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C I T Y C O U N C I L

C I T Y O F W I C H I T A
K A N S A S

City Council Meeting
09:00 a.m. January 5, 2016

10th Floor MAPD Conference Room
455 North Main

OPENING OF REGULAR MEETING

-- Call to Order

-- Invocation

-- Pledge of Allegiance

-- Approve the minutes of regular meeting on December 22, 2015

AWARDS AND PROCLAMATIONS

None

I. PUBLIC AGENDA

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a "first-come, first-served" basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city clerk prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

1. Sybil Strum - When will victims voices be heard.

II. CONSENT AGENDA ITEMS 1 THROUGH 21

NOTICE: Items listed under the "Consent Agendas" will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the "Consent Agendas" and considered separately

*(The Council will be considering the City Council Consent Agenda as well as the Planning, Housing, and Airport Consent Agendas. Please see **"ATTACHMENT 1 – CONSENT AGENDA ITEMS"** for a listing of all Consent Agenda Items.)*

COUNCIL BUSINESS

III. UNFINISHED COUNCIL BUSINESS

None

IV. NEW COUNCIL BUSINESS

1. 2016 Contract Renewal with Visit Wichita Convention and Visitors Bureau.

   RECOMMENDED ACTION: Approve the contract.

2. Request for Resolution of Support for Application for Housing Tax Credits, Chelsea Townhome Apartments. (District IV)

   RECOMMENDED ACTION: Adopt the resolution of support for the application for Housing Tax Credits, subject to all local building and zoning codes, ordinances and any additional design review requirements, with waiver of the 20% market-rate unit requirement.

3. Consent Order Schedule of Compliance.

   RECOMMENDED ACTION: Receive and file the attached letter from the City to KDHE that establishes an agreement between the two parties regarding the status of the Consent Order Case #13-E-1 BOW, and the process to close the same consent order.

4. 2016 State Legislative Agenda.

   RECOMMENDED ACTION: Approve the 2016 State Legislative Agenda.

COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

V. NON-CONSENT PLANNING AGENDA

None

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion. Carole Trapp Housing Member is also seated with the City Council.

Carole Trapp Housing Member is also seated with the City Council.

VI. NON-CONSENT HOUSING AGENDA

None

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

VII. NON-CONSENT AIRPORT AGENDA

None

COUNCIL AGENDA

VIII. COUNCIL MEMBER AGENDA

1. Approval of travel for Mayor Jeff Longwell to attend the League of Kansas Municipalities Governing Body Meeting, January 27-28, 2016, Topeka, Kansas.

   RECOMMENDED ACTION: Approve the travel expenditure.

IX. COUNCIL MEMBER APPOINTMENTS AND COMMENTS

1. Board Appointments.

   RECOMMENDED ACTION: Approve the appointments.

Adjournment

(ATTACHMENT 1 – CONSENT AGENDA ITEMS 1 THROUGH 21)

II. CITY COUNCIL CONSENT AGENDA ITEMS

1. Report of Board of Bids and Contracts dated January 4, 2016.

   RECOMMENDED ACTION: Receive and file report; approve the contracts; and authorize the necessary signatures.

2. Applications for Licenses to Retail Cereal Malt Beverages:

Renew	2016	(Consumption on Premises)
Enriqueta Garcia	Taco's Raymundo**	1716 West 21st North
Larry Fugate	Pizza Hut**	333 E. 47th St. South
New	**2016**	**(Consumption off Premises)**
Ed Caillet	Fu Bing Petroleum***	248 South Hillside

   **General/Restaurant (need 50% or more gross revenue from sale of food)
   ***Retailer (Grocery stores, convenience stores, etc.)

   RECOMMENDED ACTION: Approve licenses subject to staff review and approval.

3. Preliminary Estimates:
   a. List of Preliminary Estimates.

   RECOMMENDED ACTION: Receive and file.

4. Deeds and Easements:
   a. List of Deeds and Easements.

   RECOMMENDED ACTION: Accept the documents.

5. Statement of Costs:
   a. List of Statement of Costs.

   RECOMMENDED ACTION: Approve and file.

6. Consideration of Street Closures/Uses:
   a. Community Events – Wichita Symphony Orchestra's Young People's Concerts Bus Parking. (District I)

   RECOMMENDED ACTION: Approve the request subject to; (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; and (3) Securing a Certificate of Liability Insurance on file with the Community Events Coordinator.

7. Property Acquisitions:
   a. Partial Acquisition of Land at 4726 E. Vesta for the 17th Street and Oliver Intersection Project. (District I)

RECOMMENDED ACTION: Approve budgets and contracts and authorize necessary signatures.

8. Minutes of Advisory Boards/Commissions:

Board of Park Commissioners, November 7, 2015
Board of Park Commissioners, November 9, 2015
Wichita Employee's Retirement System, October 21, 2015
Wichita Employee's Retirement System, November 18, 2015
Board of Electrical Appeals, November 17, 2015
Deferred Compensation Board of Trustees, August 20, 2015
Joint Investment Committee, November 5, 2015
Police and Fire Retirement System, October 28, 2015
Police and Fire Retirement System, November 18, 2015

RECOMMENDED ACTION: Receive and file.

9. Supplemental Design Agreement No. 1 for Improvements to Serve Cadillac Lake Addition. (District V)

RECOMMENDED ACTION: Approve Supplemental Design Agreement No. 1 and authorize the necessary signatures.

10. Amending Resolution for Sanitary Sewer Improvements to Moscelyn Meadows Addition. (District IV)

RECOMMENDED ACTION: Adopt the amending resolution and authorize the necessary signatures.

11. Report on Claims for November 2015.

RECOMMENDED ACTION: Receive and file.

12. Waiver of MABCD Special Assessment Fees. (District I)

RECOMMENDED ACTION: Waive the $246.42 in MABCD special assessment fees.

13. Year-End Budget Adjustments.

RECOMMENDED ACTION: Approve the year-end budget adjustments.

14. Second Reading Ordinances: (First Read December 22, 2015)

RECOMMENDED ACTION: Adopt the Ordinances.

II. CONSENT PLANNING AGENDA ITEMS

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

15. *SUB2015-00031 - Plat of Forest Hills Office Park 5th Addition Located on the Southwest Corner of Central Avenue and Webb Road. (District II)

    RECOMMENDED ACTION: Approve the plat and authorize the necessary signatures.

16. *SUB2015-00038 - Plat of Wasinger 2nd Addition Located on the West Side of Webb Road, South of Harry Street. (District II)

    RECOMMENDED ACTION: Approve the plat, authorize the necessary signatures and place the Ordinance on first reading. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

17. *ZON2015-00045 – Zone Change from SF-5 Single-Family Residential to LC Limited Commercial on Property Generally Located South and East of the Intersection of Taft Avenue and South Ridge Road, 500 and 526 S. Ridge Rd. and 501 S. Summitlawn Drive. (District IV)

    RECOMMENDED ACTION: Approve the Zone Change, subject to platting within one year (simple majority vote).

18. *ZON2015-00047 - Zone Change from TF-3 Two-Family Residential to GC General Commercial with a Protective Overlay on Property Generally Located Southeast of the Intersection of North Green Street and East 13th Street North, 1358 North Green Street. (District I)

    RECOMMENDED ACTION: Approve the Zone Change, subject to the provisions of Protective Overlay #302 and place the ordinance on first reading (simple majority vote).

19. *ZON2015-00048 - Zone Change from TF-3 Two-Family Residential to GO General Office on Property Generally Located South of East 9th Street North, Along the East Side of North Hillside Avenue, 918 North Hillside Avenue. (District I)

    RECOMMENDED ACTION: Approve the Zone Change, (simple majority vote).

20. *ZON2015-00049 and CUP2015-00043 - Zone Change from LC Limited Commercial to GC General Commercial and Amendments to DP-183 on Property Generally Located South of Kellogg and West of Woodlawn, 6215 East Kellogg. (District III)

    RECOMMENDED ACTION: Approve the requested Zone Change and CUP Amendment, subject to the MAPC recommended conditions, and place the ordinance on the first reading (simple majority vote).

21. *VAC2015-00028 - Request to Vacate Portions of a Platted Setback and a Utility Easement Dedicated by Separate Instrument on Property Generally Located on the Northeast Corner 21st Street North and Maize Road. (District V)

RECOMMENDED ACTION: Approve the Vacation Order (simple majority of four votes required) and authorize the necessary signatures.

II. CONSENT HOUSING AGENDA ITEMS

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Carole Trapp, Housing Member is also seated with the City Council.

None

II. CONSENT AIRPORT AGENDA ITEMS

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

None

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council Members

SUBJECT: 2016 Contract Renewal with Visit Wichita Convention and Visitors Bureau

INITIATED BY: Division of Arts and Cultural Services

AGENDA: New Business

Recommendation: Approve the contract between the City of Wichita and The Wichita Convention and Tourism Bureau, Inc. d/b/a Visit Wichita.

Background: Visit Wichita is on track to meet its primary goal of securing 140,000 convention room nights.

Significant conventions booked during 2015 include:

- 2016 Delta Sigma Theta Regional Conference
- 2016 Signature EquipoVision Summer Convention
- 2016 Society of Flight Test Engineers (SFTE), National Symposium
- 2017 League of Kansas Municipalities, Annual Conference
- 2017 Rocky Mountain Association of Student Financial Aid Administrators
- 2017 National Association of Black Storytellers, National Black Storytelling Festival and Conference "In the Tradition"

Wichita hosted 500 meetings during 2015, which had an economic impact of $52.5 million on the local economy.

Visit Wichita successfully hosted major conventions such as:

- National Farmers Union Convention
- Delta Kappa Gamma Society International SW Regional Conference
- National Association of State Boating Law Administrators (NASBLA), Annual Convention
- LifeWay Christian Resources Seminars, Beth Moore Living Proof Live
- Special Olympics National Softball Tournament 2015
- Mountain Plains Museum Association MPMA/KMA Annual Meeting

As a result of unprecedented levels of advertising from the Tourism Business Improvement District (TBID) funds, Visit Wichita made a significant impact increasing communications with meeting planners in charge of conventions as well as leisure visitors.

Meeting planner publications were targeted based on readership. The Wichita message carried throughout the year both in print and digital executions.

Leisure messages that encouraged visits to Wichita increased on the web, in social platforms, and print. New initiatives allowed for multiple full-page, color ads in 19 newspapers throughout

Kansas and Oklahoma. Wichita was also featured for the first time in dedicated television and radio commercials, online shows and year-round digital messaging.

Analysis: The contract for the current fiscal year was negotiated with City staff and representatives from Visit Wichita. The results are a proposed 2016 contract with performance goals for Visit Wichita outlined in "Exhibit B."

In an effort to make it possible to bring different conventions and special events to Wichita, the City Council established a "Convention Promotion Contingency" allocation in the annual budget as part of the Tourism and Convention Fund. It is earmarked to fund special activities as deemed appropriate by Visit Wichita. A few of the 2015 recipients of support from this fund included the Mountain Plains Museum Association, Society of American Travel Writers, Midwest Catholic Family Conference, YMCA National Championship Gymnastics, Kansas State High School Activities Association and the Prairie Fire Marathon. Visit Wichita has a $150,000 contingency funding request for 2016 to support Visit Wichita's efforts in attracting convention groups and events to the Wichita area.

Visit Wichita also provides services under a separate contract with the City for the TBID. The TBID plan is directed by the TBID Advisory Board. Performance will be measured and reported annually in accordance with the TBID ordinance. The TBID established an additional 2.75 percent fee charged by hotels that have 50 rooms or more to create a substantial fund for additional marketing. The first year for collection of the TBID fees was 2015.

In an effort to improve transparency and accountability, representatives of the City and Visit Wichita have developed disclosure guidelines for activities funded by the City. These guidelines have addressed, among other things, the desire for openness as well as the ability to protect confidential, proprietary and trade secret information.

Financial Considerations: Funding for the Convention and Tourism Fund comes from a six percent transient guest tax on hotel and motel rooms in Wichita. The 2016 Adopted Budget includes funding for Visit Wichita's annual allocation in the amount of $2,415,772, which is to be paid from the Convention and Tourism Fund. The City agrees to advance Visit Wichita $201,314.33 each month. This amount does not include the funding for the TBID services which are determined in the TBID agreement.

Visit Wichita may receive up to $100,000 in matching funds if its private fundraising exceeds its 2016 baseline goal of $200,000. The sponsorships in Exhibit C may be reimbursed up to $150,000 of the Convention Promotion Contingency funds, which is also financed from the Convention and Tourism Fund.

Legal Considerations: The Law Department has reviewed and approved the contract as to form.

Recommendations/Actions: It is recommended that the City Council approve the contract.

Attachments: Original signed contract with attachments:
Exhibit A – Non-discrimination Statement

Exhibit B – 2016 Performance Criteria
Exhibit C – 2016 Sponsorships – Convention & Promotion Contingency

WICHITA CONVENTION AND TOURISM BUREAU, INC.

THIS CONTRACT entered into this January 5, 2016 by and between the City of Wichita, Kansas (hereinafter referred to as the City) and Wichita Convention and Tourism Bureau, Inc. (hereinafter referred to as the Delegate Agency).

WHEREAS, the City by Charter Ordinance has instituted a Transient Guest Tax, the revenues from which are available for expenditure for convention and tourism activities located within the City and County; and

WHEREAS, the City believes that as a result of professional, promotional sales and services, convention and tourism can be increased; and

WHEREAS, the City desires to engage the Delegate Agency to render certain itemized professional services and activities hereinafter described; and

WHEREAS, the Delegate Agency warrants that it employs, and throughout the duration of this contract will continue to employ, professional staff capable of providing those services and activities occurring within the City; and

WHEREAS, the Delegate Agency further warrants that it possesses the fiscal and administrative capability necessary to account for and to expend all City funds provided in compliance and conformance with the terms and conditions of this contract; and

WHEREAS, the City desires to generate new dollars in the Wichita area economy through the promotion of Wichita as a convention and visitor destination.

NOW, THEREFORE, the contracting parties do mutually agree as follows:

SECTION 1. SCOPE OF SERVICES. The Delegate Agency, assuming responsibility for the implementation of actual operation of a certain project herein specified, shall perform services in a satisfactory and proper manner as determined by the City and outlined per Exhibit B.

In addition, Delegate Agency will support a joint marketing venture with other agencies receiving Transient Guest Tax funds and will not charge other City-affiliated museums or attractions such as, but not limited to, the Wichita Art Museum, Botanica, the Mid-America All-Indian Center, Old Cowtown Museum, Wichita-Sedgwick County Historical Museum, the Kansas Aviation Museum, and the Kansas African American Museum, fees to participate in Delegate Agency's marketing or membership activities.

SECTION 2. TIME OF PERFORMANCE. The services of the Delegate Agency are to commence as soon as practicable after the date of this contract, and shall be undertaken and completed in such sequence as to assure their expeditious completion in light of this contract through a period of twelve months ending no later than December 31, 2016.

SECTION 3. RECORDS, REPORTS AND INSPECTION

A. Establishment and Maintenance of Records. The Delegate Agency shall establish and maintain records as prescribed by the City (with respect to all matters covered by this contract). Except as otherwise authorized by the City, the Delegate Agency shall retain such financial records for a period of three years after receipt of the final payment under this contract or termination of this contract.

B. Documentation of Costs. All costs with respect to the services per Exhibit B shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers, or other official documentation evidencing in proper detail the nature and propriety of the charges. All checks, payrolls, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to this contract shall be clearly identified and readily accessible.

C. Reports and Information. The Delegate Agency, at such times and in such forms as the City may require, shall furnish to the City such statements, records, reports, data and information as the City may request pertaining to matters covered by this contract. The Delegate Agency will submit said reports on the date(s) designated by the City. In addition, the Delegate Agency will submit all regularly required reports as itemized on Exhibit B on the due dates established therein.

D. Audits and Inspections. The Delegate Agency shall at any time during normal business hours and as often as the City may deem necessary make available to the City for examination all of its records and data with respect to all matters covered by this contract and shall permit the City or its designated authorized representative to audit and inspect all invoices, materials, payrolls, records of personnel conditions of employment and other data relating to all matters covered by this contract. The Delegate Agency, within 120 days from the date of expiration of this contract shall furnish to the City an annual fiscal audit prepared by an independent Certified Public Accountant as to the compliance of all stipulations in this contract and its exhibits.

SECTION 4. CONFLICT OF INTEREST. Members of the Board of Directors of the Delegate Agency shall abstain from any action in regard to a pending matter before the Board of Directors that will affect any business in which such Director has a substantial interest as defined in K.S.A. 75-4301.

SECTION 5. DISCRIMINATION PROHIBITED. No recipient or proposed recipient of any funds, services or other assistance under the provisions of this contract or any program related to this contract shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with the funds made available through this contract on the grounds of race, color, national origin, ancestry, religion, sex or age. (Reference Title VI of the Civil Rights Acts of 1964 Pub. L. 88-352). The Delegate Agency further agrees to implement and comply with the "Revised Non-

Discrimination and Equal Employment Opportunity/Affirmative Action Program Requirements Statement for Contracts or Agreements" as provided in Exhibit A attached hereto.

SECTION 6. COMPLIANCE WITH LOCAL LAWS. All parties shall comply with all applicable laws, ordinances, codes and regulations of the State of Kansas and local governments with respect to the services per Exhibit B.

SECTION 7. ASSIGNABILITY. The Delegate Agency shall not assign any interest in this contract without prior written consent of the City.

SECTION 8. COPYRIGHTS. If this contract results in a book or other materials which may be copyrighted, the author is free to copyright the work, but the City reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use all copyrighted materials and all material which can be copyrighted. The Delegate Agency agrees to allow the City use of any and all books or materials, copyrighted or otherwise, which may pertain to marketing, managerial, or financial operations of the Delegate Agency.

SECTION 9. USE AND DISPOSITION OF PROPERTY.

A. Ownership During Usage by Agency. All office equipment, supplies, materials and other personal property purchased in whole or in part with funds pursuant to this contract and used for the administration of this contract or in the administration of a program operated by the City shall be the sole and exclusive property of the City unless otherwise specified in Exhibit B.

B. Disposition of Personal Property. In the case of termination of the funding or of any individual project activity, all personal property in the possession of the Delegate Agency or the Agency's representative(s) purchased with funds under this contract shall be returned to the City immediately upon the termination of the contract. The Delegate Agency shall be responsible for any item(s) that are included on the Agency's inventory list. If these items are not returned to the City, the Agency shall forthwith reimburse the City for the appraised value of said item(s) less reasonable depreciation as mutually agreed by the City and the Delegate Agency, unless otherwise specified in Exhibit B.

SECTION 10. PAYMENTS.

A. Compensation and Method of Payment. Compensation and method of payment to the Delegate Agency relative to conducting the operations of the project activities and services as herein described will be carried out as specified in Exhibit B attached hereto, and also, with respect to TBID related services, as described in the separate Agreement Between the City of Wichita, Kansas and Wichita Convention and Tourism Bureau, Inc. (the "TBID Agreement"), and will be administered under the established accounting and fiscal policies of the City of Wichita.

B. Total Payments. Total payments to the Delegate Agency will not exceed $2,515,772, plus sums provided for and paid under the TBID Agreement, for meeting all Exhibit B performance standards. The Delegate Agency will receive and disburse additional sponsorship monies to the applicant organizations listed on the attached Exhibit C, in a total amount not exceed $150,000.

C. Restriction on Disbursement. No transient guest tax funds shall be disbursed to a subcontractor of the Delegate Agency except pursuant to a written contract that incorporates by reference the general conditions of this contract.

D. Unearned Payments. Under this contract unearned payments may be suspended or terminated upon refusal to accept any additional conditions that may be imposed by the City; or if it is determined that the transient guest tax revenues are not sufficient to meet all budgeted services and activities of the total transient guest tax budgets which are established for the year under which this contract is in effect.

SECTION 11. TERMINATION CLAUSE. Upon breach of the contract by the Delegate Agency, the City, by giving written notification, may terminate this contract immediately. A breach shall include, but not be limited to, failure to comply with any or all items contained within Section 1 through Section 15, Exhibits and/or provisions of any subsequent contractual amendments executed relative to this contract. Upon cancellation or termination of this contract no further funds shall be payable or paid hereunder; and all funds remaining in the possession of the Delegate Agency at the time the City gives the cancellation notice shall be forthwith returned to the City. Upon breach of the contract by the Delegate Agency, it shall be entitled to be reimbursed by the City for actual expenditures incurred under the Contract.

SECTION 12. AMENDMENTS.

A. Changes. To provide necessary flexibility for the most effective execution of this project, whenever both the City and the Delegate Agency mutually agree, changes in this contract may be effected by placing them in written form and incorporating them into this contract.

B. Budget Transfers. All budget transfers shall be approved and signed by all the signatories of the original contract if such a transfer shall substantially change the intent of the contract. Upon determination by the City Manager such an amendment should be presented to the City Council for approval, he shall place the amendment on the City Manager's Agenda for consideration by that governing body.

SECTION 13. PERSONNEL AND SERVICES. All services required herein will be performed by the Delegate Agency under the direction of its Board of Directors.

SECTION 14. RENEGOTIATION. This contract may be renegotiated in the event alternate sources of funding become available during the term of this contract.

SECTION 15. ANTI-TRUST LITIGATION. For good cause, and as consideration for execution of this contract, the Delegate Agency, acting herein by and through its authorized agent, hereby conveys, sells, assigns and transfers to the City of Wichita all right, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of Kansas, relating to the particular product, products, or services purchased or acquired by the Delegate Agency pursuant to this contract.

SECTION 16. APPENDICES. All exhibits referred in this contract and all amendments of mutually agreed upon modification made by both parties are hereby incorporated as though fully set forth herein.

SECTION 17. INDEPENDENT CONTRACTOR. The Delegate Agency may negotiate directly for conventions, events and other bookings in order to generate room nights intended to generate a direct economic benefit for the local economy. In so doing, the Delegate Agency will be an independent contractor, and not the agent of the City. The Delegate Agency will not represent or imply to others that it possesses any agency authority on behalf of the City.

In support of the Delegate Agency's endeavors to obtain convention and similar bookings, the City may, from time to time, approve financial support and facilitate accommodations to the Delegate Agency, subject to availability of adequate funds properly budgeted and appropriated for this purpose.

EXHIBIT A Nondiscrimination and Equal Employment Opportunity Statement
EXHIBIT B Performance Criteria
EXHIBIT C 2016 Convention and Promotion Contingency

IN WITNESS WHEREOF, the parties have executed this contract on January __, 2016.

THE CITY OF WICHITA, KANSAS

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

DELEGATE AGENCY

_____
Susie Santo, President/CEO
Wichita Convention & Tourism Bureau, Inc.
d/b/a Visit Wichita Convention &Visitors Bureau

Approved as to Form:

_____
Jennifer Magana, Director of Law and City Attorney

Exhibit A

REVISED NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS

During the term of this contract, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

A. During the performance of this contract, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.

B. Requirements of the State of Kansas:

1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;

2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";

3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.

C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:

1. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;

2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the vendor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;

3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;

4. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subvendor or subsupplier.

5. If the contractor fails to comply with the manner in which the contractor reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

D. Exempted from these requirements are:

1. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five

thousand dollars ($5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.

2. Those vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.

EXHIBIT B

Visit Wichita
2016 Performance Criteria

It is mutually agreed and understood by the City of Wichita and the Wichita Convention and Tourism Bureau, Inc., d/b/a/ Visit Wichita, hereinafter referred to as the "City" and the "Delegate Agency" respectively, that the execution of this contract commits the Delegate Agency to the following goal statements and objectives.

MISSION STATEMENT

The mission of the Visit Wichita is to market the Greater Wichita Area as a destination, thereby enhancing the economic development of the city, county, region and state.

ECONOMIC IMPACT

Tourism impacts the Wichita economy in several ways including bringing new dollars into the Wichita area, generating tax revenue and creating jobs. The Delegate Agency periodically conducts research to measure economic impact. According to our latest study:

- Domestic travelers directly spent a billion dollars in the Wichita MSA during 2013. $900 million of this was in Sedgwick County.
- Visitors pay Lodging tax, State Sales tax and County Sales tax - taxes paid by visitors represent taxes that do not have to be paid by Wichita residents. During 2013 domestic traveler spending in Sedgwick County generated $81.7 million in tax revenue.
- Domestic travel expenditures directly generated 12,400 jobs within the Wichita MSA during 2013. 10,800 of these jobs are in Sedgwick County.

Note: Information is from The Economic Impact of Travel on the Wichita MSA, 2013. A Study Prepared for Visit Wichita by the Research Department of the U.S. Travel Association.

Tourism Business Improvement District (TBID) Funding

Incremental increases in objectives 1 & 2 are based on implementation of the TBID plan. If estimated TBID revenue is not achieved objectives 1 & 2 will be adjusted accordingly.

OBJECTIVE #1: The Delegate Agency will generate, service and/or participate, directly or indirectly, in convention/meeting and travel trade business for Wichita.

1. Convention Sales Future Bookings (Conventions booked from Jan 1-December 31, 2016)

2016 Goal: 146,000 room night bookings

	2011	2012	2013	2014	2015 Goal	2015 Latest Estimate	2016* Goal
Room Nights Secured:	125,026	127,733	172,292	130,010	140,000	140,000	146,000
USATF:	(11,000)						
USBC:			(40,000)				
Room nights net of large bookings:	114,026	127,733	132,292	130,010	140,000	140,000	146,000

Note: Increase in goal reflects additional group sales efforts utilizing TBID funding

OBJECTIVE #2: The Delegate Agency will implement a multi-faceted marketing program promoting the Greater Wichita Area as a destination. Utilizing both Transient Guest Tax (TGT) and TBID funding.

Note: TBID funding has allowed Visit Wichita to move away from Co-op advertising to a 100% dedicated Wichita message. Therefore in some cases impressions may have declined but the impact of the message is greater.

