

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 20, 2008
Tuesday, 8:50 a.m.

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

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

RECESS

EXECUTIVE SESSION.

Motion--

Brewer moved that the City Council recess at 8:51 a.m. into Executive Session to consider: personnel matters of non-elected personnel and that the Council returns from Executive Session no earlier than 10:30 a.m. and reconvene in the first floor board room on the first floor of City Hall. Motion carried 4 to 0, (Fearey, Gray, and Skelton absent).

--carried

RECONVENE

The City Council reconvened in the first floor board room at 10: 35 a.m. Mayor Brewer announced that there was no action taken and there is no action needed as a result of the Executive Session.

Motion--carried

Brewer moved to close the first session of the Executive Session. Motion carried 4 to 0, (Longwell, Skelton, and Williams absent).

RECESS

EXECUTIVE SESSION.

Motion--

Brewer 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: 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 11:10 a.m. and reconvene in the first floor board room on the first floor of City Hall. Motion carried 4 to 0, (Longwell, Skelton and Williams absent).

--carried

RECONVENE

The City Council reconvened in the first floor boardroom at 11: 15 a.m. Mayor Brewer announced that there was no action taken and there is no action needed as a result of the Executive Session.

Motion--carried

Brewer moved to close the second session of the Executive Session. Motion carried 4 to 0, (Gray, Longwell, and Williams absent).

Motion--

Brewer moved that the Minutes of the regular meeting of May 13, 2008 be approved. Motion carried 6 to 0, (Gray absent).

--carried

PROCLAMATION:

--Proclamation

Drug Court Week

Mayor Brewer read aloud the proclamation.

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PLANNING AGENDA

Motion--
--carried

Brewer moved that Planning Consent items 1 and 2, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Gray absent).

SUB2007-45

SUB 2007-45-PLAT OF NORTHEAST BASEBALL COMPLEX ADDITION LOCATED ON THE NORTH SIDE OF 29TH STREET NORTH AND ON THE WEST SIDE OF GREENWICH ROAD. (DISTRICT II)

Agenda Item No. 1.

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 58.42 acres, is located within Wichita's city limits and is zoned SF-5 Single-family Residential.

Municipal services are available to serve the site. A Restrictive Covenant has been submitted to permit public access onto the reserve for turnaround movements. An Access Agreement (Cross-lot Circulation Agreement) has been submitted to assure internal vehicular movement between this property and the Regency Park Addition to the south.

This plat has been reviewed and approved by the Metropolitan Area Planning Commission, subject to conditions. The City of Wichita is the owner of this site.

Ensure Efficient Infrastructure.

The Restrictive Covenant and Access Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved that the documents and plat be approved and the necessary signatures for approval of the plat and as owners of the site authorized. Motion carried 6 to 0, (Gray absent).

VAC2008-00009

VAC2008-00009 - REQUEST TO VACATE A PORTION OF A PLATTED SETBACK. GENERALLY LOCATED ON THE NORTHEAST CORNER OF 71ST STREET SOUTH AND GREEN STREET. (DISTRICT III)

Agenda Item No. 2.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the north 18 feet of a portion of the platted 30 foot street side yard setback, making a 12 foot setback in that portion. The zoning of the subject site is SF-5. The UZC requires a minimum of a 15 foot street side yard setback for the SF-5 zoning district. If this was not a platted setback, the applicant could have applied for an Administrative Adjustment, which would reduce the SF-5 zoning district's 15 foot street side yard setback by 20%, resulting in a 12 foot setback, which is what the applicant is requesting. There is an encroaching concrete slab in a portion of the platted setback on which the applicant proposes to build a garage. There is a platted 5 foot utility easement within the remaining setback. There are no utilities within the described portion of the platted setback. The Applewood Farms Addition was recorded with the Register of Deeds on June 9, 1981.

The MAPC voted (13-0) 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

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

AIRPORT AGENDA

Motion--
--carried

Brewer moved that Airport Consent items 3 through 7, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Gray absent).

AMER. BONANZA

AMERICAN BONANZA SOCIETY - AMENDMENT NO. 2.

Agenda Item No. 03.

In 1981, the American Bonanza Society (ABS) entered into a 25-year lease agreement with the Wichita Airport Authority for use of 22,691.4 sq.ft. of land on which to construct a facility at 1922 Midfield Road. The agreement contained two, ten-year renewal options. In 1987, the agreement was amended to add an additional 22,691.4 sq.ft. of land to the leasehold for the purpose of constructing a Bonanza-Baron museum in the near future. Subsequently, however, the museum was constructed in Tullahoma, Tennessee. Consequently, ABS no longer has a need for the additional land, and is desirous of returning it to the WAA. Release of this land, which is situated in the core area of the airport, would provide additional space for adjacent businesses if needed, or would be available to the WAA for marketing to another tenant.

Since the inception of the agreement, ABS has paid land rent to the Wichita Airport Authority. According to the terms of the agreement, facility rent is required during the renewal options, if exercised. An appraisal was completed by Steve Martens, President, The Martens Companies, in February of this year to determine facility rent. Mr. Martens stated that the fair market rental value of the 3,109 sq.ft. facility during the first five-year period is \$8.50 per sq.ft. per year, for an annual rental of \$26,426.50. Rental for the second five-year term of the renewal option is \$9.56/sq.ft., for an annual rental of \$29,722.04.

The original agreement includes language which states that rent during the two option periods will be at one-half of fair market rental value. One-half of fair market value will yield \$13,213.25 per year during the first five-year period and \$14,861.02 per year during the second five-year period. The annual amounts due are apportioned between facility and land rent, in accordance with WAA policy.

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

The Law Department has approved the Amendment as to form.

Motion--
--carried

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

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PFC APPLICATION PASSENGER FACILITY CHARGE (PFC) APPLICATION.

Agenda Item No. 04.

In 1991 the U.S. Congress approved an exception to the Anti-Head Tax Act permitting airports to assess passenger facility charges up to \$3.00 per departing passenger to be used for public capital improvements on airports. The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21) enabled a public agency to apply to the Federal Aviation Administration (FAA) to charge a PFC at the \$4.00 or \$4.50 level provided the projects met certain additional criterions. The purpose of the PFC is to supplement other financing vehicles and to formally give local control of the funds as long as the expenditure is eligible. Generally this means that the monies must be spent on approved non-revenue producing public facilities. The airlines serving U.S. airports collect the PFCs through the ticket sale process and relinquish the funds directly to the airports. The WAA began collecting a \$3.00 PFC charge at Mid-Continent Airport in 1994 and increased it to \$4.50 in 2005.

