

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

December 29, 1999

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, December 29, 1999 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Bill Hancock; with the following present: Chair Pro Tem Betsy Gwin; Commissioner Thomas G. Winters; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Jarold D. Harrison, Assistant County Manager; Ms. Irene Hart, Director, Division of Community Development; Ms. Kathleen B. Sexton, Director, Division of Operations; Ms. Stephanie Knebel, Project Manager, Capital Projects Department; Mr. Mark Masterson, Director, Department of Corrections; Ms. Jane Morales, Compensation Specialist, Division of Human Resources; Mr. Darren Muci, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Public Relations; and Ms. Heather J. Knoblock, Deputy County Clerk.

GUESTS

Mr. Joe Johnson, Architect, Shaefer, Johnson, Cox, Frey.

INVOCATION

The Chairman asked for a moment of silence.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, November 24, 1999
 Regular Meeting, December 1, 1999

The Clerk reported that Chairman Hancock was absent at the Regular Meeting of November 24th, 1999 and that all Commissioners were present at the Regular Meeting of December 1st, 1999.

Chairman Hancock said, "Commissioners, you received copies of those Minutes for your review.

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What's the will of the Board?"

MOTION

Commissioner Gwin moved to approve the Minutes of November 24, 1998.

Commissioner Mc Ginn seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Sciortino	Aye
Chairman Bill Hancock	Abstain

MOTION

Commissioner Gwin moved to approve the Minutes of December 1, 1999.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Sciortino	Aye
Chairman Hancock	Aye

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Chairman Hancock said, "Thank you. Next item."

NEW BUSINESS

**A. ANIMAL CONTROL DEPARTMENT ADVISORY BOARD
RECOMMENDATIONS ON INHERENTLY DANGEROUS ANIMALS.**

Ms. Irene Hart, Director, Division of Community Development, greeted the Commissioners and said, "Sherdeill Breathett is on vacation this week, so I'm filling in for him. The Animal Control Advisory Board met earlier this month to review some of the regulations on exotic animals. They felt that they needed a little more time. They have another meeting scheduled, but your request was for them to come back within thirty days. So, what we're asking is an extension of that thirty day period. We'd like to return to you on January 19th, with the Advisory Council's recommendations."

Chairman Hancock said, "Thank you, Irene. Commissioner Winters."

Commissioners Winters said, "Thank you. Irene, that's fine. I think we can certainly postpone this until the 19th and not have any major difficulty. I would like to make a couple of comments though. Since we've started this discussion, I've had several conversations with folks around the County about exotic animals and individuals keeping them. I have had several conversations with Mr. Jim Fouts, out at Tanganika Wildlife Company near Goddard. This was a piece in the Wichita Eagle's Business Plus section from back in 1995, describing Mr. Fouts' operation. He has been really in business since 1972 and does business worldwide, buying, selling, exporting animals and at times, you know, has a large number of animals at his facility near Goddard. He really does have a first class facility. Mr. Fouts extended an invitation to me to invite any of the Commissioners who had any questions about his facility and how he'd be glad to give a tour to show exactly what kind of operation he's doing out there."

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“The reason I bring this up is I really still believe that Mr. Alvarez’s neighbors have some legitimate concerns and have some issues that need to be addressed but I think we can do that with some fine tuning of the exotic animal ordinance and not with an overhaul and not with doing something, even Mr. Fouts has geared part of his operation around what the current standards for exotic animals are. Now, in conversations with him, he, I think, clearly believes that the 24 hour a day staffing is good. He has staff on his facility 24 hours a day. He believes, probably, a million dollars of liability insurance per facility is probably adequate but when it comes to some of the fencing issues, he’s got 155 acres and he’s got part of it fenced and, with the current regulations, so as the advisory board gets into this, I would really hope that we would, even if the advisory board needs to take a look at what Mr. Fouts has got, because I do believe he has a legitimate business operation, and is doing a good job at what he does, so I would just hope that we could work towards not damaging what he’s doing.

“He has written a letter, and did all the Commissioners get a copy of his letter? Irene, did you ? I’ve got something here. I’d like for you to have a copy of Jim’s letter so you could share that with the advisory board. I guess, I’m looking forward to having something that we can make sure that Mr. Alvarez’s, and any other neighbors are living with a bit of comfort around them, but I do have special concerns for this facility that’s existing near Goddard. That’s all I had, Mr. Chairman. Just wanted to make those comments.”

Chairman Hancock said, “Thank you, Commissioner. Commissioner Gwin.”

Commissioner Gwin said, “Thank you, Mr. Chairman. One of the issues that has been brought to my attention in the last week or so, after we started talking about this, was the issue that we’re continuing to grant licenses for additional exotic animals and new people. Is that true?”

Ms. Hart said, “I’m not aware of that.”

Commissioner Gwin said, “Rich, can we put a moratorium on that? I mean, my thought is, if we’re wrestling with what the regulations ought to be on these things, I’d be real comfortable not granting any new licenses under the old rules, if we’re going to change the rules. You know what I’m saying? What would we have to do to put a moratorium until we decide what the rules are? I don’t want to have to

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deal with any more of these than is absolutely necessary.”

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, “You would have to enact a resolution to do that. It’s not uncommon to have moratoria during a time in which you are examining regulations and holding hearings on them.”

Commissioner Gwin said, “Well, one of the calls I got said that this individual was aware that a new license or a new permit or whatever it is that animal control gives, is, if not given, is in the process, to yet a new individual with a new animal, a new site, everything else. I’m thinking, jeez, do we want to continue to do that until we know exactly what the rules are? I don’t know. Just for discussion.”

Commissioner Winters said, “Was it for a new site location?”

Commissioner Gwin said, “Yes, that’s what I understand.”

