

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 15, 2008  
Tuesday, 9: 06 A.M.

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

Scott Moore Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The pledge of allegiance was participated in by the Council Members, Staff and guests.

Sister Rita Robl, Adorers of the Blood of Christ, gave the invocation.

Approve the minutes of the regular meeting on July 8, 2008 the July 7th special meeting minutes

--Award

### AWARDS AND PROCLAMATIONS

#### Governor's Art Award

Council Members Fearey and Williams accepted the Kansas Governor's Art Award, which was awarded to the City of Wichita.

--Proclamation

### PROCLAMATION-ADULT LEARNER CELEBRATION WEEK

Mayor Brewer read aloud the Proclamation

### PUBLIC AGENDA

#### Howard Feiner-Leash law for cats.

Mr. Feiner

Mr. Feiner stated a law or ordinance is needed to protect Wichita residents from specific cat owners whose cats roam free and become a public nuisance to any nearby resident. Stated he has a neighbor who cat runs free all day long and leaves up to 13 deposits on his lawn every five days. Stated there are steps that a cat owner could take to prevent their cats from becoming a public nuisance. Stated Wichita should pass a law making it illegal to have cats repeatedly depositing their waste in any neighbor's yard. Stated he has over 10 burn spots on their lawn. Pet owners should be responsible for their pet's behavior. Up to city to have ordinance in place from such invasion from unwanted animals and asked the Council to help he and his wife protect their property and asked the Council to grant a leash law for cats like the one adopted in Derby.

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## UNFINISHED COUNCIL BUSINESS

### APPEAL

#### APPEAL FROM AN ORDER OF THE CHIEF OF POLICE TO RECLASSIFY LOCAL LIQUOR LICENSE OF LOCO JOES LLC AT 417 EAST DOUGLASS. (DISTRICT I)

Tom Stolz

Deputy Police Chief reviewed the item.

Agenda Item No. 1a.

City ordinance defines a Drinking Establishment/Restaurant (DER) as a business that is open to the general public, sells liquor by the individual drink and meets one of the following requirements: The business shall derive not less than 50% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period; or such business shall derive not less than 30% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period and shall have not less than 70% of the public assembly area of the licensed premises devoted to designated seating for the service of food for consumption on the licensed premises. (See Wichita City Ordinance/Section 4.04.010(t)) Minors under the age of 21 years are allowed on the premises of a DE/R but cannot consume alcohol. Any establishment not meeting the above food sales and seating space criteria is classified and licensed as a Drinking Establishment (DE), and minors under the age of 21 years are prohibited from entering or remaining on the premises.

The City Code also provides that a business licensed as a DE/R maybe reclassified as a DE in the event that the business fails to meet food sales or seating space criteria. Wichita City Ordinance/Section 4.16.095 (c) authorizes the Chief of Police to reclassify any DE/R as a DE if the establishment "fails to provide information showing either the required amount of gross revenues from sales of food or the percentage of floor space devoted to the designated seating according to the floor plan, and the service of food for consumption on the licensed premise". Subsection 4.16.095 (d) of the City Code provides that an order of reclassification issued by the Chief of Police may be appealed to the City Council within seven days from the date of the order. An appeal from the Chief's order to the City Council stays the order of reclassification until the Council resolves the matter.

Loco Joes LLC, located at 417 E Douglas, has been licensed as a DE/R since 10 August 2007. On 29 March 2008 Wichita Police Department Detectives served Mr. Joe Bidwell the owner of Loco Joes LLC with a letter requesting information showing that the establishment was in compliance with Section 4.04.010 (t) regarding percentage of food sales. A list requesting specific information necessary for the audit of Loco Joes LLC revenues was attached. As of 11 April 2008 Detective Quinn has yet to receive the audit information requested.

On 18 April 2008 Chief Williams sent a letter to Mr. Joe Bidwell, the licensee for Loco Joes LLC informing him that the establishment was being reclassified to a DE, due to failure to comply with City ordinance 4.04.010 (t).

Council action was delayed on the reclassification for two weeks from their 03 June 2008 meeting to provide Mr. Joe Bidwell time to complete a working kitchen. Detective Quinn returned to the business 19 June 2008 & was to meet Mr. Joe Bidwell who failed to arrive for the inspection. Detective Quinn upon looking at the kitchen noticed a cook top and deep fryer that were inoperable at the time of inspection. There was not a refrigerator present that was to be used to store food.

If the City Council upholds the decision of the Chief, the licensee has the further option of appealing to the district court, pursuant to state statute. Such an appeal would not stay the order of reclassification.

Provide a safe and secure environment by enforcing City Ordinances regarding liquor licenses and drinking establishments.

Tom Stolz

Deputy Police Chief stated as of Friday of last week the applicant is up and running and able to serve food. Stated if it is the Council's will, they have the opportunity to uphold his appeal and they would give him three months to match the food sales recommended by City ordinance and inspect them again in a quarter of the year to see if he is meeting the percentage of food sales.

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Motion--  
--carried

Williams moved to take Staff's recommendation and review this again in three months. Motion carried 7 to 0.

## CONDEMNATION

### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES - 1149 NORTH MARKET. (DISTRICT VI)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No. 2

This property was before the Board of Code Standards and Appeals (BCSA) on April 2, 2007. No-one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on July 3, 2007 and was deferred until August 7, 2007, at the request of Council Member Fearey. On August 7, 2007, this case was before the Council and was deferred because of the pending tax foreclosure sale. On September 11, 2007, this case was before Council and was deferred for 90 days.

This case was back before Council on December 4, 2007. The new owner represented the property, and Council passed a resolution giving him ninety (90) days to complete the exterior repairs.

On June 10, 2008, City Council again reviewed the case and voted to give another thirty (30) day extension to complete the exterior repairs.

Staff made an inspection of the property on July 1, 2008; some painting had been done, but no other changes were noted. The premises are being maintained clean and the structure is secure.

As of July 1, 2008, the 2007 taxes were past due, in the amount of \$906.80, including a special assessment for emergency board up in the amount of \$278.89.

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.

The owner has been informed of the date and time of the hearing.

Mayor Brewer

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

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Kurt Schroeder Office of Central Inspection stated the owner did own some taxes on this property which are a little over \$900.00 and he has paid half of that amount. Stated the property is almost up to code on the exterior of the property so there is very little left to do. Stated Staff would recommend to give the property owner a little more time to pay the remaining taxes owed and that if he does that within the next couple of weeks, that OCI handle this with regular housing code enforcement.

Motion--carried Fearey moved to take Staff's recommendation. Motion carried 7 to 0.

## RESOLUTION NO. 08-378

A Resolution finding that the structure located on Lots 245 and 247, on Market Street, Hyde ^& Ferrell's Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1149 N. Market, is unsafe or dangerous, and directing the structure to be made safe and secure or removed, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## NEW COUNCIL BUSINESS

### CONTRACT

### CONTRACT FOR PROVIDING PRE-EMPLOYMENT PHYSICAL EXAMINATIONS AND SUBSTANCE ABUSE SCREENS.

Sarah Gilbert Human Resources Director reviewed the item.

Agenda Item No. 3

The City of Wichita uses the services of a private contractor for pre-employment physical examinations and substance abuse screens. The contract of the current contractor, Via Christi Occupational and Immediate Care, expires on July 31, 2008.

On April 2, 2008, a Request for Proposals was issued. Four proposals were received. Negotiations with the top proposer, Via Christi Occupational and Immediate Care, were successful.

The examinations and screens are customized for five levels of City positions:

- Administrative
- Physical
- Police
- Fire
- Asbestos

The costs in the new contract are the same as in the current contract with Via Christi, with the exception of the urinalysis which has increased from \$30 to \$45.

Internal Perspectives. Accurate, timely, and affordable examinations and screens increase productivity by streamlining the hiring process.

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

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

Motion--  
--carried Brewer moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## MAIZE ROAD

### MAIZE ROAD IMPROVEMENT, BETWEEN PAWNEE AND KELLOGG. (DISTRICT IV)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 4

The 2007-2016 Capital Improvement Program includes funding in the amount of \$3.5 million to improve Maize Road, between Pawnee and Kellogg. On June 4, 2008, District VI Advisory Board held a neighborhood hearing on the project. Due to the lack of a quorum, the Board made no recommendation on the project.

Maize Road, from Pawnee to Kellogg, is currently a two-lane asphalt mat road with drainage ditches. The proposed improvement consists of a five-lane roadway with two through lanes in each direction and a center two-way left turn lane. The project will reconstruct Maize Road from just north of the improved intersection at Pawnee to Kellogg. Drainage improvements will be included with the project. A new sidewalk will be constructed on both sides of Maize Road and the available right-of-way will be landscaped. The intersection of Pawnee and Maize will be evaluated to determine if traffic signals installation is warranted. Construction is projected to begin in spring of 2009 and be completed in late 2009.

The City Council previously approved \$240,000 for the design of the project. An additional \$500,000 from the available funds is requested at this time to begin right-of-way acquisition, for a total authorized budget total of \$740,000. The funding source is General Obligation bonds. Approval of right-of-way funding will expedite the project. The project will be returned to the City Council at a future date for consideration of the construction budget.

