

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 24, 2008
Tuesday, 9: 34 A.M.

The City Council met in regular session with Vice-Mayor Schlapp in the Chair. Council Members Fearey, Gray, Longwell, Skelton, and Williams present. Mayor Brewer was absent with prior notice.

Ed Flentje, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the regular meeting of June 17, 2008, approved 6 to 0, (Brewer absent).

PLANNING AGENDA

Motion--
--carried

Vice-Mayor Schlapp moved that Planning consent items 1 to 4 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Brewer absent).

ZON2008-00023

ZON2008-00023-CITY ZONE CHANGE FROM SF-5 SINGLE-FAMILY RESIDENTIAL (SF-5) TO GC GENERAL COMMERCIAL (GC), GENERALLY LOCATED AT THE TERMINATION OF GILDA STREET 1/2 MILE SOUTH OF CENTRAL AND WEST OF I-235. (DISTRICT V)

Agenda Item No. 1.

MAPC Recommendation: Approve, without the platting recommendation, vote 7-3.
MAPD Staff Recommendation: Approve, subject to platting within one year.

The subject property is located a half mile south of Central with I-235 running along the east property line. The subject property is unplatted and contains 3.4 acres, currently zoned SF-5 Single-Family Residential ("SF-5"). The applicant has applied for a zone change to GC General Commercial ("GC") on the subject site and the uses he proposes include elements of outdoor storage, vehicle storage yard and nursery and garden center type uses. The subject property is currently undeveloped, and is currently being used for outdoor storage and as a vehicle storage yard. A review of aerial photographs indicates that the site has been used for similar type uses as to what is being proposed over the past 10 – 15 years.

Use of the subject property for outdoor storage, vehicle storage and nursery and garden center is illegal under the property's current zoning; however, no complaints have been received by the Office of Central Inspection regarding the illegal use of the property. The applicant has requested GC zoning, which is the first zoning district that permits the vehicle storage yard use of the property.

In addition to receiving GC zoning, the applicant will need to comply with the screening standards of the Unified Zoning Code and the Landscape Ordinance requirements. The screening standards for outdoor storage areas require a decorative fence, evergreen vegetation, or landscaped earth berms where adjacent to a residential zoning district or public street right-of-way. For the subject property, screening would be required along the north and east property line.

The character of the surrounding area is mixed with the City of Wichita's Public Works substation to the north and major barriers to the west (Wichita-Valley Center Floodway) and east (I-235). The subject property is triangular in shape, with just north, east and west property lines. The substation (CON2001-00062) to the north is zoned SF-5 and the right-of-way for I-235 along the east property line provides a 270-foot buffer between the subject property and an electrical substation zoned SF-5. The Wichita-Valley Center Floodway runs along the west property line providing a 1,800-foot buffer between the subject site and SF-5 zoned property.

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At the MAPC meeting held May 22, 2008, the MAPC voted (7-3) to recommend approval of the request for GC zoning without the platting recommendation. The applicant and a nearby property owner spoke in favor of the application and there was no opposition.

Promote Economic Vitality

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

Motion--
--carried

Vice-Mayor Schlapp moved to concur with the findings of the MAPC, approve the zone change and place the ordinance establishing the zone change on first reading. Motion carried 6 to 0, (Brewer absent).

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.

SUB2005-102

SUB 2005-102-PLAT OF HOLLAND COMMERCIAL ADDITION LOCATED ON THE NORTHWEST CORNER OF KELLOGG AND TYLER ROAD. (DISTRICT V)

Agenda Item No. 2.

Staff Recommendation: Approve the plat.

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

This site, consisting of eight lots on 11.6 acres, is a replat of Payday Addition, Schniepp Addition, a portion of Westport Addition and unplatted property. This site has been approved for a zone change (ZON 2003-50) from SF-5 Single-Family Residential and LC Limited Commercial to GC General Commercial. The Holland Commercial Community Unit Plan (CUP 2003-52/DP-268) has also been approved for this site. A CUP Certificate has been submitted identifying the approved CUP and its special conditions for development on this property.

Petitions, 100 percent, a Certificate of Petitions have been submitted for sewer, paving, water and drainage improvements. A Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements has also been submitted.

The plat has been approved by the Metropolitan Area 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 Certificate of Petitions, Notice of Community Unit Plan and Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements will be recorded with the Register of Deeds.

Motion--
--carried

Vice-Mayor Schlapp moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted; and first reading of the Ordinance approved. Motion carried 6 to 0.

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RESOLUTION NO. 08-324

Resolution of findings of advisability and Resolution authorizing construction of authorizing construction of water Distribution System Number 448-90319 (north of Kellogg, west of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Schlapp moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams, (Brewer absent).

