

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

SPECIAL MEETING

March 9, 2006

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 a.m. on Thursday, March 9, 2006 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Ben Sciortino, with the following present: Chair Pro Tem Lucy Burtnett; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Thomas G Winters; Ms. Aiko Allen, Director, Promotion and Disease Prevention, Health Department; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor and Ms. Lisa Davis, Deputy County Clerk.

ROLL CALL

The Clerk reported, after calling roll, that all Commissioners were present.

Chairman Sciortino said, "Next item."

NEW BUSINESS

DIVISION OF INFORMATION & OPERATIONS—HEALTH DEPARTMENT

A. APPLICATION FOR KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT TOBACCO USE PREVENTION PROGRAM FUNDING.

Ms. Aiko Allen, Director, Health Promotion and Disease Prevention, Health Department, greeted the Commissioners and said, "I'm here to indicate that we're responding to a Request For Proposal from the Kansas Department of Health and Environment to fund a comprehensive tobacco use prevention program from Derby U.S.D. 260 communities.

Why we want to do this program is that it is a CDC, Centers for Disease Control and Prevention that's a practiced program and we have a program which operates in Wichita for the last two years. What we want to do is to focus on prevention of initiation of smoking among youth, promote cessation among youth and adult smokers, protect non-smokers from environmental tobacco smoke, provide resources to vulnerable groups that are targeted by the tobacco industry.

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Why we would like to do this in Derby is that Derby's size makes it an appropriate size for the grant criteria. We would offer this program to approximately 33,000 residents of U.S.D. 260. Derby is ready to do this grant and we have a coalition, the Derby Coalition, the Derby Community Coalition for Promoting Healthy Choices, that is ready to engage on tobacco use, as it affects risky behavior among youth.

Wichita, by its size, is too large to apply for this grant and meet its criteria. Those signed data exist and will be included in the next few months. The Derby school district has agreed to support the Youth Tobacco survey and that has been completed. Also, Communities That Care data has been gathered in this school district. Derby will be seen as a leader for smaller communities that want to decrease tobacco use. And we feel that, if we're funded, then we would like to also talk with you about other things that we might be able to request, in support from the commissioners. Are there questions?"

Chairman Sciortino said, "I don't see any. You and I met, Aiko, and as I understand it, there is a matching portion of this, 20% or something, but that could be in-kind, so there won't be any actual cash coming out of the commission doing this, and it's monies that are coming from this federal lawsuit, settling tobacco lawsuit or what have you.

If this is successful in Derby, are there other mini-grants that we could carry this out to some of the other smaller cities in Sedgwick County?"

Ms. Allen said, "Thank you for the question, Commissioner Sciortino. How we would do this, I should say that we'll have two full-time staff that's requested in this application. I've been working with Haysville as well. The Regional Prevention Center is the one that has been facilitating the Derby Coalition and there's also a coalition in Haysville. If Derby's is successful, then we hope to see a ripple out of that. We work with . . . Wichita is the large technical assistance group and then Derby would be a better size for smaller communities and we would hope to see shared resources."

Chairman Sciortino said, "Okay, so there is a possibility we could cascade this into other communities then."

Ms. Allen said, "That is correct and the in-kind match of 25% is a matter of office space, equipment, some of my time and often supervision, yes sir."

Chairman Sciortino said, "So in-kind. All right, great. Commissioner? Commissioner Unruh."

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Commissioner Unruh said, “Thank you, Mr. Chairman. Aiko, is there a way to measure the effectiveness of the program? I mean, are we going to find reduced tobacco sales in that community? Is that a measurement?”

Ms. Allen said, “That is a very good question to ask and a good example. What happens with this grant is that there is a policy change that the City of Derby would look at and this would be through the Derby Community Coalition for Promoting Healthy Choices and it would be to have a youth access ordinance and so, as in Wichita, we have an access that prohibits sale of tobacco products to minors. That is seen, by CDC, as most effective if we want to stop tobacco use among youth, then have an ordinance, have education, have lots of community education, promote the Quit Line. So that’s one measure, would be our will the City of Derby be able to pass an ordinance to reduce the access of tobacco products to youth. How many calls you get on the Kansas Department of Health and Environment Quit Line, and so that’s a 24/ 7, seven day a week cessation program that’s offered by phone. So how many . . . and we track that on a monthly basis with American Cancer Society.”

Commissioner Unruh said, “Okay, thank you.”

Chairman Sciortino said, “Any further questions? All right, I see none, so what is the will of the board on this item please?”