In order for any airport to collect PFC funds, it is necessary for an application to be made to the Federal Aviation Administration (FAA). The airlines serving the airport are permitted to comment on the project to be funded as outlined in the application. The FAA has 120 days to approve or disapprove the application based upon eligibility and justification. The current authority to collect a PFC will expire in late summer, 2008 so staff has submitted an application that will extend the collection authority until October, 2009. The project included in the application is a Closed Circuit TV/Access Control System replacement which is included in the approved Capital Improvements Program document. This project will individually proceed through the standard WAA authorization and procurement processes. The Wichita Airport Advisory Board reviewed the supporting documents for the application and recommended approval by the WAA.

As of December 31, 2007, the WAA has collected \$27,580,671 of the total \$29,513,859 authorized. This application is estimated to yield another \$3,630,000 in collection authority. This project is fully funded by PFC monies. Future applications are anticipated to extend the PFC program.

The Airport's contribution to the economic vitality of Wichita is promoted through maximization of funding opportunities for capital improvements.

Motion--carried

Brewer moved to receive and file the PFC application. Motion carried 6 to 0, (Gray absent).

DEICER TRUCK PURCHASE OF LIQUID DEICER TRUCK, WICHITA MID-CONTINENT AIRPORT.

Agenda Item No. 05.

The 2008 Capital Improvement Program includes a project to purchase airfield equipment. A solicitation has been prepared to purchase a new Liquid Deicer truck to replace a 29-year old de-icing vehicle which will be transferred to Colonel James Jabara Airport.

Reliability of this equipment is critical in order to remove ice from the airfield pavement. The new equipment will operate more efficiently and economically.

Estimated cost of the equipment is \$250,000, which has been previously approved for funding with Passenger Facility Charge (PFC) collections.

The Airport's contribution to the economic vitality of Wichita is promoted through providing a safe aviation environment for users of Mid-Continent Airport.

Motion--
--carried

Brewer moved that the capital project budget be approved and staff authorize to solicit bids. Motion carried 6 to 0, (Gray absent).

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AIRFIELD ELEC.

COLONEL JAMES JABARA AIRPORT, AIRFIELD ELECTRICAL EQUIPMENT REPLACEMENT.

Agenda Item No. 6.

On May 6, 2008 the Wichita Airport Authority approved the capital project and a budget of \$1,030,025.00. The contract for design and bid services was transferred from the Colonel James Jabara Airport Taxiway F & G project. At that time it was noted that an FAA grant would pay for a large percentage of this project.

The airfield electrical equipment replacement has been scheduled to optimize federal funding. To accomplish receipt of federal funding, additional design and bid services are required. A supplemental agreement has been prepared with Professional Engineering Consultants to authorize the adjustment to the design and bid phases plus construction-related services. FAA funds are now available and staff has prepared a grant application for submittal to the FAA.

The additional cost to adjust the design and bid phases is a lump sum of \$4,200.00 for design phase services and a lump sum of \$5,750.00 for bid phase services. The cost of the construction-related services is a not-to-exceed amount of \$84,455.65. The proposed supplemental agreement is a not to exceed amount of \$94,405.65, which is the sum of these three numbers. Funding is expected to be from AIP Federal Grant funds; therefore a grant application has been prepared in the amount of \$744,210.00 for this project. The Airport's matching portion of five-percent will be funded with General Obligation bonds paid for with Airport Revenue. The existing budget will cover all costs.

The Airport's contribution to the economic vitality of Wichita is promoted through maintaining sufficient airport safety systems to serve the aviation community and continued acceptance of grant funding.

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

Motion--

Brewer moved that the supplemental agreement be approved; the necessary signatures authorized; It is also recommended that the Wichita Airport Authority approve the grant application and receipt of funds, and authorize the Director of Airports to sign all the documents related to the grant. Motion carried 6 to 0, (Gray absent).

--carried

TENANT FACILITY

TENANT FACILITY IMPROVEMENTS, 1761 AIRPORT ROAD, WICHITA MID-CONTINENT AIRPORT.

Agenda Item No. 7.

The Federal Aviation Administration (FAA) currently leases the facility located at 1761 Airport Road. The FAA is desirous of making improvements according to its lease. The project is included in the 2008-2016 Capital Improvements Program (CIP).

Airport staff has studied the current needs of the building as required under the lease agreement and has determined that improvements to this facility including an HVAC upgrade and a re-roof of the building are appropriate.

Howard and Helmer, Architects submitted the only proposal, the firm was qualified to provide professional services and the Staff Screening and Selection Committee concurred with Airport staff to enter into a contract. Their cost for design and bid phase services is \$68,905.00. The project cost of \$450,000 will be funded with General Obligation Bonds paid for with airport revenue.

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The Airport's contribution to the economic vitality of Wichita is promoted through accommodating tenants in allowing improvements to be made which will enhance the usefulness and marketability of WAA-owned facilities.

The design contract has been approved as to legal form.

Motion--
--carried

Brewer moved that the project and the contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

CONSENT AGENDA

Motion--
--carried

Brewer moved that Consent items 8 through 32j, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Gray absent).

BOARD OF BIDS

REPORT OF BOARD OF BIDS AND CONTRACTS DATED MAY 19, 2008.

Bids were opened May 16, 2008, pursuant to advertisements published on:

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

2008 Sanitary Sewer Reconstruction, Phase 4 various locations south of Central, east of West Street (468-84511/620508/668627) Traffic to be maintained during construction using flagpersons & barricades. (District III, IV, VI)

WB Carter - \$246,000.00

Grand Mere Court adjacent to Lots 9 through 12, Block 1 to serve Belle Terre South 2nd Addition north of Kellogg, west of 159th Street East (472-84502/766135/744222/ 490153/480910) Traffic to be maintained during construction using flagpersons & barricades. (District II)

Cornejo and Sons Construction - \$42,703.15 Negotiated to Engineer's Estimate

Water Distribution System to serve Cambria Addition east of 143rd Street East, north of Pawnee (448-90361/735405/470078) Traffic to be maintained during construction using flagpersons & barricades. (District II)

Mike Love Construction - \$70,235.25

Lateral 18, District D, Sanitary Sewer #12 to serve Hunter Health Clinic 2nd Addition (north of Central, east of Hydraulic) (468-84350/744270/480959) Traffic to be maintained during construction using flagpersons & barricades. (District I)

WB Carter Construction - \$46,000.00

Lateral 151, Main 4, Sanitary Sewer #23 to serve Brodbeck Addition west of Arkansas, north of 29th Street North (468-84451/744266/480955) Traffic to be maintained during construction using flagpersons & barricades. (District VI)

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Dondlinger & Sons - \$38,650.00

2008 Contract Maintenance Concrete Repairs Phase 1 Arterials (north of 31st Street South, east of Broadway) (472-84721/132721/620799/133116/) Traffic to be maintained during construction using flagpersons & barricades. (District I, III)

Barkley Construction - \$559,800.00 Engineer's Estimate

Storm Water Drain #345 to serve Cambria Addition (north of Pawnee, east of 143rd Street East) (468-84481/751466/485357) Does not affect existing traffic. (District II)

Mies Construction - \$442,509.70

Motion--

Brewer moved that the contracts be awarded as outlined above, subject to check, 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, (Gray absent).