RESOLUTION NO. 08-325

Resolution of findings of advisability and Resolution authorizing construction of authorizing construction of Lateral 8, Main 8, Southwest Interceptor Sewer (north of Kellogg, west of Tyler) 468-84393, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Schlapp moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams, (Brewer absent).

RESOLUTION NO. 08-326

Resolution of findings of advisability and Resolution authorizing construction of authorizing improving Storm water Drain No. 330 (north of Kellogg, west of Tyler) 468-84394, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Schlapp moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams, (Brewer absent).

RESOLUTION NO. 08-327

Resolution of findings of advisability and Resolution authorizing construction of authorizing constructing pavement on Belview Avenue from Tyler Road to 30 feet west of the west line of Lot 8 of Holland Commercial Addition (north of Kellogg, west of Tyler) 472-84589, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice Mayor Schlapp moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams. (Brewer absent)

RESOLUTION NO. 08-328

Resolution of findings of advisability and Resolution authorizing construction of authorizing constructing pavement on the east half of Byron Avenue from the north line of Holland Commercial addition to the south line of Holland Commercial Addition (north of Kellogg, west of Tyler) 472-84590, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Schlapp moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams, (Brewer absent).

ORDINANCE

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

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SUB2008-18

SUB 2008-18-PLAT OF SHAW ADDITION LOCATED ON THE NORTH SIDE OF CENTRAL AND EAST OF HOOVER ROAD. (DISTRICT VI)

Agenda Item No. 3.

Staff Recommendation: Approve the plat.

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

This unplatted site, consisting of one lot on .74 acres, is located within Wichita's city limits. A zone change (ZON 2008-17) from SF-5 Single-family Residential to LC Limited Commercial and a Protective Overlay (P-O #212) have been approved for this site. A Notice of Protective Overlay addressing uses, outside storage, screening, signage and lighting has been submitted.

City water and sewer services are available to serve the site. A No Protest Agreement has been submitted regarding the future paving of Elder. Since this site is located within the noise impact area of Mid-Continent Airport, a Restrictive Covenant and Avigational Easement have been submitted.

The plat has been approved by the Metropolitan Area Planning Commission, subject to conditions. Publication of the ordinance should be withheld until the plat is recorded with the Register of

Ensure Efficient Infrastructure.

The Notice of Protective Overlay, No Protest Agreement, Restrictive Covenant and Avigational Easement will be recorded with the Register of Deeds.

Motion--
--carried

Vice-Mayor Schlapp moved that the documents and plat be approved; the necessary signatures authorized; and first reading of the ordinance approved. Motion carried 6 to 0, (Mayor Brewer absent).

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.

VAC2008-00013

VAC2008-00013 - REQUEST TO VACATE PORTIONS OF A PLATTED EASEMENT AND PORTIONS OF AN EASEMENT DEDICATED BY SEPARATE INSTRUMENT; GENERALLY LOCATED BETWEEN 135TH AND 151ST STREETS WEST, NORTH OF KELLOGG STREET. (DISTRICT V)

Agenda Item No. 4.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicants are requesting consideration for the vacation of the platted 10 foot drainage and utility easement running parallel to the east lot line of Lot 9, Block A, Auburn Hills 11th Addition and extending into Reserve H, Auburn Hills 16th Addition, and the 10 foot drainage and utility easement dedicated by separate instrument (Film 2256/Page 89) running parallel to the east side of the lot line of Lot 9, Block A, Auburn Hills 11th Addition and extending into Reserve H, Auburn Hills 16th Addition. There are no utilities, drainage, manholes, sewer or water lines in the subject easements. The Auburn Hills 11th Addition was recorded with the Register of Deeds on August 30, 2001. The Auburn Hills 16th Addition was recorded with the Register of Deeds on February 3, 2006.

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

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Ensure efficient infrastructure.

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

Motion--
--carried

Vice-Mayor Schlapp moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

COUNCIL AGENDA

APPOINTMENTS

COUNCIL MEMBER APPOINTMENTS

There were no appointments to be made.

CONSENT AGENDA

Motion--
--carried

Skelton moved that Consent agenda items 6 to 20c be approved in accordance with recommended action shown thereon. Motion carried 6 to 0, (Brewer absent).

BOARD OF BIDS

REPORT OF BOARD OF BIDS AND CONTRACTS DATED JUNE 23, 2008.