Commissioner Winters said, “I was aware that one of Mr. Fouts’, and I don’t know whether it’s business partner or what, but somebody that was operating with Jim Fouts, at the Goddard facility, had put in . . . had requested a license, but he was working at this facility that’s already in existence. So, I don’t know if that’s it or not. I would be in favor of not issuing any licenses to anybody in any new locations or new facilities until we know exactly what the new regulations are going to be.”

Commissioner Gwin said, “Like I said, I don’t know all the details, but it just occurred to me that if there are folks out there trying to get in under the old rules, maybe we ought not to let them do that.”

Commissioner Winters said, “But even if anybody started, and even the existing ones are going to have to come up to standards to whatever we . . .”

Commissioner Gwin said, “I know, but I don’t know what the will of the Board is but my thought is if we . . . I don’t know that anybody else feels as strongly about it, but if this Board should perchance come to a decision that we’re not going to grant any more of these for any new locations in this County then we’ve just created another problem for ourselves that I don’t think we want to have to deal with. I don’t. So, I don’t know. Just for discussion. I certainly wouldn’t oppose a moratorium or at least or until we get the recommendations back from the advisory board.

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“The other thought is, Irene, I want to make sure that the advisory board has a open and vital discussion on the issue. I want them to hear one another’s thoughts. I want them to feel free to express their thoughts and exchange to ideas overtly. I think a lot of times, in discussing, if you don’t say it out loud other people really don’t know what you’re thinking. The group needs to come to a consensus. So, use your consensus building skills and make the people say, out loud, their concerns or not. Let them talk about it. Encourage them to say those thoughts out loud. I know there are a lot of issues that come before us that, if I’ve . . . well, there aren’t very many I haven’t made my mind up on. . . but I can be swayed by the compelling argument of others and I appreciate hearing my colleagues’ opinions, whether I agree or disagree with them. So, I want that board to feel free to express themselves and to get input from everyone as they work towards this because I know it’s not easy. Okay. Thank you, Mr. Chairman.”

Chairman Hancock said, “Thank you, Commissioner. Commissioner Sciortino.”

Commissioner Sciortino said, “Irene, even though it appears we are going to go ahead and grant your request of the thirty day extension, did I hear you say that you thought the Board would be coming back to us on January 13th?”

Ms. Hart said, “19th.”

Commissioner Sciortino said, “Is that a Wednesday? Okay, maybe my math was wrong. How soon . . . by resolution, do we have to wait for a resolution to be drafted if we wanted to do something that Commissioner Gwin is proposing or do we just direct you to do a resolution? What I’m a little concerned about is, if the timing is so tight, by the time we could get a resolution passed, the next week we’re getting the deal that maybe the exercise is a little futile to do but I’d be open to whatever the Board wants to do. I’m not going to oppose anything on that.”

Mr. Euson said, “We could certainly endeavor to have a resolution done by next week. We would need to understand what limitations, certainly a moratorium requires some kind of limitation so we would have to have some kind of 30 day or 60 day some kind of a time period on it. And we’d want to research and make sure that we’re able to do this without impacting anybody’s constitutional rights but I think that can be done by January 5th.”

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Commissioner Sciortino said, "If someone were to ask for a license, do we still have to vote on approving of that license or if they've met all the existing criteria, they just get the license."

Mr. Euson said, "They get the license."

Commissioner Sciortino said, "Oh, okay."

Ms. Hart said, "But I would say it often takes us 30 days to go out and inspect cages and come to a judgment on whether or not those facilities comply with the current County resolution."

Commissioner Sciortino said, "So, you just don't take an applications and if all the lines are filled properly, approve it. Okay."

Chairman Hancock said, "Commissioner Winters."

Commissioner Winters said, "Well, I, again, I would certainly defer to Commissioner Gwin's concern. I don't know that we need a moratorium but again, if there's enough who want to go forward with it, I'm fine with that, too. I think the timing is going to be so that we're going to have this thing wrapped up here in the next 20 days almost."

Chairman Hancock said, "Okay."

Commissioner Sciortino said, "Are these advisory board meetings open to the public for individuals like Mr. Fouts or somebody who is maybe more intimately associated with what's being discussed can attend and at least hear?"

Ms. Hart said, "Yes."

Commissioner Winters said, "I think, Mr. Fouts was . . . I mean, he was very much involved in the drafting of the original resolution so he knows the resolution forwards and backwards and that's what my concern is. He's geared some of his operation around the resolutions that he's helped draft. Now, it appears to me that it just needs some fine tuning and some better enforcement."

Commissioner Sciortino said, "I agree with you and it would not be my intent to try to draft something that would put a legitimate business out of business."

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Ms. Hart said, "When this resolution was first developed, we were one of the first ones in the country to enact such a resolution. In fact, ours became a model that copies were requested across the country to model their ordinances after ours. So, we didn't take it off of an existing one that had a proven track record. I think, after four years, it's a good time to review it and do some of the fine tuning."

Chairman Hancock said, "Okay, thank you. Further discussion. Commissioner Gwin."

Commissioner Gwin said, "It might be an exercise which turns out that we don't use it but, Rich, I'm real interested in you office preparing a resolution for us for consideration for next week, on the issue of a moratorium and if . . . I'll make that in the form of a motion after I'm through, and if the major supports me fine and if they don't, that's okay, too, but we will want to sit and talk about what needs to be in that and that kind of stuff."

MOTION

Commissioner Gwin moved to request the Legal Department to prepare a resolution for consideration on next week's agenda regarding a moratorium on licenses for new locations for inherently dangerous animals in Sedgwick County.

Chairman Hancock seconded the Motion.

Chairman Hancock said, "Is there further discussion?"

Commissioner Mc Ginn said, "I just have a quick question. Irene, what is the fee for the license?"