NEW FIRE STATION #22: Public Works Department/Building Services Division.

National Contractors, Inc. - \$2,187,000.00 Base Bid

\$5,100.00 Option 1 Alternate 1
\$26,000.00 Option 2 Alternate 2
\$13,000.00 Option 3 Alternate 3
\$45,000.00 Option 4 Alternate 4
\$8,000.00 Option 5 Alternate 5
\$5,500.00 Option 6 Alternate 6
\$6,400.00 Option 7 Alternate 7
\$46,000.00 Option 9 Alternate 9
\$13.00 Option 10 Unit Price 1 (per linear ft)
\$55.00 Option 11 Unit Price 2 (per each)

SAND, GRAVEL, ROCK, MUD BALLS, TOP SOIL: Various Departments, Boards and Agencies.

Lafarge N.A. Aggregates*	Groups 1, 3,5,7,19,21 &23
Associated Material and Supply Company*	Groups 2 & 4
Central Sand Company Inc.*	Groups 6, 8, 10, 15 & 16
Cornejo Materials*	Groups 9,17,20,22 & 24
H & K Hauling*	Groups 11 & 12
Reject Bids	Groups 13, 14 &18

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

VIBRATORY COMPACTOR ROLLER: Public Works Department/Fleet Maintenance.

Foley Equipment Co. Inc. - \$128,000.00

SPECIAL APPLICATION TRACTOR/SCRAPER: Public Works Department/Fleet Maintenance Division.

Foley Equipment Co. Inc. - \$473,500.00 Base Bid
<\$35,000.00> Deduct

RUNWAY & TAXIWAY JOINT RESEAL JABARA: Airport/Engineering.

Airfield Improvement & Repair LC - \$105,385.88

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REPLACE AIRFIELD LIGHTING SYSTEM JABARA: Airport/Engineering.

L&S Electric, LLC - \$602,140.00

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

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Mdarifur Rahman Gulmohur Inc dba	KC Gas and Grocery	1161 North Broadway
Craig Ellis	CD Enterprises dba Phillips 66/Fuel Up	550 North Webb Road

<u>Renewal</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Alfonso F. Amaro	Mexico Café*	555 West Douglas

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

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

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- Lateral 1, Main 21 Four Mile Creek Sewer to serve Cambria Addition (north of Pawnee, east of 143rd Street East) (468-84480/744271/480960) Does not affect existing traffic. (District II) - \$281,840.00
- Water Distribution System to serve Mesa Verde Addition (south of 37th Street North, east of Meridian) (448-90261/735419/470092) Does not affect existing traffic. (District VI) - \$42,000.00
- Toben Street and 40th Street North from 39th Street North to Webb Road to serve Webb Business Park Addition (north of 37th Street North, west of Webb) (472-84611/ 766197/490215) Does not affect existing traffic. (District II) - \$772,500.00
- Water Distribution System to serve Power CDC Addition (north of 26th Street North, west of Grove) (448-89823/735387/470060) Traffic shall be maintained during construction using flagpersons and barricades. (District VI) - \$66,000.00
- Cherry Creek Court from the east line of Cherry Creek in Sierra Hills to and including cul-de-sac; Cherry Creek Court from the north line of Cherry Creek in Sierra Hills to and including cul-de-sac; and Cherry Creek Court from the north line of Cherry Creek in Sierra Hills to and including the Cul-de-sac the north line of Sierra Hills Addition to serve Sierra Hills Addition (east of 127th Street East, north of Pawnee) (472-84690/766204/490222) Traffic shall be maintained during construction using flagpersons and barricades. (District II) - \$204,000.00
- The cost of construction of Lateral 10, Main 4 Northwest Interceptor Sewer to serve Silverton Addition (north of 13th Street North, west of 135th Street West). (District V) (468-84243/744233/480-921) – Total Estimated Cost \$372,780.00
- The cost of construction of Lateral 15, Main 4, Northwest Interceptor Sewer to serve Silverton Addition (north of 13th Street North, west of 135th Street West). (District V) (468-84345/744234/480-922) – Total Estimated Cost \$164,980.00
- The cost of Athenian and Athenian Court to serve Valencia Addition (south of 53rd Street North, east of Meridian). (472-84473/766137/490-155) (District VI). – Total Estimated Cost \$205,440.00

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

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PETITION

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

Agenda Item No. 11a.

On February 5, 2008, the City Council approved a petition for a storm water drain 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 construct a storm water drain in a new residential development located east of 143rd Street East, north of Pawnee.

The existing Petition totals \$491,000. The new Petition totals \$575,000. 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

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

RESOLUTION NO. 08-262

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 435 (east of 143rd St. East, north of Pawnee) 468-84481 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Schlapp, Skelton, Williams, and Brewer, (Gray absent).

DEEDS/ESMNTS

DEEDS AND EASEMENTS:

- a. Dedication dated March 31, 2008 from Schupbach Investments LLC for a tract of land lying in Lots 48, 50, 52, 54, 56, 58 on Guy now Piatt and in Lots 47, 49, 51, 53, 55, 57 on Strong now Ash, all in Logan Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- b. Drainage Easement dated March 18, 2008 from Krug South Residential LLC, a Kansas limited liability company for a tract of land lying in Lots 71 and 72, 1, Block 2, Krug South Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- c. Utility Easement dated March 26, 2008 from The Salvation Army, An Illinois Corporation for a tract of land lying in Lot 1, Block 1, and Camp Hiawatha Addition to the City of Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- d. Drainage and Utility Easement dated April 16, 2008 from Webb Business Park, L.L.C. for a tract of land lying in Lot 2, Block 1, Webb Business Park, An Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- e. Easement dated April 15, 2008 from Gateway Center, LLC, for a tract of land lying in Lot 12, 1, Block 1, The Gateway Center 2nd Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- f. Utility Easement dated February 15, 2008 from Dugan of Wichita, LLC, a Kansas limited liability company for a tract of land lying in Lot 2, Block 2, Dugan Industrial Third Addition, Sedgwick County, Kansas, (OCA # 607861). No Cost to City

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- g. Drainage Easement dated January 4, 2007 from West End Acquisition Company for a tract of land lying in a portion of the NW ¼ of Section 9, Township 27 South, Range 1 East of the 6th P.N. Sedgwick County, Kansas (OCA # 133116). No Cost to City

Motion--carried

Brewer moved that the documents be accepted. Motion carried 6 to 0, (Gray absent).

