to 0.

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SUB2006-99

SUB2006-99-PLAT OF WICHITA SAFETY FACILITY ADDITION, LOCATED BETWEEN 343RD STREET WEST AND 327TH STREET WEST AND BETWEEN 103RD STREET SOUTH AND 111TH STREET SOUTH. (DISTRICT IV)

Agenda Report No. 07-0175

Staff Recommendation: Approve the plat.

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

This unplanted site, consisting of one lot on 631.58 acres is located within Wichita's city limits. A portion of the site has been approved for a zone change (ZON 2006-34) from "SF-5", Single-Family Residential District to "GI" General Industrial District. A Conditional Use (CON 2006-37) has also been approved for Hazardous Operations for a municipal safety operation.

On-site sewerage facilities are not needed for the proposed use of the property. Since municipal water is not available to serve this property, Environmental Services has approved the use of on-site water wells. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the proposed reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions. The City of Wichita is shown on the plat as the owner of this property.

Ensure Efficient Infrastructure.

Motion--
--carried

Mayans moved that the plat be approved and the necessary signatures for both approval of the plat and as to the City's ownership. Motion carried 6 to 0.

SUB2006-105

SUB2006-105-PLAT OF THE FAMILY VIDEO ADDITION, LOCATED EAST OF WEST STREET AND ON THE SOUTH SIDE OF CENTRAL. (DISTRICT VI)

Agenda Report No. 07-0176

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 1.27 acres, is a replant of a portion of the Knight Acres Addition. The southern portion of the site has been approved for a zone change (ZON 2006-46) from "SF-5" Single-Family Residential District to "LC" Limited Commercial District.

Municipal services are available to serve this site. A Drive Approach Closure Certificate was submitted 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 Restrictive Covenant was submitted to permit future cross-lot access with the abutting property owner to the west, effective upon commercial development of that property.

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.

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

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; and the Ordinance placed on first reading. 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. (ZON2006-46)

DED2007-01

DED2007-01-DEDICATION OF A UTILITY EASEMENT LOCATED EAST OF MERIDIAN AND NORTH OF HARRY. (DISTRICT IV).

Agenda Report No. 07-0177

Staff Recommendation: Accept the Dedication.

This Dedication is associated with a lot split case (SUB 2006-78, Santa Fe Orient Industrial District 3rd Addition). The Dedication is for construction and maintenance of public utilities.

Ensure Efficient Infrastructure.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 6 to 0.

AIRPORT AGENDA

SABRE

AIR SERVICE CONSULTING SERVICES, SABRE CONSULTING.

Agenda Report No. 07-0178

On October 21, 2003, the Wichita Airport Authority authorized staff to advertise, select and enter into contract negotiations with various air service consultants to provide air service strategies and consulting services. On January 6, 2004, a selection committee reviewed proposals and conducted interviews to solicit firms to provide air service support functions at Mid-Continent Airport. Saber Consulting was one of the firms selected to do air service consulting. On December 14, 2004, the Wichita Airport Authority approved a three-year agreement with Saber to provide consulting services. The 2004 agreement allows for additional work to be performed through separate work orders.

In order to have the flexibility to address air service deficiencies, and to be responsive as changes in the airline industry occur, funds are needed to conduct various air service studies, route analyses, preparation of presentations to targeted airlines, on-call research and other consulting services. A work order has been prepared for 2007 air service projects for approval by the Director of Airports.

An amount not-to-exceed \$40,000 is expected to cover upcoming air service consulting projects. Funds are available in the Airport operating budget.

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The Airport's contribution to the economic vitality of Wichita is promoted through securing professional services to assist airport staff in developing strategies to improve air service; which ultimately contribute to business expansion, increased tourism, and other economic benefits to the community.

Motion--
--carried

Mayans moved that the expenditure of budgeted funds not to exceed \$40,000 be authorized.
Motion carried 6 to 0.

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

There were no board appointments to be made.

ADJOURNMENT

Motion--carried

Mayans moved at 9:35 a.m. that the meeting be adjourned. Motion carried 6 to 0.

Respectfully submitted,

Karen Sublett CMC
City Clerk