

**APPROVED
REGULAR COUNCIL MEETING
February 23, 2010
6:30 PM**

Mayor Dion Avello presiding.

ROLL CALL:

WARD I
WARD II
WARD III
WARD IV

COUNCIL MEMBERS PRESENT:

Jim Craig
Vaughn Nun, Heath Horyna
Chuck Warren, Cheryl Bannon
Tom Haynes, Mark Staats

COUNCIL MEMBERS ABSENT:

WARD I

Jim Meidinger

Flag salute was led by Council Member Staats. The invocation was led by Rev. Jon Shellenberger, Derby Church of the Nazarene.

CONSIDERATION OF MINUTES

Minutes of the February 9, 2010, Regular Council Meeting.

MOTION: Warren moved to approve. Haynes seconded.

VOTE: Motion carried 6-0, Meidinger absent, Staats abstain.

PUBLIC FORUM:

Dean Parker member of the Derby Golf and Country Club, is here because he believes the citizens of Derby are not fully aware of the dangers that exist with the current plan to build a hike and bike trail adjacent to the #12 hole at the Derby Golf and Country Club. It is creating a dangerous situation that may cause injury to people using the walkway. There have been no less than 35-40 occurrences over the past year since the course opened of errant golf shots hitting the apartment buildings, breaking out windows, car windshields and even striking a pedestrian near Tall Tree. If just one of those shots had struck an infant a possible fatality could result. His own brother, at the age of 16, while they were playing golf at Rolling Hills was hit in the head and spent the next three days in the hospital recovering. If the City proceeds with the plan with all the safeguards being put into place someone, someday, will be injured and the golfer hitting that shot will probably be facing a lawsuit if they cause a serious injury to a walker or biker. He would like to ask the council, please consider coming north from Meadowlark to the west of the pond on #13 and moving through Woodlawn Park over to Woodlawn Street and heading straight north to Tall Tree. This would completely eliminate any chance of a person being injured while using the walkway by a golfer. He has learned that you are not building this walkway between Tall Tree and Patriot for reasons that have nothing to do with safety. Yet here at the location he has mentioned, with safety as the only issue you are moving forward, I don't understand. The safety of our citizens should be the council's first concern as it is mine.

Louise Zollinger provided a picture to the council of her flooded property that occurred in 2008. When it floods at High Park it drains about 13,158 acres over the spillway. In 1995 the flood

water roared across 79th Street at 1,025 feet, east to west. To put that into perspective, if you go to the stop sign at Madison and Mulberry and walk to the monument at the round-a-bout at the library, that is approximately 1,025 feet. On the map provided, the house next to the drive at the entrance going north, the water came up to the east wall of their home. It then crossed 79th and filled the basement of the house directly south. It then came up to Rock Road and filled a basement before going under Rock Road. There was a home damaged on Bodine Ct., two homes destroyed in the 200 block of Brookwood, two homes destroyed on Hila. When the water got to Park Place Ct., she was advised by the neighbors there that the water was no longer moving, it was standing still. Further down at 95th and K-15 the water was moving backwards because the Arkansas River was flooding. She is not concerned about her flooding; she is concerned about the people that were carried out by boat when their houses were flooded. Animals also barely escaped. On 79th Street, directly west of her there were three cars swept off the highway and one lady was hanging from a tree screaming for help. Her car was tilted and she does not know who would have gotten out if she had a child or two in her car. Her point this evening is there was a lot of driftwood at the bridge at Rock Road; if that driftwood hadn't been there it would have been a lot worse in Hila. Her appraiser came in 2006 and told her he was going to raise her property taxes because there have been improvements made up north, ponds she assumes, and the likelihood of flooding her place has gone down. Since then it has flooded three times. The thing that occurred to her in November was up north at 71st and 63rd there are new concrete culverts and bridges. When the river is flooding next time look out. She has spoken with Steve Samuelson in Topeka and there are funds to assist with this, working with Sedgwick County Public Works. She hopes that with this information the council might talk about this and seek help. This is not our water, it is coming from Pawnee. If we took every tree, leaf and pinecone out of the creek it still wouldn't handle all of the water that comes through.

Chief Brad Smith, Derby Fire Chief advised that severe weather is just around the corner. He reminded the citizens of Derby about the severe weather season that is coming. March 8-12th has been designated as Severe Weather Week, also during that week the annual statewide tornado drill will take place which means the sirens statewide will be sounded on Tuesday, March 9th at 1:30 p.m. This is different from the normal Monday at noon that we do here in Derby so if you hear them on that day and we don't have a lot of cloudy weather that is what it is. Here in Kansas we usually deal with severe weather year round, whether it be ice, snow, etc. Severe weather awareness week is definitely a good opportunity for families, schools, businesses and others to develop and review and practice severe weather safety plans. He also encouraged people to take the opportunity to pick up some fresh batteries and have them available along with bottled water or anything else you may need if you don't have the opportunity to get out. He also encouraged people to look at purchasing a NOAA weather radio. It is a very good item to have and provides the opportunity to hear weather alerts that are specific to Sedgwick County. There is some good information concerning severe weather posted on the City's website, www.derbyweb.com and then on the Fire Department's webpage. There are also some severe weather training sessions that are open to the public and to anyone that is interested in going out and spotting. We are hosting one of those training sessions on March 18th at 7:00 p.m. at the Derby Police Department. This is free and open to anyone who would like to attend and he encouraged our citizens to take that opportunity. If they can't attend ours they can go to www.sedgwickcounty.org and go the Emergency Management's webpage and find the schedule that is listed there. There is a fairly extensive network of outdoor warning sirens. That is all they

are, people call every year and say they don't hear them very well in their house. They are outdoor warning sirens and that is why it's good to have a NOAA weather radio in your house. You may be listening to TV or listening to music and may not hear the sirens activate.