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

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

Mayor Brewer

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

Motion--  
--carried

Gray moved that the design concept be approved; the Amending Ordinance placed on First Reading; and signing of State/Federal Agreements as required authorized. Motion carried 7 to 0.

### ORDINANCE

An Ordinance amending Ordinance No. 47-889 of the City of Wichita, Kansas declaring maize road, between Pawnee and Kellogg (472-84697) 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.

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## MERIDIAN STREET

### MERIDIAN STREET IMPROVEMENT, BETWEEN 47TH STREET SOUTH AND 31ST STREET SOUTH. (DISTRICT IV)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 5

The 2007-2016 Capital Improvement Program includes \$7.2 million in funding in years 2009 and 2010 to improve Meridian Street between 47th St. South and 31st St. South. On June 4, 2008, District IV Advisory Board held a neighborhood hearing on the project concept. Due to the lack of a quorum, the Board made no recommendation on the project.

Meridian is currently a two-lane asphalt mat road with drainage ditches between 47th St. South and the I-235 Freeway; and four lanes between I-235 and 31st St. South. The proposed improvement consists of a five-lane roadway with two through lanes in each direction and a center two-way left turn lane between 47th St. South and 33rd St. South. Meridian will remain a four lane roadway between 33rd St. South and 31st St. South. Left turn lanes will be provided at the 31st & Meridian intersection and the traffic signals will be upgraded. The intersection of 47th & Meridian will be improved with a separate project. Traffic signals will be installed at the I-235 access ramps. Drainage improvements will be included with the project as well as new sidewalk on both sides of Meridian, except for the west side between 33rd and 31st.

The City Council previously approved \$400,000 to design the project. An additional \$1,000,000 of the available CIP funds is requested at this time to begin right-of-way acquisition, for a total authorized budget to date of \$1,400,000. The funding source is General Obligation bonds. Approval of right-of-way funding will expedite the project. The project will be returned to the City Council at a future date for consideration of the construction budget.

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

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

Mayor Brewer

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

Motion--  
--carried

Gray moved that the design concept be approved; the Amending Ordinance placed on First Reading; and signing of State/Federal Agreements as required authorized. Motion carried 7 to 0.

### ORDINANCE

An Ordinance amending Ordinance No. 46-849 of the City of Wichita, Kansas declaring meridian, between 47th St. South and 31st St. South (472-84302) 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.

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## SOFTWARE

### INTERDEPARTMENTAL LAND USE, LAND DEVELOPMENT, CONSTRUCTION PERMITTING, CODE ENFORCEMENT, INSPECTION AND LICENSING MANAGEMENT/TRACKING SOFTWARE REPLACEMENT PROJECT.

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No. 6

In 1997, the Council approved a project to purchase and implement an interdepartmental, parcel-based land use, land development, construction permitting, code enforcement and contractor licensing management/tracking software system. The project created an electronic case management and tracking system for all OCI permits and code enforcement cases, for all OCI contractor license and trade certificate approvals/tracking, for all MAPD cases, and for a variety of other permit and/or code enforcement cases affecting land development or redevelopment, and maintenance of private property.

The software system selected in 1998 was developed by Tidemark Computer Systems (now owned by Accela Automation). In 1999, Wichita went live with thirty-four OCI and MAPD Tidemark users. Since 1999, several other departments, including Environmental Services, the City Manager's Neighborhood Assistance Office, Water & Sewer, Fire (Fire Prevention), Public Works/Engineering and the Wichita Police have utilized the Tidemark software. In 2003/2004, the City Council approved a project to add and implement Tidemark's "E-Permits" product; this allowed the City to offer secured Internet construction permitting and permit inspection scheduling/resulting, as well as citizen Internet access to land use, permitting and code enforcement case information. "E-Permits" was implemented in late 2004.

Today, there are over 150 employee-users of Tidemark, including approximately 50 wireless and/or remote inspector-users.

Although Tidemark has worked well -- automating many processes, improving case tracking and enhancing communications (between departments and with the public) -- the system's architectural platform is over a decade old. The useful life of the original software was projected to be six (6) to seven (7) years. The 10-plus year old platform will not support many new web-based and/or Internet technologies and services, many of which can dramatically improve citizen access, "e-commerce" capacity, ease of use, wireless capabilities, information flow, communication and data storage/retrieval.

Wichita, like most other large and mid-sized jurisdictions, needs to move to a "web-based" design platform to continue providing services and communication expected by businesses and citizens, and to simplify future upgrades, serviceability and maintenance. The Tidemark software, by declaration of the vendor, is at end of life cycle and will not be supported by the vendor within the next two (2) years. During this "phase down", no new functionality and few product enhancements will be forthcoming.

Some of the more significant service and communication enhancements available with newer web-based software products are outlined in Attachment 1.

The City's Information Technology Advisory Board (ITAB) reviewed the proposed Tidemark replacement project in October 2007 and April 2008. In April 2008, the ITAB recommended approval of the proposed project, with estimated costs of up to \$1,000,000 (software, licensing, customized project and case design, data conversion, training and implementation). The ITAB also recommended development and issuance of a request for proposals as soon as a project budget was approved. Between the October 2007 and April 2008 ITAB meetings, an interdepartmental staff team reviewed potential replacement software products and vendors, receiving live on-site or on-line demonstrations from many. The staff team subsequently prepared an estimated budget, identified potential funding sources, and developed a framework for a request for proposals.

The largest current public user/beneficiary of the Tidemark system, the local building industry, has expressed its support for the replacement project (through the Wichita Area Builders Association), seeing great value in the newer web-based products. The Wichita Area Builders Association also supports the use of OCI's Special Revenue Fund "reserve account" to fund a significant portion of the project cost.

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The proposed Project may require up to \$1,000,000. Funding is proposed from the following sources, to be established in a project account:

OCI Special Revenue Fund Reserve	\$ 400,000
City (IT/IS) Equipment Replacement Fund (ERF)	\$ 400,000
City ERF Loan (48 months, 0%), if needed, up to:	\$ 200,000

Total \$1,000,000

There is currently a surplus in the OCI Special Revenue Fund Reserve Account. Encumbrance of (up to) \$400,000 from this Reserve Account, based on current and projected OCI fund revenues, will not reduce the Reserve Account level to below the target Reserve Account balance.

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 item impacts the Provide a Safe and Secure Community and Support a Dynamic Core Area and Vibrant Neighborhoods goals by providing more effective and efficient delivery of land use development, construction permitting, construction inspection, business licensing and neighborhood code enforcement service delivery, while providing enhanced communication and better information to citizens who use or rely on these services.

The Law Department will review the work of the staff screening committee selected to review RFPs and make a recommendation for a selected vendor. Any proposed vendor selection and/or contract will be reviewed by the Law Department prior to final review and approval by the City Council.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Wess Galyon

Mr. Galyon stated he appears in behalf of the Codes and Standards Committee of the Wichita Builders Association to support the request that is in front of the Council this morning. Stated while this is expensive they believe that the investment is worth it in terms of enhanced capacities not only in the terms of the Office of Central Inspection but improved access to OCI and others in the business industry and the public as well.

Motion--

Brewer moved that the proposed interdepartmental land use, land development, construction permitting, code enforcement, inspection and licensing management/tracking Software Replacement Project budget, up to \$1,000,000, from the identified sources be approved and staff authorized to prepare and issue a request for proposals. Motion carried 7 to 0.

--carried

## **GOB/NOTE SALE**

### **GENERAL OBLIGATION BOND AND NOTE SALE.**

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Item No. 7

The City is offering for sale two series of general obligation temporary notes totaling \$104,170,000 (Series 224 and 225) and two series of general obligation bonds (Series 794 and 794A) in an amount not to exceed \$14,020,000 for the purpose of providing interim and permanent financing for capital improvement projects of the City.

The proceeds from the sale of the Series 224 and 225 Improvement and Renewal Notes will be used to provide interim financing for City-at-large, improvement district projects and improvements related to the Water Walk and the Douglas and Hillside Tax Increment Financing District. Due to the nature of the improvements for the Water Walk project and the Douglas and Hillside Tax Increment Financing District, the Series 225 Renewal Notes are taxable under Federal law. The proceeds from the sale of the Series 794 and 794A Bonds will be used to permanently finance neighborhood improvements located in special improvement districts.

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Sealed bids will be accepted electronically through Ipreo/PARITY Electronic Bid Submission System until 10:00 a.m. CST in the Finance Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:00 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 224 and 225 Temporary Notes will mature February 19, 2009, and will be retired using cash, the proceeds of both permanent financing bonds and renewal notes issued at that time. The Series 794 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 794A Bonds will mature serially over twenty years and will be paid from special assessments that are levied against benefited property. The Series 794 Bonds will be callable in 2015 and the Series 794A Bonds will be callable in 2018 with a 1% call premium, in accordance with the City's debt management policy.

This item impacts the Economic Vitality/Affordable Living and Internal Perspectives through the temporary and permanent financing of capital improvements and offering the City's debt obligations through competitive sale.

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Ordinances and Resolutions which have been prepared by Bond Counsel.