Ms. Hart said, "I'm thinking it's about five hundred dollars per animal. Ken? It's a hundred per animal."

Commissioner Sciortino said, "Is that an annual fee?"

Ms. Hart said, "Yes."

Commissioner Mc Ginn said, "So, if I wanted to come in and get a permit, I would tell you how many animals I have and pay, per animal, at that time?"

Ms. Hart said, "I don't know if you would pay right then. I know that they go out and inspect . . . I

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don't know how the mechanics work of when the payment actually occurs but it does occur before the license is issued and there has to be inspections and evaluations before the license is issued. On some occasions, Dr. Bryant, the zoo veterinarian has gone out to evaluate, help provide technical assistance to evaluating some of the facilities."

Commissioner Mc Ginn said, "Thank you."

Chairman Hancock said, "Thank you, Commissioner. Further discussion? Commissioner Winters."

Commissioner Winters said, "Well, I was just trying to . . . I don't really think this is an earthshaking motion here and I certainly want to support Commissioner Gwin's idea, but . . ."

Commissioner Gwin said, "Well, you don't have to vote for it if you don't want to. You can say no. I'm not going to cry about it."

Commissioner Winters said, "That's alright. That's the only permission I need."

Commissioner Mc Ginn said, "I guess, the concern I had was, what if we get a windfall of permits because they know this is coming up and that is just what I thought."

Commissioner Winters said, "Even if we get the permits, I mean, I think our debate is going to center on what these facilities should be like and what kind of insurance requirements and safety they should have. I really doubt that our debate goes to whether these should be outlawed in the County. Now, we may have that debate but I don't anticipate that we will. When we talked about it before, we could have talked about whether we wanted to ban these kinds of facilities and we chose not to go the ban route. We chose to take a route that would have a resolution that would have some real teeth in it and allow them to happen if they were done in a way that was safe for the public and one that was good for the animals. So, I doubt that we get into that discussion again. Now, we may but if somebody does come in and file a rash of applications, they're still going to have to abide by whatever the new regulations are going to be."

Chairman Hancock said, "Thank you. Further discussion. If there isn't anymore discussion, then Clerk, call the vote, please."

VOTE

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Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Nay
Commissioner Carolyn McGinn	Aye
Commissioner Sciortino	Nay
Chairman Pro Tem Bill Hancock	Nay

Chairman Hancock said, "Thank you. Next item, please."

Commissioner Gwin said, "Do we have to make a Motion to approve a 30 day extension?"

Chairman Hancock said, "Oh, yes."

MOTION

Commissioner Winters moved to approve a thirty day extension for recommendations.

Commissioner Mc Ginn seconded the Motion.

Chairman Hancock said, "January the 19th."

Commissioner Winters said, "Well, 30 days would actually be probably January 29th but we would anticipate doing something on the 19th because I think on the 26th we're not going to have a meeting."

Commissioner Gwin said, "Did we, last week, did we give you a certain time to come back?"

Ms. Hart said, "We had instruction, it wasn't last week, but early in December, we had instructions to come back within 30 days."

Commissioner Gwin said, "Okay, so you want another 30 days on top of that? So, that takes us to when?"

Ms. Hart said, "The end of January but we're planning to come back on the 19th."

Commissioner Gwin said, "Okay."

Chairman Hancock said, "But if we do a 30 day motion then you can't come back before the 30

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days.”

Ms. Hart said, “Oh, well please tell us to come back on the 19th then.”

Commissioner Winters said, “Well, my motion was intended to just be to give them an additional 30 days if they needed it and they can come back at any time.”

Chairman Hancock said, “I understand what you’re talking about. Does everybody get it? Maximum of 30 days, but any time before is acceptable.”

Ms. Hart said, “I believe, also, to make sure that we have the same understanding of how the Board will conduct their meeting, they would prefer not to take general public comment at the advisory council meeting and confine their discussions to the technical aspects. They feel like they can provide you the technical recommendation but would request that you all would take the public comment.”

Chairman Hancock said, “Yes. Understand. Okay, further discussion. If not, Clerk call the vote.”

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Sciortino	Aye
Chairman Hancock	Aye

Chairman Hancock said, “Thank you. Thank you, Irene. Thank you, Commissioners. Next item please.”

B. DIVISION OF OPERATIONS.

1. AMENDMENT TO AGREEMENT WITH AMPCO PARKING SERVICES PROVIDING A RENEWAL TERM CHANGE FROM FIVE YEARS TO SIX MONTHS.

Ms. Kathleen B. Sexton, Director, Division of Operations, greeted the Commissioners and said, “The item before you is a six month renewal of a five year contract. The contract with AMPCO Parking

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for maintaining and managing our parking garages and other parking spaces around the courthouse complex expires at the end of this month and we have found that some changes are needed, in terms of who does what and expectations and terms of the agreement and their just requesting six months to get those changes made. So, I would recommend your approval of this amendment agreement and authorize the Chairman to sign.”

Chairman Hancock said, “Thank you. Commissioners, discussion? Questions?”

Commissioner Gwin said, “I have a question. On the back-up material, on pages nine and ten, is that the document that you propose we sign, the Chairman sign?”

Ms. Sexton said, “Yes it is.”

Commissioner Gwin said, “The Chairman’s name is incorrect.”

Ms. Sexton said, “I just noticed that myself. The signature block can be changed.”

Commissioner Gwin said, “Okay, that’s all.”

Chairman Hancock said, “I’ll just scratch it out. Is there further discussion?”

MOTION

Commissioner Gwin moved to approve the Agreement and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Sciortino	Aye
Chairman Pro Tem Bill Hancock	Aye

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Chairman Hancock said, "Next item please. Thank you, Kathy."