Council Member Bannon advised they had the artist reception for kindergarten through 5th Grade elementary art at the library last week and had over 330 attendees. It was a wonderful opening; we have some very talented children in this community. The art will be up until the end of March. In this month's water bill you will see an "artist wanted ad". If you know anyone that does any type of art to be showcased there is information on how to contact the appropriate people. She thanked everyone for attending last week.

Mayor Avello stated that on Saturday he drove by Smith Mortuary where a service was being held for someone. The Patriot Guard was there, in the sleet and rain standing at attention with at least 20 flags surrounding Smith Mortuary. It is a site to behold. If you ever get to see that he thinks you will feel the same way he does. He thanked the Patriot Guard for what they do every day.

PROCLAMATIONS:

National Lutheran Schools Week

Mayor declared the week of March 7 through 13, 2010 as National Lutheran Schools Week in the City of Derby.

Paul Mieger accepted the proclamation. Faith Lutheran School has been a part of this community for almost 21 years. In the last 7 years we have had our elementary school and in the last 6 years we have doubled in size to where we now have almost 200 children. The way the demographics are going in the City of Derby and by their strategic plan it looks like they will again double in size within the next 3-4 years. He thanked the Mayor for the proclamation and the recognition they have received.

Eagle Scout Day

Mayor Avello declared February 24, 2010 as Eagle Scout Day in the City of Derby. The following Eagle Scouts were recognized: Troop 699 Ethan LeMarche, Troop 364 James Schofield, Troop 584 Jacob Alamo, Troop 683 Derek Folkerts, Troop 683 Randall Landzettel, Troop 683 Jake Nugen, Troop 683 Matthew Moon, Troop 692 Jason Lund, Troop 692 Turner Lagpacan, and Troop 888 Matthew Mizak.

Pack 683 Day

Mayor declared February 27, 2010 as Pack 683 Day in the City of Derby. Doyle Dabney accepted the proclamation and gave a history of Pack 683. He has been told they are the oldest

pack in Derby. It is a fine set of boys and he is amazed at the things he sees them do every day. The adult volunteers are nothing but outstanding and it's amazing the amount of guidance we call for and get out of the adult volunteers we have.

PRESENTATION:

ACE Grant Report: DRC Community Concert.

Kathleen Avitt, DRC, provided a slide show of the Foghat concert held on Saturday, October 3rd, as well as details of the setup and activities during the concert. There were approximately 4,500 people who attended and they actually had to shut both gates so they would not have any emergencies where they couldn't get in and out. She thanked the Derby Police Department, Fire Department, EMS and Parks Department for their help. She received several messages from the band about how much they really appreciated Derby and thinks it is near and dear to their hearts now that they realize we are a town that really loves music. We did a survey on stage to find out how many attendees were from out of town and about 1/3 of the audience raised their hand. Cox Cable did an ad for us and were one of our major sponsors. She advised they did all they could do with the money they had. The more money you have to put into advertising the more people you will be able to get to. She thinks they did a fair job of being able to get the word out in due time so people would know about the concert. To be able to fill the park was their goal and they did that and were still safe within their numbers. For sponsors they did headlines, billboard, bandstand and community sponsor levels so that we could have enough levels to meet our needs. At the headline level Cox Communication was in there as well as the DRC. Our billboard level was for the Native Lights Casino, Freddy's as well as the City of Derby ACE Grant. The bandstand level was Buffalo Wild Wings, Meritrust and 107.3 the Road. Our last minute community sponsor was Damm Pharmacy. The sponsors paid about half of the cost of the concert. It was not a cheap concert but it was a good overall concert, being free in a very hard financial year to find money.

Emily McVeigh, DRC Fitness Director provided an update of the Rock and Route Triathlon that they received an ACE Grant for. She provided a slide show of the event to the council. The participants of the event swam 400 meters in the lap pool at Rock River Rapids, rode their bikes 14 miles and then completed a 5K run. They had 168 registered and 52 volunteers. The top three in both male and female received engraved IPODS and each age group winner received engraved dog tags. She also explained sponsorship and promotion of the event. The date for 2010 has been set for August 1st. There were 77 participants from the Wichita area, 23 Derby residents and 68 from the outside area coming from as far as Oklahoma, Nebraska and Missouri. It's a great opportunity for us to bring people to our city for a healthy opportunity and to really enjoy that lifestyle as well as our city.

Council Member Bannon asked if anyone used our hotel for these events.

Ms. McVeigh advised the hotel opened up two days before. We had at least three and we used it for our timing company so there were at least a total of five rooms that were used. In the future that is something that will be used a lot more once we are able to get that out there.

Council Member Bannon stated it's great to see so many out-of-town and in-town people coming to events here. And it's great that we can use the money we have set aside on the ACE Grant. If anyone is not familiar with it, the funding comes from fees we charge from fireworks stands, so much of that is divided up into portions and part of that is for ACE Grant funding. It has allowed a number of new events to be started in town.

Ms. McVeigh added that with the 68 people from the outside area, this event started at 7:30 a.m. so most likely you are going to stay the night.