STREET CLOSURE

VICTORY IN THE VALLEY EAST MEETS WEST RUN/WALK MAY 31, 2008, 8:00 AM – 9:30 AM. (DISTRICTS IV AND VI)

Agenda Item No. 13a.

In accordance with the Community Events Procedure, the event promoter Judy Lee Carter, Victory in the Valley, is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Victory in the Valley East Meets West Run/Walk, May 31, 2008, 8:00 am – 9:30 am

- 2nd Street, Waco to Mclean, west bound lanes
- Seneca Street, Central to McLean, north bound lanes

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 special event.

Enhance the Quality of Life

Motion--

Brewer 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, (Gray absent).

--carried

WOOD NORTH

STAKING IN WOOD NORTH AND GREENWICH BUSINESS CENTER ADDITIONS, SOUTH OF 29TH STREET NORTH, WEST OF 127TH STREET EAST. (DISTRICT II)- SUPPLEMENTAL

Agenda Item No. 14a.

The City Council approved the drainage improvements in Wood North and Greenwich Business Center Additions on February 5, 2008. On April 1, 2008 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

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

Payment to Baughman will be on a lump sum basis of \$16,230 and will be paid by special assessments.

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

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

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Motion-- Brewer moved that the Supplemental Agreement be approved and the necessary signatures authorized.
--carried Motion carried 6 to 0, (Gray absent).

31ST SOUTH BRIDGE 31ST STREET SOUTH BRIDGE AT GLENN. (DISTRICT IV)

Agenda Item No. 15a.

The 2008 Capital Improvement Program includes funding to replace the 31st St. South Bridge at Glenn Street. On February 19, 2008, the Staff Screening and Selection Committee selected PB Americas, Inc. to design the project

The existing structure will be replaced with a wider bridge with sidewalks that are farther away from vehicular traffic.

The design budget is \$55,000. The design fee is \$45,939. The funding source is General Obligation Bonds.

The project addresses the Efficient Infrastructure goal by replacing an aging bridge on an arterial street.

The Law Department has approved the design agreement and authorizing Ordinance as to legal form.

Motion-- Brewer moved that the design project be approved; the Ordinance placed on first reading; the design
--carried agreement approved; and the signing of State/Federal agreements as required authorized. Motion carried 6 to 0, (Gray absent).

ORDINANCE

An ordinance declaring the 31st Street South Bridge at Glenn (472-84702) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same. Introduced and under the rules laid over.

SILVERTON ADD. SILVERTON ADDITION, NORTH OF 13TH STREET NORTH, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Item No. 15b.

The City Council approved the water, sewer and paving improvements in Silverton Addition on October 17, 2006.

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

Payment to Baughman will be on a lump sum basis of \$115,600 and will be paid by special assessments.

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

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

Motion--
--carried

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

CEDAR VIEW

CEDAR VIEW VILLAGE ADDITION, EAST OF GREENWICH, SOUTH OF KELLOGG. (DISTRICT II)

Agenda Item No. 15c.

The City Council approved the water, sewer, drainage and paving improvements in Cedar View Village on December 4, 2007.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of water, sewer, drainage and paving in Cedar View Village Addition. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$43,600 and will be paid by special assessments.

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

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

Motion--
--carried

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

BOARDS/COMM.

MINUTES OF ADVISORY BOARDS/COMMISSIONS

District V Advisory Board, March 3, 2008
District V Advisory Board April 7, 2008
Board of Code Standards and Appeals, April 7, 2008
Wichita Airport Advisory Board, April 7, 2008

Motion--carried

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

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

Agenda Item No. 17.

On May 5, 2008, the Board of Code Standards and Appeals held a hearing on seven (7) residential properties listed below. The buildings on all seven (7) 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 seven (7) 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

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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.

<u>Property Address</u>	<u>Council District</u>
a. 1314 North Lorraine	I
b. 435 North Piatt	I
c. 1006 North Grove	I
d. 1338 North Green	I
e. 916 North Harding	I
f. 14621 East Sport of Kings	II
g. 4338 East Wilma	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--

--carried

Brewer moved that the resolutions to schedule public hearings before the City Council on July 8, 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, (Gray absent).

RESOLUTION NO. 08-263

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the south 12 1/2 feet of Lot 36 and all of Lot 38, on Lorraine Avenue, in Fairmount Park Addition, Wichita, Sedgwick County, Kansas, known as 1314 N. Lorraine, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Schlapp, Skelton, Williams, and Brewer, (Gray absent).

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RESOLUTION NO. 08-264

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 15, on Piatt Avenue, Butler and Fisher's Second Addition, Wichita, Sedgwick County, Kansas, known as 435 N. Piatt, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Schlapp, Skelton, Williams, and Brewer, (Gray absent).

RESOLUTION NO. 08-265

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 13 and 15, Block 1, Esterbrook Park Addition, Wichita, Sedgwick County, Kansas, known as 1006 N. Grove, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Schlapp, Skelton, Williams, and Brewer, (Gray absent).

RESOLUTION NO. 08-266

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 18 and 20, on Green Street in Fairmount Park Addition, Wichita, Sedgwick County, Kansas, known as 1338 N. Green, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Schlapp, Skelton, Williams, and Brewer, (Gray absent).

RESOLUTION NO. 08-267

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 9, Block 3, East Highland North Addition, Wichita, Sedgwick County, Kansas, known as 916 N. Harding, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Schlapp, Skelton, Williams, and Brewer, (Gray absent).

RESOLUTION NO. 08-268

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 9, Block 4, Savanna at Castle Rock Ranch 5th Addition, Wichita, Sedgwick County, Kansas, known as 14621 E. Sport of Kings, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Schlapp, Skelton, Williams, and Brewer, (Gray absent).

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RESOLUTION NO. 08-269

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 18, Block F, in Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor second Addition, being a Subdivision of Section 26, Township 27 South, Range 1 East of the Sixth Principal Meridian, in Sedgwick County, Kansas; except that part described as beginning at a point at the Southeast corner of Lot 18, Block F, thence north 100 feet, thence northwest along the Northerly line of Lot 18, 45.4 feet, thence southerly 85.24 feet to a point on the Southerly line of Lot 18, said point being 71.15 feet Northwest of the Southeast corner of Lot 18, thence southeast 72.15 feet to the place of beginning, known as 4338 E. Wilma, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Schlapp, Skelton, Williams, and Brewer, (Gray absent).