2. CONTRACT MODIFICATION NUMBER FOUR WITH THE LAW COMPANY FOR WORK RELATED TO THE ADDITION AND REMODEL OF THE SEDGWICK COUNTY ADULT DETENTION FACILITY. CIP #1996 PB-258.

Ms. Stephanie Knebel, Project Manager, Capital Projects Department, greeted the Commissioners and said, "This is an exciting agenda item I bring before you today for approval. This is the fourth, and final, contract modification for our contract with the Law Company. The amount of this request is \$283,192 and it can be paid from the existing project budget that was authorized a couple of years ago.

"A little bit of history on this contract. Law Company was put under contract with Sedgwick County almost two years ago. During the course of our contract administration with them, I've come before you, this will be our fourth time, asking for an increase in their contract. Collectively, you have authorized an additional \$927,000 and for a contract of approximately \$32,000,000 that figures out to be an overall increase of 2.8%. That is a very good track record to have with this size of contract. Thanks and appreciation go to the architect and the Sheriff's Department for all their hard work and decision making.

"This particular contract modification has fifty three separate items. I'm available to answer any specific questions you may have. Joe Johnson from Shaefer, Johnson, Cox, Frey is here also. I request your approval."

Chairman Hancock said, "Okay, thank you. Commissioners, questions? Commissioner Winters, go ahead."

Commissioner Winters said, "Thank you. I was just going to reconfirm that even with this increase the contingency fund that was in the original contract is capable of taking care of this payment?"

Ms. Knebel said, "Yes."

Commissioner Winters said, "If I remember correctly, we had a rather small contingency fund for this size of contract because we were trying to stay under certain budgetary numbers."

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Ms. Knebel said, "You are correct. The beginning contingency amount was \$500,000 ,so, if you do the math, you can see we've had to kind of shuffle some funding around inside the project to make all these change orders work. Yes, we are able to do all of this project within budget."

Commissioner Winters said, "I think I do have a quick question for Joe Johnson. Joe, could you come up. Joe, as being our architect on this job, you're satisfied with this final payment. Everything has been done to your satisfaction and the architect's satisfaction as to this should be the final funds and you're pleased with the performance of the contractor and where we are at in taking this action."

Mr. Joe Johnson, Architect, Shaefer, Johnson, Cox, Frey, greeted the Commissioners and said, "I sure am. With this payment, we will then receive final waivers of payment from the general, as well as the major sub-contractors to him."

Commissioner Winters said, "We appreciate your help on this project."

Mr. Johnson said, "Thank you, very much. We appreciate being involved with a major project like this with Sedgwick County."

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

Commissioner Sciortino said, "Thank you, Mr. Chairman. Stephanie, if I understood our conversation yesterday, when you were nice enough to present this to me, even with the two and a half percent increase, and I agree with you, that's pretty modest, we're still going to come in under budget."

Ms. Knebel said, "Yes we are. I did a project budget analysis about three weeks ago and, including this change order and some other expenses I have yet to pay out, we're going to come in under budget approximately \$250,000."

Commissioner Sciortino said, "That's great. Thank you. No further questions."

Chairman Hancock said, "Thank you, Commissioner. Commissioners, further questions? Stephanie has, there are fifty-three items here and you asked if I had questions on any of them. I have questions concerning forty-seven of them."

Ms. Knebel said, "Anything I can do to provide you additional information, Commissioner."

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Chairman Hancock said, “No problem. Thank you. No, I don’t have anything. Further discussion? Chair would entertain a Motion.”

MOTION

Commissioner Winters moved to approve the Contract Modification and authorize the Chairman to sign.

Commissioner McGinn seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Sciortino	Aye
Chairman Pro Tem Bill Hancock	Aye

Chairman Hancock said, “Thank you. Next item.”

3. AMENDMENT TO THE 1999 CAPITAL IMPROVEMENT BUDGET FOR SPACE PLANNING FOR EMERGENCY MANAGEMENT. CIP #1999 PB-446.

Ms. Knebel said, “This agenda item requests your approval on adding a new project to the 1999 Capital budget. If you would remember, there is already an existing companion project to this new project. That existing project is to do this same type of space study analysis for 911 and that 911 study will be paid from 911 tax money. This agenda item, we’ll spend some time and effort on the Emergency Management and the Emergency Operating Center to gather the same type of information. Through discussion with the division director and the departments, there appears to be a shortage of space, so we need to spend some time and effort understanding what their needs are now, to make that function work better for everybody, as well as looking ahead into the future twenty or thirty years.

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“Some of the results of this space study, when it comes back to us, will show square footages that are needed and estimated or need to be as well as some estimated construction costs to build or remodel, whatever we decide, and get guidance on. I request your approval and am available for questions.”

Chairman Hancock said, “Okay, thank you. Commissioner Gwin.”

Commissioner Gwin said, “Thank you. Stephanie, on the back-up, it indicates the schematics will be based on the following locations: the current location, expansion to the east of the main courthouse and a new facility. When you talk about new facilities, the fire department committee, in its discussion, had a discussion about a possible new facility north, out by K-96 and I’d like you to visit with people at the City and people at the State because it appeared to me, if that facility is a possibility, that would be a really good partnership between several different governments. I mean, if we’re going to look at a different facility, I know that one had to do with some State needs, some City of Wichita needs and, in this case, possibly, some Sedgwick County needs.”

Ms. Knebel said, “Absolutely. I know Bob Lamkey, the Division Director for Public Safety, has been working with those different agencies and trying to get a handle on what that project could be. I don’t know if he is ready this morning to give us a status update, probably not.”

Commissioner Gwin said, “I just want to make sure that if you look at that, there seems to be a possibility for some partnerships.”

Ms. Knebel said, “Okay, we will sure do that.”

Commissioner Gwin said, “Alright, thanks. Thanks, Mr. Chairman.”