Bids were opened June 20, 2008, pursuant to advertisements published on:

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

Pawnee Court Water Main Replacement (north of Pawnee, west of Hillside) (448-90215/636164/776557) Traffic to be maintained during construction using flagpersons & barricades. (District III) 2008 Sanitary Sewer Reconstruction Phase 7 (east of Broadway, south of 16th Street North) (468-84526/620513/668632) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Mies Construction - \$54,617.92

2008 Sanitary Sewer Reconstruction Phase 7 (east of Broadway, south of 16th Street North) (468-84526/620513/668632) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

WB Carter Construction - \$26,310.00

Left turn lane on 13th Street North for eastbound traffic into a major entrance to serve Foliage Center Addition and Country Club Park Addition (north of 13th Street North, west of Webb) (472-84688/766208/490226) Traffic to be maintained using flagpersons and barricades. (District II)

Cornejo & Sons Construction - \$139,872.50

Left turn lane on Webb Road for northbound traffic into major entrances to serve Foliage Center Addition and Country Club Park Addition (north of 13th Street North, west of Webb) (472-84689/766209/490227) Traffic to be maintained using flagpersons and barricades. (District II)

Cornejo & Sons Construction - \$137,200.00 (Negotiated to Engineer's Estimate)

Water Supply Line to serve Cambria Addition (east of 143rd Street East, north of Pawnee) (448-90360/735404/470077) Traffic to be maintained during construction using flagpersons & barricades.

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(District II)

Dondlinger & Sons - \$229,788.00

Cambria/Welsh from the east line of 143rd Street East to the east line of 143rd Street east; Celtic from the south line of Cambria to the north line of Welsh; Welsh from the east line of Cambria/Welsh to the north line of the plat to serve Cambria Addition (east of 143rd Street East, north of Pawnee) (472-84650/766193/490211) Does not affect existing traffic. (District II)

LaFarge North America - \$387,110.15

Water Distribution System to serve Moorings 10th Addition (south of 53rd Street North, west of Meridian) (448-90356/735411/470084) Does not affect existing traffic. (District VI)

Mies Construction - \$131,405.00

Motion--

Skelton moved that the contracts be awarded as outlined above, same being the lowest and best bids within the Engineer's construction estimate, and the necessary signatures be authorized.

--carried

Motion carried 6 to 0, (Brewer absent).

WATER UTILITIES DEPARTMENT/PRODUCTION & PUMPING DIVISION:
Hess Pump Station Generator Building

Dondlinger & Sons Construction Co., Inc. - \$6,027,000.00 Base Bid
\$ 147,000.00 Add Alternate #1
\$6,174,000.00 Total Aggregate Bid

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Step Vans and Wrecker

Kansas Truck Center - \$285,120.00 Group 1, Base Bid
\$ 14,084.00 Group 1, Option 1
\$ 3,984.00 Group 1, Option 2
\$ 4,044.00 Group 1, Option 3
\$ 4,144.00 Group 1, Option 4
\$ 3,164.00 Group 1, Option 5
\$ 1,188.00 Group 1, Option 6
\$ 1,544.00 Group 1, Option 7

Don Hattan Chevrolet, Inc. - \$ 80,451.00 Group 2

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Rock Salt for Snow and Ice Control

Hutchinson Salt Company - \$177,500.00*

*Estimate – Contract approved on unit cost basis; refer to attachments.

POLICE DEPARTMENT/TRAINING DIVISION: Protective Body Armor Vests

Baysinger Police Supply - \$ 61,850.00 *

*Estimate – Contract approved on unit cost basis; refer to attachments.

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: 25 Ton Chiller and Installation

The Waldinger Corp. - \$ 94,426.00

AIRPORT/ENGINEERING DIVISION: Reconstruction of Terminal Apron Phase I

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Cornejo & Sons, Inc. - \$5,823,625.45

WATER UTILITIES DEPARTMENT/CUSTOMER SERVICE DIVISION:
6 each - Super Raptor Radio FC200SR, Desk Dock, and maintenance