Mayor Brewer

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

Motion--

Gray moved that to direct the opening and reading of the bids; award the sale of the Bonds and Temporary Notes; and find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction, adopt the Bond and Note Ordinances and Resolutions and authorize the publication of the Bond and Note Ordinances. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 08-363

A Resolution providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 224, of the City of Wichita, Kansas, in the total principal amount of \$94,355,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the city, and for the interim financing of costs in connection with newly commenced capital improvements in the city; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes, and making certain other covenants and agreements with respect to the notes, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-364

A Resolution providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 225 (taxable under federal law), of the City of Wichita, Kansas, in the total principal amount of \$9,815,000, for the purpose of providing the necessary funds for the interim financing of costs in connection with certain capital improvements in the city; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes, and making certain other covenants and agreements with respect to the notes, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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## RESOLUTION NO. 08-365

A Resolution providing for the issuance of General Obligation Bonds, Series 794, of the City of Wichita, Kansas, in the total principal amount of \$10,050,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-366

A Resolution providing for the issuance of General Obligation Bonds, Series 794A, of the City of Wichita, Kansas, in the total principal amount of \$3,970,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## ORDINANCE NO. 47-931

An Ordinance authorizing and providing for the issuance of General Obligation renewal and improvement temporary notes, Series 224, of the City of Wichita, Kansas, in the total principal amount not to exceed \$94,355,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the city, and for the interim financing of costs in connection with newly commenced capital improvements in the city; providing for the payment of the principal of and interest on the notes; and making certain other covenants and agreements with respect to the notes. Gray moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp; Skelton, and Williams and Brewer.

## ORDINANCE NO. 47-932

An Ordinance authorizing and providing for the issuance of General Obligation renewal and improvement temporary notes, Series 225 (taxable under federal law), of the City of Wichita, Kansas, in the total principal amount of \$9,815,000, for the purpose of providing the necessary funds for the interim financing of costs in connection with certain capital improvements in the city; providing for the payment of the principal of and interest on the notes; and making certain other covenants and agreements with respect to the notes. Gray moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp; Skelton, and Williams and Brewer.

## ORDINANCE NO. 47-933

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 794, of the City of Wichita, Kansas, in the total principal amount of not to exceed \$10,050,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Gray moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp; Skelton, and Williams and Brewer.

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## ORDINANCE NO. 47-934

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 794A, of the City of Wichita, Kansas, in the total principal amount of not to exceed \$3,970,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Gray moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp; Skelton, and Williams and Brewer.

## 2009 BUDGET

### 2009 PROPOSED OPERATING BUDGET.

Ed Flentje

Mr. Flentje reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Item No. 8

The City Council has received the City Manager's Proposed 2009/2010 Budget (including tax increment financing districts). The Council is receiving public comment at its weekly Council meetings.

The proposed 2009 annual operating budget is \$494,529,994, which does not include internal service funds, capital projects, grant funds, trust funds or interfund transfers. The 2009 Proposed Budget would require a mill levy of 31.979 mills – equal to the rate levied in 2008, and projected to remain unchanged for the fifteenth consecutive year. The 2009 General Fund budget is balanced, with an ending balance projected to be within City Council policy of 10 percent of expenditures.

The 2009 Proposed budget has been developed with feedback from the City Council on a set of key issues. This policy issue discussion has been invaluable, as staff craft a budget that reflects the priorities and direction of the City Council. The 2009 Budget includes the following highlights.

- To provide to a safe community, the 2009 Proposed Budget funds all current public safety positions, and includes 14 new firefighter positions (previously approved by City Council) to complete staffing at three new stations. In addition, the Police Department budget includes an additional \$.9 million to offset rising fleet and gasoline prices, to ensure continued neighborhood patrols.
- To enhance coordination in economic development activities, the 2009 Proposed Budget consolidates the former Economic Development Office, Property Management and the Development Assistance Coordinator into the new Office of Urban Development. This also includes the consolidation of the Property Management Fund into the Economic Development Fund.
- To maintain Transit services in spite of rising fuel prices, a total of \$4,155,080 is transferred from the General Fund in 2009, including an additional \$400,000 for fuel and a \$180,000 increase in contractual payments for para-transit service providers.
- To enhanced maintenance, an additional \$3 million for street and building maintenance in 2009, funded by a shift of one mill from the Debt Service Fund to the General Fund. Beginning in 2010, the shift of one half mills has been proposed.
- To ensure a future supply of clean, safe water, rate increases of up to 8 percent annually are proposed beginning in 2009. Even with these rate increases, water in Wichita will remain a bargain compared to other cities in the US.

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- To continue public transportation services, an additional \$580,000 is allocated to provide additional contracted ADA paratransit rides by local providers.
- To support the recommendations the Task Force on Ending Chronic Homelessness, the 2009 Proposed budget includes \$251,368 in grant fund and General Fund support.
- To enhance the delivery of services to lower income residents and neighborhoods, the 2009 Proposed Budget re-aligns the Career Development Office within the Department of Housing and Community Services.

The proposed operating budget does not include a mill levy increase as presented, based on the budgeted taxes to be levied and the estimated assessed valuation provided by the Sedgwick County Clerk's Office.

The City Budget serves as the strategic management guide for allocating resources to each of the five goal areas.

As required by law, City of Wichita must hold two public hearings on the budget. One public hearing is required to formally adopt the budget. This must be held at least 10 days prior to August 25; it is scheduled for August 12, 2008. A second public hearing is required to publish notice of the 2009 Proposed Budget, including notice of the maximum amount of taxes to be levied. This public hearing must be at least 10 days prior to the date of budget adoption (August 12th); it is scheduled for July 22, 2008.

(Council Member Longwell momentarily absent)

(Vice-Mayor Schlapp momentarily absent)

- Council Member Skelton Council Member Skelton expressed his concerns regarding road repairs; pursuing the downtown police station; and to look at trash franchising. Stated he would have to be sold on fuel management software, which costs one million dollars.
- Council Member Fearey Council Member Fearey, question regarding fire stations and suggested that if we go this way she would like for the stations that have less staffing to track cost of fuel and time response. Stated the big trucks take a longer to maneuver and get around.
- Council Member Longwell Council Member Longwell questioned the proposed 8% rate increase on water utilities. Stated he also has concerns with the costs of running the big fire trucks on certain calls and that we should be looking at what vehicles we use to make those calls and should review the call loads and the costs associated with this.
- Council Member Williams Council Member Williams inquired about the unspent funds, the cash funds that are going into reserve and if there is a way to have that accumulative amount given to her. Stated she would like to know more about that reserve funding from cash projects.
- Kelly Carpenter Director of Finance stated that is on the CIP side but could sit down and visit with her anytime.
- (Council Member Fearey momentarily absent)
- Motion-- Brewer moved to receive the 2009 City Manager's Proposed Operating Budget and receive public  
--carried comment. Motion carried 7 to 0.

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## AIRPORT AGENDA

Motion-- Brewer moved that Airport Consent items 9 and 10 be approved in accordance with the recommended  
--carried action shown thereon. Motion carried 7 to 0.

## **TENANT IMPROV. TENANT FACILITY IMPROVEMENTS, 1801 AIRPORT ROAD DOOR MODIFICATIONS, WICHITA MID-CONTINENT AIRPORT.**

Agenda Item No. 9

The Federal Aviation Administration (FAA) currently leases the facility located at 1801 Airport Road. The FAA is desirous of making improvements to the facility. 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 of an entrance modification to meet ADA standards is appropriate.

Richard B. Kraybill, Architect was selected through an informal qualification process by three Airport staff members. His cost for consultant services was \$5,500.00 and approved by the City Manager through the Airport Engineering Operating budget and will be transferred to this project. The project cost of \$50,000.00 will be funded with General Obligation Bonds paid for with airport revenue. The FAA will reimburse costs under a reimbursable agreement.

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 consultant services contract was approved as to legal form.

Motion-- Brewer moved that the project be approved and the necessary signatures authorized. Motion  
--carried carried 7 to 0.

## **RUNWAY SHOULDER WICHITA MID-CONTINENT AIRPORT, RUNWAY SHOULDER AND BLAST PAD REHABILITATION, CHANGE ORDER NO. 2.**

Agenda Item No. 10

On March 20, 2007, the Wichita Airport Authority approved a contract with Vance Brothers for rehabilitation of Runway 1L-19R, 1R-19L and the south 3000' of Taxiway D shoulders and blast pads.

The work has been completed in its entirety, and a change order has been prepared to accommodate an additional aircraft crossing on Runway 1R-19L that was necessary during construction to accommodate a tenant.

The amount of Change Order No. 2 of \$3,080.00 is an addition to the contract already adjusted in Change Order No. 1 for final quantities. The new final contract amount of \$695,072.06 represents an overall reduction of approximately three percent from the original contract of \$720,502.70. The existing budget covers all expenses.

The Airport's contribution to the economic vitality of Wichita is promoted through maintaining airfield pavements to serve the aviation community.

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

Motion-- Brewer moved that the change order be approved and the necessary signatures authorized. Motion  
--carried carried 7 to 0.