Chairman Hancock said, “Thank you, Commissioner. Commissioner Mc Ginn.”

Commissioner Mc Ginn said, “Stephanie, I just had a question about the current location. We would

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probably just be trying to be more efficient or do you thing we have areas where we can move around down there. I thought we were pretty tight.”

Ms. Knebel said, “We are very tight, but I don’t feel comfortable in discounting that, without spending some time and effort on really understanding why it won’t work or why it will work, or if it will work, what will it take to make it work. I don’t feel real comfortable in just totally discounting that but I think we do need to spend a little bit of time and effort in insuring that our assumptions are correct.”

Commissioner Mc Ginn said, “Thank you.”

Chairman Hancock said, “Thank you, Commissioner. Commissioner Winters.”

Commissioner Winters said, “Stephanie, it is my understanding that this is for a maximum of \$10,000?”

Ms. Knebel said, “That’s correct.”

Commissioner Winters said, “Thank you. That’s all I had.”

Chairman Hancock said, “Thank you. Further discussion? If not, the Chair would entertain a Motion.”

MOTION

Commissioner Sciortino moved to approve the CIP Amendment.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Sciortino	Aye

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Chairman Pro Tem Bill Hancock

Aye

Chairman Hancock said, "Stephanie, just one last question. What's the time line for this?"

Ms. Knebel said, "We are anticipating results to come back to us the end of April."

Chairman Hancock said, "Very good. Thank you. Next item."

C. DEPARTMENT OF CORRECTIONS.

1. AMENDMENT TO AGREEMENT WITH CLARENCE M. KELLEY DETENTION SERVICES, INC. PROVIDING CONTINUED OFF-SITE JUVENILE DETENTION HOUSING SERVICES.

Mr. Mark Masterson, Director, Department of Corrections, greeted the Commissioners and said, "We've been contracting with Clarence Kelley and Associates for juvenile detention beds in Topeka since 1995. We continue to need an average of 32 secure beds a day, above the 45 we have at our facility. This agreement provides us with access to 28 beds per day, for males, in calendar year 2000 for \$120 per bed day, at their new Topeka facility. We've also reduced our guarantee under this agreement, from 25 beds to 23 beds per day. Be happy to answer any questions."

Chairman Hancock said, "Thank you, Mark. Commissioner Winters."

Commissioner Winters said, "Mark, you said new facility, Clarence Kelley, can you tell us about their facilities, their arrangements up there now?"

Mr. Masterson said, "Yes, Shawnee County built a new juvenile detention facility and vacated their

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old facility. Kelley was located at Forbes Field, which I believe you have visited. They purchased the building from Shawnee County, renovated it and have now moved their detention operation into that building and their capacity is now 28 beds.”

Commissioner Winters said, “So, their no longer in that, kind of, barracks compound on Forbes Field?”

Mr. Masterson said, “Not with detention services. They still operate a boot camp type program there.”

Commissioner Winters said, “All right, thank you.”

Chairman Hancock said, “Thank you. Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you, Mr. Chairman. I think I heard you say that we have a need for 32, or we’ve averaged 32 outside beds that we need, and Kelley will provide 28. What happens to the other 4?”

Mr. Masterson said, “Females, this is only for males. We contract with many facilities, licensed facilities around the State for the remainder.”

Commissioner Sciortino said, “My second question is, I assume that you are very comfortable that the chances of our falling below the guarantee of 23 is probably a moot point that you’re comfortable that we’ll probably always be above that 23 threshold?”

Mr. Masterson said, “Over the last fifteen months we’ve had a new dynamic, which has been a pretty wide fluctuation. That’s why I went into this negotiation looking for a different way to calculate the days. We’re doing it, under this agreement, by taking the monthly average and we guarantee 23 per day with the monthly average to try to mitigate and buffer that impact, versus a daily count and that will work to our advantage and so that’s why I did this agreement in this manner, to try to deal with this change. But yes, I’m comfortable that our demand is not going to go back down. It’s actually been stable at 72 per day for secure beds over the last three years.”

Commissioner Sciortino said, “Okay, thank you. No further questions.”

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Chairman Hancock said, "Okay, thank you, Commissioner. Further discussion? I'm sorry. Commissioner Mc Ginn."

Commissioner McGinn said, "Thank you, Mr. Chairman. Mark, I didn't know if you said this or not earlier, but the daily per day rate, \$120, didn't that go up from last year and what was that amount?"

Mr. Masterson said, "Last year's agreement changed to \$120 July 1. It was \$115 for the first six months and then \$120 for the second six months. We've been able to maintain that while the average cost, around the State has risen to, it's between \$140 and \$150 a day."

Commissioner McGinn said, "Thank you."

Commissioner Sciortino said, "That just triggered a question for me. What is our internal cost per day, to house a juvenile at our facility?"

Mr. Masterson said, "I don't have that, off the top of my head. We can calculate it for this year and come up with that figure. What I know is without the benefits cost and that's a new factor that calculated in, and so I'd like to get back with you and give you an accurate count."

Commissioner Sciortino said, "That's fine. Thank you."

Chairman Hancock said, "Thank you. Further discussion?"

MOTION

Commissioner Winters moved to approve the Amendment to the Agreement and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye

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Commissioner Carolyn McGinn	Aye
Commissioner Sciortino	Aye
Chairman Pro Tem Bill Hancock	Aye

Chairman Hancock said, "Thank you. Next item."