Itron, Inc. - \$31,516.00*

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

Motion--
--carried

Skelton moved that the report be received and filed; the Contracts approved; and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Mark Branham	Quik Trip #313	3164 South Hillside
Mark Branham	Quik Trip #320	1021 West 31st Street
Mark Branham	Quik Trip #321	6011 West Central
Mark Branham	Quik Trip #325	1414 North Oliver
Mark Branham	Quik Trip #326	2010 South Broadway
Mark Branham	Quik Trip #328	2801 South Hydraulic
Mark Branham	Quik Trip #329	5602 East Harry
Mark Branham	Quik Trip #343	242 South Tyler
Mark Branham	Quik Trip #345	4020 S Meridian
Mark Branham	Quik Trip #347	1532 South Seneca
Mark Branham	Quik Trip #349	1112 West Douglas
Mark Branham	Quik Trip #353	110 South Rock Road
Mark Branham	Quik Trip #356	4808 South Hydraulic
Mark Branham	Quik Trip #358	7120 West 21st Street North
Mark Branham	Quik Trip #360	3933 West 13th Street
Mark Branham	Quik Trip #366	1620 South Webb Road
Mark Branham	Quik Trip #368	626 West 21st Street North
Mark Branham	Quik Trip #369	3216 East Harry
Mark Branham	Quik Trip #372	3126 East Pawnee
Mark Branham	Quik Trip #373	1620 East Lincoln
Mark Branham	Quik Trip #374	10315 West 13th
Mark Branham	Quik Trip #376	2106 South Rock Road
Mark Branham	Quik Trip #378	5611 South Broadway
Mark Branham	Quik Trip #383	11223 East Central
Mark Branham	Quik Trip #384	2510 West Pawnee
Mark Branham	Quik Trip #386	1010 East Douglas Ave
Mark Branham	Quik Trip #388	7991 East 37th North
Mark Branham	Quik Trip #389	4730 East Central
Mark Branham	Quik Trip #391	730 North Broadway
Loretta Tuckwood	Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #3283	10600 West 21st Street
<u>New</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Alan L. Leffew	Bubba's Nekked BBQ*	2428 West 13th Street North

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

Motion--
--carried

Skelton moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0, (Brewer absent).

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PRELIM. ESTS.

Preliminary Estimates:

- a. 2008 Sanitary Sewer Reconstruction Phase 6 (various locations) (468-84521/620511/668630) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III) - \$210,000.00
- b. 2008 Sanitary Sewer Rehabilitation Service Connections Cured-in-Place T-Liner (three locations south of Central, west of Greenwich) (468-84525/620512/668631) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,IV) - \$140,000.00
- c. 2008 Contract Maintenance Bike path Asphalt Repair & Overlay (south of 2nd Street North, west of Hillside) (472-84733/132721/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,III,IV) - \$100,000.00
- d. Lateral 14, Main 15, Sanitary Sewer #23 to serve The Moorings 10th Addition (south of 53rd Street North, west of Meridian) (468-84467/744276/480965) Does not affect existing traffic. (District VI) - \$603,000.00
- e. Hollywood, from the west line of Lot 18, Block C, west and north to the south line of Block D; 35th Street South, from the west line of Hollywood, west to the west line of the plat; Shefford, from the north line of Hollywood, north to the north line of the plat; Hollywood Court, from the north line of Hollywood, north to and including the cul-de-sac to serve Lots 49 through 63, Block A; Hollywood Court from the north line of Hollywood, north to and including the cul-de-sac to serve Lots 34 through 48, Block A; Sidewalk to be constructed on one side of Hollywood, Shefford, and 35th Street South to serve Harvest Ridge Addition (west of Maize, south of 31st Street South) (472-83806/766215/490233) Does not affect existing traffic. (District IV) - \$601,120.00
- f. Manlo from the east line of Lot 1, Block D, east to the east line of the plat; 34th Street North from the east line of Lot 6, Block D, east to the south line of Manlo to serve Mesa Verda Addition (south of 37th Street North, east of Meridian) (472-84482/766211/490229) Does not affect existing traffic. (District VI) -\$136,400.00

Motion--carried

Skelton moved to receive and file. Motion carried 6 to 0, (Brewer absent).

PETITION

WATER DISTRIBUTION SYSTEM IN CAMBRIA ADDITION, EAST OF 143RD STREET EAST, NORTH OF PAWNEE. (DISTRICT II)

Agenda Item No. 9a.

On February 5, 2008, the City Council approved a petition for a water distribution system in Cambria 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 Petition represents 100% of the improvement district.

The project will serve a new residential development located east of 143rd St. East, north of Pawnee.

The existing Petition totals \$259,000 with \$111,350 assessed to the improvement district and \$147,650 paid by the Water Utility. The new Petition totals \$312,000 with \$134,150 paid by special assessments and \$177,850 paid by the Water Utility. The Utility share is for the cost of over sizing the waterline to serve future development outside the improvement district.

This project addresses the Efficient Infrastructure goal by providing public 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

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

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RESOLUTION NO. 08-329

Resolution of findings of advisability and Resolution authorizing construction of authorizing construction of Water Distribution System Number 448-90360 (east of 143rd St. East, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams, (Brewer absent).

PETITION

CONSTRUCT 13TH STREET AND WEBB ROAD LEFT TURN LANES TO SERVE FOLIAGE CENTER AND COUNTRY CLUB PARK ADDITIONS, AT 13TH, WEST OF WEBB. (DISTRICT II)

Agenda Item No. 9b.