1. Increase reach to regional television viewers
2016 Goal: 52,000,000 impressions

	2011 Viewers	2012 Viewers	2013 Viewers	2014 Viewers	2015 Viewers Goal	2015 Latest Estimate	2016 Viewers Goal
TGT*	20,105,650	45,640,435	41,898,297	33,727,371	28,800,000	-	-
TBID**					46,439,000	56,000,000	52,000,000
Total	20,105,650	45,640,435	41,898,297	33,727,371	75,239,000	56,000,000	52,000,000

*Co-op ads placed by Kansas Travel & Tourism promoting KS. Cities, including Wichita, paid to have image and/or copy included. State of KS has changed strategy so this exposure is no longer an option. Therefore, co-op ad funding of approximately $18.6K has been shifted to digital marketing efforts for 2015 and 2016.

**Ads placed by Visit Wichita promoting Wichita only.

2. Increase reach to regional radio listeners
2016 Goal: 10,000,000 impressions

	2015 Goal	2015 Latest Estimate	2016 Viewers Goal
TBID	16,940,000	9,700,000	10,000,000

Note: Impressions are included for Pandora Radio only. Traditional radio ads are also placed but are not rated so therefore impressions cannot bet included. Traditional radio will be run for 14 weeks to complement leisure campaigns.

3. Increase regional and statewide billboard impressions
2016 Goal: 16,200,000 impressions

	2011 Impressions	2012 Impressions	2013 Impressions	2014 Impressions	2015 Impressions Goal	2015 Latest Estimate	2016 Impressions Goal
TGT *	29,846,140	29,846,140	28,032,198	21,763,212	6,400,000	8,038,170	
TBID**					4,510,000	13,800,000	16,200,000
Total	29,846,140	29,846,140	28,032,198	21,763,212	10,910,000	21,838,170	16,200,000

*Billboard strategy from 2011 through early 2015 included 13 static billboards located throughout the state. Strategy shifted in 2013 to eliminating statewide static billboards with contracts expiring in 2014 through Q1 of 2015. Funding of approximately $20K shifted, therefore, from billboards to digital marketing efforts.

**More geographically targeted, campaign-specific digital billboards were a part of the 2015 TBID summer and holiday campaigns. Additional 2016 strategy included a series of consecutive billboards geographically located near Wichita with the specific messaging to immediately pull visitors off the highway.

Note: Visit Wichita uses traffic count as impressions for billboards.

4. Increase quality national, regional and statewide print advertising impressions
2016 Goal: 9,000,000 Impressions

	2011 Impressions	2012 Impressions	2013 Impressions	2014 Impressions	2015 Impressions Goal	2015 Latest Estimate	2016 Impressions Goal
TGT	11,363,929	15,685,314	7,425,923	3,418,213	6,690,000	3,595,000	3,600,000
Coop Ads*			2,092,559	2,114,000	2,200,000	1,560,000	
TBID						3,770,000	5,400,000
Total	11,363,929	15,685,314	9,518,482	5,532,213	8,890,000	8,925,000	9,000,000

*Visit Wichita participates in coop advertising with KST&T and other tourism entities in KS. These impressions are not controlled by Visit Wichita and often vary from original marketing plan. Beginning in 2016 we will not track co-op ads in terms of impressions but will participate in those opportunities as appropriate.

Note: Beginning in 2013 strategy shifted by eliminating 1/4 pages ads to full page advertising. Therefore impressions have declined from 2012 strategy but the impact of each ad is greater.

5. Increase online advertising impressions
2016 Goal: 155,000,000 Impressions

	2011 Impressions	2012 Impressions	2013* Impressions	2014 Impressions	2015 Impressions Goal	2015 Latest Estimate	2016 Impressions Goal
TGT	16,669,528	84,801,353	21,805,844	41,794,742	85,000,000	64,000,000	31,600,000
TBID						89,000,000	122,600,000
Total	16,669,528	84,801,353	21,805,844	41,794,742	85,000,000	153,000,000	154,200,000

* In January 2013 shifted Facebook ad placement strategy to more targeted posts. This change in strategy decreased impressions but increased our click through rate 5.5 times.

OBJECTIVE #3: The Delegate Agency will implement online efforts to engage external audiences and provide on-demand information.

1 Increase website page views and visits
2016 goal: 750,000 sessions generating 2,250,000 page views

	2011	2012	2013	2014	2015 Goal	2015 Latest Est.	2016 Goal
Visits	166,601	204,106	247,925	320,969	408,000	557,000	750,000
Page Views	495,405	595,002	736,865	992,021	1,184,000	1,404,000	2,250,000
Interactive Visitor Guide visits	13,490	12,621	16,159	2,629	2,229	3,260	3,500

2 Increase Social Media activity
2016 goal: 20,750 Facebook likes and 13,750 Twitter followers

	2013	2014	2015 Goal	2015 Latest Est.	2016 Goal
Facebook likes	7,157	11,389	14,500	16,500	20,750
Twitter Followers	6,403	9,020	12,000	11,500	13,750

OBJECTIVE #4: The Delegate Agency will generate positive awareness of Wichita and tourism as an industry in order to improve exposure of Wichita to multiple audiences.

1 Increase number of Media Pitches with national and regional media and travel writers
2016 Goal: 175 Media Pitches with 190 articles published

	2011	2012	2013	2014	2015 Goal	2015* Latest Est.	2016 Goal
Media Pitches	41	27	60	120	124	124	175
Regional & National Articles Published	36	43	58	301	290	48	190

2 Local Media Pitches
2016 Goal: 200 Local Media Pitches with 225 articles published

	2011	2012	2013	2014	2015 Goal	2015* Latest Est.	2016 Goal
Local Pitches	64	45	138	174	232	232	200
Local Articles	101	109	137	250	245	97	225

Note: Local Media Pitches are pitches to the local Wichita area media on various tourism related issues.

3 Hospitality Training Program
2016 Goal: 10 Sessions

	2011	2012	2013	2014	2015 Goal	2015 Latest Est.	2016 Goal
Sessions	8	14	12	9	10	10	10

Note: Beginning in 2012 the hospitality training program Includes taxi driver training.

OBJECTIVE #5: The Delegate Agency will secure additional private funding resources to augment the Delegate Agency's transient guest tax allocation.

1. In-Kind Contributions
   2016 Goal: **$30,000** of in-kind contributions from hospitality industry partners to augment the Delegate Agency's marketing efforts

	2011	2012	2013*	2014	2015 Goal	2015 Latest Estimate	2016 Goal
In-kind Donations:	$ 30,539	$ 22,324	$ 8,749	$ 31,415	$ 23,000	$ 33,669	$ 30,000

*Moving 2013 Annual Meeting to January 2014 causing a decrease due to timing

2. Cash Contributions
   2016 Goal: **$300,000** in private revenues. The City of Wichita agrees to match each dollar collected above $200,000, not exceeding $100,000 in additional matched funds.

	2011	2012	2013	2014	2015 Goal	2015 Latest Estimate	2016 Goal
Private Revenues:	$ 262,353	$ 283,898	$ 249,477	$ 287,661	$ 300,000	$ 300,000	$ 300,000

OBJECTIVE #6: The Delegate Agency will support and influence the development and maintenance of accommodations, facilities, attractions and infrastructure that are consistent with the Delegate Agency's mission statement and that meet the needs of visitors.

Industry Indicators

The Delegate Agency will quarterly track the following industry indicators which reflect the economic growth and impact of tourism in the area.

- Transient Guest Tax Revenues
- Hotel Occupancy Rate
- Hotel Average Daily Rate (ADR)
- Report quarterly and yearly historical comparison at area attractions

OBJECTIVE #7: The Delegate Agency will execute the TBID plan as directed by the TBID advisory board and approved by the City Council. Performance will be measured and reported annually in accordance with the TBID agreement and TBID ordinance.

2016 Operating Budget	
2016 Funding (Non-TBID)	$ 2,415,772
Monthly Advance (Non-TBID)	$ 201,314.33

1. **Method of Payment**

The Delegate Agency agrees payments under this contract shall be in accordance with established budgetary, purchasing and accounting procedures of the city of Wichita.

1.1. The City agrees to advance the Delegate Agency the monthly non-TBID advance on the first Friday of each month. The Delegate agency, upon closing their month-end books, will submit an invoice for all monthly expenditures to the City for approval. The City may request additional justification regarding items submitted for payment and may decline payment for items not related to the promotion of convention and tourism in the City of Wichita. All billings are subject to discussion and resolution by and between the City Manager and the President/CEO of the Delegate Agency, or their representatives. All final billings and payments will be reconciled at year-end. The City, at the Delegate Agency's request, will consider additional funding for special tourism projects that will enhance tourism initiatives.

1.2 The funding and the method of payment for TBID related services will be as provided in the TBID agreement.

2. **Information to be provided by the Delegate Agency to the City**

2.1. A monthly printout, which reflects all actual expenditures by line item and program expenditure.
2.2. An annual audit conducted by an independent Certified Public Accountant, which is in accordance with generally accepted audit standards. For the 2015 annual audit, the audit firm of BKD, LLP has been retained by the Delegate Agency.
2.3. The Delegate Agency will provide to the City Appointed Board Representative a copy of the Board of Directors minutes.

3. **Inventory**

The Delegate Agency shall maintain in its office and file with the City an up-to-date inventory list of all personal property, e.g. furniture, fixtures, equipment, etc. purchased with transient guest tax funds and used for the administration of the program or in the administration of a project operated in conjunction with the contract. Such inventory list must identify each item purchased, state the physical location of same, the cost of each item, the date purchased and the City of Wichita inventory seal number must be affixed to each item. Authorized additional items purchased during the contact year shall be reported to the City within 30 days of receipt.

The Delegate Agency shall be responsible for conducting a physical inventory of each of the inventoried items with its final report for the contract year, certifying in written form that all such inventory items are in the possession of the Delegate Agency. No inventory items may be disposed of in any fashion without the prior written approval of the City.

4. **Program Progress Reports**

The Delegate Agency as part of its obligation under section 3 of this contract shall submit a quarterly report to the City of Wichita for the quarters ending March 31, June 30, September 30, and December 31. These reports shall be due in the City Manager's Office in order to provide the City with the information to evaluate the Performance Criteria section of this contract. This report shall be submitted no later than 45 days following the end of each quarter.

EXHIBIT B

Visit Wichita
2016 Performance Criteria
Preliminary Draft

It is mutually agreed and understood by the City of Wichita and the Wichita Convention and Tourism Bureau, Inc., d/b/a/ Visit Wichita, hereinafter referred to as the "City" and the "Delegate Agency" respectively, that the execution of this contract commits the Delegate Agency to the following goal statements and objectives.

MISSION STATEMENT

The mission of the Visit Wichita is to market the Greater Wichita Area as a destination, thereby enhancing the economic development of the city, county, region and state.

ECONOMIC IMPACT

Tourism impacts the Wichita economy in several ways including bringing new dollars into the Wichita area, generating tax revenue and creating jobs. The Delegate Agency periodically conducts research to measure economic impact. According to our latest study:

- Domestic travelers directly spent a billion dollars in the Wichita MSA during 2013. $900 million of this was in Sedgwick County.
- Visitors pay Lodging tax, State Sales tax and County Sales tax - taxes paid by visitors represent taxes that do not have to be paid by Wichita residents. During 2013 domestic traveler spending in Sedgwick County generated $81.7 million in tax revenue.
- Domestic travel expenditures directly generated 12,400 jobs within the Wichita MSA during 2013. 10,800 of these jobs are in Sedgwick County.

Note: Information is from The Economic Impact of Travel on the Wichita MSA, 2013. A Study Prepared for Visit Wichita by the Research Department of the U.S. Travel Association.

Tourism Business Improvement District (TBID) Funding

Incremental increases in objectives 1 & 2 are based on implementation of the TBID plan. If estimated TBID revenue is not achieved objectives 1 & 2 will be adjusted accordingly.

OBJECTIVE #1: The Delegate Agency will generate, service and/or participate, directly or indirectly, in convention/meeting and travel trade business for Wichita.

1. Convention Sales Future Bookings (Conventions booked from Jan 1-December 31, 2016)

2016 Goal: Generate 146,000 room nights

	2011	2012	2013	2014	2015 Goal	2015 Latest Estimate	2016* Goal
Room Nights Secured:	125,026	127,733	172,292	130,010	140,000	133,000	146,000
USATF:	(11,000)						
USBC:			(40,000)				
Room nights net of large bookings:	114,026	127,733	132,292	130,010	140,000	133,000	146,000

*Increase in goal reflects additional group sales efforts utilizing TBID funding

OBJECTIVE #2: The Delegate Agency will implement a multi-faceted marketing program promoting the Greater Wichita Area as a destination.

1. Increase reach to regional television viewers
   2016 Goal: 52,000,000 impressions

	2011 Viewers	2012 Viewers	2013 Viewers	2014 Viewers	2015 Viewers Goal	2015 Latest Estimate	2016 Viewers Goal
TGT	20,105,650	45,640,435	41,898,297	33,727,371	28,800,000	-	-
TBID					46,439,000	56,000,000	52,000,000
Total	20,105,650	45,640,435	41,898,297	33,727,371	75,239,000	56,000,000	52,000,000

*Ads placed in participation with the Kansas Travel & Tourism (KST&T) co-op television advertising campaign promoting Kansas.

*Ads placed by as part of summer and holiday campaigns

2. Increase reach to regional radio listeners
   2016 Goal: 10,000,000 impressions

	2015 Goal	2015 Latest Estimate	2016 Viewers Goal
TBID	16,940,000	9,700,000	10,000,000

Note: Impressions are included for Pandora Radio only. Traditional radio ads are also placed but is not rated so therefore impressions aren't included.

3. Increase regional and statewide billboard impressions
   2016 Goal: 16,200,000 impressions

	2011 Impressions	2012 Impressions	2013 Impressions	2014 Impressions	2015 Impressions Goal	2015 Latest Estimate	2016 Impressions Goal
TGT *	29,846,140	29,846,140	28,032,198	21,763,212	6,400,000	8,038,170	
TBID***					4,510,000	13,800,000	16,200,000
Total	29,846,140	29,846,140	28,032,198	21,763,212	10,910,000	21,838,170	16,200,000

*Visit Wichita has consistently had billboard advertising contracts with three vendors. The contracts with these vendors expired during 2014 and Q1 2015.

***Ads placed on didital billboards to support summer and holiday campaigns as well as nearby year round static boards

Note:Visit Wichita uses traffic count as impressions for digital billboards.

4. Increase quality national, regional and statewide print advertising impressions
2016 Goal: 9,000,000 Impressions

	2011 Impressions	2012 Impressions	2013 Impressions	2014 Impressions	2015 Impressions Goal	2015 Latest Estimate	2016 Impressions Goal
TGT	11,363,929	15,685,314	9,518,482	5,532,213	6,690,000	3,595,000	3,600,000
Coop Ads*					2,200,000	1,560,000	
TBID						3,770,000	5,400,000
Total	11,363,929	15,685,314	9,518,482	5,532,213	8,890,000	8,925,000	9,000,000

*Visit Wichita participates in coop advertising with KST&T and other tourism entities in KS. These impressions are not controlled by Visit Wichita and often vary from original marketing plan.

5. Increase online advertising impressions
2016 Goal: 155,000,000 Impressions

	2011 Impressions	2012* Impressions	2013*** Impressions	2014 Impressions	2015 Impressions Goal	2015 Latest Estimate	2016 Impressions Goal
TGT	16,669,528	84,801,353	21,805,844	41,794,742	85,000,000	31,600,000	31,600,000
TBID						121,400,000	122,600,000
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6. Increase website page views and visits
2016 goal: 750,000 sessions generating 2,250,000 page views

	2011	2012	2013	2014	2015 Goal	2015 Latest Est.	2016 Goal
Visits	166,601	204,106	247,925	320,969	408,000	557,000	750,000
Page Views	495,405	595,002	736,865	992,021	1,184,000	1,404,000	2,250,000
Interactive Visitor Guide visits	13,490	12,621	16,159	2,629	2,229	3,260	3,500

7. Increase Social Media activity
2016 goal: 20,750 Facebook likes and 13,750 Twitter followers

	2013	2014	2015 Goal	2015 Latest Est.	2016 Goal
Facebook likes	7,157	11,389	14,500	16,500	20,750
Twitter Followers	6,403	9,020	12,000	11,500	13,750

8. Increase number of Media Pitches with national and regional media and travel writers
2016 Goal: 175 Media Pitches with 190 articles published

	2011	2012	2013	2014	2015 Goal	2015* Latest Est.	2016 Goal
Media Pitches	41	27	60	120	124	124	175
Regional & National Articles Published	36	43	58	301	290	48	190

* PR position was open for nine months of the year.

OBJECTIVE #3: The Delegate Agency will generate positive awareness of tourism as an industry and build community support for Visit Wichita, the Delegate Agency, and it's mission, vision and goals.

1. Hospitality Training Program
2016 Goal: 10 Sessions

	2011	2012	2013	2014	2015 Goal	2015 Latest Est.	2016 Goal
Sessions	8	14	12	9	10	10	10

Note: Beginning in 2012 the hospitality training program Includes taxi driver training.

2 Local Media Pitches
2016 Goal: 200 Local Media Pitches with 225 articles published

	2011	2012	2013	2014	2015 Goal	2015* Latest Est.	2016 Goal
Local Articles	101	109	137	250	245	97	225

Note: Local Media Pitches are pitches to the local Wichita area media on various tourism related issues.

* PR position was open for nine months of the year.

OBJECTIVE #4: The Delegate Agency will secure additional private funding resources to augment the Delegate Agency's transient guest tax allocation.

1. In-Kind Contributions
   2016 Goal: **$30,000** of in-kind contributions from hospitality industry partners to augment the Delegate Agency's marketing efforts

	2011	2012	2013*	2014	2015 Goal	2015 Latest Estimate	2016 Goal
In-kind Donations:	$ 30,539	$ 22,324	$ 8,749	$ 31,415	$ 23,000	$ 33,669	$ 30,000

*Moving 2013 Annual Meeting to January 2014 causing a decrease due to timing

2. Cash Contributions
   2016 Goal: **$300,000** in private revenues. The City of Wichita agrees to match each dollar collected above $200,000, not exceeding $100,000 in additional matched funds.

	2011	2012	2013	2014	2015 Goal	2015 Latest Estimate	2016 Goal
Private Revenues:	$ 262,353	$ 283,898	$ 249,477	$ 287,661	$ 300,000	$ 300,000	$ 300,000

OBJECTIVE #5: The Delegate Agency will support and influence the development and maintenance of accommodations, facilities, attractions and infrastructure that are consistent with the Delegate Agency's mission statement and that meet the needs of visitors.

Industry Indicators

The Delegate Agency will quarterly track the following industry indicators which reflect the economic growth and impact of tourism in the area.

- Transient Guest Tax Revenues
- Hotel Occupancy Rate
- Hotel Average Daily Rate (ADR)
- Report quarterly and yearly historical comparison at area attractions

OBJECTIVE #6: The Delegate Agency will execute the TBID plan as directed by the TBID advisory board and approved by the City Council. Performance will be measured and reported annually in accordance with the TBID agreement and TBID ordinance.

2015 Approved Budget	$	2,297,021
One-time funding of operations	$	25,000
2016 Funding (Non-TBID)	$	2,415,772
Monthly Advance (Non-TBID)	$	201,314.33

1. **Method of Payment**

The Delegate Agency agrees payments under this contract shall be in accordance with established budgetary, purchasing and accounting procedures of the city of Wichita.

1.1. The City agrees to advance the Delegate Agency the monthly non-TBID advance on the first Friday of each month. The Delegate agency, upon closing their month-end books, will submit an invoice for all monthly expenditures to the City for approval. The City may request additional justification regarding items submitted for payment and may decline payment for items not related to the promotion of convention and tourism in the City of Wichita. All billings are subject to discussion and resolution by and between the City Manager and the President/CEO of the Delegate Agency, or their representatives. All final billings and payments will be reconciled at year-end. The City, at the Delegate Agency's request, will consider additional funding for special tourism projects that will enhance tourism initiatives.

1.2 The funding and the method of payment for TBID related services will be as provided in the TBID agreement.

2. **Information to be provided by the Delegate Agency to the City**

2.1. A monthly printout, which reflects all actual expenditures by line item and program expenditure.
2.2. An annual audit conducted by an independent Certified Public Accountant, which is in accordance with generally accepted audit standards. For the 2014 annual audit, the audit firm of BKD, LLP has been retained by the Delegate Agency.
2.3. The Delegate Agency will provide to the City Appointed Board Representative a copy of the Board of Directors minutes.

3. **Inventory**

The Delegate Agency shall maintain in its office and file with the City an up-to-date inventory list of all personal property, e.g. furniture, fixtures, equipment, etc. purchased with transient guest tax funds and used for the administration of the program or in the administration of a project operated in conjunction with the contract. Such inventory list must identify each item purchased, state the physical location of same, the cost of each item, the date purchased and the City of Wichita inventory seal number must be affixed to each item. Authorized additional items purchased during the contact year shall be reported to the City within 30 days of receipt.

The Delegate Agency shall be responsible for conducting a physical inventory of each of the inventoried items with its final report for the contract year, certifying in written form that all such inventory items are in the possession of the Delegate Agency. No inventory items may be disposed of in any fashion without the prior written approval of the City.

4. **Program Progress Reports**

The Delegate Agency as part of its obligation under section 3 of this contract shall submit a quarterly report to the City of Wichita for the quarters ending March 31, June 30, September 30, and December 31. These reports shall be due in the City Manager's Office in order to provide the City with the information to evaluate the Performance Criteria section of this contract. This report shall be submitted no later than 45 days following the end of each

quarter.

Exhibit C
Visit Wichita

2016 Sponsorships - Convention & Promotion Contingency		
Community Event Sponsorships	$	18,500
Community Event Sponsorships represent sponsorship contributions to various local events which attract visitors to the area from outside of Sedgwick County.		
National Convention Sponsorships	$	11,500
Regional Convention Sponsorships	$	6,200
State Convention Sponsorships	$	4,850
National, Regional, and State Sponsorships represent sponsorships of national, regional and state groups who choose to hold conventions and meetings in the Greater Wichita Area.		
Sports Sponsorships	$	83,950
Sports Sponsorships represent sponsorship of local, regional, and national sporting events held in the Greater Wichita Area. Many of these events are in partnership with the Greater Wichita Area Sports Commission.		
Potential New Requests	$	5,000
During the year, Go Wichita will review new sponsorship opportunities to increase visitation and events in Wichita.		
City Reserved Amount	$	20,000
Total	**$**	**150,000**

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: Request for Resolution of Support for Application for Housing Tax Credits: Chelsea Townhomes Apartments (District IV)

INITIATED BY: Housing and Community Services Department

AGENDA: New Business

Recommendation: Adopt the resolution for the application for Housing Tax Credits, subject to all local building and zoning codes, ordinances and any additional design review requirements, with waiver of the 20% market-rate unit requirement.

Background: The Housing Tax Credit Program is administered by the Kansas Housing Resources Corporation. Enacted in the Tax Reform Act of 1986, the Housing Tax Credit Program is designed to secure private equity capital for the development of affordable rental housing. The program can provide a substantial portion of the total development cost, which reduces the amount of debt financing in affordable rental housing developments. This allows lower rents and greater affordability. The State receives a tax credit allocation from the Federal government, and requires developers/owners to obtain a resolution of support from the local government when submitting applications for financing through the program.

The City has received a request from Mennonite Housing Rehabilitation Services, Inc., for a City Council resolution of support for an application for 9% Housing Tax Credits in connection with site acquisition and construction of the Chelsea Townhomes apartment complex.

Under the City's adopted Housing Tax Credit (HTC) Policy, developers/owners must present proposed Housing Tax Credit projects to the applicable District Advisory Board (DAB). The policy also requires a review by the City's Development Coordinating Committee (DCC). The Planning Department and the Metropolitan Area Building and Construction Department (MABCD) also review the project for zoning and design appropriateness and provide comments regarding consistency with neighborhood plans, if applicable. Once the project is reviewed by the DAB, DCC, Planning and MABCD, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the Housing Tax Credit application.

Analysis: The proposed Chelsea Townhomes apartment complex is to be located at the southeast corner of Meridian and 45th Street South. According to the application, the proposed project will include 42 apartment units, including 14 two-bedroom apartments, 22 three-bedroom apartments, and six four-bedroom apartments, within nine two-story buildings. The proposed project is the first phase of a planned two-phase development. All apartments will have private entrances, and washer and dryer hook-ups will be provided within each unit. A clubhouse building is to be constructed as well, which will feature a community room, a storm shelter, office space, a computer room, a kitchen facility, a laundry room and restrooms.

Preliminary tax credit rent amounts are estimated to be between $455 and $584 for the two-bedroom units, between $525 and $675 for the three-bedroom units, and between $575 and $750 for the four-bedroom units. One unit is proposed to be offered to a qualifying homeless family, at zero rent. The City's HTC Policy requires a set-aside of 20% of the units for market-rate tenants. As allowed under the policy, the applicant is requesting waiver of this requirement, citing extenuating circumstances related to

market conditions. The developer believes the market conditions support a deviation from the guideline because the additional income that could be generated from non-HTC units at this location would be minimal, at best, and would not support additional debt service. This is based on preliminary market study data obtained by the applicant.

The Planning Department reviewed the proposed project and recommends adoption of the resolution of support for the application for HTCs, stating that the proposed project is substantially consistent with the Future Development Concept Map that is a part of the South Wichita/Haysville Area Plan, which has been adopted as an element of the Wichita-Sedgwick County Comprehensive Plan. Planning staff has expressed the opinion that the proposed project would be a positive addition to the neighborhood, and would also utilize available capacity in the City's existing infrastructure.

MABCD reviewed the project proposal and the preliminary site plan. Fair Housing Act (FHA) provisions, with respect to accessibility, will apply to any building with four or more residential units. The clubhouse building is considered to be a commercial building subject to provisions of the International Building Code (IBC) and requires submittal of plans for review and approval.