CLAIMS

REPORT ON CLAIMS ALLOWED FOR APRIL 2008:

Name of Claimant	Amount
Westar Energy	\$1,015.66
Westar Energy	\$3,706.29
Westar Energy	\$8,026.41
Marilyn Vasquez	\$283.29
Benjamin George	\$1,228.69
Troy Palmer	\$468.82
Westar Energy	\$1,484.67
Angela Green	\$625.39
Nichollette Engels	\$291.40

** Settled for lesser amount than claimed.

Motion--carried

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

DEFERRED COMP.

CITY OF WICHITA EMPLOYEES' DEFERRED COMPENSATION PLAN, PARTICIPATION AGREEMENT FOR THE PUTNAM STABLE VALUE FUND AMENDMENT TO SECTION 457(B) TRUST AGREEMENT WITH WELLS FARGO BANK, N.A.

Agenda Item No. 19.

The City Council approved the hiring of a consultant, Arnerich Massena & Associates, Inc., on November 7, 2006, to assist the Deferred Compensation Board in the preparation of a Request for Proposal (RFP), evaluation of RFP responses, and selection of investment options offered under the Plan.

As the result of the RFP process, the City Council authorized the selection of Great-West to administer the City of Wichita Employees' Deferred Compensation Plan and approved related agreements on April 1, 2008. Great-West has been the provider since 1991. The current contract with Great-West expires on March 31, 2013.

Section 2.30.040 of the City Code authorizes the Board to approve the investment options available to participants of the Plan. The Putnam Stable Value Fund was selected by the Board, at the recommendation of the consultant, to replace the Great-West Guaranteed annuity products. The Putnam Fund is a Trust which requires that both the City Council, as Employer, and the Deferred Compensation Board, as Trustee, execute the Putnam Participation Agreement. Additionally, an

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Amendment to the Section 457(b) Trust Agreement with Wells Fargo Bank, N.A. is required to specifically permit this type of investment.

All costs associated with the administration of the program are borne by the participants of the program.

The City of Wichita, by offering this supplemental retirement savings program, impacts the Internal Perspective goal by increasing employee motivation and satisfaction. Also, the City's practice of going through a periodic Request for Proposal process is done to reduce/avoid costs, which is another indicator of the Internal Perspective goal.

The Law Department has approved the Agreements as to form.

Motion--
--carried

Brewer moved that the Agreements be approved and authorize the Mayor to sign. Motion carried 6 to 0, (Gray absent).

CHARTER ORD.

REQUEST FOR EXCEPTION TO CHARTER ORDINANCE NUMBER 198.

Agenda Item No. 20.

As part of the 2006 hail storm damage, LaFamilia Community Center was being completely re-roofed as a part of the City's insurance claim with Allianz for full replacement value.

During the visual inspection of the community center, samples of the roof material were thoroughly examined by the insurance carrier's representatives and a preliminary replacement dollar amount was determined. The City subsequently received quotes from several qualified licensed contractors, awarding a contract to the lowest quoting contractor, an emerging business owner, BRUCE SMITH ROOFING, for the price of \$9,880.00.

As the company proceeded with repairing the roof, they discovered that the roof deck was only 3/8" thick plywood and under that they uncovered two (2) layers of wood shingles. The City's current code called for all of the roof systems to be stripped off, which the original roof deck was comprised of spaced planking and is in need to be entirely resurfaced with plywood to meet the City's code requirements.

There is a project already approved and initiated with funds from the insurance carrier that has the capacity to cover this change order. Risk Management has already contacted the insurance carrier to recover the cost of the hidden roof systems.

Ensure Efficient Infrastructure – Maintain and Optimize Public Facilities and Assets.
Due to its high usage as a neighborhood and community asset it is imperative to keep the entire structure viable.

The Law Department has reviewed the Resolution and Change Order documents as to form.

Motion--
--carried

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

RESOLUTION NO. 08-270

A resolution of the governing body of the city of Wichita, permitting an exception to the change order policy as provided by City of Wichita Charter Ordinance Number 198, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Longwell, Schlapp, Skelton, Williams, and Brewer, (Gray absent).

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TECH. TRAINING

PROVIDING LOCAL TECHNOLOGY TRAINING AND COMPUTER-BASED TRAINING – SELECTION OF VENDORS.

Agenda Item No. 21.

IT/IS contracts with technology training vendors to provide local and computer-based technology training. This training is necessary to maintain the efficiency of the City of Wichita computing environment by keeping staff current with technology.

A competitive Request for Proposal (FP800007) was issued for “Providing Local Technology Training and Computer-based Training” and 2 responses were received. A staff screening and selection committee reviewed and evaluated the proposals based on the criteria set forth in the Request for Proposal. During the evaluation, the committee determined that each company had unique offerings and advantages, all of which would enhance the IT/IS training program. Therefore the committee determined that PCT New Horizons INC. should be contracted for desktop and entry-level training and ExecuTrain of Wichita LLC should be contracted for advance technical training. The new contracts will be for one year with options to renew under the same terms and conditions for two (2) additional one (1) year periods by mutual agreement of both parties.

Technology training costs are within departmental operating budgets, and the annual total is expected not to exceed \$80,000.

Increase Employee Knowledge, Skills & Abilities.

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

Motion--
--carried

Brewer moved that the contracts to PCT New Horizons INC and ExecuTrain of Wichita LLC be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

AMER. CAB CO.

ACCESS TO JOBS VENDOR AGREEMENT WITH AMERICAN CAB COMPANY.

Agenda Item 22.

The Access to Jobs program provides rides to and from work for low-income workers. Since the start of the program in October, 2000, Access to Jobs has provided over 655,894 rides. By entering into a vendor agreement with American Cab Company, the program can provide over 6,000 more rides a year to low-income clients in a very cost-effective manner.

Part of the Access to Jobs grant from the Federal Transit Administration is to provide half the cost of the rides for low-income clients when they are trying to enter the work force. The other half of the cost is borne by Social and Rehabilitation Services, COMCARE, the Mental Health Association, and the Breakthrough Club.

The Access to Jobs rides will be purchased with grants from FTA (50%) and a (50%) local match from the four agencies listed above. No city funds will be involved in purchasing rides from American Cab Company.

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

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

Motion--
--carried

Brewer moved that the Vendor Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

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ABC TAXI CAB CO. ACCESS TO JOBS VENDOR AGREEMENT WITH ABC TAXI CAB COMPANY.

Agenda Item No. 23.

The Access to Jobs program provides rides to and from work for low-income workers. Since the start of the program in October, 2000, Access to Jobs has provided over 655,894 rides. By entering into a vendor agreement with ABC Taxi Cab Company, the program can provide over 6,000 more rides a year to low-income clients in a very cost-effective manner.