On April 8, 2008, the City Council approved Petitions to construct Webb Road and 13th Street left turn lanes for Foliage Center and Country Club Park Additions. Based on current bid prices, the Petitions do not have sufficient funding to award construction contracts. The developers have submitted new Petitions with increased budgets. The Petitions have been signed by two owners representing 100% of the improvement districts.

The projects will provide paving improvements for new commercial development at 13th Street, west of Webb.

The existing Petitions total \$235,000. The new petitions total \$355,000. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing for the construction of paving improvements for new 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

Skelton moved that the new Petitions be approved; the Resolutions adopted; and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

RESOLUTION NO. 08-330

Resolution of findings of advisability and Resolution authorizing construction of constructing a left turn lane on 13th Street for eastbound traffic into a major entrance (north of 13th , west of Webb) 472-84688, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams, (Brewer absent).

RESOLUTION NO. 08-331

Resolution of findings of advisability and Resolution authorizing construction of authorizing constructing a left turn lane of Webb Road for northbound traffic into major entrances (north of 13th, west of Webb) 472-84689, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams, (Brewer absent).

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PETITION

WATER DISTRIBUTION SYSTEM TO SERVE PART OF KILLARNEY PLAZA FIRST ADDITION, SOUTH OF 37TH STREET NORTH, WEST OF ROCK. (DISTRICT II)

Agenda Item No. 9c.

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

The project will provide water service for a commercial development located south of 37th, west of Rock.

The Petition totals \$25,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing public improvements required for new commercial 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

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

RESOLUTION NO. 08-332

Resolution of findings of advisability and Resolution authorizing construction of authorizing construction of Water Distribution System Number 448-90395 (south of 25th St. North, west of Rock), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams, (Brewer absent).

STREET CLOSURE

CELEBRATE 2007, JULY 4, 2008 LAWRENCE DUMONT STADIUM, 9:00 AM – 11:00 PM. (DISTRICT IV)

Agenda Item No. 10b.

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

The following street closure request has been submitted:

Celebrate 2007, July 4, 2008 Lawrence Dumont Stadium 9:00 am – 11:00 pm

- **McLean Boulevard, Douglas Avenue to Maple Street not including intersections.**

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.

The event sponsor is responsible for all costs associated with the special event.

Enhance the Quality of Life

Motion--
--carried

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

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CHANGE ORDER

TRAFFIC SIGNALS AT 34TH STREET AND WOODLAWN AND 13TH STREET AND GATEWOOD. (DISTRICTS I AND II)

Agenda Item No. 11a.

On February 5, 2008, the City Council approved a construction contract with Phillips Southern Electric, Inc. to install traffic signals at the intersections of 34th & Woodlawn and 13th & Gatewood. After the work began, it was determined that additional sidewalks and wheelchair ramps were needed to comply with the Americans with Disabilities Act.

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 \$16,029 with the total paid by General Obligation Bonds. The original contract amount is \$252,560. This Change Order represents 6.35% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving traffic flow.

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

Skelton moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Brewer absent).

CHANGE ORDER

GYPSUM CREEK IMPROVEMENT FROM HILLSIDE TO THE WICHITA DRAINAGE CANAL. (DISTRICT III)

Agenda Item No. 11b.

On December 11, 2007, the City Council approved a construction contract with Dondlinger & Sons Construction Company for Gypsum Creek improvements. After the work began, it was determined that a trash gate was needed at a concrete box culvert to keep debris from entering the structure and blocking the operation of a sluice gate.

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 \$13,800 with the total paid by the Storm Water Utility. The original contract amount is \$1,184,747. This Change Order plus a previous change order represents 1.68% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving gypsum Creek Drainage.

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

Skelton moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Brewer absent).

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PROP. ACQUIS.

ACQUISITION OF 220 EAST 21ST STREET FOR THE INTERSECTION IMPROVEMENT PROJECT AT 21ST AND BROADWAY. (DISTRICT VI)

Agenda Item No. 12a.

On September 11, 2007, the City Council approved the roadway intersection improvement of 21st and Broadway. The project will provide left turn lanes at all four approaches to the intersection, existing pavement will be replaced and the traffic signal system will be upgraded. The project requires the acquisition of seven properties in addition to three partial acquisitions. All of the properties are improved and zoned for commercial use. The acquisition of 220 East 21st consists of 2,125 square foot retail building on a 3,469 square foot site. The building is currently unoccupied.

The proposed acquisition appraised for \$60,000, or \$28.23 per square foot. The owner declined the appraised offer but has agreed to accept \$65,000, or \$30.58 per square foot. City staff recommends accepting the counter value as it is reasonable and prudent.

The funding source for the project is General Obligation Bonds. A budget of \$86,000 is requested. This includes \$65,000 for acquisition, \$1,000 for closing costs and title insurance and \$20,000 for razing the subject property.