MABCD staff noted that there are design options for townhouse-type apartment buildings. If the IBC is utilized, buildings with more than four units are required to have a fire sprinkler system. There is a design option within the IBC that allows for construction of a two-hour fire-resistant/rated fire wall within the six-unit building, which could be used to reduce the number of units to four or fewer on a given side of the building, thus eliminating the sprinkler requirement. Under this option, complete plans are required to be submitted for review/approval as a commercial project. If the International Residential Code (IRC) is utilized, each dwelling unit must be separated from adjacent units by not less than a two-hour fire resistant wall assembly extending through the attic space. The developer and the project architect must make a decision with respect to one of these options, when submitting plans and specifications for plan review. Compliance with the applicable code will be required. Town houses are treated as single-family units, and thus, only civil drawings to address drainage and a site plan for unit layout are required. However, the clubhouse will still be treated as a commercial building.

DAB IV voted (6-1) to recommend adoption of the resolution of support, with waiver of the 20% market rate unit requirement. The DCC also voted to recommend adoption of the resolution of support with the waiver.

Housing and Community Services (HCS) staff believes that the proposed project will provide safe, clean, affordable rental housing, and recommends adoption of a resolution of support by the City Council with waiver of the 20% market rate unit requirement. HCS staff considers the developer's request for the partial waiver to be reasonable, based on review of the market study data, which includes a survey of apartment rent amounts within the surrounding area.

The resolution of support will not constitute final plan or design approval. If the project is awarded Housing Tax Credits, the project developer must comply with all requirements associated with appropriate plan reviews required for issuance of a City building permit. These reviews will include compliance with the City of Wichita's Housing Tax Credit Policy design guidelines. Further, the developer must comply with any additional reviews that may be requested by the City Council member in whose district the proposed project is planned.

Vetting of the developer was conducted by Office of Economic Development staff. There were no outstanding issues noted.

Financial Considerations: The total project cost is estimated to be $7,194,385, including $5,702,091 in construction costs. The project will be financed with HTCs, a private bank loan, a loan from the Federal Home Loan Bank's Affordable Housing Program, and deferred developer fees. The City will not be involved in the financing of the project.

Legal Considerations: The Law Department has reviewed the resolution and approved it as to form.

Recommendations/Actions: It is recommended that the City Council adopt the resolution of support for the application for Housing Tax Credits, subject to all local building and zoning codes, ordinances and any additional design review requirements, with waiver of the 20% market-rate unit requirement.

Attachment: Resolution.

RESOLUTION NO. 16-000

A RESOLUTION ESTABLISHING SUPPORT OF THE DEVELOPMENT OF AFFORDABLE HOUSING IN THE CITY OF WICHITA, KANSAS.

WHEREAS, the City of Wichita, Kansas has been informed by Mennonite Housing Rehabilitation Services, Inc., that a housing tax credit application will be filed with the Kansas Housing Resources Corporation for the development of affordable rental housing to be located on a site legally described as follows:

The North 7 acres, more or less, of the following described tract: The Southwest Quarter of the Southwest Quarter of Section 18, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the West 263.6 feet of the South half of the North half of the Southwest Quarter of said Southwest Quarter, and except the East half of the Southwest Quarter of said Southwest Quarter, and except that part dedicated for street, and except that part deeded to the City of Wichita for street purposes

WHEREAS, this housing development will contain up to 42 apartment units including 14 two-bedroom units, 22 three-bedroom units, six four-bedroom units and a clubhouse/community building, with all apartment units subject to the restrictions imposed by the Kansas Housing Resources Corporation, for purposes of enforcing the requirements of the Low-Income Housing Tax Credit Program.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS:

That the Governing Body of the City of Wichita, Kansas supports and approves the development of the aforesaid housing in our community, subject to city ordinances and the building permit process. This Resolution is effective until December 15, 2017. In the event that any of the characteristics mentioned above should change prior to the issuance of a building permit, this resolution is null and void.

This resolution does not constitute design or plan approval by the City of Wichita. The project design must comply with the City of Wichita's Housing Tax Credit Policy design guidelines, which will be determined by the Metropolitan Area Planning Department and the Metropolitan Area Building and Construction Department, after the project is approved for tax credits. During that review, complete building plans may be submitted to the Council Member, at the Council Member's request, prior to issuance of a building permit. All projects must comply with all applicable building codes, zoning codes, ordinances, and requirements.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, this 5th day of January, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and Director of Law

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: Consent Order Schedule of Compliance (All Districts)

INITIATED BY: Department of Public Works & Utilities

AGENDA: New Business

Recommendation: Receive and file the Kansas Department of Health and Environment (KDHE) written approval of the City's corrective actions included in the Consent Order and Amendments to achieve compliance.

Background: On July 11, 2013, KDHE and the City of Wichita agreed to Consent Order Case # 13-E-1 BOW, which was issued as a consequence of a faulty gate valve that resulted in an unintended release of partially treated effluent into the Arkansas River from the Plant 2 Wastewater Treatment Plant. Council approved corrective actions identified in the Consent Order Schedule of Compliance. Council also approved an additional schedule of compliance actions included in two subsequent amendments to the Consent Order on January 14, 2014 and February 10, 2015. The Schedule of Compliance included the following actions:

- Implement an Enhanced Water Quality Monitoring Plan
- Complete a Condition Assessment Study on Plants 1 through 5, 60 Lift Stations and perform a risk assessment overview of the wastewater collection system and components of the Water Treatment Plant that poses a threat to the Arkansas River.
- Perform assessment and develop a Schedule of Work on rehabilitating the Plant Two Influent Force Main
- Replace Roof at Plant One Pumping Facility
- Assess and implement emergency back-up power needs at Plant One and Two
- Improve and rehabilitate Plant Two Headworks
- Improve plant headworks, reuse pumping, and solids handling facilities at Northwest Plant Three
- Rehabilitate/Replace Aging Sewer Lift Stations
- Rehabilitate /Replace 66 Inch Force Main between Plant One and Plant Two

Upgrades to these facilities are necessary to meet regulatory requirements and reduce risk that is associated with aging infrastructure.

Analysis: KDHE has acknowledged that the City has met, or is in the process of meeting all of the Schedule of Compliance action items. The final compliance action is the work necessary to improve the headworks and solids handling structures at the Northwest Cowskin Plant # 3. Council approved a Design Build contract and work is scheduled to be complete by June 30, 2016. Once this work is complete, KDHE will send the City a closure letter acknowledging the City has met the Schedule of Compliance action items included in the Consent Order and first and second amendments.

Financial Consideration*:* There are no financial implications regarding this item. The projects were approved by the City Council at a cost of $11,575,000. To date, all projects have come in under budget. These projects were funded by the 2015-2024 Capital Improvement Program which was approved by the City Council in August, 2015.

Legal Considerations: The Law Department reviewed and approved the Consent Order and the first and second amendments. The City of Wichita is in Compliance with the Consent Order Case #13-E-1 BOW

Recommendation/Action: It is recommended that the City Council receive and file the attached letter from the City to KDHE that establishes an agreement between the two parties regarding the status of the Consent Order Case #13-E-1 BOW, and the process to close the same consent order.

Attachment: Letter from the City of Wichita to KDHE, dated December 4, 2015, regarding City of Wichita Consent Order Status and Closure Process, and KDHE written comments.

CITY OF WICHITA

Department of Public Works

Mike Tate
Bureau of Water Director
Kansas Department of Health and Environment
1000 SW Jackson, suite 420
Topeka, KS 66612-1367

December 4, 2015

Re: City of Wichita Consent Order Status and Closure Process
Kansas Water Pollution Control Permit #M-AR94-IO01
Federal Permit #KS0043036
KDHE Case #13-E-1 BOW

Dear Mr. Tate,

Thank you for meeting with the City of Wichita on December 3, 2015, to discuss the status of, and closure process for, the Consent Order KDHE Case #13-E-1 BOW (Consent Order). As discussed, City staff will recommend the Wichita City Council take action to receive and file this letter, and any KDHE comments, for the purpose of establishing an agreement between the City of Wichita and KDHE including:

1. Confirm the status of the Consent Order and schedules of compliance under amendments one and two, including the Plant 2 Influent Schedule of Work as submitted.
2. Confirm the process to close the Consent Order.

Consent Order status

The City is currently compliant with the terms and conditions of the Consent Order as reflected in the following schedules: Attachment 1 Schedule of Compliance; First Amendment to Consent Order Schedule of Compliance; and, Second Amendment to Consent Order Schedule of Compliance.

Attachment 1 Schedule of Compliance

Action	Required Date	Status
PHASE 1		
1. Develop and submit a plan to KDHE for approval for a water quality monitoring network along the Arkansas River and within the Wichita city limits with a purpose	July 1, 2013	Complete

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identifying impacts to the River potentially attributable to City of Wichita infrastructure.		
2. Implement the water quality network approved in Item 1 of this Schedule of Compliance	September 1, 2013	Complete
Phase 2		
3. Complete a Capacity, Management, Operation, and Maintenance (CMOM) – like assessment for assessing Wichita Wastewater Treatment Plant 2and develop a final report for the assessment. The final report shall be submitted to KDHE for approval and shall contain a proposed schedule of compliance for completing construction of risk reduction projects identified in the report.	December 31, 2013	Complete
4. Meet with KDHE and negotiate a final Schedule of Compliance for Phase 2 Item 3, above, as required by Consent Order 13-E-1 BOW	December 31, 2013	Complete
Phase 3		
5. Complete CMOM – like assessments for Wichita Wastewater Plants 1,3,45, and the City's pump/lift stations. Complete a risk assessment for the City's wastewater collection system and those components of the Water Treatment Plant that could pose a potential threat of discharge into the Arkansas River. Develop a .final report for the assessments. The final report shall be submitted to KDHE for approval and shall contain a proposed schedule of compliance for completing construction of risk reduction projects identified in the report.	December 31, 2014	Complete
6. Meet with KDHE and negotiate a final Schedule of Compliance for Phase 3 Item 5, above, as required by Consent Order 13-E-1 BOW.	December 31, 2014	Complete

Notes regarding the Attachment 1 Schedule of Compliance include:

- No further action is required under the Attachment 1 Schedule of Compliance.

First Amendment to Consent Order Schedule of Compliance

Schedule of Compliance	Begin Date	Completion Date	Status
Plant 2 Influent Forcemain Improvement Project			
1. Emergency Response Plan	March 1, 2014	June 30, 2014	Complete; To be updated
2. Install two flow meters	March 1, 2014	December 31, 2014	Complete; additional to be installed at Plant2
3. Purchase spare parts inventory	March 1, 2014	December 31, 2014	Complete
4. Pre-design assessment prep work and inspection	March 1, 2014	December 31, 2015	Complete
5. Rehabilitation work	By June 30, 2016, provide a Schedule of Work based upon the results of the inspection and for review and approval by KDHE.		Complete
Plant 1 and Plant 2 Emergency Backup Power	March 1, 2014	December 31, 2015	On target
Plant 2 UV Disinfection System – Third Unit	March 1, 2014	December 31, 2015	On target
Plant 2 Headworks and Primary Clarification Improvements	March 1, 2014	December 31, 2014	Complete

Notes regarding the First Amendment SOC include:

- The Emergency Response Plan will be revised after work on the Plant 2 Influent Forcemain has been completed.
- An additional flow meter will be installed when access to the Plant 2 Forcemain is available at the Plant 2 location.
- Schedule of Work for the Influent Force Main is approved as submitted to KDHE on December, 2, 2015.
- Plant 2 UV Disinfection System – Third Unit: "Third Unit" is the same as two units that achieve the same treatment capacity (as three) with redundancy.
- No further action will be required beyond completion of the items: Plant 1 and Plant 2 Emergency Backup Power; and, Plant 2 UV Disinfection System – Third Unit.

Plant 2 Influent Forcemain Schedule of Work

Schedule of Work	Begin Date	Completion Date	Status
Construction of a redundant parallel inverted siphon crossing at the Arkansas River	January 1, 2016	December 31, 2017	Schedule of Work approved by KDHE Design contract prepared to move forward to City Council
Construction of additional access structures, to include:			
1. Inlet and outlet structures for the parallel inverted siphon crossing at the Arkansas River	January 1, 2016	December 31, 2017	
2. An access structure at Plant 2 that will also accommodate the requisite downstream flow meter	January 1, 2016	December 31, 2017	
3. New MacArthur North and South Structures, with realignment of the Forcemain to its original configuration; and, removal of obstructions	January 1, 2016	September 30, 2018	
4. Access structures upstream and downstream of the Kansas I-35 Turnpike crossing; and, removal of obstructions	January 1, 2016	September 30, 2018	
5. An intermediate access structure located just south of 47th Street 6.	January 1, 2016	September 30, 2018	
Repair and rehabilitation of the Plant 2 Force Main, to include Cured in Place Pipe (CIPP) and/or slip-lining; and, removal of debris and obstructions	January 1, 2016	October 31, 2018	

Notes regarding the Plant 2 Influent Forcemain SOC include:

- Contract for design work is prepared to move forward to City Council following the Receive and File Action on this document.
- Dates included in the SOC may be adjusted as the design contracting phases progress.
- No further action in regards to the Forcemain is required under the Consent Order.

Second Amendment to Consent Order Schedule of Compliance

Schedule of Compliance	Begin Date	Completion Date	Status
1. Plant 1 Roof Replacement	March 1, 2015	March 1, 2016	On target
2. Plant 3 Headworks & Solids Treatment Improvements	March 1, 2015	June 30, 2016	On target
a. Evaluate and rehabilitate influent channels, isolation gate and grit removal system			
b. Evaluate and rehabilitate aerated sludge holding and diffused air system; replace mixing equipment and reuse pumps			
3. Report on Programs	Submit to KDHE by September 1, 2015		Complete
a. Replacement of 65 Highest Risk Assets (including Lift Stations)			
b. Rehabilitate/Replace 23 Lift Stations			
c. Wastewater Collection System CIP Program			
4. Collection System Report that establishes a prioritization of improvements and/or repairs	Submit to KDHE by September 1, 2015		Complete

Notes regarding the Second Amendment SOC include:

- City staff expressed concerns about the completion date for item 2a (grit removal) due to the potential for a long lead time on the Grit King equipment. The City has since met with the consultant and has assurance that delivery of the Grit King is on schedule to meet the completion date of June 30, 2016.
- The City plans to add a centrifuge to enhance the solids handling procedures, which may not be completed by June 30th. However the City and KDHE agreed this enhancement is not a part of the Consent Order Second Amendment.

Consent Order closure

The KDHE will take action to formally close the Consent Order upon the City's completion of the last item: Plant 3 Headworks & Solids Treatment Improvements, with the completion date being June 30, 2016. Official closure will be established in the form of a letter transmitted form the KDHE to the City of Wichita and no further action will be required thereafter.

In closing, it is necessary for City staff to present this document to Wichita City Council as a Receive and File Action Item prior to moving forward with the design contract for the Plant 3 Headworks & Solids Treatment Improvements project. In order to move forward with the design contract as quickly as possible, City staff will present this letter along with KDHE written comments to the Council on December 15, 2015. Therefore, the City respectfully requests final comments from KDHE be provided in writing to the City by December 10, 2015.

If you have any questions please contact me or Don Henry at 316.268.4470.

Sincerely,

Alan King
Director of Public Works & Utilities

xc: Rod Geisler, KDHE BOW Municipal Programs
Shelly Shores-Miller, KDHE BOW
Jeff VanZandt, City Attorney
Don Henry, Assistant Director of Public Works & Utilities
Gary Janzen, City Engineer
Rebecca Lewis, Sewage Treatment Division Manager

KDHE BOW

Consent Order Status

Kansas
Department of Health
and Environment

CITY OF
WICHITA

RECEIVED

DEC 03 2015

BUREAU OF WATER

City of Wichita, Kansas

KDHE Consent Order Case No 13-E-1 BOW

Schedule of Compliance Progress

First Amendment to Consent Order

Work Description	Compliance Date	Status	Comments
Plant 2 Influent Force Main Improvements:			
1. Emergency Response Plan	June 30, 2014	Complete	Plan is living document will be revised as changes are made to the Force Main
2. Install two flow meters	Dec. 31, 2014	Partially Completed	Installed Meter at Plant One – Sought and received approval from KDHE to delay installation at Plant Two until access structure is in place on Force Main on Plant 2 facility
3. Purchase Spare Parts Inventory	Dec. 1, 2014	Complete	Spare parts list is included in CERP and parts are located at the Plant One storage site
4. Pre-design assessment prep work and inspection	Dec. 31, 2015	Complete	Assessment and Inspection completed March, 2015 by Brown And Caldwell
5. Rehabilitation work Schedule of Compliance	June 30, 2016	In progress	Schedule of Work submitted to KDHE for approval to rehabilitate line, including CIPP, redundant River siphon, and access structure at Plant 2 – Plan to enter into an agreement with Brown and Caldwell for design work and construction oversight. Estimate work to begin in early 2016 with completion in 2018.
Plant 1 & 2 Emergency Power	Dec. 31, 2015	In Progress	Generators in place and load tests are progressing. Plan to do a power transfer from Westar to Generators and back to Westar on December 4th Expected completion date is December 7, 2015
Plant 2 UV Disinfection System – 3rd Unit	Dec. 31, 2015	In Progress	UV Equipment installed, Installation of gates and finger weirs - Planned for week of November 30th Estimate entire system to be operational by the week of December 3rd. Performance testing is expected to be completed by December 18, 2015.
Plant 2 Headworks and Primary Clarification Improvements	December 31, 2014	Complete	Project completed on December 17, 2014. In addition to construction improvements at the Wetwell and Parshall flume, biofilter serving the headworks was upgraded in August, 2015.

Second Amendment to Consent Order

Work Description	Compliance Date	Status	Comments
1. Plant One Roof Replacement	March 1, 2016	In Progress	Estimated completion is December 31, 2015, pending weather
2. Plant 3 Headworks & Solids Treatment Improvements	June 30 , 2016	In Progress	City entered into a design build agreement with Burns &Mac/CAS Design Team. Scheduled for Council approval on December 8, 2015. Due to long lead times of equipment, City may request a 60 day extension of final compliance date.
3. Report on Programs 65 highest Risk Assets Rehab/replace 23 lift Stations Wastewater Collection System CIP program	September 1, 2015	Complete	
4. Collection System Report	September 1, 2015	Complete	

Plant 2 Influent Forcemain Schedule of Work

Project Description	2016	2017	2018
1. Repair and rehabilitation of the Plant 2 Force Main, to include Cured in Place Pipe (CIPP) and/or slip-lining; and, removal of debris and obstructions	Begin design January 1 Complete design December 31	Mobilize to site and set-up bypass in January	Complete construction October 31st (Final Completion)
2. Construction of a redundant parallel inverted siphon crossing at the Arkansas River	Begin design January 1 Complete design December 31	Begin construction March 2017 Complete construction December 31, 2017	
3. Construction of additional access structures, to include:	Begin design January 1 Complete design December 31		
a. Inlet and outlet structures for the parallel inverted siphon crossing at the Arkansas River		Begin construction March Complete construction December 31,	
b. New MacArthur North and South Structures, with realignment of the Forcemain to its original configuration; and, removal of obstructions		Begin construction October	Complete construction September
c. Access structures upstream and downstream of the Kansas I-35 Turnpike crossing; and, removal of obstructions		Begin construction October	Complete construction September
d. An intermediate access structure located just south of 47th Street		Begin construction October	Complete construction September
e. An access structure at Plant 2 that will also accommodate the requisite downstream flow meter		Begin construction March Complete construction December 31	

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: 2016 State Legislative Agenda

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve the 2016 State Legislative Agenda.

Background: Each year, City departments are asked to submit issues for consideration in the development of the legislative agenda. Those suggestions, along with other issues developed by community partners, are evaluated against Council priorities to compile a prioritized list of issues that comprise the legislative agenda. Once approved, the agenda will be published on the City's website and circulated to the state legislative delegations. In consultation with the City's state lobbyist, Bright & Carpenter with Gencur Svaty, legislative strategies will be developed to secure positive outcomes for the agenda's issues.

Analysis: The state legislative agenda contains requests for appropriations and policy actions related to economic development, the property tax lid, sales tax exemptions and distribution, local home rule, annexation, blight, public safety, local elections, transportation, water quality and supply, and various issues of community-wide interest. The state legislative agenda may be expanded as additional issues evolve before the State Legislature. Legislative action on the state agenda would take place prior to the end of the 2016 state fiscal year on June 30, 2017.

Financial Considerations: None of the state legislative agenda items require a formal commitment of local matching funds beyond existing authorizations.

Legal Considerations: The Law Department has reviewed the legislative agenda. Any necessary contracts and/or memorandums of understanding will be initiated as needed for fulfillment of state funding appropriations and be reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the 2016 State Legislative Agenda.

Attachments: Summation of the 2016 State Legislative Agenda

CITY OF WICHITA
2016 PROPOSED KANSAS LEGISLATIVE AGENDA
DECEMBER 22, 2015

ISSUE	CURRENT VERSION	STATUS	2016 ACTION
Economic Development			
Cultural Arts District	HB 2368 would establish cultural arts districts.	Hearing held in House during the 2015 Legislative Session, with no further action	If desired, work with the City, Reviser's office and other interested parties to create suitable version for 2016 legislative action
Arts District	Tax Relief to artist live/work spaces in designated districts defined by local government.	Monitor	Monitor with potential support
Economic Development	Council support for continuation of state economic development programs. Many of these programs will be reviewed by the Tax Committees due to the Special Committee on Tax recommendation.	Monitoring	Monitoring
Export Promotion	Council support for renewed funding	Possible FY2016 contract renewal with Commerce Department Resources	Meet with Sen. Masterson, who initiated Commerce Department conversation
WATC/NCAT	Funding as requested in FY2016 and FY 2017 budget.	Awaiting action during the 2016 Legislative Session	Strongly support continued funding for workforce training 2016 Legislative Session
Emergency Services			
Body camera records	Committee discussion and bill introduced but no action taken	Awaiting potential action during the 2016 Legislative Session	Bill may be back during the 2016 Legislative Session. Continue to monitor
Driving While Suspended Lookback	HB 2040 was introduced during the 2015 Legislative Session and would amend the law and only allow for a 5-year lookback when determining the first, second of subsequent conviction.	The bill was passed by House Judiciary Committee and was stricken from the House Calendar	A similar bill may be introduced during the 2016 Legislative Session
Finance/Tax			
Property Tax Lid	Enacted in final tax revenue bill (HB2109). Changes made to lessen impact on local government.	Renewed efforts expected in 2016 session	Oppose other changes that may be harmful to City of Wichita. Explore expanding

1

DRAFT

	Potential bill in 2016 to remove some of the exemptions and accelerate implementation date.		exemptions to include rehabilitation and redevelopment of commercial and industrial structures. The League's position: *Local spending and taxing decisions are best left to the local officials representing the citizens that elected them. We oppose any state-imposed limits on the taxing and spending authority of cities and support repeal of the property tax lid.*
Sales Tax Exemptions	Special Committee on Taxation met over this fall and recommended that the House and Senate Tax Committees to set up a process to sunset all tax credits, sales tax exemptions and other tax policy that creates special tax treatment. The committee is also tasked with creating standards for new exemptions and developing measurable goals for credits and exemptions. Constitutional and value added sales tax exemptions were exempt but governmental entities were not.	To be reviewed by the 2016 Legislature	Monitor and work with other interested parties as the Tax Committees develop their recommendations and process to ensure that there is no double taxation and that there are no roadblocks to fixing an aging infrastructure.
Sales Tax Distribution	Current formula (circa 1985) has created a significant disparity in the amount of SGCO Sales Tax received vs. generated in the cities. While the city of Wichita will generate ~$77.195 million in sales tax in 2016, it would receive ~$59.358 million – a difference of +$17.8 million.	The state has already enacted three exceptions in lieu of the apportionment in three other jurisdictions.	On behalf of Wichitans and other cities, strongly support an exception to fix this disparity.
General Government Operations			
Local Control/Home Rule	Council support of LKM position on home rule authority.		Protect the longstanding constitutional home rule authority of Kansas cities approved by voters in 1960. Local issues and problems should be handled at the level of government closest to the citizens we represent.