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## COUNCIL AGENDA

### **APPOINTMENTS**

### **COUNCIL MEMBER APPOINTMENTS**

- Vice-Mayor Schlapp Vice-Mayor Schlapp appointed Brian Carduff, Daryl Crotts, Sarah Devries, Larry Frutiger, Tim Goodpasture, Joe Johnson, Aaron Mayes, David Mollhagen, Phil Ryan, Max Weddle, and Marty Weeks to DAB II and two Youth Members, Allison Wegner and Nick Pompeo.
- Mayor Brewer Mayor Brewer reappointed Council Member Fearey to the Sedgwick County Technical Training Authority Foundation.
- Motion--carried Brewer moved that the Appointments be approved. Motion carried 7 to 0.

## CONSENT AGENDA

- Council Member Fearey Council Member Fearey requested that item 31 be pulled for discussion.
- Mayor Brewer  
--carried Mayor Brewer moved to approve Consent items 12 through 35c in accordance with the recommended action shown thereon excluding item 31. Motion carried 7 to 0.

### **BOARD OF BIDS**

### **REPORT OF BOARD OF BIDS AND CONTRACTS DATED JULY 14, 2008.**

- Motion--  
--carried Brewer moved that the report be received and filed; the Contracts approved; and the necessary signatures authorized. Motion carried 7 to 0.

### **CMBS**

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

#### Special Event

Wagonmaster 2008 Chili Cookoff 09/27/2008 600 East Douglas

- Motion--  
--carried Brewer moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

### **STMNT OF COSTS**

### **STATEMENT OF COSTS:**

#### WATER

- a. Improving Water Distribution System to serve West Ridge Commercial Addition (south of 29th Street North, east of 119th Street West). Total Cost - \$37,580.20 (plus idle fund interest - \$686.10, plus temporary note interest - \$933.70). Financing to be issued at this time - \$39,200.00. (735175/448-89546/470-845).
- b. Improving Water Distribution System to serve Rivendale Addition (north of 55th Street South, west of Hydraulic). Total Cost - \$97,372.53 (plus idle fund interest - \$2,172.27, plus temporary note interest - \$2,655.20). Financing to be issued at this time - \$102,200.00. (735352/448-89889/470-025).
- c. Improving Water Distribution System to serve Turkey Creek 2nd Addition (north of Pawnee, west of 119th Street West). Total Cost - \$67,754.89 (plus idle fund interest - \$1,365.25, plus temporary note interest - \$1,779.86). Financing to be issued at this time - \$70,900.00. (735351/448-89959/470-024).
- d. Improving Water Distribution System to serve Hampton Square Addition (north of 37th Street North, west of Maize). Total Cost - \$38,404.77 (plus idle fund interest - \$1,595.23, plus temporary note interest - \$0). Financing to be issued at this time - \$40,000.00. (735370/448-89964/470-043).

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- e. Improving Water Distribution System to serve Prairie Pointe and Prairie Pointe 2nd Additions (north of 37th Street North, west of Maize). Total Cost - \$68,298.71 (plus idle fund interest - \$1,996.51, plus temporary note interest - \$1,604.78). Financing to be issued at this time - \$71,900.00. (735353/448-89974/470-026).
- f. Improving Water Distribution System to serve Shady Ridge Addition (south of Central, east of Ridge). Total Cost - \$29,332.76 (plus idle fund interest - \$1,067.24, plus temporary note interest - \$0). Financing to be issued at this time - \$30,400.00. (735381/448-89979/470-054).
- g. Improving Water Distribution System to serve The Waterfront 4th Addition (north of 13th Street North, east of Webb). Total Cost - \$25,290.39 (plus idle fund interest - \$1,009.61, plus temporary note interest - \$0). Financing to be issued at this time - \$26,300.00. (735374/448-90020/470-047).
- h. Improving Water Distribution System to serve Falcon Falls 2nd Addition (north of 45th Street North, west of Hillside). Total Cost - \$59,307.97 (plus idle fund interest - \$2,092.03, plus temporary note interest - \$0). Financing to be issued at this time - \$61,400.00. (735385/448-90107/470-058).
- i. Improving Water Distribution System to serve Lillie 2nd Addition (south of Maple, west of Maize). Total Cost - \$59,408.36 (plus idle fund interest - \$1,074.40, plus temporary note interest - \$1,517.24). Financing to be issued at this time - \$62,000.00. (735343/448-90116/470-016).
- j. Improving Water Distribution System to serve Blackstone Addition (north of 13th Street North, east of 151st Street West). Total Cost - \$63,917.71 (plus idle fund interest - \$1,048.33, plus temporary note interest - \$1,633.96). Financing to be issued at this time - \$66,600.00. (735372/448-90184/470-045).
- k. Improving Water Distribution System to serve Rainbow Lakes West Addition (south of Central, east of 119th Street West). Total Cost - \$92,701.77 (plus idle fund interest - \$1,934.51, plus temporary note interest - \$2,463.72). Financing to be issued at this time - \$97,100.00. (735320/448-90195/470-991).
- l. Improving Water Distribution System to serve Bellechase Addition (north of Harry, east of 127th Street East). Total Cost - \$88,279.74 (plus idle fund interest - \$2,176.88, plus temporary note interest - \$3,043.38). Financing to be issued at this time - \$93,500.00. (735335/448-90205/470-008).
- m. Improving Water Distribution System to serve South Broadway Gardens Addition (Mead Street from 55th to 57th Street South and 57th from Mead to Washington). Total Cost - \$94,750.46 (plus idle fund interest - \$3,357.48, plus temporary note interest - \$992.06). Financing to be issued at this time - \$99,100.00. (735332/448-90222/470-005).
- n. Improving Water Distribution System to serve Avalon Park 3rd and Avalon Park 4th Additions (north of 37th Street North, east of Tyler). Total Cost - \$83,276.64 (plus idle fund interest - \$1,843.50, plus temporary note interest - \$1,779.86). Financing to be issued at this time - \$86,900.00. (735367/448-90225/470-040).
- o. Improving Water Distribution System to serve Southwest Passage Addition (south of Pawnee, west of 119th Street West). Total Cost - \$155,283.29 (plus idle fund interest - \$3,102.63, plus temporary note interest - \$4,114.08). Financing to be issued at this time - \$162,500.00. (735345/448-90230/470-018).
- p. Improving Water Distribution System to serve Southwest Passage Addition (south of Pawnee, west of 119th Street West). Total Cost - \$58,964.30 (plus idle fund interest - \$1,439.38, plus temporary note interest - \$1,196.32). Financing to be issued at this time - \$61,600.00. (735346/448-90231/470-019).
- q. Improving Water Distribution System to serve South Broadway Gardens Addition (east of Broadway, south of 55th Street South). Total Cost - \$14,473.74 (plus idle fund interest - \$626.26, plus temporary note interest - \$0). Financing to be issued at this time - \$15,100.00. (735337/448-90235/470-010).
- r. Improving Water Distribution System to serve Silverton Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$117,757.27 (plus idle fund interest - \$1,633.17, plus temporary note interest - \$3,209.56). Financing to be issued at this time - \$122,600.00. (735366/448-90238/470-039).

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- s. Improving Water Distribution System to serve Northgate Addition (north of 53rd Street North, west of Meridian). Total Cost - \$124,660.60 (plus idle fund interest - \$2,996.40, plus temporary note interest - \$3,443.00). Financing to be issued at this time - \$131,100.00. (735349/448-90242/470-022).
- t. Improving Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, east of Maize). Total Cost - \$43,959.01 (plus idle fund interest - \$1,044.67, plus temporary note interest - \$1,196.32). Financing to be issued at this time - \$46,200.00. (735339/448-90247/470-012).
- u. Improving Water Distribution System to serve Brentwood South Addition (north of Pawnee, east of Webb). Total Cost - \$60,281.98 (plus idle fund interest - \$1,184.06, plus temporary note interest - \$1,633.96). Financing to be issued at this time - \$63,100.00. (735342/448-90252/470-015).
- v. Improving Water Distribution System to serve Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler). Total Cost - \$59,096.97 (plus idle fund interest - \$2,203.03, plus temporary note interest - \$0). Financing to be issued at this time - \$61,300.00. (735384/448-90271/470-057).
- w. Improving Water Distribution System to serve Pier 37 Addition (south of 37th Street North, west of Ridge). Total Cost - \$125,554.05 (plus idle fund interest - \$2,689.91, plus temporary note interest - \$3,456.04). Financing to be issued at this time - \$131,700.00. (735350/448-90272/470-023).
- x. Improving Water Distribution System to serve Willow Creek East Addition (south of Harry, east of Greenwich). Total Cost - \$67,574.87 (plus idle fund interest - \$1,145.27, plus temporary note interest - \$1,779.86). Financing to be issued at this time - \$70,500.00. (735360/448-90282/470-033).
- y. Improving Water Distribution System to serve Gray's 6th Addition (south of MacArthur, west of Hoover). Total Cost - \$41,749.67 (plus idle fund interest - \$712.37, plus temporary note interest - \$1,137.96). Financing to be issued at this time - \$43,600.00. (735371/448-90301/470-044).
- z. Improving Water Distribution System to serve Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich). Total Cost - \$37,284.80 (plus idle fund interest - \$1,515.20, plus temporary note interest - \$0). Financing to be issued at this time - \$38,800.00. (735373/448-90306/470-046).
- aa. Improving Water Distribution System to serve Maple Shade Addition (north of Pawnee, east of Webb). Total Cost - \$31,555.90 (plus idle fund interest - \$1,444.10, plus temporary note interest - \$0). Financing to be issued at this time - \$33,000.00. (735375/448-90318/470-048).