The acquisition of this parcel is necessary to ensure efficient infrastructure by improving the traffic flow through a major transportation corridor.

The Law Department has approved the contract as to form.

Motion--
--carried

Skelton moved that the Budget and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

BOARD MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS

Wichita Airport Advisory Board, May 5, 2008
Art Council Minutes, May 8, 2008
Wichita Public Library, May 20, 2008
Wichita Public Library Special Meeting, May 29, 2008

Motion--carried

Skelton moved to receive and file. Motion carried 6 to 0, (Brewer absent).

CONDEMNATION

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

Agenda Item No. 14.

On June 2, 2008, the Board of Code Standards and Appeals held a hearing on three (3) residential properties listed below. The buildings on all three (3) properties are considered dangerous and unsafe structures per State statutes and local ordinances, and are being presented in order to schedule a condemnation hearing before the City Council. The Board of Code Standards and Appeals has recommended that the City Council proceed with condemnation, demolition and removal of the dangerous buildings on all three (3) properties.

Minimum Housing Code violation notices have been issued on these structures; however, compliance has not been achieved. Pre-condemnation and formal condemnation letters have also been issued, and the time granted for repair or removal has expired. No actions have been taken by the property owners and/or other interested parties to repair or remove these dangerous buildings.

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<u>Property Address</u>	<u>Council District</u>
a. 1312 North Wabash	I
b. 2717 East 10 th North (garage)	I
c. 2676 South Jewett	III

Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

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 for condemnation consideration, as required by State Statutes.

Motion--

Skelton moved that the resolutions to schedule public hearings before the City Council on August 5, 2008 at 9:30 a.m. or as soon as possible thereafter, to consider condemnation of structures deemed dangerous and unsafe per Kansas State Statutes and local ordinances be adopted. Motion carried 6 to 0, (Brewer absent).

--carried

Resolution No. 08-333

A Resolution finding that the structure/s located on Lots 38 and 40, on Wabash Avenue, H.O. Burleigh's 3rd Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1312 N. Wabash, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams, (Brewer absent).

Resolution No. 08-335

A Resolution finding that the structure/s located on Lot 54, Block P, Planeview Subdivision No. 1, Sedgwick County, Kansas to the City of Wichita, Sedgwick County, Kansas, commonly known as 2676 S. Jewett, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams, (Brewer absent).

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DEDICATION

DEDICATION OF AN EASEMENT FOR SANITARY SEWER IN THE 100 BLOCK OF NORTH ST. FRANCIS. (DISTRICT VI)

Agenda Item No. 15.

The Water and Sewer Utility has a project to replace an existing sanitary sewer line that serves the Mid-town area. The line will be primarily in the alley between St. Francis and Emporia from Central to Douglas. Near the south end, the sewer line will leave the alley and cross a City owned parcel diagonally to St. Francis. This placement is necessitated because of the location of several other utilities in the east/west alley.

The subject parcel is currently utilized as public parking. Granting the easement will not impact this use.

There is not cost associated with this easement.

This easement addresses the goal of ensuring efficient infrastructure by providing reliable sewer service.

The Law Department has approved the easement as to form.

Motion--
--carried

Skelton moved that the Utility Easement be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Brewer absent).

CIP FUNDS

TRANSFER OF CIP FUNDS.

Agenda Item No. 16.

Each year the City Council authorizes Water Utilities Capital Improvement Program expenditures for:
reconstructing old sanitary sewers (S-4)
installing sewer mains for future development (S-5)
installing water mains to meet the needs of current development (W-65)
replacing old water mains (W-67)

Subprojects are defined and identified as necessary, or as development is taking place. When the subproject is defined, the cost is estimated and a budget is set up using funds from the appropriate CIP project. When the subproject has been completed, the remaining budget is transferred to the main project, available to be used for other subprojects initiated in that same year. Not all projects can be completed in one fiscal year; therefore, not all of the funds approved are able to be spent during the year for which they were approved.

In order to be very clear on spending and bonding authority for projects not completed in one fiscal year and for funds remaining when subprojects are completed in a subsequent fiscal year, Staff is requesting authorization to transfer 2007 funds remaining in S-4, S-5, W-65 and W-67 to the current year budget, and to amend the bond resolutions for the current year. Most 2007 subprojects are now substantially complete and the 2007 projects will be closed. This process avoids the need to over budget for these projects in order to cover the estimated costs rather than the actual costs.

The following amounts were not used in 2007 and are needed in 2008.

- S-4 \$1,608,500
- S-5 \$2,240,400
- W-65 \$79,700
- W-67 \$1,768,800

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Transferring these funds will not increase CIP expenditures.