DRAFT

Annexation	After much debate in both the House and Senate, annexation related legislation was enacted requiring 2/3 county commission approval to for a city to annex land. The Senate included language to prohibit island annexation which was removed at the end of the session allowing the bill to pass the Legislature and be signed by the Governor.	2015 bill was signed into law by the Governor. More stringent legislation may be introduced in 2016.	The ability of cities to grow is inherent in the economic growth and development of the state. Therefore, we oppose any change that limits the authority of cities' orderly growth through annexation.
Blight	SB 84 was introduced during the 2015 Legislative Session and would amend the definition of blight.	Bill was passed by the Senate Commerce Committee but was stricken from legislative calendar.	A similar bill may be introduced during the 2016 Legislative Session. Support legislation to help us balance the need to address blight with appropriate property rights.
Conceal and Carry	Make change to the Personal and Family Protection act to allow security passes for public buildings with robust system of security measures including background check, fingerprinting, etc.	City Attorney's office has been working with Rep. Brunk on language.	Find new sponsor and advocate for this issue during session
Elections	Legislation was enacted in 2015 moving local elections to the fall of odd years from the spring. There were a few points in the bill that may need clarification pertaining to upcoming elections.	Signed into law. Current debate on whether provisions of the bill need to be altered.	Potential for legislation in 2016 to re-open the election bill which could allow for further pursuit of election changes. Monitor and work with other interested parties.
Insurance Proceeds	The Kansas League of Municipalities is working on bill to amend KSA 40-3901 to add seismic activity to the list of perils in which a city can retain a percentage of the insurance settlement if the insured walks away from the property. The League is also asking to extend the window to 45 days	Kansas League of Municipalities has a bill draft	Work with League on issue during 2016 Legislative Session
Public Lobbying	Legislation was enacted in 2015 that created additional reporting and disclosure requirements of public funds used by a public entity for public awareness/advocacy.	Fall interim held to discuss further modifications to public lobbying bill following legislation signed into law by Governor	Work to ensure no further onerous changes will be made to last year's public lobbying disclosure, reporting and filing bill
Election Signage	2015 Sign Legislation		Recent legislation violates the June 18, 2015 Supreme Court ruling in the Reed v. Gilbert AZ case. Work with the Kansas

			League of Municipalities on this issue.
Public Works/Utilities			
Water: 50-Year State Plan	Council statement of support for Equus Beds recognition in state 50-year plan	Presentation before House Ag Committee in 2015	Continued discussion during the 2016 Legislative Session
Water: Regulatory Remedies	PW&U letter to state Ag Dept and Water Office	Discussion with state agency	Continued discussion
Water: Water Plan	Council support for reevaluation of governance, funding of state Water Plan. Water Authority appointment for Alan King (Aug 2015).	Discussion with state agency	Continued discussion
Groundwater Water Rights	Legislation was introduced last session concerning groundwater water right that would amend the Water Appropriation Act. The bill requires that the person operating the water right is doing so at an approved point of diversion; for an approved use; within the maximum flow rate; and, is within the approved quantity of water.	Bill never received a hearing last session.	Continue to monitor HB 2245 and express opposition if the bill would appear to gain traction
Offsite Best Management Practices (BMP) program	The City's proposed offsite BMP program would allow developers and owners of property to elect to pay an annual fee to support offsite, downstream protections against runoff pollution, as an alternative to meeting code requirements for onsite runoff mitigation on each specific property when it is developed.	Under development	Begin the education process with local stakeholders and elected officials about the issue and the need for any changes
Transportation			
Passenger Rail	Council support of state discussion and funding for passenger rail in the state.	Planning stage	Monitor and work with other interested parties to support passenger rail in Wichita
Transportation	Council support for full execution of T-WORKS; oppose redirection of KDOT funding	KDOT funding redirected to balance FY2015 state budget and FY 2016 state budget	Monitoring and work with interest groups

DRAFT

THE CITY OF WICHITA
Department of Public Works

Wichita, Kansas

PRELIMINARY ESTIMATES
FOR CITY COUNCIL JANUARY 5, 2016

a. Teakwood from the south line of Lot 1, Block 3 to Teakwood Court; Woodcreek from Teakwood Court to the east line of Lot 15, Block 4; Teakwood Court from the north line of Woodcreek to and including the cul-de-sac; Weeping Willow from the west line of the Addition to the west line of Teakwood; and Weeping Willow Circle from the east line of Teakwood to and including the cul-de-sac to serve Whispering Lakes Estates (south of Harry, west of 159th Street East) (472-85231/ 766346/490368) Does not affect existing traffic. (District II) - $335,000.00

b. 2016 Utility Cut Repair of Streets, Driveways and Sidewalks (within City of Wichita city limits) (472-85251/132035/620756/636246/133116/) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,III,IV,V,VI) - $1,614,800.00

To be Bid: December 18, 2015

PRELIMINARY ESTIMATE of the cost of:
Teakwood from the south line of Lot 1, Block 3 to Teakwood Court; Woodcreek from Teakwood Court to the east line of Lot 15, Block 4; Teakwood Court from the north line of Woodcreek to and including the cul-de-sac; Weeping Willow from the west line of the Addition to the west line of Teakwood; and Weeping Willow Circle from the east line of Teakwood to and including the cul-de-sac to serve Whispering Lakes Estates (south of Harry, west of 159th Street East)

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

	LUMP SUM BID ITEMS		
1	Crushed Rock Base (5"), Reinforced	5,996	sy
2	Excavation	3,860	cy
3	Fill, Compacted (90% Density)	2,475	cy
4	Site Clearing	1	LS
5	Site Restoration	1	LS
6	Seeding	1	LS
7	Signing	1	LS
8	Maintain Existing BMPs	1	LS
	MEASURED QUANTITY BID ITEMS		
9	AC Pavement 5" (3" Bit Base)	4,561	sy
10	Concrete Pavement (VG) 7" (Reinf)	362	sy
11	Concrete C & G, Type 2 (3-5/8" RL & 1-1/2")	2,470	lf
12	Concrete Curb, Mono Edge (6" & 1-1/2")	177	lf
13	Inlet Hookup	2	ea
14	Pipe, SWS 15", RCP	129	lf
15	Pipe, SWS 18", RCP	41	lf
16	Pipe, SWS 24", RCP	198	lf
17	Inlet, Curb (Type 1A) (L=5' W=3')	2	ea
18	Inlet, Backyard	1	ea
19	Rip-Rap, Light Stone	33	sy
20	Fill, Sand (Flushed & Vibrated)	37	lf
21	BMP, Erosion Control Blanket	3,069	sy
22	BMP, Inlet Protection	6	ea
23	Inlet Underdrain	30	lf

Construction Subtotal _____

Design Fee
Engineering & Inspection
Administration
Publication
Contingency

Total Estimated Cost $335,000.00

CITY OF WICHITA)
STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.

Gary Janzen, P.E., City Engineer

Sworn to and subscribed before me this _____.
(DATE)

City Clerk

490368 (766346) 472-85231

Page _____ EXHIBIT _____

To be Bid: December 18, 2015

PRELIMINARY ESTIMATE of the cost of:
2016 Utility Cut Repair of Streets, Driveways and Sidewalks
(within City of Wichita city limits)

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

	MEASURED QUANTITY BID ITEMS (132035)		
1	6" "0" Slump Conc. Base	80	sy
2	8" "0" Slump Conc. Base	710	sy
3	10" "0" Slump Conc. Base	315	sy
4	6" (High Early Strength) Reinf Conc. Pvmt or Base	160	sy
5	8" (High Early Strength) Reinf Conc. Pvmt or Base	2,400	sy
6	10" (High Early Strength) Reinf Conc. Pvmt or Base	1,200	sy
7	6" Reinf Conc. Pvmt (Superplasticizer High Early Strength)	80	sy
8	8" Reinf Conc. Pvmt (Superplasticizer High Early Strength)	2,200	sy
9	10" Reinf Conc. Pvmt (Superplasticizer High Early Strength)	830	sy
10	Asph. Conc. (SC-1) (PG64-22) for Surface Course	475	tn
11	Brick (Clay) Surface Reconstr.	240	sy
12	Cold Mix Asph. Conc. for Temp Patch	8	tn
13	4" Sidewalk Conc. Pvmt	16,000	sf
14	6" Driveway Conc. Pvmt	15,900	sf
15	8" Reinf. Driveway Conc. Pvmt	4,700	sf
16	WCR Const. w/Det. Warn.	75	ea
17	Colored Conc. Pvmt (8" Min.)	75	sy
18	4" Colored Conc. Sidewalk	80	sf
19	Brick Pavers (Concrete) Reconstr.	80	sy
20	Granite Pavers Reconstr.	33	sy
21	Comb. Curb & Gutter Repair	1,600	lf
22	Mono Edge Curb Repair	780	lf
23	Compacted Soil Fill (95% Std Density)(Contr. Furnished)	32	tn
24	Compacted Asph. Millings Fill (95% Std Density)(Contr. Furnished)	160	tn
25	Compacted Crushed Conc. Fill (95% Std Density)(Contr. Furnished)	126	tn
26	Utility Test Hole Repair	316	ea
27	Protective Steel Plating	80	sy
28	Exploratory Excavation	8	ea
29	Flowable Fill	78	cy
30	Fescue Sod	80	sy
31	Bermuda Sod	79	sy
32	Zoysia Sod	79	sy
33	Electronic Message Board	16	day
34	Curb Drain (6")	8	ea
35	Curb Drain (8")	8	ea
36	Concr Removal, backfill & seed	158	sy
37	Crack Sealing (RoadSaver #221 or equal)	245	lf
	MEASURED QUANTITY BID ITEMS (620756)		
38	SS MH Adj w/new Ring & Lid	2	ea
39	SS MH Adj using existing Ring & Lid	2	ea
	MEASURED QUANTITY BID ITEMS (636246)		
40	Ring & Lid for Water Meter Vaults	5	ea
41	Valve Box Ring & Lid replacement	4	ea
	MEASURED QUANTITY BID ITEMS (133116)		
42	SWS MH Adj w/new Ring & Lid	1	ea
43	SWS MH Adj using existing Ring & Lid	1	ea

Construction Subtotal _____

Design Fee
Engineering & Inspection
Administration
Publication
Water Dept
Contingency

Total Estimated Cost $1,614,800.00

CITY OF WICHITA)
STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.

Gary Janzen, P.E., City Engineer

Sworn to and subscribed before me this _____.
(DATE)

City Clerk

(132035/620756/636246/133116) 472-85251

Page_____ EXHIBIT_____

Following are easements and dedications for City Council on January 5, 2016

<u>The following Easements needs to be Signed and recorded:</u>

Waterline Easement from Vision Partners, LLC, a Kansas limited liability company dated October 22, 2016 for a tract of land lying in Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas (OCA 735531) No Cost to City

Sanitary Sewer Easement from Vision Partners, LLC, a Kansas limited liability company dated October 22, 2016 for a tract of land lying in Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas (OCA 744394) No Cost to City

<u>The following deeds and easements have been recorded:</u>

Drainage Easement from Tier 1, LLC, a Kansas limited liability company, dated November 20, 2015 for a tract of land lying in Reserve A, Estancia Addition, an addition to Wichita, Sedgwick County, Kansas (OCA 751541) No Cost to City

Drainage Easement from Tier 1, LLC, a Kansas limited liability company, dated November 20, 2015 for tracts of land lying in Lots 2, 5, and 7, Block 1 and in Lot 1, Block 4, all in Estancia Commerical Addition, an addition to Wichita, Sedgwick County, Kansas (OCA 751539) No Cost to City

STATEMENTS OF COST
SPECIAL ASSESSMENTS
SEPTEMBER, 2016

WATER:

a. Statement of Cost for constructing Water Distribution System to serve an Unplatted Tract north of Kellogg, west of 135th Street West – Total Cost - $10,573 (plus idle fund interest estimated - $93, plus temporary financing estimated - $24). Financing to be issued at this time - $10,573 (735490/448-90596/470-163).

b. Statement of Cost for constructing Water Distribution System to serve Sierra Hills Addition (north of Pawnee, west of 143rd Street East) – Total Cost - $16,916 (plus idle fund interest estimated $116, plus temporary financing estimated - $13, plus main benefit fee - $3,626). Financing to be issued at this time - $20,671 (735511/448-90390/470-184).

c. Statement of Cost for constructing Water Distribution System to serve Tallgrass Villas Addition (location) – Total Cost - $22,751 (plus idle fund interest estimated - $136, plus main benefit fee - $789). Financing to be issued at this time - $23,676 (735517/448-90645/470-190).

d. Statement of Cost for constructing Water Distribution System to serve Tyler's Landing 5th Addition (south of 37th Street North, east of Tyler Road) – Total Cost - $61,339 (plus idle fund interest estimated - $171, plus main benefit fee - $6,674). Financing to be issued at this time - $68,184 (735524/448-90655/470-197).

e. Statement of Cost for constructing Water Distribution System to serve JBAR Addition (south of 13th Street North, east of Hoover) – Total Cost - $27,287 (plus idle fund interest estimated - $127). Financing to be issued at this time - $27,414 (735526/448-90664/470-199).

SANITARY SEWER:

f. Statement of Cost for constructing Lateral 61, Cowskin Interceptor Sewer to serve an Unplatted Tract north of Kellogg, west of 135th Street West – Total Cost - $33,751 (plus idle fund interest estimated - $108, plus temporary financing estimated - $107). Financing to be issued at this time - $33,966 (744352/468-84886/480-044).

g. Statement of Cost for constructing Lateral 437, Four Mile Creek Sewer to serve The Ranch Addition (south of 21st Street North, west of 159th Street East) – Total Cost - $327,652 (plus idle fund interest estimated - $574, plus temporary financing estimated - $264, plus main benefit fee - $56,335). Financing to be issued at this time - $384,825 (744361/468-84919/480-053).

h. Statement of Cost for constructing Lateral 40, District T, Sanitary Sewer No. 20 to serve Menlo Park Addition (north of 21st Street North, west of Broadway) – Total Cost - $14,220 (plus idle fund interest estimated - $116). Financing to be issued at this time - $14,336 (744369/468-84968/480-061).

i. Statement of Cost for constructing Lateral 3, Main 21, Four Mile Creek Sewer to serve Sierra Hills 2nd Addition (north of Pawnee, west of 143rd Street East)– Total Cost - $32,756 (plus idle fund interest estimated - $156, plus temporary financing estimated - $25). Financing to be issued at this time - $32,937 (744370/468-84517/480-062).

j. Statement of Cost for constructing Lateral 156, Main 4, Sanitary Sewer No. 23 to serve Walnut Grove Addition (north of 29th Street North, west of Broadway) – Total Cost - $15,594 (plus idle fund interest estimated - $114). Financing to be issued at this time - $15,708 (744373/468-84984/480-065).

k. Statement of Cost for constructing Lateral 93, Main 22, War Industries Sewer to serve Tallgrass Villas Additions (north of 21st Street North, east of Rock Road) – Total Cost - $43,464 (plus idle

fund interest estimated - $152). Financing to be issued at this time - $43,616 (744375/468-84986/480-067).

l. Statement of Cost for constructing Lateral 35, Main 19, Southwest Interceptor Sewer to serve Tyler's Landing 5th Addition (east of Tyler, south of 37th Street North)– Total Cost - $73,706 (plus idle fund interest estimated - $195). Financing to be issued at this time - $73,901 (744384/468-85006/480-076).

STORM WATER:

m. Statement of Cost for constructing Storm Water Sewer No. 686 to serve Tallgrass Villas Addition (north of 21st Street North, east of Rock Road) – Total Cost - $73,914; (plus idle fund interest estimated - $215). Financing to be issued at this time - $74,129 (751527/468-84987/485-418).

n. Statement of Cost for constructing Storm Water Sewer No. 668 to serve Krug South Addition, Phase 4 (south of 21st Street North, west of 143rd Street East) – Total Cost - $25,384; (plus idle fund interest estimated - $132). Financing to be issued at this time - $25,516 (751528/468-84834/485-419).

o. Statement of Cost for constructing Storm Water Sewer No. 689 to serve Tyler's Landing 5th Addition (south of 37th Street North, east of Tyler) – Total Cost - $45,527; (plus idle fund interest estimated - $153). Financing to be issued at this time - $45,680 (751532/468-85007/485-423).

PAVING:

p. Statement of Cost for constructing Paving on Graystone, Summerfield, Terhune and Sundance to serve Stonebridge 2nd and 3rd Additions (north of 13th Street North, west of 159th Street East) – Total Cost - $339,878 (plus idle fund interest estimated - $596). Financing to be issued at this time - $340,474 (766309/472-84593/490-327).

q. Statement of Cost for constructing Paving on Jayson and Kennedy to serve The Woods Addition (east of 151st Street West, north of Maple) – Total Cost - $240,045, (plus idle fund interest estimated - $448). Financing to be issued at this time - $240,493 (766312/472-84949/490-333).

r. Statement of Cost for constructing Paving on Ironstone Court to serve Sierra Hills 2nd Addition to and including the cul-de-sac (north of Pawnee, west of 143rd Street East) – Total Cost - $76,236, (plus idle fund interest estimated - $194, plus temporary financing estimated - $11). Financing to be issued at this time - $76,441 (766314/472-84731/490-335).

s. Statement of Cost for constructing Paving on Churchill Street to serve Krug South Addition (south of 21st Street North, west of 143rd Street East) – Total Cost - $157,699, (plus idle fund interest estimated - $326, plus temporary financing estimated - $11). Financing to be issued at this time - $158,036 (766318/472-85060/490-339).

t. Statement of Cost for constructing Sidewalk along the south side of 21st Street between Chateau Parkway and Oak Creek Parkway to serve Oak Creek Addition (south of 21st Street North, west of Greenwich Road) – Total Cost - $45,685, (plus idle fund interest estimated - $154). Financing to be issued at this time - $45,839 (766320/472-85180/490-341).

Project Statement of Cost

Revised November 3, 2015
Approved and accepted by the City Council

Wichita, Kansas
July 14, 2015

Project Number	448-90618
OCA Number	735499
PPN Number	470-172

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of contructing:

Water Distribution System to serve The Ranch Addition (south of 21st Street North, west of 159th Street East).

Contract	$53,400
Water Department parts and installation	$0
Administration	$1,363
Engineering and Inspection	$14,451
Publication	$300
Abstract	$20
CONSTRUCTION COST	$69,534
Idle fund interest estimated	$191
Temporary financing estimated	$0
SUBTOTAL	$69,725
Main benefit fee (water or sewer only)	$31,690
Driveways assessed to property	$0
Driveways included in the project	$0
TOTAL PROJECT COST	$101,415

Property	$69,725
Benefit Fee	$31,690

Respectfully Submitted

Gary Janzen

Gary Janzen, P.E., City Engineer

March 15, 2016
Chesney 818
~~**15 years**~~ **20 years**

Petition/Resolution Amount:	$91,000
Increase by 1% per month after:	November 1, 2013

Project Statement of Cost

Revised November 3, 2015
Approved and accepted by the City Council

Wichita, Kansas
July 14, 2015

Project Number	448-90295
OCA Number	735506
PPN Number	470-179

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of contructing:

Water Distribution System to serve Stonebridge 2nd and 3rd Additions (north of 13th Street North, west of 159th Street East).

Contract	$38,330
Water Department parts and installation	$0
Administration	$1,074
Engineering and Inspection	$15,008
Publication	$343
Abstract	$20
CONSTRUCTION COST	$54,775
Idle fund interest estimated	$165
Temporary financing estimated	$0
SUBTOTAL	$54,940
Main benefit fee (water or sewer only)	$12,708
Driveways assessed to property	$0
Driveways included in the project	$0
TOTAL PROJECT COST	$67,648

Property	$54,940
Benefit Fee	$12,708

Respectfully Submitted

Gary Janzen

Gary Janzen, P.E., City Engineer

March 15, 2016
Chesney 818
~~20 years~~ **20 years**

Petition/Resolution Amount:	$78,000
Increase by 1% per month after:	May 1, 2011

Project Statement of Cost

Revised November 3, 2015
Approved and accepted by the City Council

Wichita, Kansas
July 14, 2015

Project Number	448-90506
OCA Number	735509
PPN Number	470-182

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of contructing:

Water Distribution System to serve The Woods Addition (east of 151st Street West, north of Maple).

Contract	$30,414
Water Department parts and installation	$0
Administration	$847
Engineering and Inspection	$11,707
Publication	$223
Abstract	$20
CONSTRUCTION COST	$43,211
Idle fund interest estimated	$152
Temporary financing estimated	$0
SUBTOTAL	$43,363
Main benefit fee (water or sewer only)	$0
Driveways assessed to property	$0
Driveways included in the project	$0
TOTAL PROJECT COST	$43,363

Property	$43,363
Benefit Fee	$0

Respectfully Submitted

Gary Janzen

Gary Janzen, P.E., City Engineer

March 15, 2016
Chesney 818
~~20 years~~ **20 years**

Petition/Resolution Amount: $44,000
Increase by 1% per month after: December 1, 2010

Project Statement of Cost

Revised November 3, 2015

Approved and accepted by the City Council

Wichita, Kansas
July 14, 2015

Project Number	448-90639
OCA Number	735510
PPN Number	470-183

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of contructing:

Water Distribution System to serve Westfield Acres, Westlink Heights, Rolling Hills Country Club Estates, Little Matherly, Earlines, Davis, and Berlin Additions (north of Maple, west of Tyler).

Contract	$211,696
Water Department parts and installation	$0
Administration	$4,566
Engineering and Inspection	$14,452
Publication	$531
Abstract	$20
CONSTRUCTION COST	$231,265
Idle fund interest estimated	$461
Temporary financing estimated	$0
SUBTOTAL	$231,726
Main benefit fee (water or sewer only)	$0
Driveways assessed to property	$0
Driveways included in the project	$0
TOTAL PROJECT COST	$231,726

Water Utility	$24,331
Property	$207,395
Benefit Fee	$0

Respectfully Submitted

Gary Janzen

Gary Janzen, P.E., City Engineer

March 15, 2016
Chesney 818
~~15 years~~ **20 years**

Petition/Resolution Amount: $250,000
Increase by 1% per month after: July 31, 2014

Project Statement of Cost

Revised November 3, 2015
Approved and accepted by the City Council

Wichita, Kansas
July 14, 2015

Project Number	448-90643
OCA Number	735513
PPN Number	470-186

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of contructing:

Water Distribution System to serve Rolling Hills 3rd Addition
(north of Maple, west of Tyler).

Contract	$57,002
Water Department parts and installation	$1,203
Administration	$1,275
Engineering and Inspection	$3,550
Publication	$208
Abstract	$20
CONSTRUCTION COST	$63,258
Idle fund interest estimated	$201
Temporary financing estimated	$0
SUBTOTAL	$63,459
Main benefit fee (water or sewer only)	$0
Driveways assessed to property	$0
Driveways included in the project	$0
TOTAL PROJECT COST	$63,459

Property	$63,459
Benefit Fee	$0

Respectfully Submitted

Gary Janzen

Gary Janzen, P.E., City Engineer

March 15, 2016
Chesney 818
~~15 years~~ **20 years**

Petition/Resolution Amount:	$71,000
Increase by 1% per month after:	July 9, 2014

Project Statement of Cost

Revised November 3, 2015

Approved and accepted by the City Council

Wichita, Kansas
July 14, 2015

Project Number	448-90564
OCA Number	735512
PPN Number	470-185

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of contructing:

Water Distribution System to serve Krug South Addition (south of 21st Street North, west of 143rd Street East)

Contract	$18,333
Water Department parts and installation	$0
Administration	$597
Engineering and Inspection	$11,294
Publication	$229
Abstract	$20
CONSTRUCTION COST	$30,473
Idle fund interest estimated	$131
Temporary financing estimated	$0
SUBTOTAL	$30,604
Main benefit fee (water or sewer only)	$4,969
Driveways assessed to property	$0
Driveways included in the project	$0
TOTAL PROJECT COST	$35,573

Property	$30,604
Benefit Fee	$4,969

Respectfully Submitted

Gary Janzen

Gary Janzen, P.E., City Engineer

March 15, 2016
Chesney 818
~~***15 years***~~ ***20 years***

Petition/Resolution Amount:	$32,000
Increase by 1% per month after:	May 1, 2012

Project Statement of Cost

Revised November 3, 2015

Approved and accepted by the City Council

Wichita, Kansas
July 14, 2015

Project Number	468-84148
OCA Number	744368
PPN Number	480-060

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of contructing:

Lateral 3, Main 19, Four Mile Creek Sewer to serve Stonebridge 2nd and 3rd Additions (north of 13th Street North, west of 159th Street East).

Contract	$99,727
Water Department parts and installation	$0
Administration	$2,485
Engineering and Inspection	$21,489
Publication	$274
Abstract	$20
CONSTRUCTION COST	$123,995
Idle fund interest estimated	$274
Temporary financing estimated	$0
SUBTOTAL	$124,269
Main benefit fee (water or sewer only)	$0
Driveways assessed to property	$0
Driveways included in the project	$0
TOTAL PROJECT COST	$124,269

Property	$124,269
Benefit Fee	$0

Respectfully Submitted

Gary Janzen

Gary Janzen, P.E., City Engineer

March 15, 2016
Chesney 818
~~15 years~~ **20 years**

Petition/Resolution Amount:	$125,000
Increase by 1% per month after:	May 1, 2011

Project Statement of Cost

Revised November 3, 2015
Approved and accepted by the City Council

Wichita, Kansas
July 14, 2015

Project Number	468-84488
OCA Number	751514
PPN Number	485-405

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of contructing:

Storm Water Drain No. 347 to serve Woods North 3rd and Greenwich Business Center Additions (south of 29th Street North, west of 127th Street East).

Contract	$342,142
Water Department parts and installation	$0
Administration	$8,275
Engineering and Inspection	$59,762
Publication	$1,231
Abstract	$20
CONSTRUCTION COST	$411,430
Idle fund interest estimated	$50
Temporary financing estimated	$378
SUBTOTAL	$411,858
Main benefit fee (water or sewer only)	$0
Driveways assessed to property	$0
Driveways included in the project	$0
TOTAL PROJECT COST	$411,858

Property	$411,858
Benefit Fee	$0

Respectfully Submitted

Gary Janzen

Gary Janzen, P.E., City Engineer

March 15, 2016
Chesney 818
~~15 years~~ **20 years**

Petition/Resolution Amount:	$535,000
Increase by 1% per month after:	May 1, 2013

Project Statement of Cost

Revised November 3, 2015
Approved and accepted by the City Council

Wichita, Kansas
July 14, 2015

Project Number	468-84921
OCA Number	751523
PPN Number	485-414

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of contructing:

Storm Water Drain No. 391 to serve The Ranch Addition (south of 21st Street North, west of 159th Street East).

Contract	$669,560
Water Department parts and installation	$0
Administration	$15,461
Engineering and Inspection	$85,473
Publication	$423
Abstract	$20
CONSTRUCTION COST	$770,937
Idle fund interest estimated	$1,104
Temporary financing estimated	$92
SUBTOTAL	$772,133
Main benefit fee (water or sewer only)	$0
Driveways assessed to property	$0
Driveways included in the project	$0
TOTAL PROJECT COST	$772,133

Property	$772,133
Benefit Fee	$0

Respectfully Submitted

Gary Janzen

Gary Janzen, P.E., City Engineer

March 15, 2016
Chesney 818
~~**15 years**~~ **20 years**

Petition/Resolution Amount:	$962,000
Increase by 1% per month after:	November 1, 2013

Project Statement of Cost

Revised November 3, 2015

Approved and accepted by the City Council

Wichita, Kansas
July 14, 2015

Project Number	472-85047
OCA Number	766300
PPN Number	490-318

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of contructing:

Paving on 27th Street North, 27th Street North Court, and Woodridge to serve Woods North 3rd Addition (south of 29th Street North, west of 127th Street East).