## SEWER

- bb. Constructing Lateral 41, District T, Sanitary Sewer No. 12 to serve Power CDC 3rd Addition (south of 29th Street North, east of Hydraulic). Total Cost - \$65,086.89 (plus idle fund interest - \$2,213.11, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$67,300.00. (744255/468-83627/480-944).
- cc. Constructing North Sanitary Sewer Pump Station and Main 15, Sanitary Sewer 23 (along Meridian from south of 53rd Street North to 61st Street North). Total Cost - \$2,976,735.94 (plus idle fund interest - \$57,334.48, plus temporary note interest - \$181,829.58). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$3,215,900.00. (744009/468-83682/480-697).
- dd. Constructing Lateral 95, Main 1, Southwest Interceptor Sewer to serve Rivendale Addition (north of 55th Street South, west of Hydraulic). Total Cost - \$302,480.11 (plus idle fund interest - \$8,379.21, plus temporary note interest - \$8,140.68). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$319,000.00. (744215/468-83715/480-903).
- ee. Constructing Lateral 4, Main 7, Northwest Interceptor Sewer to serve Hampton Square Addition (north of 37th Street North, west of Maize). Total Cost - \$50,065.01 (plus idle fund interest - \$2,134.99, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$52,200.00. (744239/468-83826/480-927).
- ff. Constructing Lateral 501, Southwest Interceptor Sewer to serve Shady Ridge Addition (south of Central, east of Ridge). Total Cost - \$34,788.83 (plus idle fund interest - \$1,311.17, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$36,100.00. (744248/468-83838/480-936).

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- gg. Constructing Main 4, Northwest Interceptor Sewer to serve Cheryl's Hollow, Liberty Park 2nd, Liberty Park 3rd, Copper Gate Estates, Copper Gate North Additions and unplatted tract "A" (along 135th Street West from Central to 21st). Total Cost - \$3,055,991.41 (plus idle fund interest - \$79,154.38, plus temporary note interest - \$126,954.21). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$3,262,100.00. (744149/468-83889/480-837).
- hh. Constructing Lateral 49, Main 24, War Industry Sewer to serve The Waterfront 4th Addition (north of 13th Street North, east of Webb). Total Cost - \$39,899.60 (plus idle fund interest - \$1,700.40, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$41,600.00. (744243/468-83919/480-931).
- ii. Constructing Lift Station, Main 1, Boeing Sanitary Sewer to serve Clifton Cove Addition (south of 63rd Street South, west of Clifton). Total Cost - \$551,919.04 (plus idle fund interest - \$12,273.94, plus temporary note interest - \$19,007.02). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$583,200.00. (744171/468-84022/480-859).
- jj. Constructing Main 19 Four Mile Creek Sewer to serve Stonebridge Addition (south of 13th Street North, east of 143rd Street East). Total Cost - \$1,069,926.02 (plus idle fund interest - \$26,386.70, plus temporary note interest - \$30,887.28). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$1,127,200.00. (744194/468-84127/480-882).
- kk. Constructing Lateral 39, Main 1, Cowskin Interceptor Sewer to serve Rainbow Lakes West Addition (south of Central, east of 119th Street West). Total Cost - \$188,193.60 (plus idle fund interest - \$4,190.32, plus temporary note interest - \$4,316.08). Sewer Main Benefit Fee - \$13,700.00. Financing to be issued at this time - \$210,400.00. (744180/468-84168/480-868).
- ll. Constructing Main 20 Four Mile Creek Sewer to serve Monarch Landing Addition (south of 21st Street North, west of 159th Street East). Total Cost - \$680,169.31 (plus idle fund interest - \$13,914.69, plus temporary note interest - \$21,116.00). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$715,200.00. (744195/468-84206/480-883).
- mm. Constructing Lateral 26, Main 19, Southwest Interceptor Sewer to serve Avalon Park 3rd and Avalon Park 4th Additions (north of 37th Street North, east of Tyler). Total Cost - \$287,692.35 (plus idle fund interest - \$5,742.31, plus temporary note interest - \$7,265.34). Sewer Main Benefit Fee - \$28,000.00. Financing to be issued at this time - \$328,700.00. (744237/468-84216/480-925).
- nn. Constructing Lateral 12, Main 6, Cowskin Interceptor Sewer to serve Southwest Passage Addition (south of Pawnee, west of 119th Street West). Total Cost - \$159,732.67 (plus idle fund interest - \$3,136.53, plus temporary note interest - \$4,230.80). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$167,100.00. (744209/468-84228/480-897).
- oo. Constructing Lateral 10, Main 4, Northwest Interceptor Sewer to serve Silverton Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$331,995.74 (plus idle fund interest - \$6,237.96, plus temporary note interest - \$8,899.30). Sewer Main Benefit Fee - \$24,267.00. Financing to be issued at this time - \$371,400.00. (744233/468-84243/480-921).
- pp. Constructing Lateral 2, Main 15, Sanitary Sewer No. 23 to serve Northgate Addition (north of 53rd Street North, west of Meridian). Total Cost - \$340,605.68 (plus idle fund interest - \$9,743.50, plus temporary note interest - \$9,307.82). Sewer Main Benefit Fee - \$46,043.00. Financing to be issued at this time - \$405,700.00. (744213/468-84248/480-901).
- qq. Constructing Lateral 518, Southwest Interceptor Sewer to serve Pier 37 Addition (south of 37th Street North, west of Ridge). Total Cost - \$208,616.91 (plus idle fund interest - \$4,708.67, plus temporary note interest - \$5,950.42). Sewer Main Benefit Fee - \$15,624.00. Financing to be issued at this time - \$234,900.00. (744214/468-84303/480-902).
- rr. Constructing Lateral 9, Main 15, Sanitary Sewer No. 23 to serve Johnson Commercial Centre Addition (south of 53rd Street North, west of Meridian). Total Cost - \$78,194.73 (plus idle fund interest - \$3,213.27, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$15,192.00. Financing to be issued at this time - \$96,600.00. (744231/468-84304/480-919).
- ss. Constructing Lateral 43, Main 15, Southwest Interceptor Sewer to serve Mere Ridge Addition (east of Ridge, south of 29th Street North). Total Cost - \$4,804.72 (plus idle fund interest - this time - \$5,100.00. (744221/468-84306/480-909).
- tt. Constructing Lateral 519, Main Benefit Fee 1 to serve Legacy 3rd Addition (north of 47th Street South, west of Meridian). Total Cost - \$21,000.00 (plus idle fund interest - \$0, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$21,000.00. (744283/468-84313/480-972).

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- uu. Constructing Lateral 15, Main 7, Northwest Interceptor Sewer to serve Wadley Ranch Addition in the city of Maize (south of 37th Street North, west of Maize). Total Cost - \$23,929.56 (plus idle fund interest - \$357.72, plus temporary note interest - \$612.72). Sewer Main Benefit Fee - \$11,000.00. Financing to be issued at this time - \$35,900.00. (744227/468-84332/480-915).
- vv. Constructing Lateral 404 Four Mile Creek Sewer to serve Willow Creek Estates Addition (south of Harry, east of Greenwich). Total Cost - \$238,141.06 (plus idle fund interest - \$4,465.00, plus temporary note interest - \$5,893.94). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$248,500.00. (744228/468-84338/480-916).
- ww. Constructing Lateral 14, Main 4, Northwest Interceptor Sewer to serve Cheryl's Hollow 2nd Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$154,357.71 (plus idle fund interest - \$3,482.83, plus temporary note interest - \$2,859.46). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$160,700.00. (744230/468-84343/480-918).
- xx. Constructing Lateral 15, Main 4, Northwest Interceptor Sewer to serve Silverton Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$149,130.38 (plus idle fund interest - \$3,308.52, plus temporary note interest - \$3,297.10). Sewer Main Benefit Fee - \$8,464.00. Financing to be issued at this time - \$164,200.00. (744234/468-84345/480-922).
- yy. Constructing Lateral 523, Southwest Interceptor Sewer to serve Gray's 6th Addition (south of MacArthur, west of Hoover). Total Cost - \$35,265.92 (plus idle fund interest - \$614.38, plus temporary note interest - \$933.70). Sewer Main Benefit Fee - \$5,286.00. Financing to be issued at this time - \$42,100.00. (744240/468-84360/480-928).
- zz. Constructing Lateral 406 Four Mile Creek Sewer to serve Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich). Total Cost - \$82,225.43 (plus idle fund interest - \$2,995.23, plus temporary note interest - \$379.34). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$85,600.00. (744242/468-84383/480-930).
- aaa. Constructing Lateral 407 Four Mile Creek Sewer to serve Maple Shade Addition (north of Pawnee, east of Webb). Total Cost - \$38,873.37 (plus idle fund interest - \$1,130.63, plus temporary note interest - \$496.00). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$40,500.00. (744244/468-84391/480-932).