As an internal perspective, this is an effective way for maintaining adequate cost accounting. To ensure efficient infrastructure, these projects will provide reliable, compliant and secure utilities.

City Council approval is required to transfer CIP budget authority.

Motion--
--carried

Skelton moved that the transfer of funds be approved; the CIP amended; the amended Resolutions adopted; and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

RESOLUTION NO. 08-336

A Resolution amending Resolution No. 07-735 pertaining to the replacement and relocation of distribution water mains (W-67) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams, (Brewer absent).

RESOLUTION NO. 08-337

A Resolution amending Resolution No. 07-736 pertaining to the construction of water mains for future development (W-65) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams, (Brewer absent).

RESOLUTION NO. 08-338

A Resolution amending Resolution No. 07-737 pertaining to the construction of sewer mains for future development (S-5) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams, (Brewer absent).

RESOLUTION NO. 08-339

A Resolution amending Resolution No. 07-738 pertaining to the reconstruction of old sanitary sewers mains for future development (S-4) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp and Williams, (Brewer absent).

SETTLEMENT

SETTLEMENT OF LITIGATION.

Agenda Item No.17.

In December 2004, the plaintiff McGlory suffered various personal injuries incurred from a fall into the vault of an unsecured water meter.

After proceeding through discovery, evaluating the extent of the claimed damages, and considering the risks of trial, it was determined that a resolution of this matter is appropriate. After mediation, the City has been offered an opportunity to resolve the action with a lump sum payment as full settlement of all claims arising out of this incident. No admission of liability is made by the City. The purpose of the settlement is to resolve a disputed claim.

Payment of the negotiated sum will foster the goal of efficient infrastructure by bringing certainty and resolution to an outstanding system liability.

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Funding for this settlement is from the tort claims fund.

The Law Department recommends acceptance of the offer of settlement.

Motion--
--carried

Skelton moved that the payment of \$190,000.00 as a full settlement of the case plus the mediation expenses of \$1,893.00 be approved. Motion carried 6 to 0, (Brewer absent).

HEALTH PROGRAM 2008 AMENDMENT SELF INSURANCE HEALTH PROGRAM-SUMMARY PLAN DESCRIPTION.

Agenda Item No. 18.

On September 25, 2007, the City Council approved the Summary Plan Description and related legal documents to begin the provision of a Self-Insured health and prescription drug program effective January 1, 2008.

A Plan Amendment is necessary to formally amend the existing Summary Plan Description as follows: Mental Health Vendor is updated to reflect MH Net Behavioral Health, an ASP subsidiary, as the new Mental Health Provider in the section:

The addition of MHNET as the new Mental Health Provider shall be subject to the following terms and conditions.

MHNET agrees to the following terms/conditions:

- * Zero disruption for those currently in care (People who are currently accessing UBH benefits will remain with UBH provider until current treatment concludes with no change to benefit level).
- * MHNET will continue to aggressively develop the network. (City of Wichita shall be updated on a monthly basis of the progress of network development, should inpatient contract with provider not be signed, City of Wichita employees shall continue to receive in-network benefits at local in patient facilities.)
- * If the cost for the per contract agreements exceeds the normal reimbursement rate, the City and the Member shall not be balance billed for the amount. This cost shall be absorbed by MHNET.
- * Individual contracts will be issued, so those who have treated in the past can start with a former provider. (On a case-by-case basis individual contracts for continuing coverage shall be offered to members based upon location, or previous treatment.)
- * Per May 1 meeting take opportunity to have MHNET meet with DEER OAKS to work out the process for immediate approvals of referrals from City EAP provider to whatever counselor is deemed most appropriate in emergent and urgent care situations until the network is fully developed.

If the City Council approves Amendment 2008 MHN-3, the Amendment will be effective June 1, 2008. Both the Federal Government and USD #259 have already approved this change for their Coventry

Implementation of the 2008 MHN-3 is required by law and approval of the 2008 MHN-3 should be cost neutral.

The employee health and prescription drug program is a part of the Internal Perspective goal. The City's strategic health care plan combines employee Wellness programs, self-insured health and Rx plans, disease management and nurse coaches to minimize future health insurance increases.

The Amendment has been reviewed and approved as to form by the City Attorney's Office.

Motion--
--carried

Skelton moved that the 2008 Amendment to the Self-Insurance Health Program Summary Plan Description be approved and appropriate signatures authorized. Motion carried 6 to 0, (Brewer absent).

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WORK PLAN

WICHITA INTERNATIONAL TRADE PROCESSING CENTER PHASE 2 WORK PLAN.

Agenda Item No. 19.