MOTION

Commissioner Burtnett moved to approve the Application and authorize the Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application.

Commissioner Unruh seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

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Chairman Sciortino said, "Thank you very much. Good luck. Next item please."

B. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF MARCH 2, 2006.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of March 2nd results in three items for consideration.

**1) ROAD IMPROVEMENTS- PUBLIC WORKS
FUNDING: SALES TAX**

The first item is road improvements for Public Works. Recommendation is to accept the low bid of Cornejo and Sons in the amount of \$453,801.85.

**2) MURDOCK TAG OFFICE PARKING LOT PAVING/ STORM DRAINAGE-
FACILITIES DEPARTMENT
FUNDING: CAPITAL IMPROVEMENT PROJECT**

The second item is the Murdock Tag Office parking lot paving and storm drainage project for Facilities Department. Recommendation is to accept the low bid from Kansas Paving in the amount of \$136,900.

**3) REAL ESTATE ACQUISITION/ RELOCATION SERVICES FOR THE
DOWNTOWN ARENA- FACILITIES DEPARTMENT
FUNDING: SALES TAX**

And the third item is real estate acquisition/ relocation services for the downtown arena for Facilities Department. Recommendation is to accept the low proposal meeting requirements from Gribb Ellis Martens, Commercial Group, LLC for Real Estate acquisition services, for an estimated cost of \$51,000 and accept the low proposal meeting requirements from Land Acquisitions, Incorporated for relocation services for an estimated cost of \$160,000.

Be happy to answer any questions and I recommend approval of these items."

Chairman Sciortino said, "Okay. Commissioners, any questions of the three items that were on our bid board? Yes, Commissioner Unruh. I should look at my lights more."

Commissioner Unruh said, "No problem. Thank you, Mr. Chairman. Two questions and Iris, I probably need to direct this to Mr. Spears, but is there a plan on this Hillside to do anything with the

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road south, at 53rd, from 45th to 53rd or is that a city project?"

Mr. David Spears, P.E., Director, Bureau of Public Works, greeted the Commissioners and said, "The south mile will be annexed by the City of Wichita."

Commissioner Unruh said, "Okay, and so they'll be taking care of it."

Mr. Spears said, "Right, it was in the CIP to do both miles, but they will be annexing that mile and just as another comment on that project, just FYI, back in the '80s we did a lot of roads like this, two-lane, six inches of hot mix, six inches of fly sub-grade stabilization, simple two-lane project but we used to go for \$200,000 a mile, now \$453,000, inflation, especially the last two years, has hit construction industry pretty hard, as everybody knows, the price of fuel and of course with asphalt, oil is in asphalt and it's really hit us hard the last couple of years, just a matter of information."

Commissioner Unruh said, "Okay, well thank you. I do get calls about that stretch of road and the one that we're doing is just a terrible, awful, no good road and so the south mile, if the city is going to take care of it, that's good."

Mr. Spears said, "Yes, sir."

Commissioner Unruh said, "All right, thank you. One other question. The disparity on the bids for the acquisition, I assume some company just bid it on a flat fee, based on their estimated time and others did it on a commission basis, based on the value of the property?"

Ms. Baker said, "Correct. A couple of them did an industry-type, 6% across the board. Others did it on a flat fee per parcel."

Commissioner Unruh said, "Okay, well huge difference in bid, and I have plenty of confidence in Grubb Ellis Martens and I'm not real familiar with Land Acquisitions, but it looks like we're getting the best . . ."

Ms. Baker said, "They've done significant work in this community."

Commissioner Unruh said, "And we have split the bid up in two pieces like this to leverage the effectiveness of the program and leverage their expertise."

Ms. Baker said, "Correct."

Commissioner Unruh said, "Okay, thank you. That's all I had, Mr. Chairman."

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Chairman Sciortino said, "Thank you. Commissioner Winters."

Commissioner Winters said, "Thank you. I wanted to just make a couple of comments about this.

The Real Estate acquisition and relocation services for the downtown arena project, hiring these two firms today and as I fast-forward to next Wednesday's County Commission meeting on March 15th, I see that we do have a Sedgwick County Arena update and so, Mr. Manager, just based on this past weekend, I had two people ask me about when are we going to start this acquisition process, when will we be able to talk to somebody about the acquisition process. With the hiring of these two companies today, and I see that we have this on our agenda for next Wednesday, will we really be able to then lay out some timelines for what we see as the acquisition process as it starts in arena footprint, and I would hope that somebody could meet with these two firms. I assume we're probably going to hire them today, but meet with them before next Wednesday, so we can really have some timelines, because the people that I was visiting with seemed to be . . . I mean, they were not upset. They were not angry. They were just nervous about being able to find what they needed to be able to find in order to meet all the timelines, so could you respond to that?"