## **STORM WATER SEWER AND STORM WATER DRAIN**

- bbb. Constructing Storm Water Drain No. 254 to serve North Ridge Addition (north of 37th Street North, west of Ridge). Total Cost - \$223,357.44 (plus idle fund interest - \$4,906.73, plus temporary note interest - \$12,335.83). Financing to be issued at this time - \$240,600.00. (751403/468-83978/485-294).
- ccc. Constructing Storm Water Drain No. 255 to serve North Ridge Addition (north of 37th Street North, west of Ridge). Total Cost - \$130,263.34 (plus idle fund interest - \$2,715.28, plus temporary note interest - \$7,121.38). Financing to be issued at this time - \$140,100.00. (751408/468-83979/485-299).
- ddd. Constructing Storm Water Drain No. 290 to serve Fox Ridge Addition (north of 29th Street North, east of Maize). Total Cost - \$511,474.17 (plus idle fund interest - \$10,966.29 plus temporary note interest - \$13,859.54). Financing to be issued at this time - \$536,300.00. (751431/468-84151/485-322).
- eee. Constructing Storm Water Sewer No. 621 to serve Pawnee Mesa Addition (north of Pawnee, east of 119th Street West). Total Cost - \$103,476.37 (plus idle fund interest - \$4,923.63, plus temporary note interest - \$0). Financing to be issued at this time - \$108,400.00. (751419/468-84152/485-310).
- fff. Constructing Storm Water Drain No. 298 to serve Lillie 2nd Addition (south of Maple, west of Maize). Total Cost - \$176,869.85 (plus idle fund interest - \$4,045.77, plus temporary note interest - \$2,684.38). Financing to be issued at this time - \$183,600.00. (751432/468-84208/485-323).
- ggg. Constructing Storm Water Drain No. 301 to serve Southwest Passage Addition (south of Pawnee, west of 119th Street West). Total Cost - \$157,253.34 (plus idle fund interest - \$5,559.43, plus temporary note interest - \$3,087.23). Financing to be issued at this time - \$165,900.00. (751434/468-84230/485-325).

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- hhh. Constructing Storm Water Drain No. 307 to serve Northgate Addition (north of 53rd Street North, west of Meridian). Total Cost - \$486,791.95 (plus idle fund interest - \$6,705.19, plus temporary note interest - \$18,002.86). Financing to be issued at this time - \$511,500.00. (751445/468-84253/485-336).
- iii. Constructing Storm Water Drain No. 308 to serve Northgate Addition (north of 53rd Street North, west of Meridian). Total Cost - \$891,862.70 (plus idle fund interest - \$28,887.06, plus temporary note interest - \$11,350.24). Financing to be issued at this time - \$932,100.00. (751437/468-84254/485-328).
- jjj. Constructing Storm Water Drain No. 316 to serve Johnson Commercial Centre Addition (south of 53rd Street North, west of Meridian). Total Cost - \$140,011.95 (plus idle fund interest - \$4,588.05, plus temporary note interest - \$0). Financing to be issued at this time - \$144,600.00. (751449/468-84305/485-340).
- kkk. Constructing Storm Water Drain No. 318 to serve Krug South Addition (south of 21st Street North, west of 143rd Street East). Total Cost - \$325,528.29 (plus idle fund interest - \$8,548.27, plus temporary note interest - \$6,623.44). Financing to be issued at this time - \$340,700.00. (751439/468-84323/485-330).
- lll. Constructing Storm Water Sewer No. 630 to serve EC and LR Coles Addition to Carey Park (north of 29th Street North, west of Arkansas). Total Cost - \$81,021.52 (plus idle fund interest - \$3,007.40, plus temporary note interest - \$671.08). Financing to be issued at this time - \$84,700.00. (751446/468-84335/485-337).
- mmm. Constructing Storm Water Drain No. 326 to serve Edgewater Addition (north of K-96, west of Hoover). Total Cost - \$1,338,627.75 (plus idle fund interest - \$46,442.23, plus temporary note interest - \$2,130.02). Financing to be issued at this time - \$1,387,200.00. (751451/468-84353/485-342).
- nnn. Constructing Storm Water Sewer No. 633 to serve Reed Commercial Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$22,883.29 (plus idle fund interest - \$716.71, plus temporary note interest - \$0). Financing to be issued at this time - \$23,600.00. (751455/468-84399/485-346).

Motion--carried

Brewer moved to approve and file. Motion carried 7 to 0.

## CHANGE ORDER

### **PETITION FOR SANITARY SEWER IN PARKSTONE ADDITION, NORTH OF DOUGLAS, EAST OF HILLSIDE. (DISTRICT II)**

Agenda Item No. 22a

On November 11, 2007, the City Council approved a construction contract with W.B. Carter Construction Co. for a sanitary sewer in Parkstone Addition. After the work began it was determined that an old sanitary sewer line needs to be abandoned. The Developer has submitted a Petition to increase the project budget for the cost of the additional work. Parkstone Addition has been approved for Tax Increment Financing (TIF) to develop a residential/commercial area. Under the terms of the TIF agreement, the City is the current owner of the property in the improvement district. Title will be transferred to the development company when they begin their construction.

A Change Order has been prepared for the cost of the additional work.

The total cost of the additional work is \$47,944 with the total paid by Special Assessments. The original contract amount is \$366,131. This Change Order plus a previous change order represents 13.64% of the original contract amount. The original Petition budget is \$285,000. The new Petition budget is \$345,000.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer improvements for new development.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

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Motion--  
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

## CHANGE ORDER

### MAIN 16, SANITARY SEWER NO. 23, NORTH OF 37TH STREET NORTH, EAST OF ARKANSAS AVENUE. (DISTRICT VI)

Agenda Item No. 22b

On November 20, 2007, the City Council approved a contract with Dondlinger & Sons Construction Co. to construct a sanitary sewer main north of 37th St. North near Arkansas Avenue. A part of the work is to cross under the Chisholm Creek Drainage Canal. Three attempts to directional drill a gravity pipeline under the canal failed due to unforeseen soil conditions and the extraordinary length of the crossing. As a result, it will be necessary to install an inverted siphon under the canal.

A Change Order has been prepared for the cost of the additional work. A budget increase is needed for the additional project cost.

The total cost of the additional work is \$137,760 with the total paid by the Sanitary Sewer Utility. The original contract amount is \$2,060,054. This Change Order represents 6.69% of the original contract amount. The existing budget is \$1,921,634 with \$121,634 assessed to the improvement district and the balance paid by the Sanitary Sewer Utility. The new budget totals \$2,121,634 with \$121,634 paid by special assessments and the balance paid by the Sewer Utility.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer service to an area of north Wichita currently served by private septic tank systems.

The Law Department has approved the Change Order and amending Resolution as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--  
--carried

Brewer moved that the Change Order be approved; the revised project budget approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

## CHANGE ORDER

### KELLOGG-ROCK INTERCHANGE. (DISTRICT II)

Agenda Item No. 22c

On January 9, 2007, the City Council approved a construction contract with Wildcat Construction Company, Inc. to construct the Kellogg-Rock Interchange. A part of the work is the construction of two bridges for east and west bound traffic at Armour. Steel sheet piles are used to support the structures. The rock layer depth at the bridges is inconsistent, which requires the piles to be driven deeper than planned.

A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

The cost of the additional work is \$37,846 with the total paid by available project funds from a combination of Local Sales Tax and State Transportation Funds. The original contract amount is \$47,525,160. This Change Order plus previous change orders represents 00.28% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving traffic capacity and safety along a vital transportation corridor.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

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Motion--  
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

## CHANGE ORDER

### CENTRAL CORRIDOR RAILROAD IMPROVEMENT. (DISTRICT VI)

Agenda Item No. 22d.

On March 8, 2005, the City Council approved a construction contract with Dondlinger & Sons, Inc. to construct Central Corridor Railroad Improvements. During the design process, it was anticipated that the existing drainage condition would not be altered by the construction of the elevated corridor. It has now been determined that adjacent properties east of the elevated corridor between 9th and 16th Streets are impacted by this drainage. A new drainage system is needed to prevent surface storm water runoff from percolating into the ground and destabilizing the subgrade beneath the WTA owned railroad tracks. This improvement will also divert storm water runoff away from adjacent properties between 9th and 16th Streets that have drainage issues. This work will partially remedy the issues until more extensive drainage improvements are made downstream. Adjacent property owners are making companion drainage improvements at their own expense.

A Change Order has been prepared for the additional work.

The cost of the additional work is \$535,276, with the total paid by available project funds. The original contract amount is \$57,444,085. This Change Order plus previous Change Orders represents 3% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving east-west traffic flow and safety through the core area.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--  
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

## BOARD MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS

Design Council, June 17, 2008.

Motion--carried

Brewer moved to receive and file. Motion carried 7 to 0.

## CONDEMNATIONS

### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICT I)

Agenda Item No. 25

On April 7, 2008, the Board of Code Standards and Appeals conducted a hearing on the residential property listed below as item a. On May 5, 2008, the Board of Code Standards and Appeals conducted a hearing on the five properties listed below as items b. through f. The buildings on all six 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 six 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. 1331 North Green	I
b. 927 North Wabash	I
c. 1009 North Wabash	I
d. 1325 North Lorraine	I
e. 1707 North Minneapolis	I
f. 1719 North Minneapolis	I

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 September 9, 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 7 to 0.