Contract	$244,321
Water Department parts and installation	$0
Administration	$5,768
Engineering and Inspection	$39,064
Publication	$324
Abstract	$20
CONSTRUCTION COST	$289,497
Idle fund interest estimated	$158
Temporary financing estimated	$212
SUBTOTAL	$289,867
Main benefit fee (water or sewer only)	$0
Driveways assessed to property	$0
Driveways included in the project	$0
TOTAL PROJECT COST	$289,867

Property	$289,867
Benefit Fee	$0

Respectfully Submitted

Gary Janzen

Gary Janzen, P.E., City Engineer

March 15, 2016
Chesney 818
~~15 years~~ **20 years**

Petition/Resolution Amount:	$346,000
Increase by 1% per month after:	April 1, 2012

Project Statement of Cost

Revised November 3, 2015

Approved and accepted by the City Council

Wichita, Kansas
July 14, 2015

Project Number	472-85171
OCA Number	766311
PPN Number	490-332

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of contructing:

Paving on Shoreline/Paradise from the west line of Lot 30, Block 1 to the north line of Lot 56, Block 1. Emerald Bay Estates 2nd Addition and Paradise Court to serve Emerald Bay Estates 2nd Addition (north of 21st Street North, west of West Street).

Contract	$332,636
Water Department parts and installation	$0
Administration	$7,790
Engineering and Inspection	$57,966
Publication	$482
Abstract	$20
CONSTRUCTION COST	$398,894
Idle fund interest estimated	$661
Temporary financing estimated	$0
SUBTOTAL	$399,555
Main benefit fee (water or sewer only)	$0
Driveways assessed to property	$0
Driveways included in the project	$0
TOTAL PROJECT COST	$399,555

Property	$399,555
Benefit Fee	$0

Respectfully Submitted

Gary Janzen

Gary Janzen, P.E., City Engineer

March 15, 2016
Chesney 818
~~15 years~~ **20 years**

Petition/Resolution Amount:	$460,000
Increase by 1% per month after:	May 1, 2014

Project Statement of Cost

Approved and accepted by the City Council

Wichita, Kansas
January 5, 2016

Project Number	472-85060
OCA Number	766318
PPN Number	490-339

City Clerk
Wichita, Kansas

Dear City Clerk:

Following is the cost of constructing:

Paving on Churchill Street to serve Krug South Addition (south of 21st Street North, west of 143rd Street East)

Contract	$133,346
Water Department parts and installation	$0
Administration	$3,196
Engineering and Inspection	$20,800
Publication	$337
Abstract	$20
CONSTRUCTION COST	$157,699
Idle fund interest estimated	$326
Temporary financing estimated	$11
SUBTOTAL	$158,036
Main benefit fee (water or sewer only)	$0
Driveways assessed to property	$0
Driveways included in the project	$0
TOTAL PROJECT COST	$158,036

Property	$158,036
Benefit Fee	$0

Respectfully Submitted

Gary Janzen

Gary Janzen, P.E., City Engineer

September 8, 2016
Chesney 818
20 years

Petition/Resolution Amount:	$179,000
Increase by 1% per month after:	May 1, 2012

Agenda Item No. II-6a

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: Community Events – Wichita Symphony Orchestra's Young People's Concerts Bus Parking (District I)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closures.

Background: In accordance with the Community Events procedure, the event promoter Anne Marie Brown, Wichita Symphony Orchestra, is coordinating the Wichita Symphony Orchestra's Young People's Concerts bus parking with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Wichita Symphony Orchestra's Young People's Concerts Bus Parking, January 26-28, 2016 9:00 am – 12:00 pm

- Century II Drive, Main Street to Douglas Avenue
- Tlanepantla, Century II Drive to Cancun Street
- Cancun Street, Century II Drive to English Street

The promoter will arrange to remove the barricades as necessary to allow emergency vehicle access during the entire designated time period. The barricades will be removed immediately upon completion of the event.

Financial Consideration: The event promoter is responsible for all costs associated with the special event.

Legal Consideration: This action complies with the ordinance on street closures for community events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: 1) Hiring of off-duty certified law enforcement officers as required; 2) Obtaining barricades to close the streets in accordance with requirements of the Police, Fire and Public Works and Utilities Departments.

Agenda Item No. II-7

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: Partial Acquisition of Land at 4726 E. Vesta for the 17th Street and Oliver Intersection Project. (District I)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On August 18, 2015, the City Council approved the 17th St. and Oliver Intersection Project. Turn lanes will be added, traffic signals will be upgraded, the storm water drainage system will be updated, and new sidewalks will be installed. The improvements to the 17th St. and Oliver Intersection Project will align with the improvements to Oliver and the 21st St. and Oliver Intersection Project. The property at 4726 E. Vesta is improved with a single family residence; those improvements are situated in a manner that they face Vesta. The road project requires a five foot wide strip of land along the subject property's east property line. The residence is not impacted by the project; however, the landscaping, trees, and the wooden privacy fence along Oliver are impacted. Inside the wood privacy fence is a second fencing structure used as a dog run.

Analysis: The proposed 677 square foot taking was valued at $675, or $1 per square foot. The owner agreed to convey the land for $1.10 per square-foot, or an additional $75. An estimate of $3,581 was received to relocate both the dog run and the wood privacy fence. The owner also agreed to accept $1,250 as damages to the trees and landscaping for a total of $5,581.

Financial Considerations: The funding source for the project is general obligation bonds. A budget of $5,756 is requested. This amount is comprised of $5,581 is for acquisition and $175 for title work and other administrative fees.

Legal Considerations: The Law Department has approved the agreement as to form.

Recommendation/Action: It is recommended that the City Council approve the acquisition, authorize the budget request, and authorize all necessary signatures.

Attachments: Real estate purchase agreement, tract map and aerial map.

PROJECT: 17th & Oliver Intersection **DATE:** December 16, 2015

COUNTY: Sedgwick **TRACT NO.:**

THE CITY OF WICHITA, KANSAS

CONTRACT FOR CONVEYANCE OF REAL ESTATE BY WARRANTY DEED

THIS AGREEMENT Made and entered into this _____ day of _____, 20_____by and between:

Joseph Myers

14566 NW 110th Street, Whitewater, KS 67154

landowner(s), and the City of Wichita of the State of Kansas.

WITNESSETH, For consideration as hereinafter set forth, the landowner(s) hereby agree(s) to convey fee title to the City of Wichita by Warranty Deed to the following described real estate in the County of Sedgwick, State of Kansas, to wit:

Beginning at the Northeast corner of Lot 25, Block 1, Ken-Mar Addition to Wichita, Sedgwick County, Kansas; thence South, along the East line of said Lot 25, a distance of 135.37 feet to the Southeast corner of said Lot 25; thence Westerly, along the South line of said Lot 25, a distance of 5.08 feet to a point 5 feet normal distance West of said East line; thence North, parallel with said East line, a distance of 135.61 feet to a point on the North line of said Lot 25; thence Easterly, along said North line, a distance of 5.04 feet to the point of beginning.

It is understood and agreed that landowner(s) is/are responsible for all property taxes on the above described property accrued prior to the conveyance of title to the City of Wichita. In the event of relocation, landowner(s) hereby expressly agrees and covenants that they will hold and save harmless and indemnify the City of Wichita and his or her authorized representatives from any and all costs, liabilities, expenses, suits, judgments, damages to persons or property or claims of any nature whatsoever which may occur during the time the City becomes legally entitled to the property and the date of relocation. In no event will the landowner(s) be required to move until the City becomes legally entitled to the property.

The City of Wichita agrees to purchase the above described real estate, and to pay therefore, the following amount within sixty days after the warranty deed conveying said property free of encumbrance has been delivered.

Approximately 677 Sq. Ft. for Right of Way	$ 750.00
Including but not limited to landscaping, trees, and fence within the proposed taking.	$ 4,831.00
TOTAL:	$ 5,581.00

It is understood and agreed that the above stated consideration for said real estate is in full payment of said tract of land and all damages arising from the transfer of said property and its use for the purposes above set out.

IN WITNESS WHEREOF The parties have hereunto signed this agreement the day and year first above written.

LANDOWNERS:

Joseph Myers

Joseph Myers

THE CITY OF WICHITA

ATTEST:

Jeff Longwell, Mayor

Karen Sublett, City Clerk

MEMORANDA

Exact and full name of owner, as name appears of record:

If mortgage or other liens, show names of holders:

REMARKS:

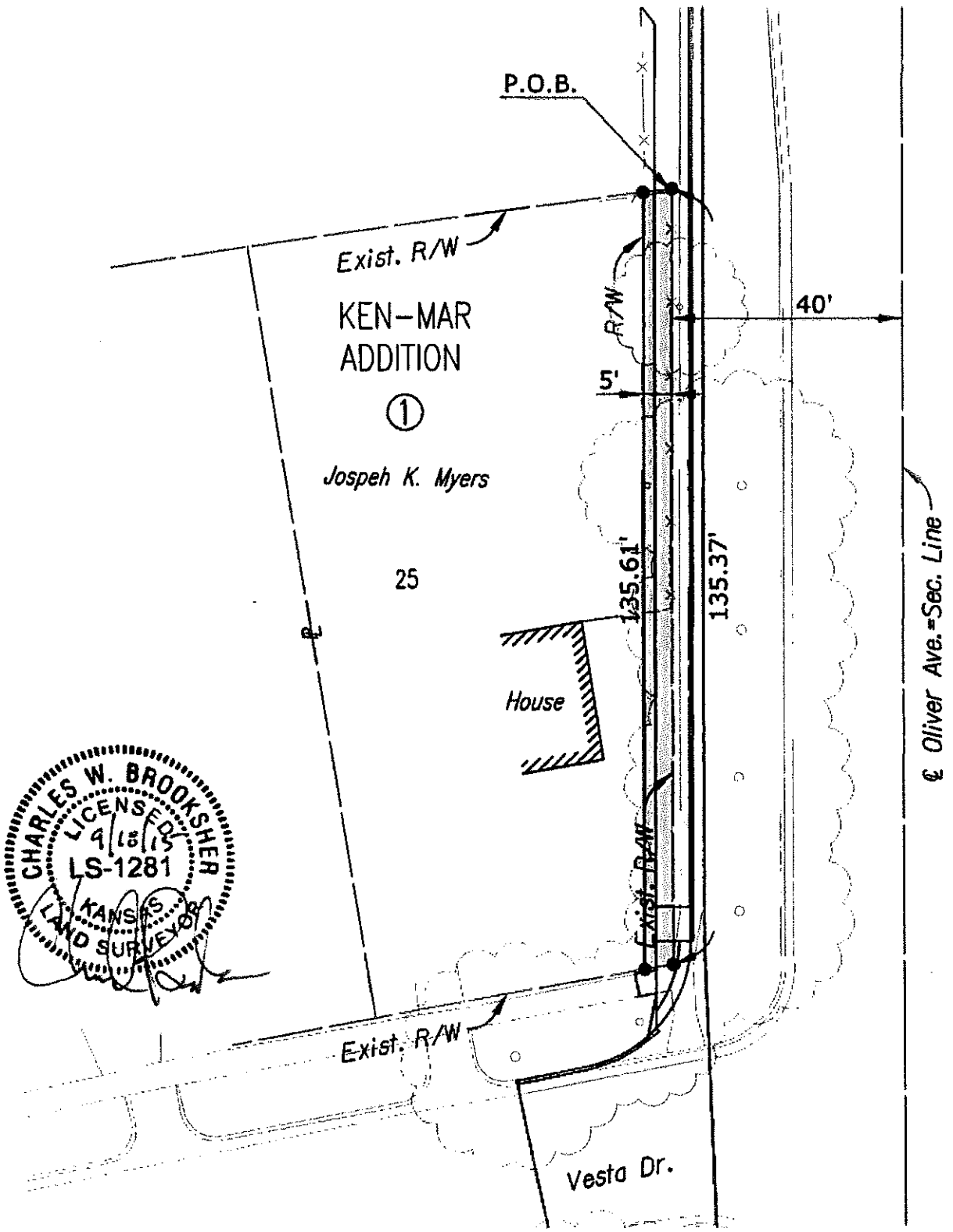
PIN/APN

APPROVED TO FORM:

Jennifer Magana, City Attorney and Director of Law

Tract No. C-20173
Right of Way

Not to Scale



Contractor will remove trees and shrubs as needed for construction.

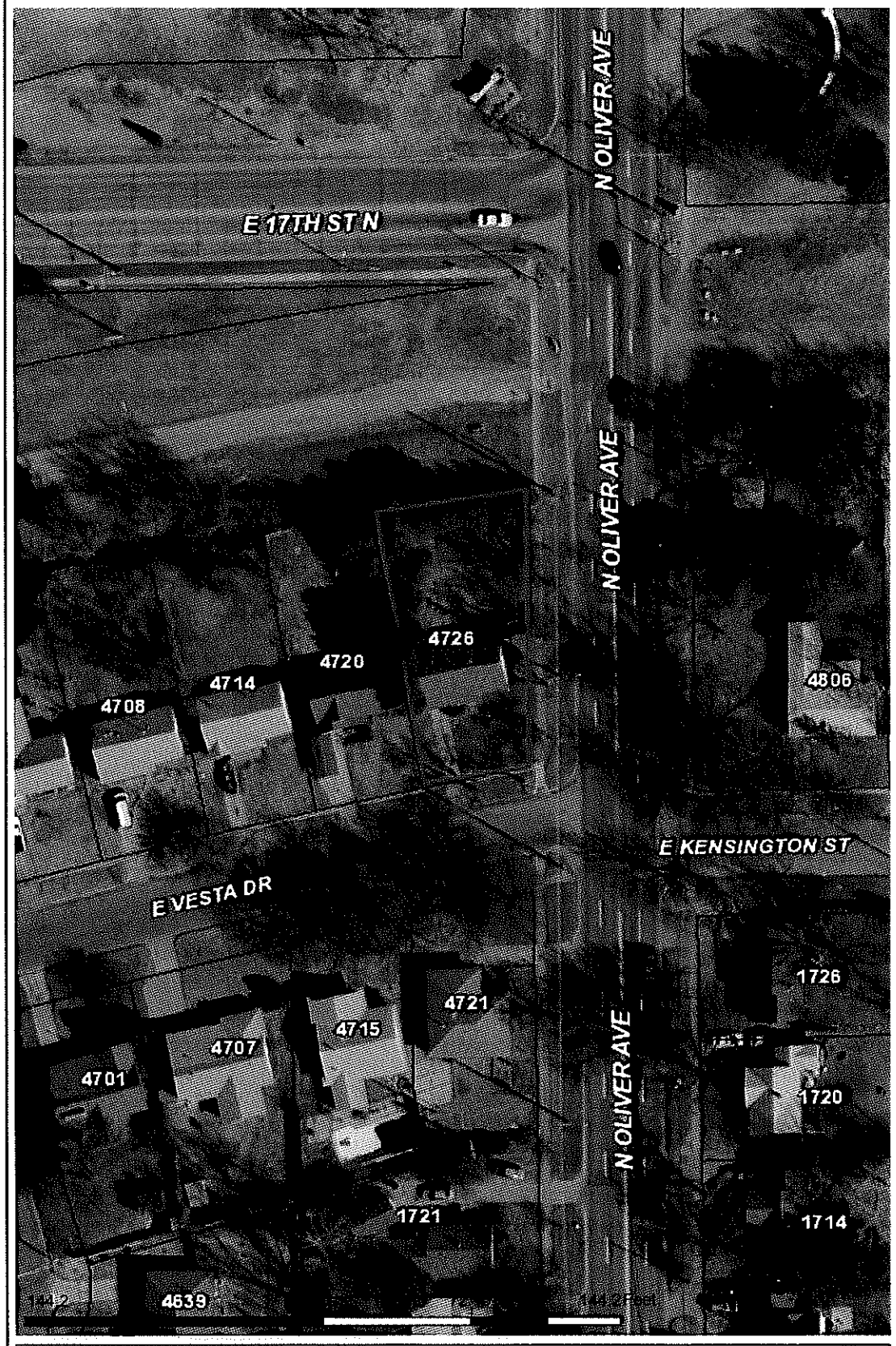
Aug. 24, 2015

Tract No. C-20173
Joseph K. Myers
RIGHT-OF-WAY:

Beginning at the Northeast corner of Lot 25, Block 1, Ken-Mar Addition to Wichita, Sedgwick County, Kansas; thence South, along the East line of said Lot 25, a distance of 135.37 feet to the Southeast corner of said Lot 25; thence Westerly, along the South line of said Lot 25, a distance of 5.08 feet to a point 5 feet normal distance West of said East line; thence North, parallel with said East line, a distance of 135.61 feet to a point on the North line of said Lot 25; thence Easterly, along said North line, a distance of 5.04 feet to the point of beginning, containing 0.016 acres (677.44 sq. ft.), more or less.

CHARLES W. BROOKSHER
LICENSED
9/18/15
LS-1281
KANSAS
LAND SURVEYOR

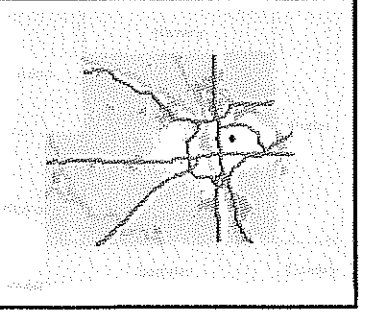
4726 Vesta



Legend

- Parcels
- Airport Runway

1: 865



This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

Map Created On: 12/17/15 3:42 PM

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: Supplemental Design Agreement No. 1 for Improvements to Serve Cadillac Lake Addition (District V)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve Supplemental Design Agreement No. 1.

Background: On September 1, 2015, the City Council approved a petition for drainage improvements to serve Cadillac Lake Addition, located east of Maize Road, south of 29th Street North.

Analysis: On December 8, 2015, the City Council approved a design agreement with Professional Engineering Consultants, P.A. for the drainage improvements. The project has now reached the staking and inspection phase. A supplemental agreement has been prepared for the additional services.

Financial Considerations: The original design services fee was $126,000. The cost of the additional services is $83,150, which brings the total design fee to $209,150. Funding is available within the existing budget, approved by the City Council on September 1, 2015, and is funded by special assessments.

Legal Considerations: Supplemental Design Agreement No. 1 has been reviewed and approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve Supplemental Design Agreement No. 1 and authorize the necessary signatures.

Attachment: Supplemental Design Agreement No. 1.

SUPPLEMENTAL AGREEMENT NO. 1

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED DECEMBER 8, 2015

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated December 8, 2015) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to **CADILLAC LAKE ADDITION** (Project No.468-85057).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

STAKING, INSPECTION & AS-BUILT
For Storm Water Drain #404
(as per the City of Wichita Standard Construction Engineering Practices)

B. PAYMENT PROVISIONS

The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the not to exceed fee amount specified below:

Staking	$ 6,650
Inspection	$65,500
Compaction testing	$11,000
TOTAL:	**$83,150**

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by February, 2016;

EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions of inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the original Contract, not specifically modified by this Supplemental Agreement, are hereby ratified and confirmed.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2016.

CITY OF WICHITA

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magana, City Attorney
and Director of Law

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

_____
(Name and Title)
Principal

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: Amending Resolution for Sanitary Sewer Improvements to Moscelyn Meadows Addition (District IV)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Adopt the amending resolution.

Background: On February 24, 2015, the City Council adopted Resolution No. 15-054 for sanitary sewer improvements to serve Moscelyn Meadows Addition. A review of the resolution revealed a technical error, which should be corrected.

Analysis: Resolution No. 15-054 listed the incorrect project number. An amending resolution has been prepared to correct the project number listed on the resolution. An additional review step has been added in processing to prevent errors such as this.

Financial Considerations: The project budget remains $20,000, as previously approved, and is funded by special assessments.

Legal Considerations: The Law Department has reviewed and approved the amending resolution as to form.

Recommendation/Action: It is recommended that the City Council adopt the amending resolution and authorize the necessary signatures.

Attachment: Amending resolution.

132019

(Published in the ***Wichita Eagle***, on January 8, 2016)

RESOLUTION NO. 16-001

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS – MOSCELYN MEADOWS/NORTH OF KELLOGG, WEST OF 151ST STREET WEST) (468-85023).

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council of the City (the "Governing Body") has heretofore by **Resolution No. 15-054** of the City (the "Prior Resolution) authorizing certain internal improvements; and

WHEREAS, the caption of the prior resolution set forth an incorrect project number;

WHEREAS, the Petition was filed with the City Clerk proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*, (the "Act"); and

WHEREAS, the Governing Body hereby finds and determines that said Petition was signed by **resident owners of record of more than one-half of the area** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. **Repealer**. The Prior Resolution is hereby repealed.

Section 2. **Findings of Advisability**. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances to serve the Improvement District described below (the "Improvements").

(b) The estimated or probable cost of the Improvements is **$20,000.00** exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Moscelyn Meadows
Lots 1 and 2, Block A

(d) The method of assessment is**: equally per lot**.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 3. **Authorization of Improvements**. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in ***Section 2*** of this Resolution.

Section 4. **Plans and Specifications**. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 5. **Bond Authority; Reimbursement**. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of the Prior Resolution, and 60 days before the date of adoption of this Resolution, to the extent of the increased authorization contained herein, all pursuant to Treasury Regulation § 1.150-2.

Section 6. **Effective Date**. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on January 5th, 2016.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney and Director of Law

132019

(Published in the ***Wichita Eagle***, on _____)

RESOLUTION NO. _____

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS – MOSCELYN MEADOWS/NORTH OF KELLOGG, WEST OF 151ST STREET WEST) (468-85023).

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council of the City (the "Governing Body") has heretofore by **Resolution No. 15-054** of the City (the "Prior Resolution) authorizing certain internal improvements; and

WHEREAS, the caption of the prior resolution set forth an incorrect project number;

WHEREAS, the Petition was filed with the City Clerk proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*, (the "Act"); and

WHEREAS, the Governing Body hereby finds and determines that said Petition was signed by **resident owners of record of more than one-half of the area** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Repealer. The Prior Resolution is hereby repealed.

Section 2. Findings of Advisability. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances to serve the Improvement District described below (the "Improvements").

(b) The estimated or probable cost of the Improvements is **$20,000.00** exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Moscelyn Meadows
Lots 1 and 2, Block A

(d) The method of assessment is: **equally per lot**.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 3. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in ***Section 2*** of this Resolution.

Section 4. Plans and Specifications. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 5. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of the Prior Resolution, and 60 days before the date of adoption of this Resolution, to the extent of the increased authorization contained herein, all pursuant to Treasury Regulation § 1.150-2.

Section 6. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on _____.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
for Jennifer Magaña, City Attorney and Director of Law

DEPARTMENT OF LAW
INTEROFFICE MEMORANDUM

TO: Karen Sublett, City Clerk

FROM: Jennifer L. Magana, City Attorney & Director of Law

SUBJECT: Report on Claims for November 2015

DATE: December 10, 2015

The following claims were approved by the Law Department during the month of November 2015.

Bays, Scott	$958.00
Hines, Richard	$1,905.00
Kansas Gas Service	$1,076.24
Kansas Gas Service	$1,905.00
Turner, Camilla	$872.80

*City Manager Approval
** Settled for lesser amount than claimed
***Settled for more than amount claimed

cc: Robert Layton, City Manager
Shawn Henning, Director of Finance

Agenda Item No. II-12

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: Waiver of MABCD Special Assessment Fees (District I)

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve waiver of the fees.

Background: On November 4, 2014, the City Council adopted Ordinance 49-885 allowing for the Metropolitan Area Building and Construction (MABCD) fees to be waived under certain qualifying circumstances. Habitat for Humanity has submitted the proper paperwork requesting that the MABCD special assessment fees be waived on the vacant lot located at 1148 N. Poplar. All presale conditions of the Ordinance have been met by Habitat for Humanity.

Analysis: Habitat for Humanity has secured the vacant lot located at 1148 N. Poplar. Habitat has applied to have $246.62 in lot clean-up special assessment fees waived. There are no additional pending MABCD special assessment fees for this property.

Financial Considerations: The waiver will result in a loss of special assessessment revenue in the amount of $246.62. Redevelopment of the property by Habitat for Humanity will result in additional property taxes for the City of Wichita. Habitat plans to build a single-family home on this lot in July 2016.

Legal Considerations: The Law Department has reviewed and approved the fee waiver as to form.

Recommendations/Actions: It is recommended that the City Council waive the $246.62 in MABCD special assessment fees.

Attachments: Special assessment waiver packet.

MABCD SPECIAL ASSESSMENT WAIVER FORM

Name of Organization: Wichita Habitat for Humanity

Business address: PO Box 114, Wichita, KS 67201-0114

Business phone number: 316-269-0755

Executive Director: Ann M. Fox

Executive Director phone numbers: 316-269-0755 (Work) 316-640-5508 (Cell)

Executive Director e-mail: ann@wichitahabitat.org

Location of property being submitted for waiver of special assessments: 1148 N Poplar Ave.

Lots 106-108 Mona Now Poplar St. Fairmount Park Addition

PIN: 00138745

Required Attachments

☒ Proof of 501(C)(3) tax exempt designation (for at least five years)

☒ List of current Board of Directors

☒ Organizational By-Laws

☒ Proof of property ownership

☒ Plan for property

Signature

I hereby certify that the information above is true and accurate.

Signature: Laurie Walker Date of Application: 12/21/15

Staff Section

Amount of special assessments being waived: _____

Approved by City Council on: _____

Payment in the amount of _____ sent to Sedgwick County Treasurer on _____

Reimbursement from Sedgwick County Treasurer received on _____

Any new or rehabilitated home must be sold to an individual or individuals who will occupy the home as his/her/their primary residence. The new or rehabilitated home must be sold by the applicant to an individual(s) with a gross annual household income between 30 and 80% of the median income for Sedgwick County. Failure to comply will result in the applicant being denied future waivers.

Created 10-14-14

1148 N. Poplar

This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

1: 1,482

Johnson, Janet

From: Shuck, Denise L. <Denise.Shuck@sedgwick.gov>
Sent: Monday, December 21, 2015 12:13 PM
To: Johnson, Janet
Subject: RE: another Habitat purchase

Hello Janet,

This property has tax owed from 2012 and forward. The special assessments of $246.62 are from 2012 with no other specials on the tax rolls. The grand total due is $456.54.