2. **CONTRACT WITH WICHITA ACTS ON TRUANCY TO PROVIDE SERVICES RELATED TO JUVENILE JUSTICE PROGRAMS.**

Mr. Masterson said, "Commissioners, over the last two and a half years we've been planning for Juvenile Justice reform, a very wide, community planning team effort, and today is the first of a series of agreements I'll be bringing before you in the next few meetings to implement these new programs and continuing programs during calendar year 2000. Before you is an agreement with Wichita Acts on Truancy to serve as the lead agency, implementing three programs that focus on truancy and its prevention. These programs were approved by the board, in October, as part of our State grant application for juvenile justice community funding in the area of prevention. The programs included under this agreement are the Truancy Immunization Project, which provides \$350,817 to continue and expand efforts to deal with school truancy at the middle and high school levels.

"A parent resource project, which is a new project, which provide \$200,000 to enhance truancy efforts by providing parent support groups, training in behavior management for parents and professionals and case management services for families with children who display early anti-social behavior. The third is a community resource and referral network, which provides \$122,124 for mentoring, linking parents with problem children to appropriate resources, assessments for young children's readiness to learn when they enter kindergarten, and a broad training effort throughout the community on the risk and protective factor model.

"Each of these programs is contingent upon full funding by the State. At this time, we've received notification of funding to implement the truancy and the parent resource projects and expect notification next week on the third project. We're proceeding today with this agreement to provide necessary funding for personnel costs to continue the truancy project and begin implementing the new efforts as early as possible in the second school semester. Be happy to answer any questions."

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Chairman Hancock said, "Okay, thank you, Mark. Commissioners, questions on this item? If not, what's the will of the Board?"

MOTION

Commissioner Gwin moved to approve the Contract and authorize the Chairman to sign.

Commissioner Winters seconded the Motion.

Chairman Hancock said, "Is there further discussion? Commissioner Winters."

Commissioner Winters said, "Mark, as far as the Wichita Acts on Truancy, on their truancy program, is this going to be enhancing what they're doing now or is this entirely new work for them? Will they be in new areas?"

Mr. Masterson said, "The project was funded initially with a 12 month grant that expired in September and the Board approved using County prevention funds to fund the gap until we got to January first. This will continue that program and expand to additional schools."

Commissioner Winters said, "I got you. Thank you."

Chairman Hancock said, "Thank you, Commissioner. Further discussion? If not, Clerk, call the vote please."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Sciortino	Aye
Chairman Pro Tem Bill Hancock	Aye

Chairman Hancock said, "Thank you. Thank you, Mark. Next item please."

D. THIRD-QUARTER RECLASSIFICATIONS AND REALLOCATIONS.

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1. RECLASSIFICATIONS.

Ms. Jane Moralez, Compensation Specialist, Division of Human Resources, greeted the Commissioners and said, "This morning I am here to present the third quarter reclassifications and reallocations. We looked at positions in Human Services, Public Safety, Public Works and Culture and Recreation.

SLIDE PRESENTATION

"The process that we use is we survey public sectors, perform reclassification study, which includes a position questionnaire being completed by the incumbent. The incumbent and supervisor interviews by HR (Human Resources) and evaluation of the position using the Sedgwick County Position Management Plan, which have nine factors, three of those being knowledges, complexity and decision making.

! ADMINISTRATIVE ASSISTANT (EXECUTIVE LEVEL), COMPREHENSIVE COMMUNITY CARE (COMCARE), RANGE 18, TO OFFICE SPECIALIST, RANGE 15

"The first one that we have here on our reclassifications is an administration assistant, executive level, which was at a range 18. We're recommending that this position be reclassified to office specialist, range 15. This position was added in a grant, and when we added it we added as an administrative assistant, executive level, thinking that's what we needed, but what actually has come to be is that this position is a clerical support position for the CDDO and for two committees. So, we're recommending a range 15, which is lowering it by 3 ranges.

! UTILITY MAINTENANCE CREW CHIEF, PUBLIC WORKS, RANGE 19, TO SENIOR UTILITY MAINTENANCE MECHANIC, RANGE 18

"The next position we looked at was at Public Works. This is in the Sewers Maintenance and Operations. Currently, it was a utility maintenance crew chief, range 19 and we're recommending that we change that to a utility maintenance senior mechanic, range 18. What's happened on this position is that the supervisory duties have been removed from the position and this, they felt, would be better for the department."

! CARPENTER/BUILDER, OLD COWTOWN MUSEUM, RANGE 18, TO MAINTENANCE SUPERVISOR, RANGE 19

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The next one we have is at Old Cowtown Museum. This is a carpenter/ builder, current range 18. We're recommending that this position be reclassified to a maintenance supervisor, range 19. This position is now over the maintenance section for Cowtown and does all the supervision of staff, hires staff, and is over anything that would break down at Cowtown, maintenance-wise.

2. REALLOCATIONS.

! HUMAN SERVICES DIRECTOR, RANGE 32, TO RANGE 33

"The next thing that we have is reallocations. We have one for Human Services, COMCARE. This is a human services director, current range 32. We're recommending that this position be reclassified to a range 33. We did a market study for this. This was very hard to find because there's not much out there, in the United States, that are kind of like ours. We had found two different places, Johnson County and in Portland and we were about 6% under market and so we're recommending moving this up one range.

! ADVANCED REGISTERED NURSE PRACTITIONER (FIVE POSITIONS), RANGE 27, TO RANGE 29

"The next one we have is advanced registered nurse practitioner, current range 27. We're recommending that this classification be moved to a range 29. There have been some changes in the field. These positions are very hard to fill. There are very few ARNPs in the mental health field. We had three people resign in the last quarter of our five that we had. We were able to retain one and we found that we were under market considerably. We're recommending a range 29 on this.

! DIRECTOR, DEPARTMENT OF CORRECTIONS, RANGE 30, TO RANGE 32

"The next thing we have is Corrections Director, the current range 30. We're recommending reallocation to a range 32. This position is one of our very large departments, with 297 FTE and we have one marketplace that we could evaluate against and that is Johnson County, that's the closest one, and we were about 6% under market with that. So, we are recommending that.