Council Member Bannon stated they will not only stay the night but they are going to eat also.

Mayor Avello asked if there was any feedback from out-of-towners about our city and how was it advertised.

Ms. McVeigh advised we got a lot of feedback about the event, about the city and how much it has changed. They advertised through promotional materials; program guides, website, as well as information passed out at other events. We also put fliers out in Wichita swim shops and bicycle shops.

Council Member Warren stated that he thinks he was probably a charter member of Pack 683 the first year they started. He is totally sold on scouting and the scouting program. There is no doubt in his mind that a large portion of the leadership training he got was developed in Cub Scouting and Boy Scouting programs. He appreciates the leaders and those that volunteer their time. He also appreciates that scouting is in so many ways a boy led program, so those of you that have made your Eagle award, congratulations and use those skills to help those that come behind you. The younger kids look up to you in such a tremendous way.

Council Member Craig stated that when he first arrived in Derby he was volunteered as a commissioner in scouts and he had no clue until he got there. He congratulated the boys tonight, they are joining a circle of award winners in the Eagle Scouts that not a lot of people get to do. It will stand well through your life. You will find out you will be placed in the role of leadership just because someone knows you are or have been an Eagle Scout.

AUTOMATIC AID AGREEMENT WITH MULVANE FIRE DEPARTMENT

Brad Smith, Fire Chief, presented the staff report.

Background:

- The City of Derby Fire and Rescue Department currently works with Mulvane Fire Department under a mutual aid agreement.
- The Derby Fire and Rescue Department has always worked closely with Mulvane Fire Department with training and mutual aid responses.
- A Mutual Aid agreement requires that departments ask for assistance. An Automatic Aid agreement sets up parameters for automatically starting aid for defined emergencies when the call is received at 911.

- An Automatic Aid agreement benefits both parties with increased responses of equipment and personnel.

Financial/Sustainability Considerations:

- None

Legal Considerations:

- Interlocal agreements are authorized by K.S.A. 12-2901 *et seq.*, and are subject to approval by the Kansas Attorney General.
- The proposed agreement describes the circumstances under which each party will respond to an emergency in the other’s jurisdiction, provides the legal basis for such response, and describes the parties’ rights and responsibilities in the event of a joint response.

Policy Considerations:

- Mutual assistance among neighboring entities allows participants to make maximum use of available emergency response resources.

DISCUSSION:

Council Member Bannon stated that in the agreement Item D says “no personnel of either organization shall respond in a privately owned vehicle”. No one shows up at fires anymore in their own cars?

Chief Smith explained that our volunteers do, but in Mulvane their procedure is that the volunteers go to the station and take trucks. They don’t show up in their privately owned vehicles. That is the way we would operate, we would go pick up a truck.

MOTION: Haynes moved to authorize the Mayor to sign the automatic aid agreement with Mulvane Fire Department in substantially the form presented.
Warren seconded.

VOTE: Motion carried 7-0, Meidinger absent.

PUBLIC WORKS FACILITY MEZZANINE – WORK CHANGE ORDER

Robert Mendoza, Director of Public Works, presented the staff report.

Background:

- A raised mezzanine storage area was originally designed for the new public works facility. This is a raised storage platform that runs along the interior of the maintenance shops.
- This portion of the project was removed from the bid package in an effort to keep the total project within budget.
- The bids for the public works facility came in considerably lower than the estimate, which provided the opportunity to re-incorporate this very important feature into the project. The mezzanine will provide much needed storage for items that now take up floor space.
- Dondlinger & Sons Construction has provided pricing to add the mezzanine storage area for \$117,050.
- Installation of the mezzanine will occur during the normal construction schedule.

Financial/Sustainability Considerations:

- Financing of this project of \$4.0 million was included in G.O. Bond Series 2009-A, which is sufficient to cover this addition to the project.

Legal Considerations:

- The City followed all applicable statutory and procurement procedures in financing, planning and soliciting change orders for the project.

Policy Considerations:

- Acceptance of this proposal would continue the construction process in an orderly and efficient fashion.

DISCUSSION:

Council Member Haynes clarified that with the additional \$117,000 we will still remain under budget.

Mr. Mendoza advised that was correct.

MOTION: Craig moved to authorize the City Manager to execute the Work Change Order for \$117,050 from Dondlinger & Sons Construction Company for construction of a raised mezzanine in the Public Works Facility. Bannon seconded.

VOTE: Motion carried 7-0, Meidinger absent.

COMMUNITY WAYFINDING SIGNAGE DESIGN CONTRACT

Stephanie Knebel, Assistant City Manager, presented the staff report.

Background:

- Community wayfinding signs were one of several recommendations made by City Image Communications and included in the Derby Community Marketing Plan in 2009.
 - In addition, several years ago both the Derby Recreation Commission and City staff recognized the need for such signage.
 - In August 2008, the City Council included in its Capital Improvement Program the design of signs in 2009 followed by installation in 2010.
- Wayfinding signs are important to creating a sense of community identity and directing new residents and visitors to community assets such as Rock River Rapids, Derby Public Library, Panther Stadium, post office, etc.
- Notification letters were mailed to 23 local architectural, engineering, marketing, and graphic design firms. The request for proposals (RFP) was posted on the city's web site. The City received 7 proposals, and the review committee interviewed teams proposed by LawKingdon Architecture and Professional Engineering Consultants (PEC).
- While the review committee found most proposals to be very good, the proposal from LawKingdon (LK) seemed well thought through and provided more specifics about how ideas would be generated (community tour, visualization exercise). The LK project team

exuded energy about the project and included a landscape architect, a brand manager from Greteman Group, and a civil engineer from TranSystems.