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Sure. We need to get signed contracts with both those firms and that will take a week or so, or 30 days, but the Martens Firm is already contracted to do the appraisal and has already begun that process, I believe. Is that right, Rich? So that is the first step. We will be able to start, once we've signed those contracts, anybody that wants to talk to us, we'll be more than willing to talk to, but we will be much more . . . we'll be in a position in 30 or 45 days after that, to go through a more formal process of discussing acquisition with each and every property. So we're up and running, in the next 30 to 45 days."

Commissioner Winters said, "Okay. Well, I just hope that we can do that as expeditiously as possible and again, the people that I visited with were . . . seemed to be well framed about this whole project, were supportive of the project. They were just more nervous about am I going to be able to find the spot I need and want to be in, in the timeframe that's going to happen here, so I just think it's going to be important that we move forward with some haste. Thank you Mr. Chairman, that's all I have."

Chairman Sciortino said, "All right. Mr. Buchanan, I'll ask a question too. If you could, just in a couple of sentences, just in case someone is watching this meeting, in just lay terms, what will these two groups be doing for us?"

Mr. Buchanan said, "The Gribb Ellis Martens Firm will be the primary contact with property owners to negotiate the purchase of individual's properties, individual businesses, so a representative of that firm will knock on people's doors and meet with them, face to face, and start

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talking about how we go . . . what the process would be for going about acquiring properties.

Part of those discussion of course will . . . in most cases, probably all the cases, will also have to do with how the company or individual . . . how the company . . . where the company and how they will be relocated and we'll bring in the other firm, the Land Acquisition Incorporated to talk about how we can help go through that process. We will help them find suitable locations and help in the process of coordinating the move and the acquisition and the purchase of the new facilities."

Chairman Sciortino said, "Okay. Will that element be subjective in nature? I mean, our group that we've just hired says 'Well, we think this would be suitable', the present business owner says 'No that isn't suitable'. I mean, how . . . do we have any technology to settle on 'I'm sorry, this is the best we can do and this is, you have to take one of these two or three that we've found' or how do you resolve that perceived problem?"

Mr. Buchanan said, "We believe that the process of acquisition and the process of acquiring property are inexplicably tied together and it's all part of the negotiations, so . . ."

Chairman Sciortino said, "So we're going to make our best effort to try to accommodate. Okay, that will probably be a challenge, but that's good."

Mr. Buchanan said, "If an auto body shop wants to go to an upscale shopping mall, that's going to be a problem."

Commissioner Unruh said, "That's the trend, Mr. Manager."

Mr. Buchanan said, "Bad example."

Chairman Sciortino said, "Unruh Alignment and Body Shop Company wants to be the first, trial project and see if that would work and just drop in sometime. Okay, thank you. Any other questions on this? What's the will of the Board on Item B please?"

MOTION

Commissioner Winters moved to approve the recommendations of the Board of Bids and Contracts.

Commissioner Burtnett seconded the motion.

There was no discussion on the motion, the vote was called.

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VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Thank you. Is there anything else to come before the board? You want to reserve comments about maybe our next regular board meeting on your trip to Washington, D.C. Okay, this meeting is . . .”

Commissioner Burtnett said, “No. We do have an executive session.”

Chairman Sciortino said, “Yes, we do. I knew that.”

C. OTHER

MOTION

Commissioner Burtnett moved to recess into Executive Session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to potential litigation and legal advice and that the Board of County Commissioners return to this room from executive session no sooner than 9:31 a.m.

Commissioner Unruh seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

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Chairman Sciortino said, "We are now recessed into Executive Session."

The Board of Sedgwick County Commissioners recessed into executive session at 9:21 a.m. and returned at 9:45 a.m.

Chairman Sciortino said, "Let the record show that we're back from executive session and that no binding action was taken while we were in the meeting. Anything else to come before this board? Mr. Euson? Mr. Buchanan? Commissioners, this meeting is now adjourned."

D. ADJOURNMENT

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There being no other business to come before the Board, the meeting was adjourned at 9:47 a.m.

**BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS**

BEN SCIORTINO, Chairman
Fifth District

LUCY BURTNETT, Chair Pro Tem
Fourth District

DAVID M. UNRUH, Commissioner,
First District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2006