! COMMUNICATIONS EQUIPMENT SUPERVISOR, EMERGENCY

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COMMUNICATIONS, RANGE 21, TO RANGE 22

“And the last thing we have is Communications Equipment Supervisor, current range 21. We’re recommending reallocation to a range 22. This position is with 911 and with the new 800 mega-hertz trunk system, and also with the laptop technology, this position had to gain new knowledges. So, that’s all the things that we have. The cost of these reclassifications and reallocations for 1999 is \$683 and for 2000 is \$36,311. These are all within their current budgets. The departments have got to let us know where the money is coming from before these reclassifications can be brought to you, so they are within the 2000 and 1999 budgets for the departments. If you have any questions, I’d be glad to answer.”

Mr. Hancock said, “Okay, thank you. Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you, Mr. Chairman. Jane, this is just going to come from a pure business point of view. We’re sitting here, and it’s the 29th of December and we’re looking at, I saw, to human services director, giving that individual a raise, and the department of corrections, giving that person a raise. Why are we doing it in December, when in a couple of weeks . . . why didn’t we just start January 1st, and why negatively impact, when you’re so darn close to January, why are we negatively impacting ‘99’s budget?”

Ms. Moralez said, “These positions were asked for to be looked at earlier in 1999. We had a very hard time finding matches. So, these have been in place a long time and we only felt that it was fair to have a ‘99 impact for those positions because we have looked at them for a long period of time. These two positions have been performing the job for well over one year and we just felt that that was the only fair thing to do.”

Commissioner Sciortino said, “Well, respectfully, I disagree with you. I mean, you’re talking about starting in the month of December, their raise.”

Ms. Moralez said, “We were taking these back to October 15th. That is the last time we were here and is when they should have been on the agenda but we had just not been able to obtain all the market data that we needed and so we did have to postpone them and we felt it was only fair to go back to October 15th on these two positions.”

Commissioner Sciortino said, “Okay. We’ll we can agree to have a disagreement. Thank you. That’s all I had.”

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Chairman Hancock said, "Thank you, Commissioner. Further discussion or questions? If not, the Chairman would entertain a motion."

MOTION

Commissioner Gwin moved to approve the Reclassifications and Reallocations.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Sciortino	Aye
Chairman Pro Tem Bill Hancock	Aye

Chairman Hancock said, "Thank you. Thank you, Jane. Next item, please."

**E. REPORT OF THE BOARD OF BIDS AND CONTRACTS' DECEMBER 23, 1999
REGULAR MEETING.**

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have Minutes from the December 23rd meeting of the Board of Bids and Contracts. There are nine items for consideration.

**(1) PAINTING OF WALLS AT TWIN LAKES- CAPITAL PROJECTS
FUNDING: CAPITAL PROJECTS**

"Item one is various painting of walls at the Twin Lakes Center for COMCARE and that's by Capital Projects. It was recommended to accept the low bid of Forshee Painting Contractors. That's item two in the tabulation. That amount is \$7,500 and requires painting after hours and on weekends.

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(2) CARPET & BASE FOR TWIN LAKES- CAPITAL PROJECTS
FUNDING: CAPITAL PROJECTS

“Item two is carpeting and base for the Twin Lakes section of COMCARE, also by Capital Projects. It was recommended to accept the low bid of Star Lumber and Supply Company. This particular case, item one, which is regular business hours, \$21,835.

(3) PLUMBING PARTS- FACILITIES MANAGEMENT
FUNDING: FACILITIES MANAGEMENT

Item three, various plumbing parts for Facilities Management. This was split between two vendors. Items 1 through 8, J.A. Sexauer, Inc., and items 9 through 17, Hajoca Corporation. The grand total, \$14,679.40 and a complete tabulation follows.

(4) LCD PROJECTORS- INFORMATION SERVICES
FUNDING: INFORMATION SERVICES

“Item four, LCD projectors for Information Services. This bid was also split. Item one to Kent Audio Visual, \$5,763 and item two, Visual Works! Inc., \$11,000. The total purchase price, \$16,763.

(5) PERSONAL COMPUTER HARDWARE & SOFTWARE- COMCARE
FUNDING: COMCARE

“Item five, personal computer hardware and software for COMCARE. It was recommended to accept the low responsible bid of AmeriComp. That amount is \$14,008.54. They are the first vendor listed in the tabulation. There are five other vendors that were a little bit lower. In five of those cases, the vendors did not receive the addendum. We cannot explain that. There was one bid, Viking Computers, and we are unable to determine their ability to provide product, so we’re recommending the low responsible bid of AmeriComp.

(6) FLEET MANAGEMENT ANALYSIS- FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT

“Item six, Fleet Management analysis, consulting services for Fleet Management and the Division of Finance. It was recommended to accept the low proposal of Transportation Consultants. That amount,

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\$40,500. A synopsis of the recommendation is attached.

**(7) SOFTWARE MAINTENANCE AGREEMENT- INFORMATION SERVICES
FUNDING: INFORMATION SYSTEMS**

“Item seven is software maintenance. This is an agreement for Information Services. It was recommended to accept the sole source bid of Softworks. That amount, for the year 2000, \$10,143. Softworks is the publisher of this software.

**(8) ONBASE DOCUMENT IMAGING SYSTEM- INFORMATION SERVICES
FUNDING: INFORMATION SERVICES**

“Item eight, onbase document imaging systems software, also by Information Services for various departments. This is a conversion. Automated Business Systems is the provider of this particular software onbase. \$105,833. The following page, there is a synopsis of the selection for this particular software.

**(9) ADDITIONAL PAINTING OF JAIL PODS- CAPITAL PROJECTS
FUNDING: DETENTION FACILITY ADDITION**

“Item nine, additional painting of jail pods for Capital Projects. This is a contract modifications, with Classic Ceiling & Floor Care. The additional amount is \$69,889.28. The new grand total, \$102,511.88.