- If approved by the Council, the LK team would begin work in March and plan to have production specifications ready in 8 weeks.
- In addition to specifications, the proposal includes creating a document to help the city manage the wayfinding signage program (long-term maintenance, process to add new assets, etc.) on an on-going basis.

Financial/Sustainability Considerations:

- Design fees were included in the 2009 CIP for \$25,000. The 2010 CIP also includes \$40,000 for fabrication and installation of signs.

Legal Considerations:

- A contract is under development and will be reviewed by the City Attorney.

Policy Considerations:

- Community wayfinding signage is essential to orienting visitors and helping newcomers navigate through the city. The wayfinding signage program will remain important as the city continues to attract new residents and as new community assets are constructed.
- Solicitation and analysis of proposals complied with the city's purchasing policies.

DISCUSSION:

Council Member Bannon asked who the two firms were that were interviewed.

Ms. Knebel advised they were Law Kingdon and Professional Engineering Consultants.

Council Member Bannon asked if we had a good overall feel for what Law Kingdon is going to do for us.

Ms. Knebel advised we did. We spent about an hour with them reviewing their proposal, fees and deliverables for us.

Council Member Bannon stated that \$25,000 to design signs and find routes when we are not that large of a town, that's over half the price of the signs, she has a little bit of a problem with that. The wayfinding signs she has been completely on board with and waiting for anxiously. That's been a given that we need that and maybe it's just education and maybe it's that our community is growing to such a size that we can no longer in-house a lot of things we used to do. We all knew the wayfinding signs were in the CIP but she doesn't know that we all knew there would be a \$25,000 consulting fee upfront to design those signs. She doesn't know that everyone realized before High Park Gateway was done how large that consulting fee would be. She wonders if in this growth of our community if we are getting to the point where before we end up having all the RFP's put out and staff spend time on, if we expect the consulting fee to be above \$15,000 or \$20,000, whatever figure we feel comfortable with, if that should be the point that it comes to the council so we are aware of what's coming so we can educate ourselves so we can help educate the public as well as to why we are spending that money. For her, we need the wayfinding signs but it's hard to swallow the \$25,000. Just for the public's knowledge, some of these bids went all the way up to \$90,000 for design.

Council Member Warren understands where Mrs. Bannon is coming from. Having been on the council as long as he has he quite often has been amazed at the cost of designing and engineering. He comes from a family that just does it. If we run into problems we fix it later. That's kind of the way we do things. That's probably not the smart way to do it from a city standpoint. He struggles when he sees these kinds of numbers but the flip side is if you don't do the design you make mistakes. If you don't do the design you come back later and wish you had done it differently or thought it through a little bit better. If it were up to him alone he probably would just have our sign people make some signs and we'll go out one day and figure out where to put them. We would miss something so he is going to vote in favor of this and trust there are people smarter than him on how to figure this stuff out. He has been to other cities that have this kind of thing and it is extremely helpful when they have signage. For people that live here in town knowing where our library is is not a problem but it's kind of tucked away in a residential neighborhood. If you are from out of town and want to go to the library, how many people do you have to stop to find out where the library is. He thinks it's a good deal but he understands where Mrs. Bannon is coming from.

Council Member Horyna also understands where Mrs. Bannon is coming from but doing the research on where the signs should be located is important in the long term and short term. We are not a traditional city with a traditional downtown and the water tower isn't located at the top of the hill where you can easily see it. The high school isn't on the outskirts of town. We are different, we're structured differently. These wayfinding signs are extremely important, especially for those who aren't from this area. He knows when he first moved here he didn't know where many things were other than Wal-Mart. This is good research for us, \$24,000 is the bottom of the barrel when it comes to cost of what came in and he is willing to give it a shot and put the research in. He would rather do research up front than have to pay for it at the end.

Council Member Haynes stated that with economic times the way they are we all understand where Mrs. Bannon is coming from. Having a business background, one thing always comes to mind with issues like this. He understands where Mr. Warren comes from, having a background in aviation, let's just do it, get it done. Sometimes that's the right decision, sometimes it's not. Make sure we have all the information and everything we need. Let's get it right the first time. If we have to go back and redo it the \$25,000 is going to be pocket change compared to going back and redoing it. Let's get it right the first time. If that means taking an extra few days to make the right decision or spend the \$25,000 up front let's get it right the first time so we don't have to come back and redo it. That's what we need to be looking for as we grow and move forward as a city, let's get it right. This week a lady from Wichita that he works with had an opportunity to visit the library and couldn't say enough about it. He also knows someone who knew where Derby was, knew we had a great library but didn't know how to get there. Let's get it right the first time.

Council Member Staats clarified that the \$25,000 was in the CIP last year.

Mrs. Knebel advised that was correct.

Council Member Staats stated that, along with an additional \$40,000 for fabrication and installation. The bid came in at \$24,250, since we voted on that last year it was part of the public record. Did we sort of tip our hand with these people as far as knowing what our cap was.

Mrs. Knebel advised that during the RFP process companies typically call and ask what the budget is. Because it's a public document she responded that it was \$25,000 for design and \$40,000 for installation. Some of the surprises she had were that we didn't have more come in under our target budget. The two high design fees were both from companies from out of town, one from Pennsylvania and one from Minnesota.