Billings

Tax Year	Tax Bill Id	Tax Rate	General Tax Billed	Specials Tax Billed	Interest Billed	Fees Billed	Total Billed	Amount Paid	Balance Due
2015	5219397	119.847	$28.75	$0.00	$0.00	$0.00	$28.75	$0.00	$28.75
2014	4643415	117.365	$28.18	$0.00	$1.02	$16.00	$45.20	$0.00	$45.20
2013	3893551	120.6007	$28.95	$0.00	$2.74	$16.00	$47.69	$0.00	$47.69
2012	3141949	120.6024	$28.97	$246.62	$43.31	$16.00	$334.90	$0.00	$334.90

Please let me know if you need anything further. Thanks!

Denise Shuck | Tax Team Supervisor | Sedgwick County Treasurer's Office
p: (316) 660-9143 | fax: (316) 383-7113 | Denise.Shuck@sedgwick.gov
525 N. Main, Suite 107 | Wichita, KS 67203 | www.sedgwickcounty.org

Sedgwick County...
working for you

From: Janet Johnson
Sent: Monday, December 21, 2015 11:49 AM
To: Shuck, Denise L.
Subject: another Habitat purchase

Hi Denise, Habitat for Humanity has purchased another vacant lot at 1148 N. Poplar - PIN 00138745. Can you tell me what you are showing as MABCD special assessments? Thank you! Janet

Janet Johnson | Supervisor of the Office of Community Services| City of Wichita
455 N. Main, 13th Fl | Wichita, KS 67202 | jcjohnson@wichita.gov
TEL 316.352-4879 I FAX 316-858-7907

REAL ESTATE PURCHASE CONTRACT

This Real Estate Sale and Purchase Contract ("Contract') is entered into by and between the Purchaser and Seller, to be effective as of the date the Contract is fully executed by both parties and Purchaser has received from Seller an original or fax of the fully signed Contract ("Effective Date"):

JEDA MASE SUPPORT
hereinafter referred to as "Seller"

and

WICHITA HABITAT FOR HUMANITY, INC.
hereinafter referred to as "Buyer"

WITNESSETH

That for and in consideration of the mutual promises, covenants and obligations hereinafter provided, and the purchase price to be paid by Buyer to Seller, the parties agree with each other as follows:

1. Property. The Seller does hereby agree to sell and convey to the Buyer by a good and sufficient Warranty Deed the real property legally described, according to the duly recorded plat thereof, as:

   Vacant lots 106-108 Mona Now Poplar St. Fairmount Park Add. (PIN 138745)
   with the address 1148 N Poplar, Wichita, KS 67214

   hereinafter referred to as (the "Property").

2. Consideration. Buyer agrees to purchase the Property, and to pay to the Seller, as consideration for the conveyance to Buyer, the sum of $1,000.00 (one-thousand dollars and no/100), to be paid in cash at closing.

3. Contingencies. Buyer's obligation to close on the purchase of the Property will be contingent on the following conditions being met:
   a) Utility service connections are available in close proximity to the property (gas, water, sewer, electricity);
   b) The Property is free from encroachment and free of soil and groundwater contamination that would interfere with Buyer's intended use of the properties for construction of single-family residences;
   c) The Property receives environmental clearance as determined by the City of Wichita;
   d) Buyer receives a commitment to insure marketable title to the Property free and clear of encumbrances, except for easements and restrictions of record that would not interfere with Buyer's intended use of the property for residential construction.

4. Title. To Seller's actual knowledge there are no unpaid (whether recorded or not) liens on the title to the Property or conditional sales contracts affecting any portion of the Property. The Buyer will acquire title insurance on the property prior to closing at the Buyer's cost. Buyer requests that the title company leave the title binder open.

5. Taxes. Taxes shall be prorated as of the Closing Date. If the amount of the taxes for the year of closing has not been established as of the Closing Date, such proration will be based upon the taxes for the previous year.

6. Closing and Possession. Closing will be on or before November 1, 2015 (the "Closing Date"). Possession will be granted at closing. At closing, Seller will deliver to Buyer a properly executed and acknowledged warranty deed conveying the Property; and Buyer will deliver to Seller a cashier's or certified check for the balance of the purchase price, adjusted, if necessary, for any prorations required under the terms of this Contract.

7. Closing Costs. Closing fees will be paid 50% by Seller and 50% by Buyer. The cost of recording any documents necessary to clear Seller's title to both tracts will be paid by Seller. The cost of recording the warranty deed, and the cost of surveying the Property if a survey is desired by Buyer shall be paid by Buyer.

8. Default. If Buyer fails to punctually pay the purchase price, Seller may, at Seller's option, at any time thereafter, give written notice of such default to Buyer, and inform Buyer that unless such default is cured on or before the expiration of three days from the date of such notice, this Contract will thereupon, upon the expiration of said three day period, automatically terminate. If Buyer fails to cure all such defaults within such three day period, this Contract will, upon the expiration of such period, automatically terminate without the necessity of any further notice from, or action on the part of, Seller and all payments theretofore paid by Buyer, if any, may be retained by Seller as liquidated damages, and not as a penalty, and as Seller's sole remedy hereunder.

9. Notices. All notices will be served either personally, by recognized public or private express mail service, or by depositing the same in a United States Post Office, certified or registered mail, return receipt requested, postage prepaid, and properly addressed as follows:

Seller:	Buyer:
Attn: Wanda Hunt	Attn: Laurie Walker, Property Manager
Jeda Mase Support	Wichita Habitat for Humanity, Inc.
2437 N. Prince St.	PO Box 114
Wichita, KS 67219-4810	Wichita, KS 67201

Said notice will be deemed to have been given when personally delivered, one day after depositing the notice with a next day delivery service, or two days after depositing the notice in the United States mail, properly addressed.

10. Successors and Assigns. This Agreement will be binding upon the heirs, devisees, legatees, executors, administrators, trustees, successors, and assigns of the parties hereto.

11. This Contract constitutes the entire agreement between the parties and supersedes any previously executed contracts, representations, verbal or written, to buy and/or sell the property.

12. This Contract and its validity, construction and performance will be governed by the Laws of Kansas.

13. No Real Estate Broker. Seller represents and warrants to Buyer that no real estate broker or agent has been engaged by Seller to sell the property. Seller will indemnify Buyer from any losses, cost or expense incurred by Buyer in connection with any party claiming the right to be paid a commission or sales fee in connection with Buyer's purchase of the property based upon any contract or understanding of Seller with such person.

IN WITNESS WHEREOF, this Contract has been executed as of the date first above written.

"BUYER"

Ann M. Fox, Executive Director Wichita Habitat for Humanity, Inc.	58-1735540 Employer ID #	8-25-15 Date

"SELLER(S)"

Signature: Linda F. Hunt Printed Name: Linda F. Hunt	20-0933412 Tax ID #	8-26-15 Date

Wichita Habitat for Humanity®

Bringing people together to build homes, communities and hope.

PROPERTY PLAN

Address: 1148 N Poplar Ave. Wichita
Lots 106-108 Mona Now Poplar St. Fairmount Park Add.
PIN 00138745

Wichita Habitat for Humanity will build a single-family residence on the above referenced property, with construction tentatively scheduled to begin in July 2016. The home will be sold to an individual or individuals who will occupy the home as his/her/their primary residence. The new home will be sold to an individual or individuals with a gross annual household income between 30-80% of the median income for Sedgwick County, Kansas

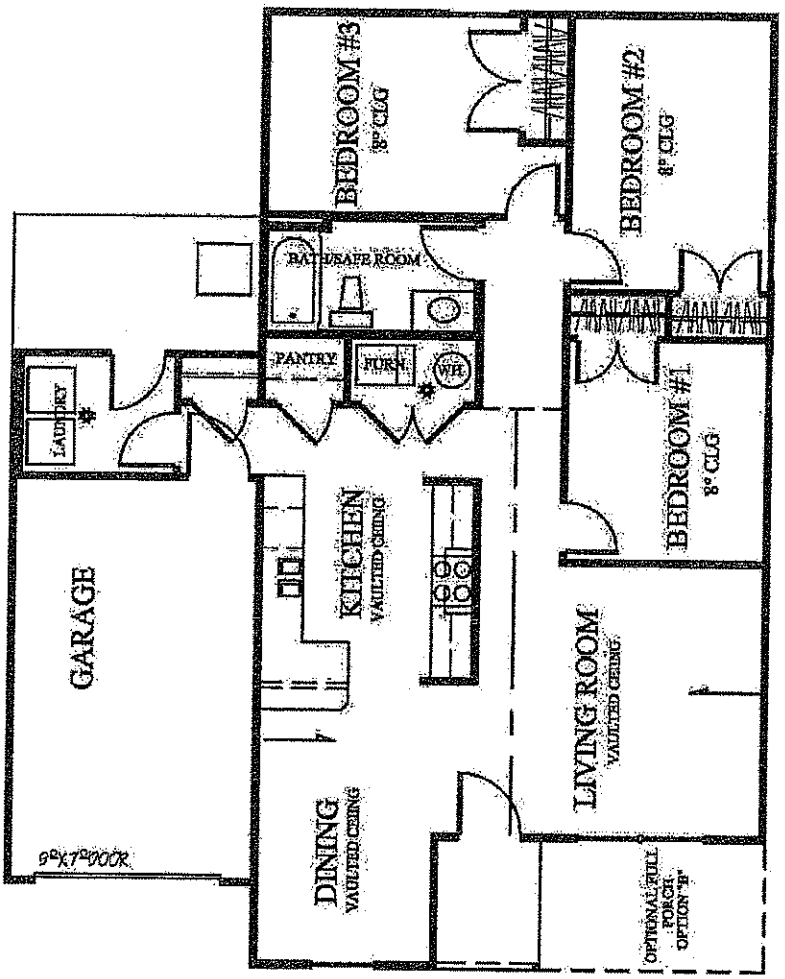
Sample floor plans with corresponding elevations accompany this Property Plan.

P.O. Box 114 • Wichita, Kansas 67201-0114 • (316) 269-0755 • Fax (316) 264-1108
www.wichitahabitat.org

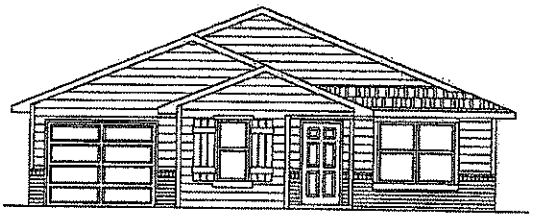
Wichita Habitat for Humanity®

Jefferson Floor Plan

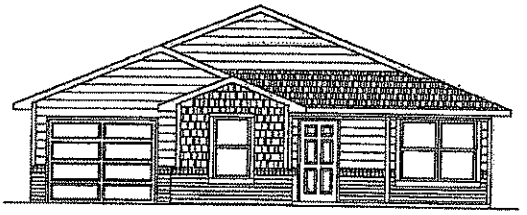
1,151 Sq. Ft.
3 Bedrooms/1 Bath
Single Car Garage



OPTION A



OPTION B



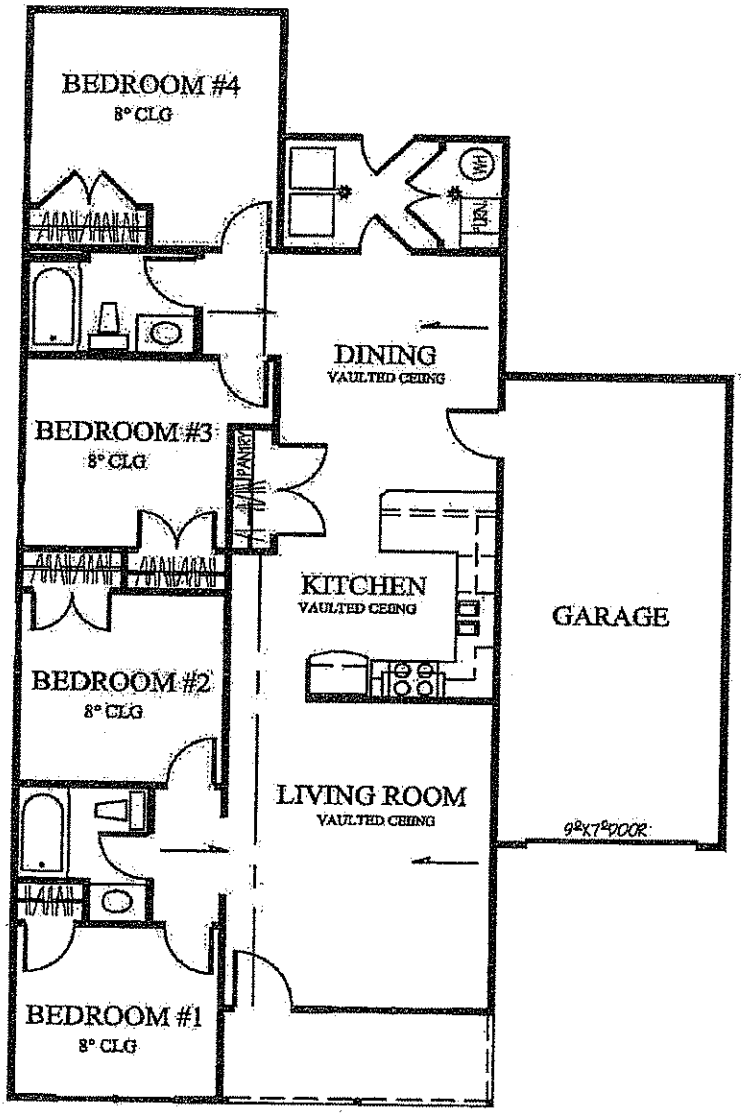
OPTION C

Wichita Habitat for Humanity 130 E. Murdock, Suite 102 Wichita, KS 67214
www.wichitahabitat.org 316.269.0755

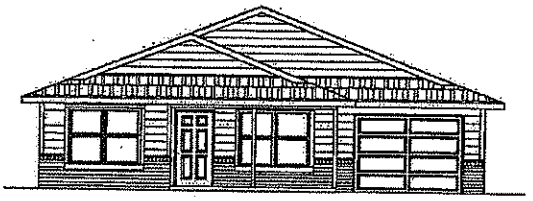
Wichita Habitat for Humanity®

Madison Floor Plan

1,385 Sq. Ft.
4 Bedrooms/2 Baths
Single Car Garage



Option A



Option B

Wichita Habitat for Humanity 130 E. Murdock, Suite 102 Wichita, KS 67214
www.wichitahabitat.org 316.269.0755

Agenda Item No.

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: Year-End Budget Adjustments (All Districts)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the year-end budget adjustments.

Background: The 2015 budgets will soon have final expenditures posted, and budget adjustments are necessary to close out the fiscal year. Administrative Regulations require City Council approval for all budget adjustments that exceed $25,000.

Analysis: To close out fiscal year 2015, a handful of line-items are projected to be over budget. These overages can be offset by lower than budgeted expenditures in other areas. Each of the potential expenditure overages are noted at the maximum potential level, to provide the authority to process year-end adjustments and to avoid delays in vendor payments. The actual necessary adjustments are expected to be smaller than listed, and all funds will remain under the state-certified budget limits established for 2015.

— General Fund: There will be overages in the contractual and commodities line items of the group that manages City facility maintenance. These overages are driven by needed repairs being greater than budgeted for maintenance at the Wichita Art Museum, Century II, Park facilities, Fire stations, and Police facilities. The total of these overages is $160,000. Savings of about $350,000 are anticipated from under-spending in the personnel budget due to a soft hiring freeze implemented by the Department, and this under-spending can be used to cover the line item overages without impacting the bottom line.

The Street Maintenance Division will experience an overage in personnel that is related to the increased need for snow removal labor. This overage is projected to be approximately $230,000.

Signs and Signals is projecting an overage up to $80,000 in contractuals, related to a traffic accident that required the replacement of a pole, detour signage related to load limit reduction on the John Mack Bridge, and unanticipated Airport signage expenses.

The Environmental Health Division will exceed its personnel budget by as much as $150,000. Due to being fully staffed for most of the year, this division was unable to meet planned savings targets within the personnel budget. Under-spending in other line items can be used to cover overages without impacting the bottom line.

Snow and ice removal expenditures within Street Maintenance divisions are over budget due to higher than average snow events, including a snow and ice event that extended over Thanksgiving into the following weekend and another event the weekend following Christmas. Both events resulted in substantial personnel and overtime pay. On December 1, City Council

authorized $300,000 to be moved from the contingency budget to accommodate higher than average snow and ice removal expenditures. The recommended action would authorize use of the remaining non-departmental contingency budget of $450,000 to cover any and all overages in the snow and ice removal budget through the end of 2015, if necessary.

In summary, an amount up to $620,000 would be shifted within any of the Public Works & Utilities General Fund division budgets to cover line item overages in any of the department's General Fund divisions. Additionally, up to $450,000 may be transferred from the non-departmental snow and ice removal contingency to cover line item overages related to snow and ice removal.

— Water Fund: Commercial meters have been replaced and repaired at much higher rates, which provides a more accurate meter network to generate additional water revenue without impacting rates. This is being done in conjunction with a five-year program to replace all residential meters. The additional work has increased costs for materials and for contracting out service line work. Utility Operations has also experienced higher than anticipated contractual expenditures due to an emphasis on bad debt collection, which has resulted in increased processing charges. Additionally, web and phone payments are up approximately 5%, which also carries an additional expenditure for processing fees. An amount up to $950,000 would be transferred from under-spent line items in divisions within the Water Fund to cover any line item overages.

— Stormwater Fund: The Stormwater Utility has had two large, emergency repairs that have contributed to the depletion of the $600,000 Hot Spot budget and the contingency of $100,000. The failure of a stormwater pipe near the 1st Street Bridge in downtown Wichita required an emergency repair that totaled approximately $250,000. A second emergency repair was needed near Sewer Treatment Plant 1 on a stormwater line that passed through a sewer line, causing the potential for a permit violation. This emergency repair totaled approximately $600,000. These unforeseen repairs may require the use of available certified budget authority to meet all budget obligations for 2015 by an amount of $600,000. The recommended action would increase the budget for contractuals by $600,000 and would authorize any other line-item adjustments to be made in order to ensure that the Stormwater Fund does not report any line-item overages at year-end.

Financial Considerations: The budget adjustments will provide necessary expenditure authority to ensure compliance with City policies at year-end. All funds under the Department will come in under the state-certified budget levels.

Legal Considerations: Budget adjustments over $25,000 require approval by the City Council.

Recommendations/Actions: It is recommended that the City Council approve the year-end budget adjustments.

Attachments: None

Second Reading Ordinances for January 5, 2016 (first read on December 22, 2015)

A. <u>PUD2015-00005 Zone Change from GC General commercial to Planned Unit Development #48 on Property Located on Property Generally Located on the Southeast Corner of Maple Street and Sycamore Street.</u> (District V)

ORDINANCE NO. 50-140

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

Agenda Report No. II-15

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

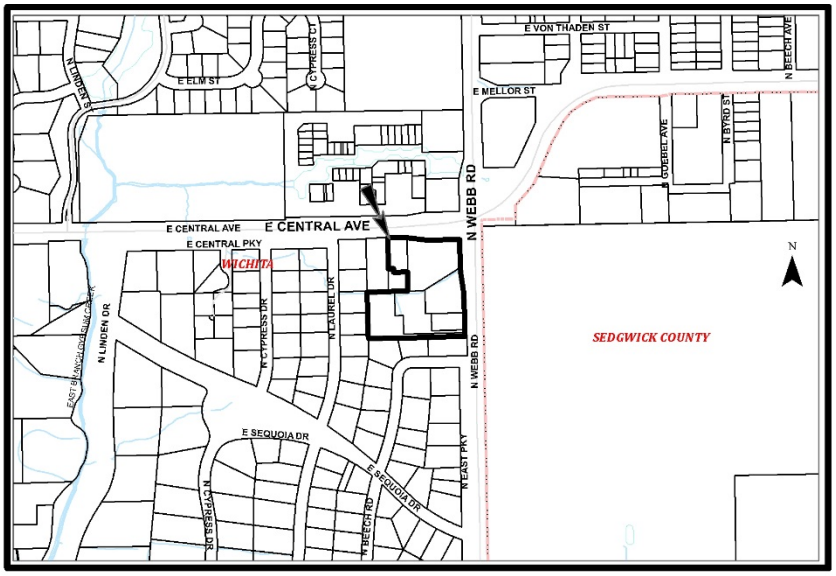
SUBJECT: SUB2015-00031 -- Plat of Forest Hills Office Park 5th Addition Located on the Southwest Corner of Central Avenue and Webb Road (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve the plat.

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



Background: The site consists of six lots on 4.99 acres on property zoned Limited Commercial (LC).

Analysis: Water and sewer services are available to serve the site.

The plat has been reviewed and approved by the Metropolitan Area Planning Commission subject to conditions.

Financial Considerations: There are no financial considerations associated with the plat.

Legal Considerations: There are no legal considerations associated with the plat.

Recommendations/Actions: It is recommended that the City Council approve the plat and authorize the necessary signatures.

Attachments: There are no attachments associated with the plat.

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

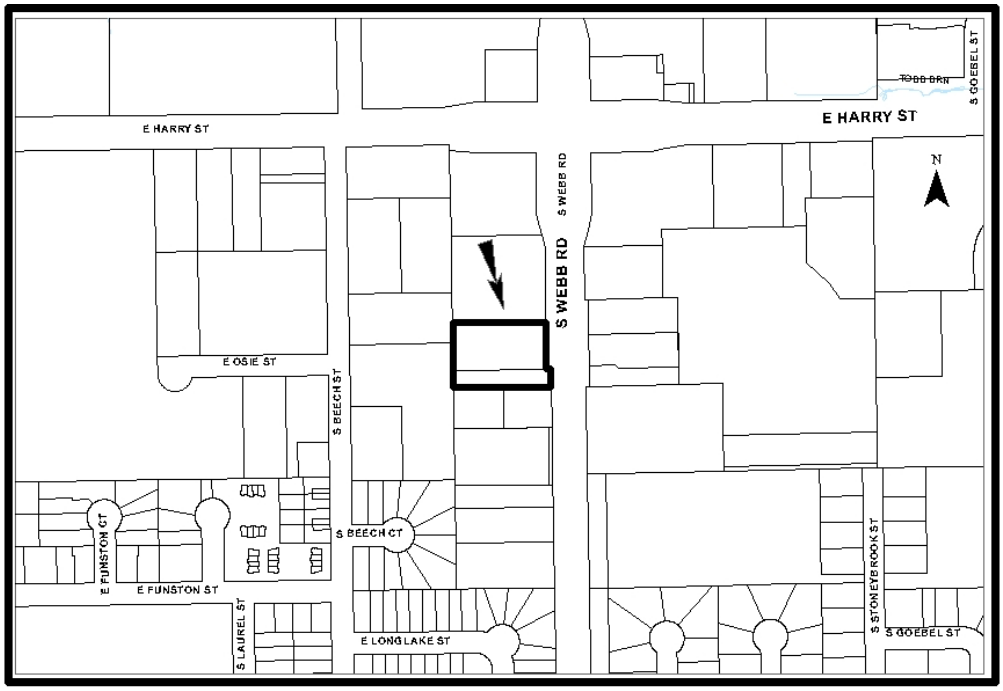
SUBJECT: SUB2015-00038 -- Plat of Wasinger 2ND Addition Located on the West Side of Webb Road, South of Harry Street (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve the plat.

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



Background: The site consists of one lot on 1.17 acres. A zone change (ZON2015-00044) has been approved from General Office (GO) to Limited Commercial (LC).

Analysis: Water and sewer services are available to serve the site.

The plat has been reviewed and approved by the Metropolitan Area Planning Commission subject to conditions.

Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Financial Considerations: There are no financial considerations associated with the plat.

Legal Considerations: The Law Department has reviewed and approved the Ordinance as to form.

Recommendations/Actions: It is recommended that the City Council approve the plat, authorize the necessary signatures and place the Ordinance on first reading. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Attachments: Ordinance.

(OCA150004 BID 37529-009 CID #76383)

Published in The Wichita Eagle on January 15, 2016

ORDINANCE NO. 50-141

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2015-00044

Zone change request from General Office (GO) to Limited Commercial (LC) on property described as:

Wasinger 2nd Addition, Wichita, Sedgwick County, Kansas.

Generally located on the West Side of Webb Road, South of Harry Street.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 12th day of January, 2016.