Part of the Access to Jobs grant from the Federal Transit Administration is to provide half the cost of the rides for low-income clients when they are trying to enter the work force. The other half of the cost is borne by Social and Rehabilitation Services, COMCARE, the Mental Health Association, and the Breakthrough Club.

The Access to Jobs rides will be purchased with grants from FTA (50%) and a (50%) local match from the four agencies listed above. No city funds will be involved in purchasing rides from ABC Taxi Cab Company.

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

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

Motion--
--carried

Brewer moved that the Vendor Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

DEDICATION

DEDICATION OF PARCEL NEAR WASHINGTON AND DEWEY. (DISTRICT III)

Agenda Item No. 24.

In 2005, a request was received to vacate Eldora from Orme to Dewey. A condition of the dedication was that 40 feet of right of way for Mosley Street north of Kellogg be dedicated by the owner adjacent to Eldora on the west. After the vacation, a 3,750 square foot City-owned parcel on the east side of Eldora would be landlocked. The property owner agreed to dedicate the needed Mosley right of way in return for the parcel of landlocked City property.

The City parcel is access controlled to Washington. The parcels to the north and south are privately owned. With the vacation of Eldora, there is no remaining access to the parcel. KDOT has reviewed and approved the transfer of the parcel. Upon transfer, the owner will incorporate the parcel into his existing parking.

After the transfer, the City will no longer be responsible for maintenance. In addition, the property will return to the tax rolls.

This transaction supports efficient infrastructure by minimizing the amount of underutilized property owned by the City.

The Law Department has approved the deed as to form.

Motion--
--carried

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

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MOU

WATERSHED PROTECTION PLAN - MEMORANDUM OF UNDERSTANDING.

Agenda Item No. 25.

On August 24, 1993, the City Council authorized Staff to assist in submitting a request for a grant with the U.S. Environmental Protection Agency for watershed improvements above Cheney Reservoir. As part of that action, City Council approved the concept of the City assuming part of the cost-share necessary to allow landowners to implement Best Management Practices in the watershed.

On October 3, 2000, City Council approved and instructed Staff to begin implementation of the Concept Design Plan for the Integrated Local Water Supply Plan. The plan identified cost-effective water resources that would be adequate to meet Wichita's water supply needs to the year 2050.

On August 2, 2005, City Council approved a Memorandum of Understanding (MOU) with the McPherson County Conservation District to assist in funding Best Management Practices (BMPs) in the Little Arkansas River watershed to reduce atrazine in the river. Subsequent MOUs have been approved in 2006 and 2007. The Little Arkansas Watershed Advisory has been created under the McPherson County Conservation District to review and approve BMPs in the watershed. A monitoring program, under Kansas State University Research and Extension, is being used to verify the effectiveness of the BMPs.

As part of the Integrated Local Water Supply Plan (ILWS) Plan, the Little Arkansas River will become an important component of the City's water supply. It will be the source of water for the Equus Beds Aquifer Storage and Recovery project and the source of water used for the expanded local wellfield. Because of its growing importance as a water supply, efforts have already begun to identify water quality problems in the river and attendant potential solutions.

A task force composed of watershed stakeholders and several governmental agencies completed a Watershed Restoration and Protection Strategy for the Little Arkansas River. The Watershed Restoration and Protection Strategy (WRAPS) report determined the watershed covers 1,407 square miles, with 208 public water suppliers currently drawing water from the river or its alluvium. While the report identifies several pollutants of concern, atrazine is the greatest concern. Atrazine is a relatively inexpensive and effective herbicide that is widely used in corn and sorghum production. The report estimates that atrazine is used on approximately 300,000 acres of cropland in the watershed, amounting to about one-third of the land.

The current drinking water standard for atrazine is three parts-per-billion (3ppb). Unfortunately, water sampling has found levels over 40 parts-per-billion (40ppb) at times. To recharge water from the river into the Equus Beds Aquifer, the water quality must meet drinking water standards so excess atrazine must be removed. Reducing or eliminating atrazine in the river will result in a significant reduction in cost to treat the water, prior to using it to recharge the aquifer. The WRAPS report recommended a variety of BMPs to reduce atrazine, and during the first year, a reduction of 40 percent was obtained where BMPs were implemented.

The intent of this MOU is to provide an incentive to producers within the watershed to install BMPs and to provide up to 100 percent cost-share reimbursement. Producers would be eligible for up to 100 percent reimbursement for approved projects with the McPherson County Conservation District. McPherson County, using the EPA grant administered through KDHE, would provide 50 percent of the funds and the City another 50 percent. For innovative practices not currently covered under the state's program, the City would reimburse up to 50 percent of the cost of the improvement, and the remaining costs would be the responsibility of the producer.

A number of other partners have agreed to assist in this effort. The Kansas Department of Health and Environment has agreed to commit 319 Grant funds for the educational efforts, demonstrations and some monitoring; Kansas State University Research and Extension has agreed to assist with water quality monitoring and analysis, BMP implementation and delivery of educational programs; and the

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Natural Resources Conservation Service has agreed to help identify sub-watersheds to study and to assist with BMP implementation,.

This will be a voluntary program, and the maximum City's share of the costs under the MOU will not exceed \$30,000 in fiscal year 2008. Funds are available in CIP W-549, Water Supply Projects.

The Law Department has approved the Memorandum of Understanding as to form.

Motion--
--carried

Brewer moved that the Memorandum of Understanding be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

TRANSIT BUDGET

BUDGET INCREASE - TRANSIT OPERATING BUDGET.

Agenda Item No. 26.

Wichita Transit Federal Transit Administration (FTA) grant funding excludes operating expenditures, such as diesel fuel to operate the bus fleet. A Kansas Department of Transportation (KDOT) grant for \$450,000 pays for fuel, but is unavailable until the State of Kansas Fiscal Year 2009 commences on July 1, 2008.

The 2008 Adopted Budget for Transit Operations diesel fuel is \$474,420. As presented in workshop in April, diesel fuel costs have been escalating. The most recent delivery of fuel cost \$3.84 per gallon. Because the budget, built in 2007, was based on a cost of \$3.25 per gallon, Transit Operations faces a shortfall. Due to the volume of fuel Wichita Transit purchases, a 25¢ increase in fuel per gallon translates to a \$100,000 increase in expenditures. Today, Wichita Transit anticipates at \$210,000 shortfall, to purchase seven loads of fuel at a cost of \$30,000 each through June 30, 2008.

Existing fund balances will allow a transfer of \$210,000 to fund fuel purchases.