MOTION: Staats moved to authorize the City Manager to execute a contract with Law Kingdon Architecture for \$24,250 for wayfinding signage design. Horyna seconded.

Council Member Craig asked who was going to do the fabrication.

Ms. Knebel advised we don't know yet. Part of the design consultant's job is to develop plans and specifications that we can send out to bid to hire a company to do the initial fabrication and installation. We recognize that we have a really good sign shop and will be working with the sign shop and public works so that our team can then start to maintain the signs as we need to add and change what we have.

Council Member Craig clarified that our sign shop is not going to build them. They are just going to maintain them, is that it?

Ms. Knebel agreed.

Council Member Craig is all for putting things in the budget and getting them done but sometimes even though it's in the budget you need to be conservative. He thinks it's something that is nice to have but things are going to come up that are safety issues that have to do with the welfare of our people. He knows people need to find their way but at this time he thinks we can wait on this, it's not something that's a safety issue.

Council Member Bannon pointed out there are blue signs on Rock Road directing people to the library. The library and many other facilities in town are why the wayfinding signs have been talked about for a long time by the community marketing group. She is glad everyone understands where she is coming from, but nobody answered her question as far as knowing about consulting fees in advance. Maybe looking at a new policy and we are growing and there are so many more projects and things we are having to put out for RFP's. Maybe that is something we need to talk about as a council.

Council Member Haynes agrees, if these issues are coming up then we need to start talking about them from the start. He asked if we are going to get periodic updates, are we going to hire this company and they're going to do the consulting and come back with a report on how it's going to be. He would like to see periodic updates come before the council in case there is something we want to change or other ideas.

Ms. Sexton advised it is a pretty short project time-wise. It will be done in about eight weeks. They will work with the Community Marketing Committee which is the Chamber, the DRC, Community Foundation and the School District. We will get a lot of good input. We will see if they give us a couple of good designs, or it seems pretty obvious, we will be back in a few weeks with the design and questions on how it looks. Within eight weeks they will have construction documents ready to go and we will be ready to bid it. We will come back to the council with some feedback.

Council Member Craig advised he wasn't surprised because this was in the CIP but he didn't have a clue that they had already put out RFP's for it. He has cause for concern that the RFP's went out and came back and now we are in a decision making situation with just this in our hands right now without saying that's what we want. We put it in the CIP as a project so he would encourage further conversation and dialog whether now or at the next meeting or whenever it takes place about establishing the policy that Mrs. Bannon was talking about to make sure we know when RFP's are going out and what the scope is. He had no idea what the scope was until he got on the web and pulled it up and there were 59 pages in this proposal. Most of it is what they've done obviously but the real meat of it included 5 pages. When he read the scope he understood a little bit more about it but he's not in favor of spending the money right now. He would have appreciated knowing about the scope before we got to this point of voting on it. He's on board about establishing the policy about RFP's when they go out, especially when they turn into expensive ones. Sixty five thousand dollars is the opening bid here. It's going to cost more, if you have \$25,000 and \$40,000 for fabrication and installation and then you're going to do more through the sign shop it's going to cost more than \$65,000.

Ms. Sexton clarified that we don't know what it's going to cost yet but when we interviewed some of the folks who came in wanting this work we asked them what they thought of the \$40,000 budget for fabrication and both of them that we interviewed indicated they thought the budget would be fine. The intent was not to say there will be more expenses through the sign shop. The intent was to say either the sign shop will fabricate the signs and just buy the materials, or we will hire somebody else to do it. We have not decided and we need to design them first.

Council Member Craig clarified that we have not made the decision how it's going to be done even though it's in the CIP.

Ms. Sexton advised that was correct. We need to design them, make construction documents and then either bid it or do it in-house. We will bring it back to the council before that decision is made.

Council Member Warren advised the aspect of policy and how we deal with these things is worthy of discussion. We have a workshop coming up pretty soon and this would be a great workshop question to deal with at that point. He is not prepared to discuss it right now but it's worth looking at if we want to change our policy.

Council Member Horyna is open to discussion on policy change. The way he approached this particular issue is it was in our CIP, it was in our budget, we knew it was coming, it's not like it blindsided us. The issue is the cost. He would be open to dialog but doesn't quite understand what changing we would have to do.

Mayor Avello asked if it would be an unfair question to ask what effect we are going to have from the State yet.

Ms. Sexton advised we do not know. That legislature will not pass a budget until late May. Luckily we don't have to pass a budget until August so we will find out in due time.

Mayor Avello stated he would not like to wait until the workshop. He would like to have a discussion by the council in public on this topic because we are talking about a lot of money. He asked how to get this as an action item.

Mr. Alexander advised there is a motion and 2nd on the floor and that needs to be voted on.

Ms. Sexton asked if Mayor Avello was referring to this being at a future council meeting.

Mayor Avello stated that was correct.

Ms. Sexton indicated that could be scheduled. It would be advisable for the council to think the matter through if they are going to change policy. The motion on the floor has nothing to do with policy.

Council Member Warren stated what we are talking about tonight is a dollar situation. The discussion that Mrs. Bannon brings up really isn't about any particular dollars; it is just a broad scope question about how we deal with these types of things and our process. Any changes in policy would have to be done from the bench. We would not change policy in a workshop, we are going to do that in an open meeting but a workshop would be a great place to begin the discussion and get some ideas. We are not talking about dollars, we are not talking about projects, we are talking about process.