## RESOLUTION NO. 08-369

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 23 and 25, Green Street in Fairmount Park Addition to Wichita, Sedgwick County, Kansas known as 1331 North 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-370

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 17 And 19, Wabash Avenue, in Moore's Addition to Sedgwick County, Kansas, known as 927 N. Wabash 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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## RESOLUTION NO. 08-371

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 10 And 12, on Wabash Avenue in Deam's Addition, known as 1009 N. Wabash 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-372

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: The South Half Of Lot 27, and all of Lot 29, on Lorraine Avenue, in Fairmount Park Addition to Wichita, Sedgwick County, Kansas known As 1325 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-373

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 39 And 41, Block 3, Kansas Addition to the City of Wichita, Sedgwick County, Kansas, known as 1707 N. Minneapolis 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-374

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 31 And 33, Block 3, Kansas Addition to the City of Wichita, Kansas, Sedgwick County, Kansas, known as 1719 N. Minneapolis 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## AIRTECHNICS

### PURCHASE OPTION, AIRTECHNICS, INC. (DISTRICT II)

#### Agenda Item No. 26

On May 1, 2001, City Council approved issuance of IRBs totaling \$3.475 million for Airtechnics, Inc., a manufacturer and distributor of electronic components for the aircraft industry. Bond proceeds were used to finance the construction and equipping of a new manufacturing, warehouse, administrative, and sales facility located at 3851 N. Webb Road.

Airtechnics has given notice to the City of their intent to exercise the purchase option on the bond financed property. Under the provisions of the Lease Agreement the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$1,000.

Under the terms of the Lease, upon receipt of written notice, the City is required to convey its interest in the property securing the IRB issue to the Tenant, once Tenant has paid the purchase price and addressed other considerations under the provisions of the Lease Agreement, including the payment of

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all outstanding bonds. Tenant has proposed to prepay the Series I - 2001 Bonds and purchase the bond financed facility in order to complete the sale of Airtechnics to Wesco Aircraft Hardware. The purchase option is contingent upon completion of the sale of Tenant's interest to Wesco. Subject to receiving proof that all conditions have been met, it is now appropriate for the City to deliver the instruments needed to deed the bond-financed property back to Airtechnics and terminate the IRB lease.

The City has received payment of the \$1,000 purchase option price. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

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

The City is contractually bound to convey the IRB Project property to the Tenant once all the conditions established in the Lease have been met. The City Attorney's Office has approved to form the attached Resolution to authorize the execution of the Special Warranty Deed, Bill of Sale, and Termination of Lease Agreement and the delivery of such documents (each in substantially the form attached to the Resolution) following satisfaction of applicable conditions.

Motion--  
--carried

Brewer moved that the Resolution approving the Special Warranty Deed, Bill of Sale and Termination of Lease Agreement be adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 08-375

A Resolution of the City of Wichita, Kansas approving the sale of a certain project financed with the proceeds of Revenue Bonds of the city; ratifying the call and early redemption of said Revenue Bonds; authorizing the execution and delivery of (1) a Bill of sale, (2) A Termination and Release of Equipment Lease and Easement and (3) A Satisfaction, Discharge and Release Of Equipment Indenture, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## ANIMAL CAMPUS

### WICHITA ANIMAL CARE CAMPUS, CITY AND HUMANE SOCIETY.

Agenda Item No. 27

On May 18, 2004, the City Council approved a Memorandum of Understanding (MOU) between the City and Kansas Humane Society (KHS) to work on the joint development of an animal care facility.

On June 8, 2004, the City Council approved the Capital Improvement Project (CIP) and authorized staff to select a design consultant.

On April 5, 2005, the City Council approved a contract with Wilson Darnell Mann Architect (WDM) for the Programming Phase of the project and a Letter of Intent between the City and KHS.

On August 23, 2005, the City Council approved the purchase of property at 3239 N. Hillside for the Animal Care Campus.

On March 7, 2006, the City Council approved a contract amendment with WDM for the Schematic Design Phase and a Land Lease Agreement between the City and KHS.

On November 28, 2006, the City Council approved a contract amendment with WDM for the Design Development Phase for the Wichita Animal Care Campus.

On September 18, 2007, the City Council approved the remaining CIP funding and a contract amendment with WDM for the detailed construction drawings/specifications and construction administration.

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On December 11, 2007, the City Council approved a contract with Hutton Construction for the construction of the Wichita Animal Care Campus.

The construction contract with Hutton Construction did not include a security and access control system. This was omitted from their scope of work because the City Council on October 1, 2002 approved TAC Americas, Inc. to be the City's preferred security system manufacturer and that Sandifer Engineering & Controls, Inc. be the City's preferred vendor.

Sandifer Engineering & Controls, Inc. in conjunction with the Animal Shelter staff, WDM Architect and Hutton Construction has now developed a security and access control system for the City of Wichita Animal Shelter building and exterior area, (Does not include KHS). The scope of work includes materials, labor and installation as follows:

Access Control	\$37,397
Cameras	\$17,310
Electrical	\$18,530
Total	\$73,237

The system has been presented to and approved by the City's Security Assessment & Advisory Team with their Authorization to Proceed issued on June 9, 2008.

The project is authorized in the adopted 2007 – 2016 Capital Improvement Program (CIP) (Project No. 435377, OCA No. 792409). The approved budget is \$7,827,854.28; expenditures/encumbrances to date are \$7,244,189.01 leaving an available balance of \$583,665.27. The cost of this system will be paid from these funds.

This project addresses the Economic Vitality and Affordable Living Goal by providing public improvement in new developments that are vital to Wichita's continued economic growth.

Motion--  
--carried

Brewer moved that the Security System/Installation be approved and the Purchasing Manager authorized to issue a Purchase Order. Motion carried 7 to 0.

## REPORT

### SENIOR MANAGEMENT REPORT, MAY 2008.

Motion--carried

Brewer moved to receive and file. Motion carried 7 to 0.

## CLAIMS

### REPORT ON CLAIMS FOR JUNE, 2008.

Kansas Gas Service	\$463.75
Schottler Engine	\$1,700.00
Maria Bustamante	\$919.00

\*\*Settled for lesser amount than claimed

Motion--carried

Brewer moved to receive and file. Motion carried 7 to 0.

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## TRAILS PROGRAM

### RESOLUTION OF SUPPORT FOR AND AUTHORIZATION TO SUBMIT A 2009 RECREATIONAL TRAILS PROGRAM APPLICATION TO THE KANSAS DEPARTMENT OF WILDLIFE AND PARKS AND THE USDOT FEDERAL HIGHWAY ADMINISTRATION. (DISTRICT IV)

Agenda Item No. 30.

The Recreational Trails Program (RTP) is an assistance program of the Department of Transportation's Federal Highway Administration (FHWA) that makes federal transportation funds available to States to develop and maintain recreational trails and trail-related facilities. Funds for this program are appropriated by the Federal Highway Administration to the Kansas Department of Wildlife and Parks for recreational trail development.

The Kansas Department of Wildlife and Parks (KDWP) will receive applications (due by August 1, 2008) for Recreational Trails Program projects from throughout Kansas and will select projects that meet KDWP's funding eligibility criteria. All projects selected must fall into one or more of three categories: motorized, non-motorized, or diversified recreational trail or trail-related projects. Projects selected by the KDWP will be forwarded by October 31, 2008 to the Federal Highway Administration for final approval. KDWP is projecting that awards will be announced by mid-December.

Kansas' share for this funding is typically about \$850,000, but the exact allocation for fiscal year 2009 projects has not been released at this time. The City of Wichita's application will compete for funding with other projects statewide.

A process to update the existing 1996 Parks and Pathways Plan is currently underway with the Wichita Parks, Recreation and Open Space Plan (PROS Plan). However, the process will not be completed until late 2008. During the interim, the Park Board established pathway priorities as identified in the 2007-2008 City of Wichita Pathways Priorities Report, to assist in prioritizing conceptual designs, funding applications and pathway development. These priorities were reviewed by the Wichita City Council on July 31, 2007.

Last fall, in working with several community groups, staff identified six projects that are consistent with City priorities and adopted neighborhood and regional plans for submittal to KDOT for Transportation Enhancement (TE) funding consideration. The Delano Hike & Bike Trail Project was one of the six Wichita projects applying for TE funding. These TE applications were reviewed by the Wichita Area Metropolitan Planning Organization and the Kansas Department of Transportation, but no funds were awarded to the City of Wichita for the 2009-2010 TE funding cycle. As a result, the Delano Neighborhood Association and the Delano Business Association requested that the City submit a Recreational Trails Program application on their behalf for the Delano Hike & Bike Trail that would extend the Arkansas River Trail from McLean Boulevard along the abandoned railroad corridor north of Douglas through the Delano District to Seneca Street.