Funds for the transfer are available in the Transit Fund.

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

Because the Transit Fund is not certified, the operating budget can be increased by City Council action without recertifying the budget with the State of Kansas.

Motion--
--carried

Brewer moved to approve an increase to the 2008 Adopted Transit Fund expenditure budget in an amount not to exceed \$210,000. Motion carried 6 to 0, (Gray absent).

BANKING SERVICE

AMENDMENT TO BANKING SERVICES AGREEMENT.

Agenda Item No. 27.

In January 2003, the City Council approved the transition of banking services to Intrust Bank, N.A. and authorized the preparation, execution and delivery of agreements in connection therewith. The term of the original banking services agreement was from June 1, 2003 through May 30, 2004, with options to renew under the same terms and conditions for four (4) successive one (1) year terms by mutual agreement of the parties.

The City has issued a Request for Proposal for banking services and is in the process of receiving and evaluating responses, conducting interviews and making a provider selection. Following selection of a provider, terms of related contracts and agreements shall be finalized and submitted to the governing body for approval. To allow sufficient time for the transition of banking services and to finalize the terms of a new agreement, a 180-day contract extension with Intrust Bank, N.A. is necessary.

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This action impacts the Internal Perspective and allows continued banking services and efficient delivery of Treasury services to both internal and external customers. Also, the City's practice of going through a periodic Request for Proposal process serves to reduce/avoid costs, another indicator of the Internal Perspective.

There are no costs involved in with this contract amendment.

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

Motion--
--carried

Brewer moved that the amendment Agreement for banking services be approved and authorize the Mayor to sign. Motion carried 6 to 0, (Gray absent).

GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT - U.S. GEOLOGICAL SURVEY.

Agenda Item No. 28.

The Bentley Wellfield is adjacent to the Arkansas River south of Bentley and previously consisted of six (6) wells that were drilled in 1956 by the City. The City of Wichita's Integrated Local Water Supply Plan includes reactivating the Bentley Wellfield with six (6) new wells that could provide an additional 10 MGD on days of peak demand. The quality of the water is poor, but on days of peak demand it can be diluted so that no additional treatment will be required.

The Division of Water Resources has issued appropriations for six (6) wells at this site, but the conditions of the appropriations require real-time measurement of the streamflow in the Arkansas River at the Bentley Road Bridge. The wells can only be operated when the flows at this location are greater than, or equal to 165 cubic feet per second. This requirement can be fulfilled by a USGS streamflow gage and associated data acquisition instrumentation.

The USGS will install and operate a streamflow gage until April of 2010. At that time, all data collected will be analyzed and compiled into a short open-file report. This will be adequate to confirm a correlation between the streamflow data at this new gage and the existing streamflow gage located near Maize. If a correlation can be confirmed, the City can petition the state to remove the Bentley gage and have the Maize gage dictate the operation of the Bentley Wellfield.

The cost for instrumentation, testing, operation and preparation of the report is \$88,600. Capital Improvement Program, Water Supply Plan Phase III (CIP W-549), has adequate funds for the cost of the program.

The project will help ensure efficient infrastructure by assuring adequate water supplies now and in the future, and is a critical component of the City's infrastructure.

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

Motion--
--carried

Brewer moved that the expenditures be approved; the Joint Funding Agreement authorized; and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

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INITIATIVE FUNDS APPLICATION FOR ECONOMIC DEVELOPMENT INITIATIVE FUNDS. (DISTRICT I)

Agenda Item No. 29.

The McAdams Neighborhood Revitalization Plan was adopted as an amendment of The Wichita-Sedgwick County Comprehensive Plan in May 2003. Goal 4 of the Plan states, "Redevelop the historic Dunbar Theater area as a visual and performing arts center, and promote the development of community outreach facilities at the Phyllis Wheatley Center." In 2006, a Dunbar Theater Redevelopment Feasibility Study Report was developed and presented to approximately 30 neighborhood leaders, the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Wichita City Council.

The feasibility study recommendations serve as an initial basis for the redevelopment of the Dunbar Theater, but plans are subject to modifications as more detailed analysis is conducted. Implementation of the study's recommendations will depend upon neighborhood leadership's ability to garner support from the greater community and to raise the necessary resources. Power CDC has acquired the Dunbar Theater property and has begun fundraising efforts.

The City was officially notified on, April 10, 2008, that an Economic Development Initiative (EDI) grant for Wichita in the amount of \$294,000, was included in the Consolidated Appropriations Act of 2008 (PL 110-161). The project description with this notification states that the award is made "to the City of Wichita, KS for the redevelopment of Dunbar Theater." In order to access funds from this grant, it is necessary for the City to submit a grant application for funding.

City staff has prepared an application that is consistent with instructions provided for these funds. The City's application requests that no more than 20 percent of the funds be used for planning, management and administrative expenses and that at least 80 percent of the funds be solely used for construction or other "hard cost" activities as specified in the authorization for the use of the funds. The grant application is attached.

Up to \$58,800 (20%) may be utilized for professional services necessary to implement the project (e.g., architectural, engineering, surveying, etc.). The balance of the grant funds, of at least \$235,200 (80%), will be used for acquisition, construction and rehabilitation of the Dunbar Theater. No EDI grant funds can be used for program operations or operating costs of the facility. No City funds have been budgeted for the redevelopment of the Dunbar Theater, other than what was previously expended for the feasibility study.

Approving the grant application for purposes of redeveloping of the Dunbar Theater addresses the goal to support a dynamic core area and vibrant neighborhoods. The Dunbar Theater Feasibility Study Report indicates that the redevelopment of the Dunbar Theater is feasible and is a critical component of the redevelopment of the McAdams Neighborhood.

The Consolidated Appropriations Act of 2008 was signed into law by President Bush on December 26, 2007, and provides the Department of Housing and Urban Development with Economic Development Initiative (EDI) funds for certain projects. This project was included.

Motion--
--carried

Brewer moved that the HUD Economic Development Initiative (EDI) grant application be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

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STREET REHAB.

2008 STREET REHABILITATION PROGRAM. (DISTRICTS I AND IV)

Agenda Item No. 30.

The 2007-2016 Capital Improvement Program (CIP) includes ongoing funding to rehabilitate major streets. This funding is separate from the Contract Maintenance Program that is funded by the Public Works operation budget. Grove and Lincoln were selected for this program as they are two of the most severely deteriorated arterial concrete streets in town and are, at best, difficult to maintain. In this case, rehabilitation will consist of the removal and replacement of deteriorated concrete slabs as necessary. K-42 was selected as it is a connecting link state highway and is in need of a mill and overlay at this time.