VOTE: Motion carried 5-2, Bannon and Craig nay, Meidinger absent.

PURCHASE OF THREE POLICE VEHICLES

Robert Lee, Police Chief, presented the staff report.

Background:

- The Police Department has identified three marked patrol cars that are due to be replaced on the basis of mileage and maintenance expense.
 - 2005 Ford Crown Victoria – 141,000 miles
 - 2005 Ford Crown Victoria – 118,000 miles
 - 2005 Ford Crown Victoria – 117,000 miles

- Bid requests were sent to seven (7) Kansas dealerships with specifications for 2010 Ford Crown Victoria Police Interceptors (CVPI).
 - Crown Victoria was specified based on size, compatibility with existing fleet and installed equipment, and features.
 - Bids for Chevrolet Tahoe were also requested from nine (9) dealers, but this model was excluded due to cost which was \$3,147 per unit higher than the CVPI.
- Three (3) dealerships returned bids:
 - Midwest Ford Lincoln Mercury (Hutchinson, Ks.) \$24,353 per unit.
 - Rusty Eck Ford (Wichita, Ks.) \$24,434 per unit.
 - Shawnee Mission Ford (Shawnee Mission, Ks.) \$24,599 per unit.

Financial/Sustainability Considerations:

- The 2010 Approved Budget authorizes \$75,000 for police vehicles through the Vehicle Replacement Program.
- The low bid from Midwest Ford Lincoln Mercury for three vehicles is \$73,059.

Legal Considerations: None.

Policy Considerations:

- The City of Derby Purchasing Policy was followed and requirements met.
- Bids were reviewed and approved by the Bid Board.

DISCUSSION:

Council Member Warren asked if the mileage was in line with past rollover of vehicles. He asked about the vehicle replacement policy and how that works.

Chief Lee explained that these are scheduled for replacement on the vehicle replacement schedule for 2010. He has only presented this one time before for vehicle replacement and mileage was very similar with over 100,000 miles. He also inquired about maintenance issues and the trouble that occasionally arises seems to be transmission and axle seal problems. Maintenance will only go up on them as they continue to age.

Council Member Bannon applauded Chief Lee for having three bids instead of one. She appreciates him going the extra effort to go outside the local area.

Ms. Sexton clarified that we always go out of the county with our bids. Many times out-of-county ones don't bid. The economy is tough right now, everyone is hungry.

Council Member Haynes asked if the vehicles will be put up for auction or will we utilize them in a different fashion?

Chief Lee advised all police equipment will be removed and they will be auctioned.

MOTION: Craig moved to approve the purchase of three 2010 Ford Crown Victoria Police Interceptor vehicles for \$73,059 from Midwest Ford Lincoln Mercury. Haynes seconded.

VOTE: Motion carried 7-0, Meidinger absent.

STUDY OF EMERGENCY DISPATCH SERVICES

Kathy Sexton, City Manager, presented the staff report.

Background:

- In recent months, the City inquired with several other area cities and Sedgwick County officials about the differences in how emergency dispatching services are provided among area cities.
 - Of the 20 cities in Sedgwick County, 16 are served by Sedgwick County Emergency Communications (911). These cities have no dispatching function in their city budgets or located on site at city hall or the police department.
 - The remaining four cities—Derby, Mulvane, Haysville, and Valley Center—each staff a dispatching unit and work cooperatively with Sedgwick County Emergency Communications in various ways. Initial research indicates that these different approaches are simply a matter of history, although comparative research may yield additional data.
- The subject deserves further research to ascertain whether there are efficiencies and service enhancements to be gained by these cities from enhanced coordination and possibly consolidation of dispatching functions with Sedgwick County.
 - Further research is timely because our budgets have begun to feel the pinch of the economic recession and the possibility of more reductions in state aid. As the City of Derby grows, the need for resources to be committed to emergency dispatching as well as to police patrol and fire services grows as well. Now is the time to assess whether we are allocating such resources most effectively.
 - Emergency dispatching is a high-tech, high-touch operation one requiring constant and consistent human interaction with computer (CAD), telephone, and radio systems.
 - A study will assess potential financial savings to cities, effects on human resources, costs to Sedgwick County, and effects on operational protocols in each department and account for the non-emergency duties such as records checks and reception of walk-in visitors that city dispatchers often perform.
- Interested parties determined that the best way to approach such a study would be to engage a professional management consulting firm with expertise in helping local governments meet service demands while improving cost-effectiveness and streamlining operations.
 - A proposal was solicited from Management Partners, Inc., because of its extensive experience with similar studies. The firm's 11-page proposal, including the scope of work as well as its background, is available on the agenda page of the City's website.
 - The cities of Mulvane and Valley Center decided they were not interested in further research into this matter at this time.
 - The City Council in Haysville will address the issue at its Feb. 22 meeting, and results will be reported at Derby's Feb. 23 council meeting.
 - Sedgwick County officials were advised of the proposed study and have agreed to cooperate. A future decision to extend County services already provided to 16

cities to Derby and/or Haysville would depend on the research and recommendations of the study.