Staff reviewed this request, and is recommending that an application be submitted for Recreational Trails Program funding based on several factors:

1. No Transportation Enhancement funds were awarded to the City of Wichita for the 2009-2010 funding cycle, and the next funding cycle will not be any sooner than 2011/2012. However there is an alternative opportunity at this time for external funding through the Recreational Trails Program.
2. There is \$150,000 scheduled in 2010 in the Capital Improvement Program (CIP) specifically for the Delano Hike & Bike Trail Project.
3. The Delano Hike & Bike Trail Project is the least expensive trail project of the six project applications submitted for TE funding, and there is an extremely limited amount of funding appropriated each year (\$850,000) statewide for the Recreational Trails Program. All other Wichita trail projects will exceed the total amount typically appropriated for the entire state!
4. The site of the new downtown central library is adjacent to the site of the proposed Delano Trail; and therefore, the design and construction of the library and the trail should be coordinated.
5. The Delano Hike & Bike Trail project was identified as Park Board Priority #6 according to the 2007-2008 City of Wichita Pathways Priorities Report.

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6. The Delano Hike & Bike Trail Project was identified in the Delano Neighborhood Revitalization Plan and continues to have significant community support.

A resolution of support and commitment must be approved by the Wichita City Council and submitted with the RTP application to KDWP for funding consideration. The deadline to submit applications to KDWP is August 1, 2008.

The total project cost is \$426,146. Since there is an extremely limited amount of RTP funding appropriated each year (\$850,000) statewide and since the grant program considers support facilities (such as lighting, benches, bollards, etc.) low priority for funding, the amount requested from the grant program will primarily pay to just get the trail paved in order to make the Delano Hike & Bike Trail Project competitive with other projects competing for RTP funding statewide. A total of \$282,119 (66%) is being requested through the Recreational Trails Program, which will pay for some of the engineering and construction costs to pave the trail and for signage essential for safety purposes. If awarded funding, the City of Wichita will provide a 34% local match in the amount of \$144,027, which will pay for the design, support facilities, landscaping and the remaining engineering cost.

The 2007-2016 Wichita Capital Improvement Program allocated \$150,000 specifically for the Delano Hike & Bike Trail (scheduled for 2010), which will sufficiently fund Wichita's local match contribution. The Recreational Trails Program functions as a federal reimbursement program, and requires awardees to maintain the trail for the life of the project.

Approving the resolution of support and authorization for application submittal to the KDWP would impact Wichita's Efficient Infrastructure Goal by providing citizens with a safe and dependable trail system, and would impact Wichita's CORE Area and Neighborhood Goal by increasing neighborhood vibrancy, sense of community and neighborhood satisfaction through the revitalization of this abandoned railroad corridor.

The Wichita City Council must approve the filing of the application through a resolution that states that the City accepts responsibility for the coordination of this project and is committed to funding the local match contribution and the maintenance for the life of the project.

Motion--

Brewer moved that the resolution of support and authorize application submittal to the Kansas Department of Wildlife and Parks and the USDOT Federal Highway Administration be approved. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 08-376

A Resolution of the City of Wichita to approve the filing of an application to Kansas Department of Wildlife and Parks and the U.S. Department of Transportation, Federal Highway Administration for the use of recreational trails program funds set forth by the Federal Highway Trust Fund, and authorizing the Mayor to sign the Application, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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(ITEM 31)

ANTENNA SITE

## LEASING OF ANTENNA SITE AT ORCHARD PARK. (DISTRICT VI)

Council Member Fearey Council Member Fearey stated this is for a wireless antenna in a park and this is the first one that we have had after we adopted the map that showed where it would be okay to put these in. Stated yesterday there were a lot of questions out there from the applicant and the park board and asked Planning Director Doug Kupper to explain the process again.

Doug Kupper Park and Recreation Director reviewed the item.

John Schlegel Planning Director explained the zoning.

Agenda Item No. 31

T-Mobile has approached the City about placing a tower to provide wireless service on a site located in the eastern portion of Orchard Park. The proposal calls for a light standard on the softball field to be replaced with a monopole cell tower. Lights will be attached to the tower structure. The site has been reviewed and accepted by the appropriate staff. The Park Board approved the siting at their April meeting. The proposed tower will accommodate up to four service providers.

The lease agreement provides for a fifteen-year term with two five-year options. Annual base rental is \$10,020 with annual three percent increases. For each additional user, the base rent will increase \$1,800 annually. Until such time as all four spots on the tower are leased, the City shall have the right to utilize one spot at no cost to the City. The lessee agrees not to interfere with the public purpose of the area and to make sure the leased area is secure. Upon termination of the lease, the lessee will remove the tower and replace the light standard.

The City will receive rent revenues as described above. The lessee shall be responsible for all costs of installation, operation and maintenance of the facility and the leased land upon which it is constructed.

The proposed sale insures efficient infrastructure by optimizing the use of public assets and providing additional communications capacity in the area.

The Law Department has approved the lease as to form.

Motion-- Fearey moved that the Lease be approved and all necessary signatures authorized. Motion  
--carried carried 7 to 0.

SUMMER YOUTH

## SUMMER YOUTH EMPLOYMENT PROGRAM ALLOCATION.

Agenda Item No. 32

On May 13, 2008, the City Council approved the One Year Action Plan for the 2008-2009 program year. The One Year Action Plan included recommendations for funding the Summer Youth Employment Program by contract with two agencies: Family Services Institute and Wichita Indochinese Center. After those designations, there was a balance of \$29,747 for the Summer Youth Employment Program. Staff was directed to issue another Request for Proposals (RFP) for this balance.

An RFP was issued and three agencies submitted proposals. The Grants Review Committee (GRC) met on June 5 (at which time there was not a quorum present) and on June 13. Presentations were made by the proposers at both meetings. Following the presentations the committee discussed and ranked each proposal on June 13. The Family Services Institute proposal ranked higher than the other two. Therefore the Grants Review Committee recommends that \$29,747 be awarded to the Family Services Institute for the 2008-2009 program year for the Summer Youth Employment Program.

Funding is available for this program through the City's Community Development Block Grant allocation and has been designated for this purpose by the City Council.

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Allocation of these funds will impact the Economic Vitality and Affordable Living goal.

The City met all requirements to finalize the One Year Action Plan which was submitted and accepted by the U.S. Department of Housing and Urban Development. The allocation of \$29,747 for Summer Youth Employment is included in that plan.

Motion--  
--carried

Brewer moved that the recommended allocation be approved and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION

### **BANKING SERVICES RESOLUTION.**

Agenda Item No. 33

In January, 2008, the City Council adopted resolution # 08-028 reaffirming the selection of Intrust Bank, N.A. to provide banking services required by the City and updating authorizations for 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 original agreement was amended in May 2008 to extend the term of the contract to November 2008 to allow completion of the Request for Proposal process. The resolution specifically gave authority to the City Manager and Director of Finance to enter into agreements with the bank to establish authorizations and to conduct or establish banking procedures.

The City Council has appointed Scott Moore as Interim City Manager, effective July 14, 2008. A new resolution is required granting authority to Scott Moore and removing the authority of H. E. Flentje.

This action impacts the Internal Perspective and allows continued banking services and efficient delivery of Treasury services to both internal and external customers.

There are no costs involved in changing the resolution.

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

Motion--  
--carried

Brewer moved that the resolution updating authorization and providing Scott Moore and Kelly Carpenter authority to execute banking documents on behalf of the City of Wichita be adopted. Motion carried 7 to 0.

### RESOLUTION NO. 08-377

A Resolution approving the selection of Intrust bank, N.A. as a banking services provider and authorizing the preparation, execution and delivery of certain agreements in connection therewith, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ JULY 8, 2008)**

a. ZON2008-00010 – Zone change from B Multi-family Residential (“B”) and MF-29 Multi-family Residential (“MF-29”) to LC Limited Commercial (“LC”). Generally located approximately 400-feet south and east of the intersection of Central and Oliver (454 and 446 North Bleckley Dr.) (District II)

### ORDINANCE NO. 47-928

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 7 to 0.

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b. ZON2008-00026 – Zone change from SF-5 Single-family Residential (“SF-5”) and LC Limited Commercial (“LC”) to GC General Commercial (“GC”); generally located on the south side of Lewis, a half block west of Zelta and one block north of east Kellogg, (11002 & 11723 East Lewis).  
(District II)

ORDINANCE NO. 47-929

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 7 to 0.

c. ZON2008-28 – Zoning request on a parcel with no zoning to MH Manufactured Housing, generally located 1/2 mile east of Hydraulic Avenue at 55th Street South and abutting the Arkansas River.  
(District III)

ORDINANCE NO. 47-930

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 7 to 0.

## 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: pending litigation, potential litigation, and legal advice and that the Council return from Executive Session no earlier than 11:30 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

## RECONVENE

The Council reconvened in the City Council Chambers at 11:40 a.m. Mayor Brewer announced that no action was needed or taken as a result of the Executive Session.

Motion--carried

Brewer moved to close the Executive Session. Motion carried 7 to 0.

Motion--carried

Brewer moved to adjourn the regular meeting. Motion carried 7 to 0.

## ADJOURNMENT

The meeting was adjourned at 11:41 a.m.

Respectfully submitted,

Karen Sublett, CMC  
City Clerk