The 2008 funds will reconstruct Grove, between Bayley and Lincoln (includes the Grove/Lincoln intersection); Grove, between Lincoln and Morris; Lincoln, between Grove and the Wichita Drainage Canal; and K-42 Highway (Southwest Boulevard) between Hoover and I-235 Freeway.

The total project cost will be \$492,500. The CIP budget will contribute \$400,000 and KDOT will contribute \$92,500 for the connecting link work.

This project addresses the Efficient Infrastructure goal by providing needed street maintenance.

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

Motion--
--carried

Brewer moved that the project be approved and the Ordinance placed on First Reading. Motion carried 6 to 0, (Gray absent).

ORDINANCE

A ordinance declaring grove, from Bayley to Lincoln; grove, from Lincoln to Morris; Lincoln, from Grove to the bridge over the Wichita drainage canal and k-42 highway from Hoover to the I-235 freeway (2008 street rehabilitation program) 472-84725 to be main trafficways within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficways; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same. Introduced and under the rules laid over.

BLDG FAÇADE

RESOLUTION AMENDING PUBLIC HEARING ON BUILDING FAÇADE PROJECT-IN THE CORE AREA. (DISTRICT VI)

Agenda Item No. 31.

On May 6, 2008 the City Council held a public hearing on the advisability of the facade improvements to the Wichita Executive Center (SC Telecom) facade, approved the project, adopted a resolution authorizing the creation of an improvement district and established a public hearing for May 20, 2008 to formally consider special assessments for these improvements. Due to pressing City Council business, the public hearing and adoption of the special assessment ordinance is being rescheduled to June 3, 2008. In order to meet legal requirements for rescheduling the public hearing, the City Council must amend the resolution setting the hearing date.

The amendment to the resolution sets the public hearing for June 3, 2008 and directs the City Clerk to publish the notice in the City's official newspaper once, not less than 10 days prior to the date set for the public hearing.

There is no financial impact to the City resulting from the change in public hearing date.

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The goal for Economic Vitality and Affordable Living is advanced through the use of special assessment financing to partner with and leverage investment from developers to create commercial and residential economic value within the City. This program addresses the Dynamic Core Area and Vibrant Neighborhoods goal by facilitating improvements to privately owned buildings.

State Statutes provide the authority for the City Council to order in public improvement projects, and to use special assessment funding. A formal public hearing is required as part of the approval process. A project was approved and a resolution creating the benefit district was adopted (May 6, 2008).

Motion--

Brewer moved that the resolution amending the date of the public hearing on special assessments for the Wichita Executive Center (SCTelcom Building) façade improvements be adopted and the publication of the resolution authorized. Motion carried 6 to 0, (Gray absent).

--carried

RESOLUTION NO. 08-271

Resolution amending the public hearing date on building façade project in core area.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 13, 2008)

- a. Neighborhood Nuisance Enforcement Code Amendments Chapter 8.01 of the Code of the City of Wichita.

ORDINANCE NO. 47-894

An ordinance amending sections 8.01.010, 8.01.040, 8.01.050, 8.01.060, 8.01.070 and 8.01.130, creating sections 8.01.052, 8.01.055, 8.01.065, 8.01.135 and 8.01.175 of the code of the city of Wichita, Kansas, and repealing the originals of Sections 8.01.010, 8.01.040, 8.01.050, 8.01.060, 8.01.070, 8.01.080, 8.01.090, 8.01.130, 8.01.150, 8.01.160, 8.01.170 and 8.01.180, of the code of the city of Wichita, Kansas, all pertaining to nuisances. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Gray absent).

- b. Graffiti Ordinance Code Amendments Chapter 5.37 of the Code of the City of Wichita.

ORDINANCE NO. 47-895

An ordinance amending section 5.37.060 of the code of the city of Wichita, Kansas, pertaining to graffiti and repealing the originals of said sections. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Gray absent).

- c. Traffic Ordinance Amendments (OCI parking enforcement authority) Chapter 11.52.035 of the Code of the City of Wichita.

ORDINANCE NO. 47-896

An ordinance creating section 11.52.035 of the code of the city of Wichita, Kansas, pertaining to unlawful parking. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Gray absent).

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- d. CUP2008-00005 and ZON2008-00007 – Creation of DP-311 Moorings Plaza II Commercial and Residential Community Unit Plan and zone change from SF-5 Single-family Residential (“SF-5”) to LC Limited Commercial (“LC”) and NR Neighborhood Retail (“NR”). Generally located south of 53rd Street North and west of North Meridian Avenue. (District VI)

ORDINANCE NO. 47-897

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. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Gray absent).

- e. ZON2008-14-Zone change from LC Limited Commercial to OW Office Warehouse; generally located south of 53rd Street North and west of Arkansas. (District VI)

ORDINANCE NO. 47-898

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. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Gray absent).

- f. SUB 2007-98 -- Plat of Mike Steven Motors Addition located west of Rock Road and on the south side of Kellogg. (District II)

ORDINANCE NO. 47-899

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. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Gray absent).

- g. A08-05R-Request by John Philbrick, of the Property Management Division, and David Warren, of Wichita Water Utilities, on behalf of the City of Wichita to annex land generally located north of 37th Street North, between 135th Street West and 119th Street West. (District V)

ORDINANCE NO. 47-900

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Gray absent). (A08-05)

- g. A08-06R-Request by John Philbrick, of the Property Management Division, and Doug Kupper, of the Park and Recreation Department, on behalf of the City of Wichita to annex land generally located north of US-54/Kellogg, between 135th Street West and 119th Street West. (District V)

ORDINANCE NO. 47-901

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Gray absent). (A08-06)

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- h. A08-08R-Request by John Philbrick, on behalf of the City of Wichita, to annex land generally located east of Rock Road, between 39th Street South and 31st Street South.
(District II)

ORDINANCE NO. 47-903

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Gray absent). (A08-08)

- i. A08-09R-Request by Alan S. Girrens to annex land generally located west of 119th Street West, between Pawnee Avenue and 31st Street South. (District IV)

ORDINANCE NO. 47-904

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Gray absent). (A08-09)

OFF AGENDA ITEM **TRAVEL APPROVAL FOR COUNCIL MEMBERS WILLIAMS AND FEAREY TO ATTEND THE KANSAS REGIONAL WATER CONFERENCE, HESSTON, KANSAS, ON MAY 29, 2008.**

Motion--carried Brewer moved that the expenditures be approved. Motion carried 6 to 0, (Gray absent).

Motion--carried Brewer moved at 11: 40 a.m. that the regular meeting be adjourned. Motion carried 6 to 0, (Gray absent).

ADJOURNMENT The meeting adjourned at 11:40 a.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

Workshop followed in the first floor board room