Financial/Sustainability Considerations:

- The cost of the proposed study would not exceed \$29,950, which would be split evenly between Haysville and Derby (\$14,975 each). Funding is available in Derby's 2010 budget.
- The results of the study would be available in late May or June, which is good timing for sharing the information during the annual budget process of the cities and the County.
- Potential effects on the budget, staffing, or operations of either city and of Sedgwick County would be dependent on the County's decision whether to incorporate changes into its operations and budget in 2011 or 2012.
 - This decision would be made either in August 2010 (when the Board of County Commissioners approves its 2011 budget) or August 2011 (when the Board of County Commissioners approves its 2012 budget).
 - Decisions by affected city councils would occur at similar times.

Legal Considerations:

- The City Council is authorized to engage in such a study.

Policy Considerations:

- The City of Derby would contract for this study with the intent of continuing to deliver the same or better quality services to our community.
- Our sole goal is to gather information by which to determine the best balance of services and taxation and to provide those services without unnecessarily duplicating services.

DISCUSSION:

Council Member Warren advised he was in favor of having the study done. He can't help but think there would be efficiencies by doing it. The aspect of the service to the community needs to be addressed in the study. He doesn't want to change the way we do things just for cost savings if the result of that is going to be a slower response. He is really concerned about that. Right now if we have a problem we have our dispatcher that we can deal with and he's a little nervous about losing control.

Ms. Sexton pointed out that is a key part of this. This is not just to save money and get worse service, that is not the intent and is not a product she would bring before the council. If the consultant says we can save money but you will have less service she probably wouldn't even pay the consultant. It's pretty clear up front what we are looking for here. We are looking for as good or better service and we are looking for current cost or less. The idea is to improve things, not make them worse. We will have many hawks watching the service levels.

Council Member Warren indicated his question is how they would quantify that.

Ms. Sexton advised it's actually a pretty easy area to measure. The CAD system is a high tech piece of equipment that you can run a lot of different reports out of to find out how well and how quickly calls are being dispatched. It's a great record keeping system. Another part of the study though is not to just look at emergency dispatching but to look at all the other things our

dispatchers do that are not emergency dispatching but maybe our reception of people walking in the door in the middle of the night or non-emergency dispatching, record checks, license plate checks, that kind of thing. Looking at how other cities do those things because those aren't all things the county is going to do for you. It is really not on the table that we would wholesale eliminate an entire unit and expect someone else to do all of that. It's the emergency dispatching piece, if you could take that piece out of the pie then maybe we can slow down our rate of growth in staffing the area. Maybe we could reduce staff or repurpose staff into doing other things that are necessary.

Council Member Staats advised this is not a new idea; it has been floated around on various levels for the last 15 years, if not more. One thing he would like to see is absorption of our current dispatchers. There would be a great fear of job loss in this economy, possibly being absorbed into the 911 system which he knows is probably a very viable way of handing things but also someone might not want to go up there. Are there any in-house jobs that could be offered to these people, sort of like we did with the custodians? He wants to make sure that the consultant keys in on that because he thinks that will be the biggest fear for a lot of people is the job security.

Ms. Sexton believes that part of any request to the county to take this on should include that if they are going to hire more people, would they consider our people to be hired by the county. It's a pretty good opportunity, we are both on the KPERS retirement system which is a #1 priority for many employees when they are looking at consolidation or changes in employment status with different agencies. We train with Sedgwick County folks, our CAD systems are very similar now so she feels very confident in saying that Derby dispatchers would be well qualified for some of the jobs downtown. For those that don't want to go or they don't have enough positions for them we would be working with our own staff to figure out who stays on in different roles, maybe their job descriptions change, maybe their titles change but doing other things. We are a growing community; we need to add staff every year in public safety areas to keep up with a growing city. There will be people who can change a little bit and do different things and maybe we can slide them into other openings. That's not to say that everyone is guaranteed a job because that's never true for any of us. We will do everything possible to mitigate the impact to our people.

Council Member Craig stated that this situation we have, in order to be a credible data driven process we know that the police department, fire department and many of our safety oriented departments are process and protocol oriented. They have to follow guidelines, procedures and policies to the nth degree. This is one of those areas where we definitely need specific help, a consulting agency such as we are talking about here in order to provide us the empirical data that drives this to a successful conclusion. A successful conclusion being better response time, instead of passing the word through people to get things done it goes to one person without any internal delay. This is not an easy task to do because it is process oriented; it is about the process, not about the people. The people are serving us very well. This is not something to be taken lightly because it does change the way you execute your protection and service from police, fire and EMS. It's all inclusive and it's very important to us at this stage because we are growing and it will be more important to us as we get larger.

Council Member Horyna asked if we have any feedback from Sedgwick County about whether they would be willing to take on this kind of service before we get into this study.

Ms. Sexton indicated we have communicated with Sedgwick County officials about doing this study. We have not asked them to have a preconceived notion about what the study is going to come out with or what request we are going to make of them. Put yourself in their shoes. If you provide a service, free of any charges, provided by your county taxpayers to sixteen cities in your county but not to four, you can draw your own conclusions. We have to figure out what the specific request is and they would have to determine if and when that makes sense to their budget situation.

MOTION: Horyna moved to authorize the City Manager to execute an agreement with Management Partners, Inc. and the City of Haysville to assess the feasibility of consolidating emergency dispatch services with Sedgwick County. Haynes seconded.

Council Member Craig stated in this type of situation it is to our advantage to have a third party involved, therefore there is no bias on the part of us asking or somebody else approaching another entity you are trying to combine services with. There would be no conflict of interest. The outside party such as Management Partners is well recognized in this area and will represent us as a third party with their own specific data.