Under the federal 2004 Consolidated Appropriations Act, the City of Wichita received funds to conduct "A Feasibility Study and Work Plan for the International Trade Processing Center, Wichita, Kansas." The initial work completed for the Wichita International Trade Processing Center Feasibility Study using these funds, resulted in the delivery of the "Wichita International Trade Study" (WITS) (Phase 1 Study) and the development of the IntelliPORT concept (Phase 2 Work Plan) as a mechanism to leverage investment in infrastructure and look for opportunities to use technology to make international trade easier and more affordable. To take the concept and convert it into a working model or product to be used by local businesses involved in international trade, six implementation strategies were included in the Study. The City Council reviewed the Phase 2 Work Plan in a City Council Workshop on March 25, 2008.

The consultant team proposes to complete the amended scope of services to the Agreement dated January 24, 2006 for an International Trade Processing Center Feasibility Study as Phase 2: International Trade Study Work Plan. Phase 2 will be completed by October 30, 2009 with no increase to the existing contract budget of \$908,325.00. TranSystems will continue as the lead consultant with SAIC and Bother & Bradley for subconsultant services. TranSystems seeks approval to add the Kansas World Trade Center to the team for subconsultant services. The Second contract amendment includes the amended scope of services, a contract extension and subconsultant addition of the Kansas World Trade Center.

No financial costs will be incurred by the City to continue this work. The project is funded by a Federal Highway Administration grant and the funds are provided through the Kansas Department of Transportation (KDOT). A total of 510,501.86 have been expended from the total contract amount of \$908,325, leaving a balance of \$397,823.14 in the existing contract budget with TranSystems. The total cost of the Phase 2: International Trade Study Work Plan is \$397,823.14.

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

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

Motion--
--carried

Skelton moved that the contract amendment be approved and the Mayor authorized to sign. Motion carried 6 to 0, (Brewer absent).

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 17, 2008)

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

ORDINANCE NO. 47-915

An ordinance authorizing the city of Wichita, Kansas, to issue its taxable industrial revenue bonds in the original aggregate principal amount not to exceed \$1,400,000 for the purpose of providing funds to finance the installation of improvements to certain existing aviation manufacturing and flight testing facilities as well as to finance the acquisition of certain machinery and equipment for such facilities located in the city of Wichita, Kansas; prescribing the form and authorizing execution of a thirteenth supplemental trust indenture by and between the city and the Bank of New York Trust Company, N.A., St. Louis, Missouri (the "trustee"), as trustee with respect to the bonds; prescribing the form and authorizing the execution of a thirteenth supplemental lease by and between Learjet Inc. and the city; approving the form of a guaranty agreement; and authorizing the execution of a bond purchase agreement by and between the city and Learjet Inc., as purchaser of the bonds. Skelton moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Brewer absent).

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- b. Amendment of Industrial Revenue Bond Documents (Lee Real Estate, LLC) (District II)

ORDINANCE NO. 47-916

An ordinance authorizing the amendment of the trust indenture, to modify the interest rate, relating to \$2,500,000 Industrial Revenue Bonds, Series X, 2006 (Lee Real Estate, LLC) (taxable under federal law), of the city of Wichita, Kansas. Skelton moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Brewer absent).

ORDINANCE NO. 47-917

An ordinance authorizing the amendment of the trust indenture, to modify the interest rate, relating to \$3,300,000 Industrial Revenue Bonds, Series V, 2007 (Lee Real Estate, LLC) (taxable under federal law), of the city of Wichita, Kansas. Skelton moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Brewer absent).

- c. Amending Chapter 3.72 of the Code of the City of Wichita, Kansas, Pertaining to Private Security Officers and Private Security Agencies

ORDINANCE NO. 47-918

An ordinance creating new chapter 3.72 of the code of the city of Wichita, Kansas, pertaining to private security officers and private security agencies within the city, and repealing the original of said chapter 3.72. Skelton moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Brewer absent).

Motion--carried Skelton moved that the ordinances be adopted. Motion carried 6 to 0, (Brewer absent).

RECESS

EXECUTIVE SESSION

Motion-- Vice-Mayor Schlapp moved that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice, contract negotiations, and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 10:10 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion --carried carried 6 to 0, (Brewer absent).

RECONVENE

The Council reconvened in the Council Chambers at 10:10 a.m. Vice-Mayor Schlapp announced that no action was taken and there was no action needed as a result of the Executive Session.

Motion--carried Vice-Mayor Schlapp moved that the Executive Session be closed. Motion carried 6 to 0, (Brewer absent).

Motion--carried Vice-Mayor Schlapp moved that the meeting be adjourned. Motion carried 6 to 0, (Brewer absent).

ADJOURNMENT

The meeting was adjourned at 10:11 a.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

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