“I will be happy to take questions and would recommend your approval of the Minutes for the Board of Bids and Contracts.”

Chairman Hancock said, “Thank you. Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you, Mr. Chairman. Darren, I’m sure you’ve got a good answer for this and I’m sorry to have to always be a thorn in people’s sides when it comes to money, but I want to talk about item five. Viking Computers was substantially below AmeriCorp, if I take just

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percentage. The only item that was missing was this item five. It looks like that was a minor item, going across the board; \$700, 400 et cetera. Why don't we, if they didn't get the addendum, why aren't we deferring this. It looks to me like, even if they came in at \$1,000 here, they would still be substantially below AmeriCorp. Is it so crucial that we have this item or, if it's true that they didn't get the addendum, or whatever, there a potential to save quite a good percentage of money here."

Mr. Muci said, "First, I'll note that the addendum substantially adjusted the scope of this particular project so the prices would have been adjusted tremendously. It is possible that they could have been less than the \$14,000 that we're recommending but we don't know. It's a tremendous change in scope. Reasoning for that, we believe, during the past year or so, we have been posting all of our bids on our Website. It's very clear to the vendors that, especially those that access us on a daily basis, and we're not aware of they're accessing that, that they need to stay in touch with the Website and check to see whether or not there are addendums. Some of our vendors are doing that, others are not. In this particular case, the vendors to the right hand side, beginning with Continent Technology and again, further to the right, those vendors did not receive the addendum. Viking Computers, we believe did, however, what we've also been doing is we've worked to do a better job of soliciting bids, more bids, is we've been checking references of vendors, to make sure they have the ability of provide product. What we're finding is that there are smaller firms, from across the country, that are accessing our Website, which is certainly a good thing, but we're wanting to make sure that they have the ability to provide our products that we need in a timely manner. In this particular case, with Viking Computers, we were unable to substantiate their ability to provide the product. We felt that was worth the additional cost to work with a vendor that we had confidence in and could provide this."

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

Chairman Hancock said, "Thank you, Commissioner. Further discussion or questions? If not the Chair would entertain a Motion."

MOTION

Commissioner Gwin moved to approve the recommendations of the Board of Bids and

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Contracts.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Sciortino	Aye
Chairman Pro Tem Bill Hancock	Aye

Chairman Hancock said, "Thank you. Thank you, Darren. Next item please."

CONSENT AGENDA

F. CONSENT AGENDA.

1. Right-of-Way Agreements.

- a. Five Easements for Right-of-Way and One Temporary Construction Easement for Sedgwick County Project No. 807-K, L, N ½ M; Maize Road between 21st and 45th Streets North. CIP #R-246. Districts #3 and #4.
- b. One Easement for Right-of-Way for Sedgwick County Project No. 616-16-3148; Bridge on 13th Street between 151st and 167th Streets West. CIP# B-330. District #3.
- c. One Easement for Right-of-Way for Sedgwick County Project No. 839-N; 143rd Street East between 13th and 21st Streets. District #1.

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- d. One Easement for Right-of-Way and One Temporary Construction Easement for Sedgwick County Project No. 616-13-4938; 13th Street between 199th and 215th Streets West. District #3.

2. Section 8 Housing Assistance Payment Contract.

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V99086	\$160.00	3	Brentwood Apartments

3. The following Section 8 Housing Contracts are being amended to reflect a revised monthly amount due to a change in the income level of the participating client.

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
C01023	\$245.00	\$245.00
C99003	\$360.00	\$360.00
V99004	\$160.00	\$160.00
V97001	\$136.00	\$136.00
V98007	\$250.00	\$250.00
C62017	\$240.00	\$190.00
V93005	\$425.00	\$425.00
C98010	\$157.00	\$115.00
V99002	\$197.00	\$174.00
C74002	\$202.00	\$327.00
V99004	\$68.00	\$160.00
V98038	\$324.00	\$87.00
V94069	\$136.00	\$135.00
V93005	\$333.00	\$475.00
V99083	\$124.00	\$294.00
V99022	\$177.00	\$173.00
C93063	\$305.00	\$302.00

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4. **Order dated December 22, 1999 to correct tax roll for change of assessment.**
5. **Payroll Check Registers of December 23 and December 30, 1999.**
6. **General Bills Check Register of December 23, 1999.**
7. **Budget Adjustment Requests.**

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "You have before you the Consent Agenda and I would recommend you approve it."

MOTION

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Sciortino	Aye
Chairman Pro Tem Bill Hancock	Aye

Chairman Hancock said, "Thank you. Is there further business?"

MOTION

Commissioner Gwin moved that the Board of County Commissioners recess into Executive Session for 20 minutes to consider consultation with Legal Counsel on matters privileged in the Attorney Client relationship relating to pending claims, litigation, legal advice, and that the Board of County Commissioners return from executive Session no sooner than 10:18

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a.m.

Commissioner McGinn seconded the Motion.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. We're in Executive Session."

The Board of Sedgwick County Commissioners recessed into Executive Session at 9:58 and returned at 11:00 a.m.

Chairman Hancock said, "I'll call the meeting back to order. Let the record show there was no binding action taken in Executive Session. Is there further business? If not, we're adjourned."

G. OTHER

H. ADJOURNMENT

Regular Meeting, December 29, 1999

There being no other business to come before the Board, the Meeting was adjourned at 11:00 a.m.

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

BILL HANCOCK, Chairman
Second District

BETSY GWIN, Chair Pro Tem,
First District

THOMAS G. WINTERS, Commissioner,
Third District

CAROLYN McGINN, Commissioner,
Fourth District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

James Alford, County Clerk

APPROVED:

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_____, 2000