VOTE: Motion carried 7-0, Meidinger absent.

PROPOSED ADDENDUM TO WATER PURCHASE CONTRACT WITH CITY OF WICHITA

Kathy Sexton, City Manager, presented the staff report.

Background:

- In 2001, El Paso Water Company entered into an agreement to purchase water from the City of Wichita.
- The City of Derby, as owner of the Company, is also a party to the water purchase contract.
- The agreement includes a map defining the El Paso Service Area.
- The proposed addendum expands the service area by approximately six square miles to encompass an area generally from Broadway on the west to Hillside on the east and from 140th Street North in Sumner County to halfway between 103rd and 95th streets.
- The proposed expansion of the service area was requested by the City of Derby in order to consider offering water service to the potential new casino and surrounding potential new development near the Mulvane turnpike exit, as well as any potential customers along the route of the future pipe extending to the turnpike exit area.

Financial/Sustainability Considerations:

- This addendum expanding the service area has no direct financial effect. If approved, the addendum would enable Derby to provide water service to new customers, which would

benefit El Paso Water Company in the long term through additional customers. Details of such future potential sales are not available at this time and will be presented when available.

Legal Considerations:

- The proposed amendment was negotiated by staff with representatives of Wichita’s utility department. It was drafted by the Derby City Attorney, who also serves as corporate counsel to El Paso Water Company.
- The Wichita City Council approved the agreement (7-0) on Feb. 2, 2010.

Policy Considerations:

- Expansion of the water service area is an expression of the intent to provide municipal services to surrounding areas that request such services and desire to do business with El Paso and the City of Derby.

MOTION: Warren moved to authorize the Mayor to execute the proposed addendum in substantially the form presented. Haynes seconded.

VOTE: Motion carried 7-0, Meidinger absent.

CONSENT AGENDA

Kathy Sexton, City Manager, presented the consent agenda.

Lease Agreement – Big Daddy Fireworks, L.L.C.

Background:

- The City has leased the property adjacent to the water meter station to Big Daddy Fireworks the past three years during the fireworks selling season for the purpose of retail sale of fireworks.
- Last year, Big Daddy Fireworks was chosen to lease the property after a competitive process to secure the highest lease payment while taking into consideration the intrinsic value to the community. Two proposals were received last spring:
 - Big Daddy Fireworks - \$10,500
 - Wholesale Fireworks - \$7,800
- Due to the difference in the proposals and an indication last year from the representative of Wholesale Fireworks that they would not match the \$10,500 proposal, staff recommends entering into another lease agreement.
- The term of the lease will be from June 24, 2010 until midnight, July 6, 2010. This allows access several days before and the day after the selling period for fireworks. The sale of fireworks is allowed only during the time that the use is permitted by city ordinance.
- The proposed lease requires that the property be restored to its original condition. Installation of the utility service and removal of the utility pole is at the expense of Big Daddy Fireworks, L.L.C.

Financial/Sustainability Considerations:

- In addition to the \$10,500 in rental revenue each year, the City will receive the fireworks stand permit fee of \$7,500 as required by city ordinance.

- The lessee will furnish a Certificate of Insurance coverage naming the City as an additional insured.

Legal Considerations:

- The City holds fee simple title to the property to be leased. The City Attorney has determined the proposed lease to be satisfactory in the form presented.

Policy Considerations:

- Fireworks stands are a major fundraiser for various non-profit groups in the community. The First Christian Church of Derby will operate the stand that along with Dr. Robert Sweet, representative of Big Daddy Fireworks, have a history of compliance with the requirements of the lease.

Recommend a Motion to:

- Authorize the City Manager to execute a property lease agreement for the land at 407 W. Patriot in the City of Derby in substantially the form presented.

Replace Computer Workstations

Background:

- Bids were sent out to fifteen vendors for routine replacement of computer equipment. Nine vendors returned bids. This year we are programmed to replace 30 workstations (three GIS units to be purchased separately).
- The low bid that met specifications was provided by Cybertron International. This bid is recommended, including alternates One and Two and two units with alternate Three. See attached bid tab spreadsheet.
- The bid board has reviewed and approved this recommendation. This purchase is within the budgeted amount.

Financial/Sustainability Considerations:

- These items are funded through the equipment section of the budget previously approved by the Council.

Legal Considerations:

- All applicable policies and procedures were followed in completing this bid.

Recommend a Motion to:

- Approve the purchase of 30 workstations from Cybertron International for a total of \$31,791.18.

Amendment of Minutes – December 22, 2009 City Council Meeting

Background:

- The minutes of the December 22, 2009, City Council meeting erroneously included the “background information” for the 2009 Edition of the Uniform Public Offense Code instead of information for consideration of the 2009 Edition of the Standard Traffic Ordinance.
- The minutes should be amended to accurately reflect what transpired at the meeting.

Financial/Sustainability Considerations:

- None

Legal Considerations:

- None

Recommend a Motion to:

- Approve the December 22, 2009 City Council Minutes as amended.

MOTION: Craig moved to approve Consent Agenda as presented. Horyna seconded.

VOTE: Motion carried 7-0, Meidinger absent.

ADJOURNMENT:

MOTION: Craig moved to adjourn at 8:05 p.m. Horyna seconded.

VOTE: Motion carried 7-0, Meidinger absent.

ATTEST:

Dion P. Avello, Mayor

Jean Epperson, City Clerk