ATTEST:

_____ _____

Karen Sublett, City Clerk Jeff Longwell, Mayor

(SEAL)

APPROVED AS TO FORM:

_____

Jennifer Magaña, City Attorney and Director of Law

Agenda Item No. II-17

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: ZON2015-00045 – Zone Change from SF-5 Single-Family Residential to LC Limited Commercial on Property Generally Located South and East of the Intersection of Taft Avenue and South Ridge Road (500 and 526 S. Ridge Road and 501 S. Summitlawn Drive) (District IV)

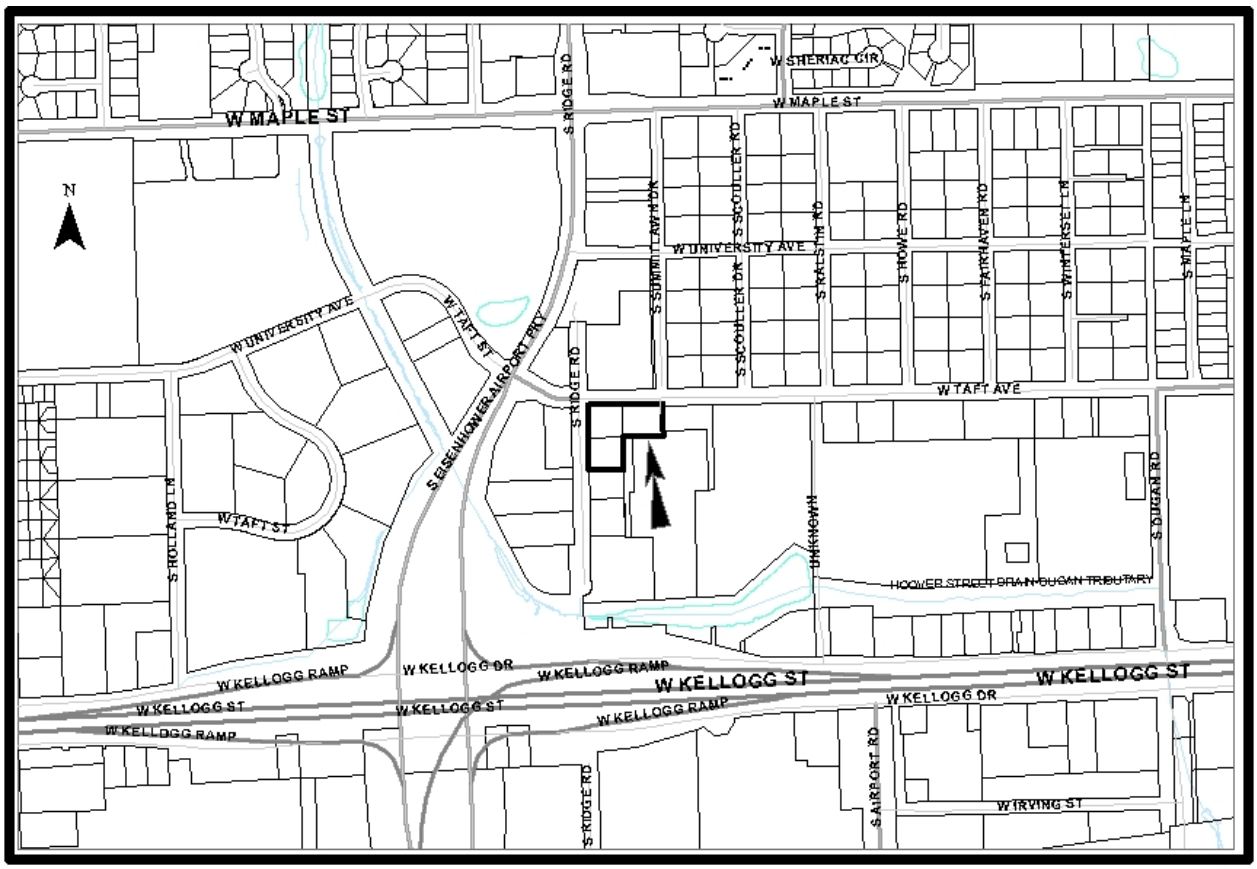
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (12-0).

DAB Recommendation: District Advisory Board IV recommended approval of the request 6-0.

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommends approval of the request.



Background: The applicant requests a rezone from SF-5 Single-family Residential ("SF-5") to LC Limited Commercial ("LC") zoning on three lots, one platted (501 S. Summitlawn Dr.) and two unplatted (500 and 526 S. Ridge Rd) lots equaling approximately 1.10 acres, located on the east side of Ridge Road and the south side of Taft Avenue. The parcels are currently developed with single-family residences.

The current neighborhood character is a mix of GC General Commercial ("GC") and LC zoned shopping, restaurant and entertainment uses along Kellogg Dr., Mid-Continent Dr., Ridge Rd. and Taft Ave. The only remaining residential properties along this corridor are these two SF-5 zoned homes on the east side of Ridge Rd. and the one SF-5 zoned home on the south side of Taft Ave. The proposed zone change, from SF-5 to LC would require conformance to all property development standards in the Unified Zoning Code.

To the north of the application area (across Taft Ave.), the property is zoned LC and is developed with a collection of restaurants. South of the application area the property is zoned GC and still developed with a single-family residence. East of the subject site is property zoned GC (DP-151 The Dugan Center) and is developed with regional retail uses. West of the application area (across S. Ridge Rd.) is property zoned LC and developed with a theater and restaurants. US-54 (Kellogg) is located approximately 1,000 feet south of the application area, which is accessible from Mid-Continent Dr., but not S. Ridge Rd., which turns into a cul-de-sac just south of the application area.

Analysis: On December 3, 2015, The Metropolitan Area Planning Commission (MAPC) recommend approval of (12-0) the application subject to platting within one year.

On December 7, 2015, District Advisory Board (DAB) IV reviewed the application and recommend approval 6-0.

No protest petitions have been received. The request can be approved with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the Zone Change, subject to platting within one year (simple majority vote).

Attachments: Ordinance, DAB Memo, MAPC minutes

OCA 150004

ORDINANCE NO. 50-142

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2015-00045

Zone change from SF-5 Single-Family Residential (SF-5) to LC Limited Commercial (LC) subject to platting within one year on property located south and east of the intersection of Taft Avenue and South Ridge Road (500 and 526 South Ridge Road and 501 South Summitlawn Drive); described as:

Lot 1, Mary Ellen Addition, Wichita, Sedgwick County, Kansas.

AND

The North 180 feet of the West 197 feet of the South Half of the Northwest Quarter of Section 27, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; EXCEPT the North 30 feet and the West 40 feet thereof for road purposes.

AND

The South 150 feet of the North 330 feet of the West 197 feet of the South half of the Northwest Quarter EXCEPT the West 40 feet for road, Section 27, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County Kansas.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 12th day of January, 2016.

_____
Jeff Longwell - Mayor

ATTEST:

_____
Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Jennifer Magana, City Attorney and Director of Law

CITY OF WICHITA

INTEROFFICE MEMORANDUM

TO: City Council

FROM: Janet Johnson, Office of Community Engagement

SUBJECT: ZON2015-00045 – zoning change from SF-5 Single-family Residential to LC Limited Commercial

DATE: December 9, 2015

On Monday, December 7, 2015, the District IV Advisory Board considered a request for a zoning change from SF-5 Single-family Residential to LC Limited Commercial.

DAB ? What are they proposing to put there. A: A Bar-be-cue restaurant.

Action Taken: Corby/Sewell made a motion to recommend approval subject to platting within one year.
Motion carried 6-0

EXCERPT MINUTES OF THE DECEMBER 3, 2015 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2015-00045 - Reichenberger Revocable Family Trust and Sandra Reichenberger (Owners), PlanScape Partners c/o Ronald Discus (Agent/Applicant) request a City zone change from SF-5 Single-family Residential to LC Limited Commercial on property described :

Lot 1, Mary Ellen Addition to Wichita, Sedgwick County, Kansas.

AND

The North 180 feet of the West 197 feet of the South Half of the Northwest Quarter of Section 27, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; EXCEPT the North 30 feet and the West 40 feet thereof for road purposes.

AND

The South 150 feet of the North 330 feet of the West 197 feet of the South half of the Northwest Quarter EXCEPT the West 40 feet for road, Section 27, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas.

BACKGROUND: The applicant requests a rezone from SF-5 Single-family Residential ("SF-5") to LC Limited Commercial ("LC") zoning on three lots, one platted (501 S. Summitlawn Dr.) and two unplatted (500 and 526 S. Ridge Rd) lots equaling approximately 1.10 acres, located on the east side of Ridge Road and the south side of Taft Avenue. The parcels are currently developed with single-family residences.

The current neighborhood character is a mix of GC General Commercial ("GC") and LC zoned shopping, restaurant and entertainment uses along Kellogg Dr., Mid-Continent Dr., Ridge Rd. and Taft Ave. The only remaining residential properties along this corridor are these two SF-5 zoned homes on the east side of Ridge Rd. and the one SF-5 zoned home on the south side of Taft Ave. The proposed zone change, from SF-5 to LC would require conformance to all property development standards in the Unified Zoning Code.

To the north of the application area (across Taft Ave.), the property is zoned LC and is developed with a collection of restaurants. South of the application area the property is zoned GC and still developed with a single-family residence. East of the subject site is property zoned GC (DP-151 The Dugan Center) and is developed with regional retail uses. West of the application area (across S. Ridge Rd.) is property zoned LC and developed with a theater and restaurants. US-54 (Kellogg) is located approximately 1,000 feet south of the application area, which is accessible from Mid-Continent Dr., but not S. Ridge Rd., which turns into a cul-de-sac just south of the application area.

CASE HISTORY: Two properties within this application are currently unplatted (500 and 526 S. Ridge Rd.) and 501 S. Summitlawn Dr. is platted as Lot 1, Mary Ellen Addition, recorded October 11, 1967.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Restaurants
SOUTH:	GC	Single-family Residence
EAST:	GC	Shopping Center
WEST:	LC	Movie Theater & Restaurants

PUBLIC SERVICES: The properties are located along Ridge Rd. and Taft Ave., northeast of Mid-Continent Dr. and Kellogg. The 2006 Average Daily Traffic Map showed 27,701 ADTs (average daily trips) for section of Mid-Continent Dr., west of the application area, and 10,823 ADTs for Taft, just north of the application area. The application area currently has two points of access onto Ridge Rd. and one onto Taft Ave. City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the application area, along with the entire surrounding area, as "Regional Commercial." The application area is consistent with the "Commercial Locational Guidelines" of the Wichita-Sedgwick County Comprehensive Plan. Commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion, with the location of major commercial uses being coordinated with mass transit routes, high-density residential, employment and other intensive uses. Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses and commercial uses should locate in compact clusters or nodes versus extended strip developments. Commercially-generated traffic should not feed directly onto local residential streets and commercial uses that are not located in planned centers or nodes (including large free-standing buildings, auto-related and non-retail uses) should be guided to other appropriate areas such as: the CBD fringe; segments of Kellogg; established areas of similar development; and, areas where traffic patterns, surrounding land uses and utilities can support such development.

RECOMMENDATION: This zone change request is in conformance with the Land Use Guide of the Comprehensive Plan and "Commercial Locational Guidelines." A zone change to LC and the subsequent redevelopment will require the application area to be in compliance with the landscape ordinance; and to screen and deflect lighting from any residential neighbors. To be redeveloped, the applicant will be required to plat the two uplatted properties within the application area. Planning staff anticipates that platting will include complete dedication of access control with one point of access on Ridge Rd., and required cross-lot access agreements with all non-residentially zoned neighboring lots.

For the application proposing a rezone from SF-5 Single-Family Residential ("SF-5") to LC Limited Commercial ("LC") for 500 & 526 S. Ridge Rd. and 501 S. Summittlawn Dr., considering information available prior to the public hearings, planning staff recommends APPROVAL of the rezone request, subject to platting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is a mixture of GC and LC zoning. The surrounding land uses are a mixture of restaurants, shopping centers, a theater, a single-family home, and an elevated highway. Landscape and screening requirements should help mitigate any negative impacts from the application area any residential neighbors.

2. The suitability of the subject property for the uses to which it has been restricted: The Land Use Guide of the Comprehensive Plan identifies the entire surrounding area as "Regional Commercial." With a large CUP commercial development to immediate east, and past street improvements along Ridge and Taft, the entire surrounding area is currently being redeveloped for commercial uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of LC zoning on this property will increase traffic and the intensity of land uses in the immediate area. Designation of the entire surrounding area as "Regional Commercial" in the Land Use Guide of the Comprehensive Plan, and past street improvements on Ridge and Taft, have taken into consideration the redevelopment of the surrounding area for commercial uses.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the Comprehensive Plan "Wichita Land Use Guide," and it is in conformance with the commercial locational guidelines of the plan.

5. Impact of the proposed development on community facilities: A zone change at the application area to LC will increase traffic along Ridge and Taft, the designation of the entire surrounding area as "Regional Commercial" in the Land Use Guide of the Comprehensive Plan, and past street improvements, have planned and accounted for increased traffic in this area.

DERRICK SLOCUM, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

MCKAY moved, **JOHNSON** seconded the motion, and it carried (12-0).

Agenda Item No. II-18

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: ZON2015-00047 – Zone Change from TF-3 Two-Family Residential to GC General Commercial with a Protective Overlay on Property Generally Located Southeast of the Intersection of North Green Street and East 13th Street North (1358 North Green Street).

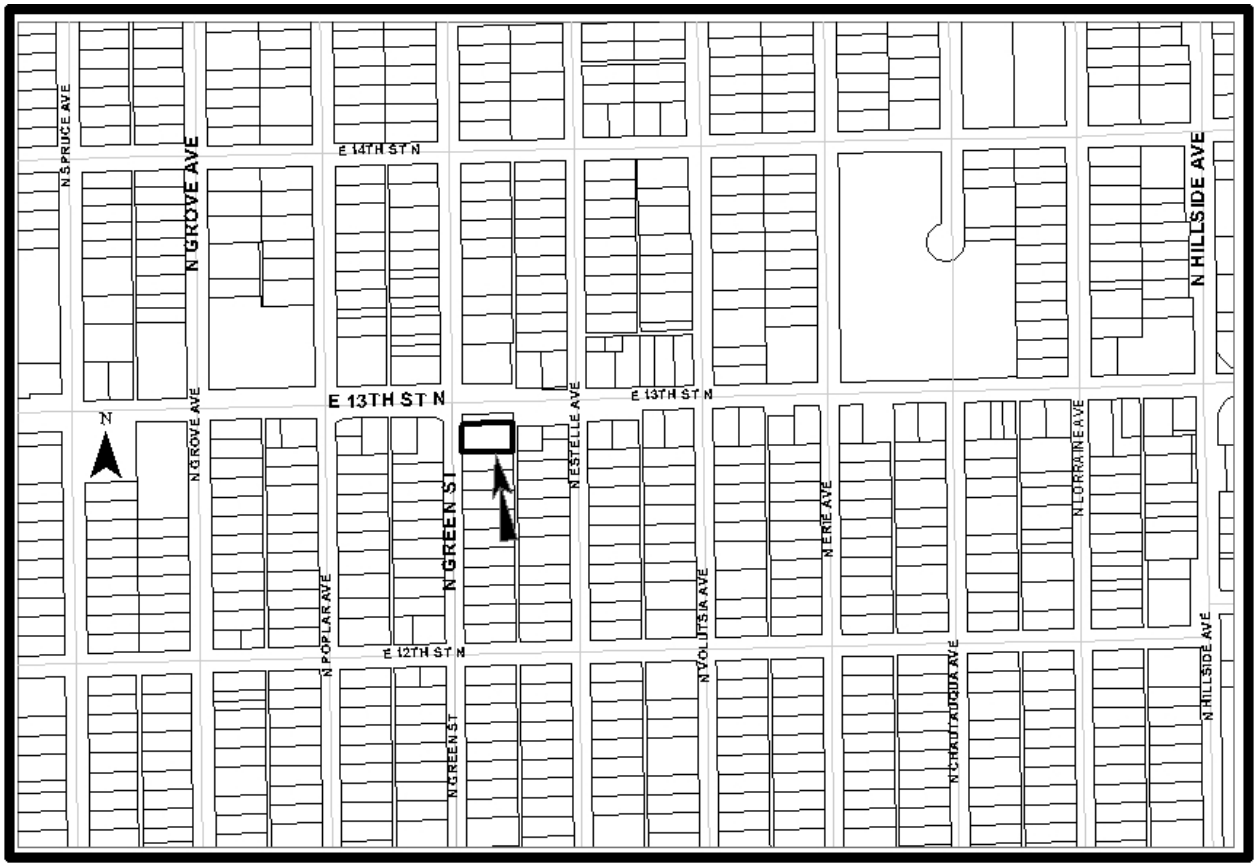
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (12-0).

DAB Recommendation: District Advisory Board I recommended approval of the request 9-0.

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommends approval of the request.



Background: The applicant is requesting GC General Commercial ("GC") zoning on a 0.22-acre site, currently zoned TF-3 Two-family Residential ("TF-3"). The proposed use is a parking area, commercial, for an art studio and an open air retail market with outside display proposed to be developed just west of the site, across Green Street. The site is located at the southeast corner of East 13th Street North and North Green Street, just two blocks east of North Grove Avenue. The subject site currently is undeveloped.

Any development on the subject property, even a parking area, will be required to meet screening, compatibility standards and landscaping. For any proposed development, screening, buffer landscaping and compatibility standards will be required for the residential properties to the south and east. Any existing vegetation, on the subject property, that is left in place after the development of the site can be used to satisfy the buffer landscaping requirement. Access control would be reviewed, by the Traffic Engineer, according to the redevelopment of the site. There is currently one existing drive for the site.

Property to the north of the subject site (across 13th Street) is zoned GC and is developed with outdoor storage area. Property to the south of the subject site is zoned TF-3 and is developed with a single-family residence. To the west of the subject site (across Green Street) the property is zoned GC and is currently developed with a vacant single-family residence. Property to the east of the subject site is zoned TF-3 and is vacant, with a duplex further to the east, fronting Estelle Avenue.

Analysis: On December 3, 2015, The Metropolitan Area Planning Commission (MAPC) recommend approval of (12-0) the application with Protective Overlay #302:

A. The following uses shall not be permitted: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

On December 7, 2015, District Advisory Board (DAB) I reviewed the application and recommend approval 9-0.

No protest petitions have been received. The request can be approved with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the Zone Change, subject to the provisions of Protective Overlay #302, and place the ordinance on first reading (simple majority vote).

Attachments: Ordinance, DAB Memo, MAPC minutes

OCA 150004

ORDINANCE NO. 50-143

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2015-00047

Zone change from TF-3 Two-Family Residential (TF-3) to GC General Commercial (GC) with Protective Overlay #302:

A. The following uses shall not be permitted: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

On property located south east of the intersection of East 13th Street North and North Green Street (1358 North Green Street); described as:

Lots 4, 6 and 8, on Alice, now Green Street, Fairmount Park Addition to Wichita, Sedgwick County Kansas.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 12th day of January, 2016.

_____
Jeff Longwell - Mayor

ATTEST:

_____
Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Jennifer Magana, City Attorney and Director of Law

CITY OF WICHITA

INTEROFFICE MEMORANDUM

TO: City Council

FROM: Kameelah Alexander, Office of Community Services

SUBJECT: ZON2015-00047 TF-3 Two-family Residential to GC General Commercial

DATE: December 9, 2015

On Monday, December 7, 2015, the District I Advisory Board considered a request for a GC General Commercial ("GC") zoning on a 0.22-acre site, currently zoned TF-3 Two-family Residential ("TF-3") subject to the proposed Protective Overlay: The following uses shall not be permitted: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

DAB members asked questions on the following items:

- When the project would transition
- How parking would be accommodated

The applicant was able to provide satisfactory responses to all questions. There were no questions or comments from the general public.

Action Taken: Wynne/Wilson made a motion to recommend that City Council approve the zoning request. Motion carried 9-0.

EXCERPT MINUTES OF THE DECEMBER 3, 2015 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2015-00047 - Janice Thacker (Owner/Applicants) requests a City zone change request from T- 3 Two-family Residential to GC General Commercial on property described as:

Lots 4, 6 and 8, on Alice, now Greet Street, Fairmount Park Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting GC General Commercial ("GC") zoning on a 0.22-acre site, currently zoned TF-3 Two-family Residential ("TF-3"). The proposed use is a parking area, commercial, for the art studio and an open air retail market with outside display proposed to be developed just west of the site, across Green Street. The site is located at the southeast corner of East 13th Street North and North Green Street, just two blocks east of North Grove Avenue. The subject site currently is undeveloped.

Any development on the subject property, even a parking area, will be required to meet screening, compatibility standards and landscaping. For any proposed development, screening, buffer landscaping and compatibility standards will be required for the residential properties to the south and east. Any existing vegetation, on the subject property, that is left in place after the development of the site can be used to satisfy the buffer landscaping requirement. Access control would be reviewed, by the Traffic Engineer, according to the redevelopment of the site. There is currently one existing drive for the site.

Property to the north of the subject site (across 13th Street) is zoned GC and is developed with outdoor storage area. Property to the south of the subject site is zoned TF-3 and is developed with a single-family residence. To the west of the subject site (across Green Street) the property is zoned GC and is currently developed with a vacant single-family residence. Property to the east of the subject site is zoned TF-3 and is vacant, with a duplex further to the east, fronting Estelle Avenue.

CASE HISTORY: The property is platted as Lots 4, 6 and 8, Green Street, Fairmount Park Addition, which was recorded August 12, 1909.

ADJACENT ZONING AND LAND USE:

NORTH:	GC	Outdoor Storage
SOUTH:	TF-3	Single-family Residence
EAST:	TF-3	Vacant Land, Duplex
WEST:	GC	Vacant Single-Family Residence

PUBLIC SERVICES: The subject property has frontage along East 13th Street North (north side of property), a four-lane, paved, arterial road with approximately 35,000 Average Daily Trips (ADT's) near this location. Along the west side of the property runs North Green Street, a two-lane, paved, collector without traffic counts. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "Urban Residential." This is the only corner of Green Street that is not

identified as "Local Commercial." The "Urban Residential" category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category."

RECOMMENDATION: While this proposed zone change does not exactly conform to the existing Land Use Guide of the Comprehensive Plan, this request would be in conformance at the other three corners of the intersection due to them being classified as Local Commercial. This proposed zone change is proposed to help serve the property to the east of the subject site (across Green Street) which was granted a zone change from TF-3 to GC by the MAPC on December 2, 2010 (ZON2010-00042). Thus, based upon the information available prior to the public hearings and past zone change requests in the area, planning staff recommends that the request be APPROVED, subject to the proposed Protective Overlay:

A. The following uses shall not be permitted: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood**: Property to the north of the subject site (across 13th Street) is zoned GC and is developed with outdoor storage area. Property to the south of the subject site is zoned TF-3 and is developed with a single-family residence. To the west of the subject site (across Green Street) the property is zoned GC and is currently developed with a vacant single-family residence. Property to the east of the subject site is zoned TF-3 and is vacant, with a duplex further to the east, fronting Estelle Avenue.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site could be developed with a single-family residential or duplex use under the current zoning.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Rezoning and commercial development could have negative effects on the single-family residences south and east of the application area. Existing codes would require compatibility setbacks, screening, landscaping, limit noise, and prohibit certain uses within 200 feet of residences.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Land Use Guide of the Comprehensive Plan identifies this area as "Urban Residential." This is the only corner of Green Street that is not identified as

"Local Commercial." The "Urban Residential" category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category."

5. **Impact of the proposed development on community facilities:** Traffic on the existing residential street could increase as a result of the proposed development. The site currently has a curb cut for access to North Green Street, a classified local street.

DERRICK SLOCUM, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

MCKAY moved, **JOHNSON** seconded the motion, and it carried (12-0).

Agenda Item No. II-19

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: ZON2015-00048 – Zone Change from TF-3 Two-Family Residential to GO General Office on Property Generally Located South of East 9th Street North, Along the East Side of North Hillside Avenue (918 North Hillside Avenue) (District I)

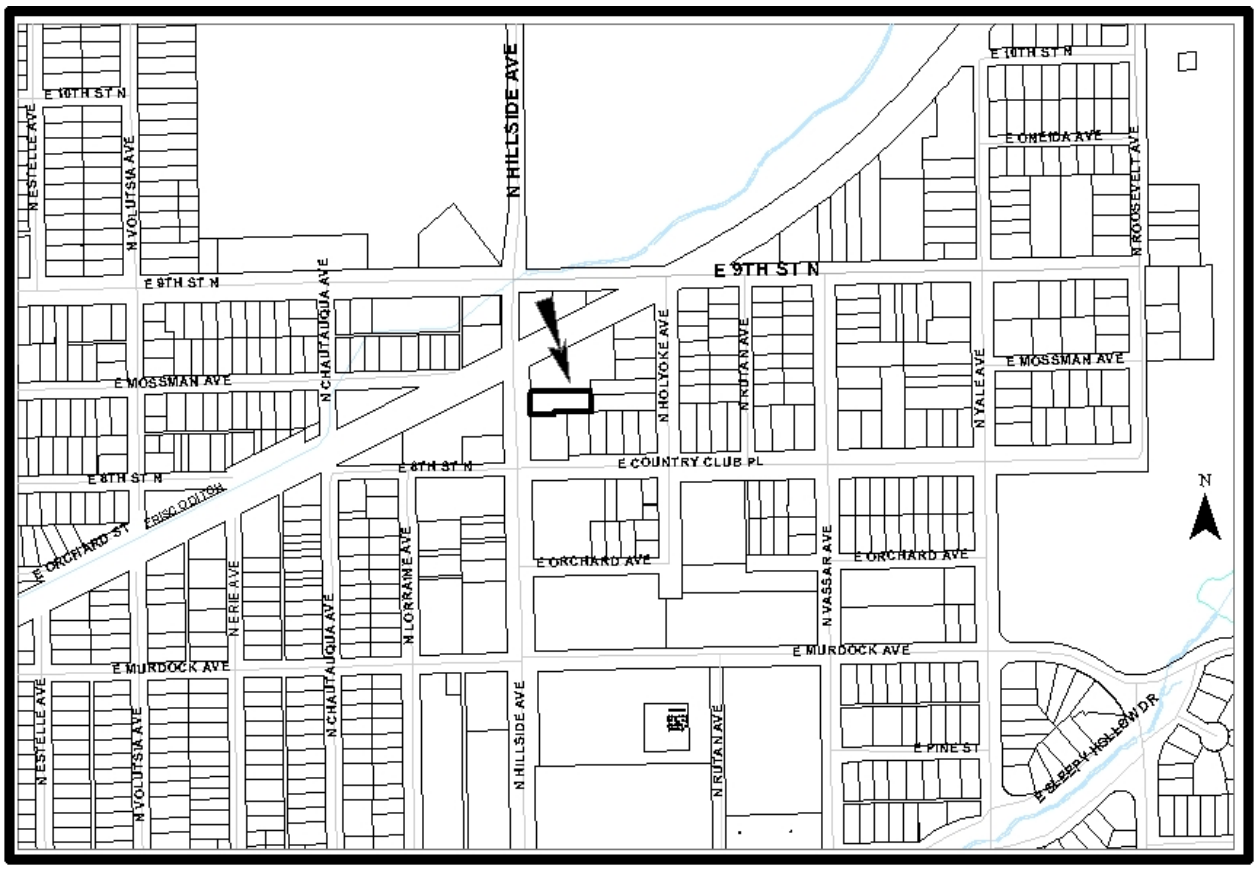
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (12-0).

DAB Recommendation: District Advisory Board I recommended approval of the request 8-1.

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommends approval of the request.



Background: The applicant requests a zone change from TF-3 Two-family Residential ("TF-3") to GO General Office ("GO") on a 0.97 acre site located south of East 9th Street North, along the east side of North Hillside Avenue (918 N. Hillside Ave.) The vacant site is 208 feet deep and 80 feet wide. The applicant indicates a desire to have the property rezoned to the same zoning of the properties to the north and south of the subject site to make the property more marketable.

GO zoning would allow the following land uses not permitted in the current TF-3 zoning: multi-family residential (at 75 units per acre), assisted living, group residence, cemetery, community assembly, correctional placement residence, day care, nursing facility, university or college, automated teller machine, bed and breakfast inn, broadcast/recording studio, funeral home, hotel or motel, recreational marine facility, medical service, general office and commercial parking area. Code standards would require a landscape plan to include parking lot screening, and would limit light pole height to 15 feet with lights shielded downward, preventing light trespass off the site. Maximum building height in the GO district is 60 feet.

Property north of the subject site is zoned GO and is currently vacant. South of the site, the property is also zoned GO and TF-3 and is developed with a medical office (GO zoned property) and single-family residence (TF-3 zoned property.) East of the subject site, the property is zoned TF-3 and is developed with a single-family residence. West of the subject site (across N. Hillside Ave.) the property is zoned GC General Commercial ("GC") and is developed as a mortuary/funeral home.

Analysis: On December 3, 2015, The Metropolitan Area Planning Commission (MAPC) recommend approval of (12-0) the application.

On December 7, 2015, District Advisory Board (DAB) I reviewed the application and recommend approval 8-1.

No protest petitions have been received. The request can be approved with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the Zone Change, (simple majority vote).

Attachments: Ordinance, DAB Memo, MAPC minutes

OCA 150004

ORDINANCE NO. 50-144

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2015-00048

Zone change from TF-3 Two-Family Residential (TF-3) to GO General Office (GO) on property located south of East 9th Street North, along the east side of North Hillside Avenue (918 N. Hillside Ave.); described as:

The South half of Lot 3, all of Lots 4 and 5 and the ½ vacated alley on the South and all of vacated alley adjacent to Lots 6 thru 10 EXCEPT the West 35 feet for street, Boyce & Taylor's Addition to Wichita, Sedgwick County, Kansas.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 12th day of January, 2016.

_____
Jeff Longwell - Mayor

ATTEST:

_____
Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Jennifer Magana, City Attorney and Director of Law

CITY OF WICHITA

INTEROFFICE MEMORANDUM

TO: City Council

FROM: Kameelah Alexander, Office of Community Services

SUBJECT: ZON2015-00048 TF-3 Two-family Residential to GO General Commercial

DATE: December 9, 2015

On Monday, December 7, 2015, the District I Advisory Board considered a request for TF-3 Two-family Residential to GO General Commercial.

DAB members asked questions on the following items:

- Is there a time frame to implement the proposed plan

The applicant was not present but MAPD staff was able to provide satisfactory responses to all questions. There were no questions or comments from the general public.

Action Taken: Mayes/Heflin made a motion to recommend that City Council approve the zoning request. Motion carried 8-1.

EXCERPT MINUTES OF THE DECEMBER 3, 2015 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2015-00048 - Merle Meeds, Charles Meeds and LaDonna Moss (Owner(s)/Applicants(s)) request a City zone change from TF-3 Two-family Residential to GO General Office on property described as:

The South half of lot 3, all of lots 4 and 5 and the ½ vacated alley on the South and all of vacated alley adjacent to lots 6 thru 10 EXCEPT the West 35 feet for street, Boyce & Taylor's Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant requests a zone change from TF-3 Two-family Residential ("TF-3") to GO General Office ("GO") on a 0.97 acre site located south of East 9th Street North, along the east side of North Hillside Avenue (918 N. Hillside Ave.) The vacant site is 208 feet deep and 80 feet wide. The applicant indicates a desire to have the property rezoned to the same zoning of the properties to the north and south of the subject site to make the property more marketable.

GO zoning would allow the following land uses not permitted in the current TF-3 zoning: multi-family residential (at 75 units per acre), assisted living, group residence, cemetery, community assembly, correctional placement residence, day care, nursing facility, university or college, automated teller machine, bed and breakfast inn, broadcast/recording studio, funeral home, hotel or motel, recreational marine facility, medical service, general office and commercial parking area. Code standards would require a landscape plan to include parking lot screening, and would limit light pole height to 15 feet with lights shielded downward, preventing light trespass off the site. Maximum building height in the GO district is 60 feet.

Property north of the subject site is zoned GO and is currently vacant. South of the site, the property is also zoned GO and TF-3 and is developed with a medical office (GO zoned property) and single-family residence (TF-3 zoned property.) East of the subject site, the property is zoned TF-3 and is developed with a single-family residence. West of the subject site (across N. Hillside Ave.) the property is zoned GC General Commercial ("GC") and is developed as a mortuary/funeral home.

CASE HISTORY: The property was platted as the South ½ of Lot 3, all of Lots 4 and 5 and ½ the Vacated Alley on the South and Vacated Alley adjacent to Lots 6, 7, 8, 9 and 10, Except the West 35 Feet for Street, Boyce and Taylors's Addition on October 7, 1911.

ADJACENT ZONING AND LAND USE:

NORTH:	GO	Vacant Land
SOUTH:	GO and TF-3	Medical Office and Single-family Residence
EAST:	TF-3	Single-family Residence
WEST:	GC	Mortuary/Funeral Home

PUBLIC SERVICES: The site has access to North Hillside Avenue, a paved, four-lane arterial with a 94-foot right-of-way. Public water and sewer service are available at the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "Local Commercial." This category encompasses areas that contain

concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing uses.

RECOMMENDATION: Staff finds that based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north of the subject site is zoned GO and is currently vacant. South of the site, the property is also zoned GO and TF-3 and is developed with a medical office (GO zoned property) and single-family residence (TF-3 zoned property.) East of the subject site, the property is zoned TF-3 and is developed with a single-family residence. West of the subject site (across N. Hillside Ave.) the property is zoned GC General Commercial ("GC") and is developed as a mortuary/funeral home.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site could be developed with a single-family residential or duplex use under the current zoning.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property**: GO zoning on this site could permit uses which may be incompatible with the residential neighborhood to the east. The limited size (0.97 acres) and limited depth of the site (208 feet) would likely prevent most objectionable uses from being developed on this site. Minimum code requirements regarding lighting, screening and landscaping should minimize potential impacts on nearby residences.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Land Use Guide of the Comprehensive Plan identifies this area as "Local Commercial." This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing uses.

5. **Impact of the proposed development on community facilities:** Traffic on the existing arterial could increase as a result of any proposed development. The site currently has a curb cut for access to North Hillside Avenue, a classified arterial road.

DERRICK SLOCUM, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

MCKAY moved, **JOHNSON** seconded the motion, and it carried (12-0).

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: ZON2015-00049 and CUP2015-00043 – Zone Change from LC Limited Commercial to GC General Commercial and Amendments to DP-183 on Property Generally Located South of Kellogg and West of Woodlawn (6215 East Kellogg) (District III)

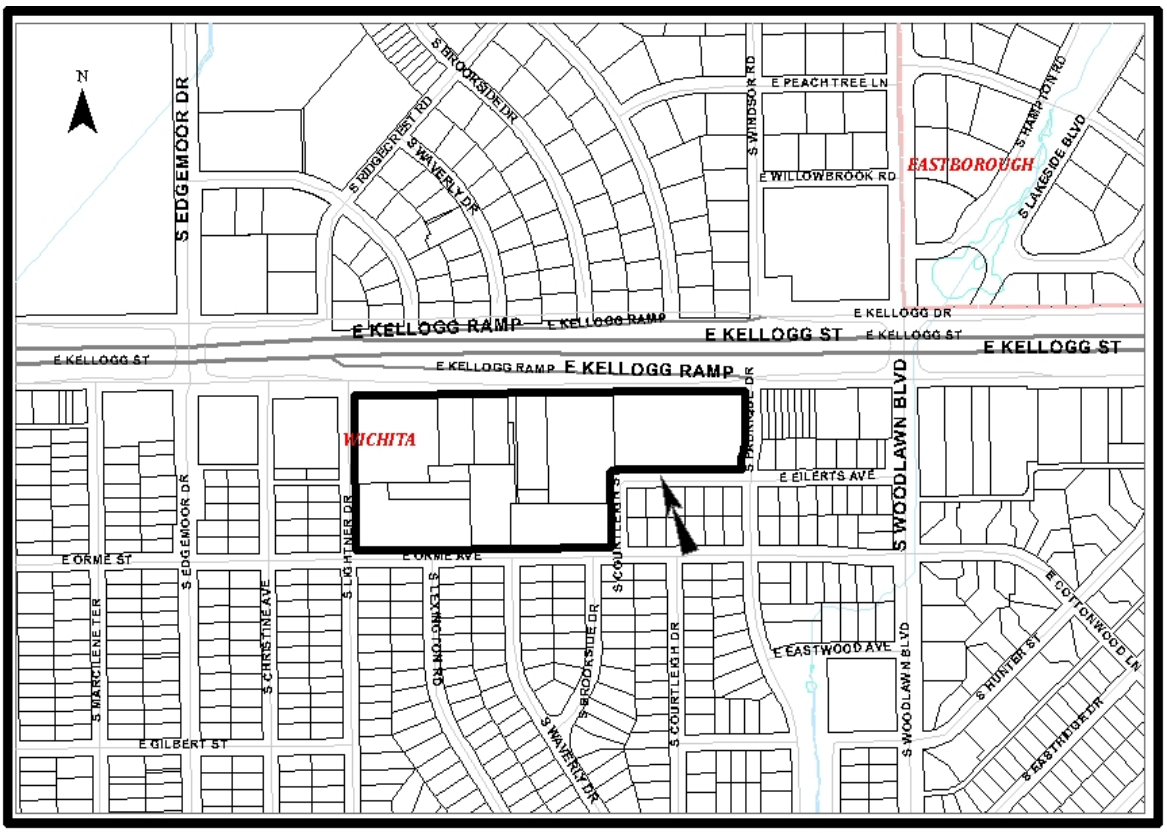
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (12-0).

DAB Recommendation: District Advisory Board III recommended approval of the request (7-0).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request.



Background: The applicants request a zone change from LC Limited Commercial (LC) to GC General Commercial (GC) zoning and an amendment to DP-183, the Davis Moore Community Unit Plan (CUP). The CUP Amendment would add the following GC uses: Construction Sales and Service, Ancillary Fuel Storage, Outdoor Storage and Wholesale or Business Services. The amendment would also prohibit the following uses: Adult Entertainment, Sexually Oriented Business, Group Residence, Correctional Placement Residence, Asphalt/concrete Plants, Private Clubs, Taverns and Drinking Establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. The CUP would continue to permit LC uses to include auto sales, leasing and service. The CUP has a wood screening fence along the south property line; the southeast corner of the CUP has a concrete parking garage which screens the residential neighborhood to the south from the CUP. The CUP would keep all other development standards in place regarding signage, light pole height, landscaping, etc. This zone change and CUP amendment request is generated by the applicant's desire to have outdoor storage of contractor's materials and equipment; the CUP and zoning code would require screening of that storage from surrounding properties and streets.

North of the site is the below grade Kellogg Expressway. The site is not visible from the lowered freeway, but is visible from the eastbound, at-grade Kellogg access drive. South of the site, across Orme and Eilerts is SF-5 Single-family Residential (SF-5) and TF-3 Two-family Residential (TF-3) zoning with duplex and single-family residences. East of the site, across Fabrique is TF-3 and LC zoning with duplex residential and car sales development. West of the site, across Lightner is TF-3 and LC zoning with duplex residential and vehicle repair development.

Analysis: On December 3, 2015, the Metropolitan Area Planning Commission (MAPC) approved (12-0) the application subject to the following conditions:

A. The CUP General Provision #6 shall be amended to require that all outdoor storage of materials shall be visually screened from all surrounding properties and public right of way; materials shall not be stored or stacked to where they are visible above screening fences from surrounding properties or public right of way.
B. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

On December 2, 2015, District Advisory Board (DAB) III reviewed the application and approved it 7-0.

No protest petitions have been received. The request can be approved with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the requested Zone Change and CUP Amendment, subject to the MAPC recommended conditions, and place the ordinance on the first reading (simple majority vote).

Attachments: CUP drawing, ordinance, and MAPC minutes.

OCA 150004

ORDINANCE NO. 50-145

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2015-00049

Zone change request from LC Limited Commercial (LC) to GC General Commercial (GC) on property located south of Kellogg and west of Woodlawn (6215 East Kellogg); described as:

Lot 1, Block 1, Davis-Moore 13th Addition, Wichita, Sedgwick County, Kansas; TOGETHER WITH the East 130 feet of the West 140 feet of Lot 2, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas; TOGETHER WITH Lot 1, Davis-Moore 5th Addition, Wichita, Kansas; TOGETHER WITH The West 110 feet of Lot 1, Universals First Addition to Wichita, Kansas; TOGETHER WITH the West 110 feet of Lot 2, except the South 160 feet, Universals First Addition to Wichita, Kansas; TOGETHER WITH that part of vacated Waverly Drive lying adjacent to said Universals First Addition, and said Davis-Moore 5th Addition.

SECTION 2. That upon the taking effect of this ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 12th day of January, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Jennifer Magana, City Attorney and Director of Law

EXCERPT MINUTES OF THE DECEMBER 3, 2015 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2015-00049 and CUP2015-00043 - Norma J. David and K-DA c/o Eric Larson (Owner), Baughman Company, P.A. c/o Russ Ewy (Agent) request a City zone change from LC Limited Commercial to GC General Commercial and CUP Community Unit Plan amendment to permit select GC General Commercial uses on property described as:

Lot 1, Block 1, Davis-Moore 13th Addition, Wichita, Sedgwick County, Kansas; TOGETHER WITH the East 130 feet of the West 140 feet of Lot 2, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas; TOGETHER WITH Lot 1, Davis-Moore 5th Addition, Wichita, Kansas; TOGETHER WITH The West 110 feet of Lot 1, Universals First Addition to Wichita, Kansas; TOGETHER WITH the West 110 feet of Lot 2, except the South 160 feet, Universals First Addition to Wichita, Kansas; TOGETHER WITH that part of vacated Waverly Drive lying adjacent to said Universals First Addition, and said Davis-Moore 5th Addition.

BACKGROUND: The applicants request a zone change from LC Limited Commercial (LC) to GC General Commercial (GC) zoning and an amendment to DP-183, the Davis Moore Community Unit Plan (CUP). The CUP Amendment would add the following GC uses: Construction Sales and Service, Ancillary Fuel Storage, Outdoor Storage and Wholesale or Business Services. The amendment would also prohibit the following uses: Adult Entertainment, Sexually Oriented Business, Group Residence, Correctional Placement Residence, Asphalt/concrete Plants, Private Clubs, Taverns and Drinking Establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. The CUP would continue to permit LC uses to include auto sales, leasing and service. The CUP has a wood screening fence along the south property line; the southeast corner of the CUP has a concrete parking garage which screens the residential neighborhood to the south from the CUP. The CUP would keep all other development standards in place regarding signage, light pole height, landscaping, etc. This zone change and CUP amendment request is generated by the applicant's desire to have outdoor storage of contractor's materials and equipment; the CUP and zoning code would require screening of that storage from surrounding properties and streets.

North of the site is the below grade Kellogg Expressway. The site is not visible from the lowered freeway, but is visible from the eastbound, at-grade Kellogg access drive. South of the site, across Orme and Eilerts is SF-5 Single-family Residential (SF-5) and TF-3 Two-family Residential (TF-3) zoning with duplex and single-family residences. East of the site, across Fabrique is TF-3 and LC zoning with duplex residential and car sales development. West of the site, across Lightner is TF-3 and LC zoning with duplex residential and vehicle repair development.

CASE HISTORY: The site was platted as four different additions: Universals 1st, Hudson, Davis Moore 5th and Davis Moore 13th between the years of 1965 and 1999. DP 183 was originally approved in 1988.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Kellogg Expressway, single-family residential
SOUTH:	TF-3, SF-5	Single-family residential, duplex
EAST:	LC, TF-3	Single-family residential, duplex, vehicle sales
WEST:	LC, TF-3	Single-family residential, duplex, vehicle repair

PUBLIC SERVICES: The CUP has seven access points from Kellogg Drive, and one minor access point from both Fabrique and Lightner. All other urban public services are available.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as "Regional Commercial." The Regional Commercial category encompasses major destination areas (centers and corridors) containing concentrations of commercial, office, and personal service uses that have predominately regional market areas and high volumes of retail traffic. These areas are located in close proximity to major arterials or freeways. The range of uses includes major retail malls, major automobile dealerships and big box retail outlets with a regional market draw. Regional Commercial areas may also include higher density residential housing and uses typically found in Local Commercial areas. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials, should locate in compact clusters or nodes versus extended strip developments, should not put commercially generated traffic on residential streets, and should have site design features which limit noise, lighting and other activity from adversely impacting surrounding residential areas.

RECOMMENDATION: The existing CUP has standards for signage, access, light pole height, landscaping and screening which improve compatibility with surrounding residences. The proposed zone change and CUP amendment would permit outdoor storage of contractor's materials and equipment. Staff feels that the CUP should ensure that this storage remains at a height visually screened from surrounding properties and public right of way. Based upon information available prior to the public hearings, planning staff recommends that the proposed CUP amendment and zone change be APPROVED, subject to the following conditions:

A. The CUP General Provision #6 shall be amended to require that all outdoor storage of materials shall be visually screened from all surrounding properties and public right of way; materials shall not be stored or stacked to where they are visible above screening fences from surrounding properties or public right of way.
B. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood**: North of the site is the below grade Kellogg Expressway. The site is not visible from the lowered freeway, but is visible from the eastbound, at-grade Kellogg access drive. South of the site, across Orme and Eilerts is SF-5 and TF-3 zoning with duplex and single-family residences. East of the site, across Fabrique is TF-3 and LC zoning with duplex residential and car sales development. West of the site, across Lightner is TF-3 and LC zoning with duplex residential and vehicle repair development.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned LC, but can only be used for vehicle sales, leasing and service. The proposed zone change and CUP amendment will increase use flexibility for this site.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed outdoor storage use of this site should have no impact on nearby property provided the outdoor storage is adequately screened.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as "Regional Commercial." The Regional Commercial category encompasses major destination areas (centers and corridors) containing concentrations of commercial, office, and personal service uses that have predominately regional market areas and high volumes of retail traffic. These areas are located in close proximity to major arterials or freeways. The range of uses includes major retail malls, major automobile dealerships and big box retail outlets with a regional market draw. Regional Commercial areas may also include higher density residential housing and uses typically found in Local Commercial areas. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials, should locate in compact clusters or nodes versus extended strip developments, should not put commercially generated traffic on residential streets, and should have site design features which limit noise, lighting and other activity from adversely impacting surrounding residential areas.

5. **Impact of the proposed development on community facilities:** The proposed zone change and CUP amendment should have minimal impact on community facilities, and no more impact that previous uses on this CUP.

JESS MCNEELY, Planning Staff presented the Staff Report.

FOSTER referenced the conditions stated on the planning document eliminating the requirement for a masonry wall along the south side of Orme Street and making it a wooden fence. He said one of the reasons given is possible expansion. He said he can't see the applicant going across Orme Street to expand. He asked if staff was comfortable with that provision and asked about the discussion regarding the condition.

MCNEELY commented that condition has been on the plan quite a few years. He said staff did not see changing the use into a contractor's yard as an opportunity to change out the existing screening fence with a masonry wall. He recommended keeping the provision as it has been for years.

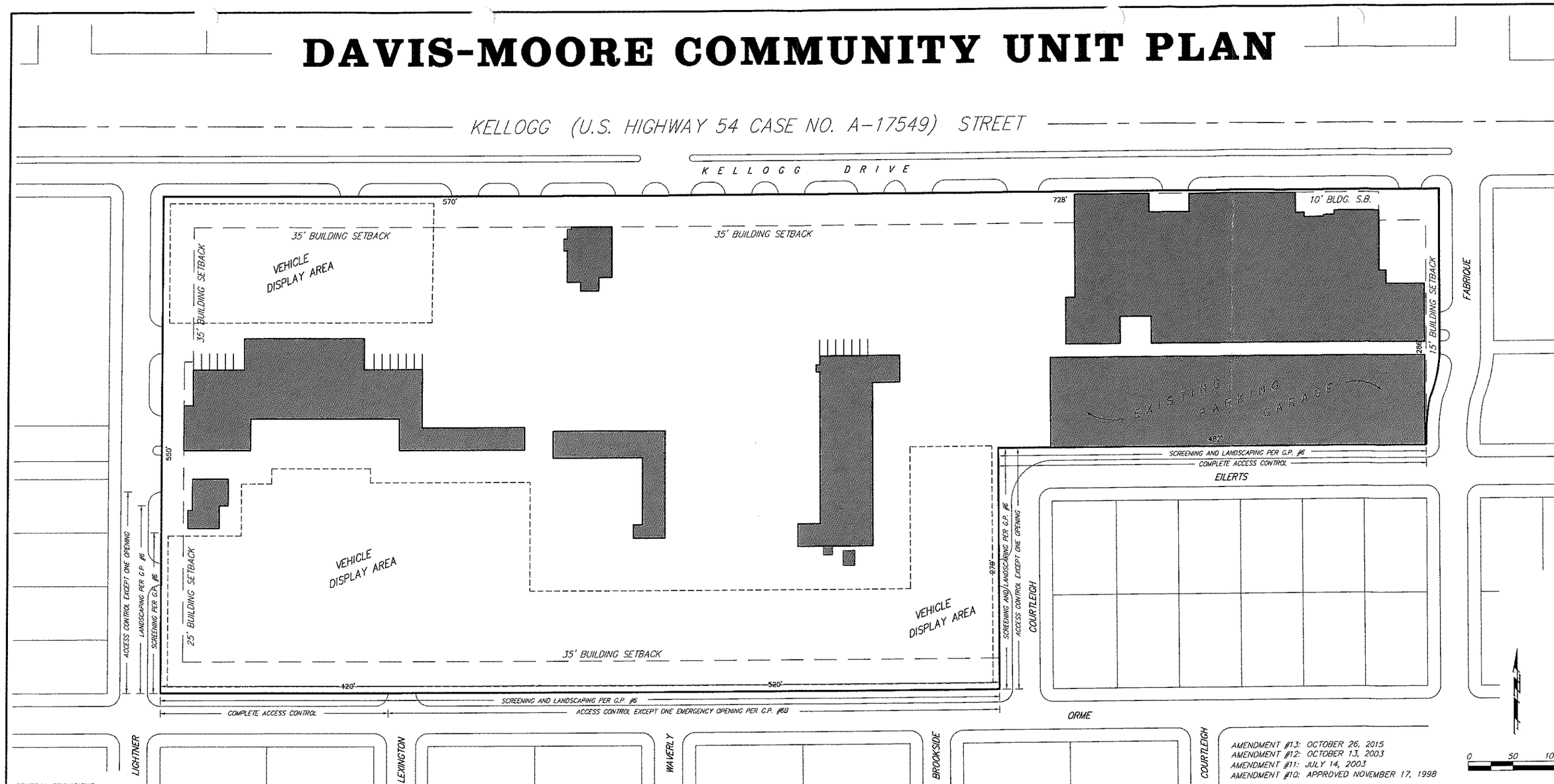
DAILEY asked what happens if they don't maintain the fence.

MCNEELY replied that was a Code Enforcement issue.

MOTION: To approve subject to staff recommendation.

MCKAY moved, **JOHNSON** seconded the motion, and it carried (12-0).

DAVIS-MOORE COMMUNITY UNIT PLAN



AMENDMENT #13: OCTOBER 26, 2015
AMENDMENT #12: OCTOBER 13, 2003
AMENDMENT #11: JULY 14, 2003
AMENDMENT #10: APPROVED NOVEMBER 17, 1998

GENERAL PROVISIONS:

1. This development contains a net area of 15.25 acres, more or less.

2. Signs shall be permitted in accordance with the City of Wichita Sign Code, except that no billboards, portable signs, or off-site signs shall be permitted.

3. Building setback lines are as shown on the plan.

4. Access control shall be as shown on the plan.

5. Off-street parking shall be provided in accordance with the Unified Zoning Code.

6. Screening and Landscaping:

   A. A wooden screening fence 6 to 8 feet high shall be provided in place of a solid masonry wall in order to better utilize the existing screening fences, to avoid conflict with utility easements, and to allow for easy expansion should additional property be acquired. A building permit shall be obtained prior to the construction of any fences.

   B. Said screening fence shall be provided along the south parcel line adjacent to Orme and along the east parcel line adjacent to Courtleigh and along the south 180 feet adjacent to Lightner. The required screening fence adjacent to Courtleigh may be removed in the event that a building is constructed adjacent to the property line. In addition, one gated emergency opening may be allowed along the south property line as provided in General Provision #4.

   C. Said street trees shall be planted along the south property lines adjacent to Orme and Eilerts, and the east property line adjacent to Courtleigh at such time a building is constructed along the property line and the existing screening fence is removed as provided in General Provision #6b, and along the south 210 feet of the west property line adjacent to Lightner.

   D. Street trees shall be planted in accordance with the City of Wichita Landscape Ordinance, except that the number of required trees shall be calculated at 1 tree per 20 linear feet of frontage and planted between the curb and the required screening fence.

   E. Trash receptacles shall be appropriately screened to reasonable hide them from ground view.

   F. A landscape plan prepared by a Landscape Architect for the required plantings, including the type, location and specifications of plant materials shall be submitted to the Planning Department for review and approval prior to the issuance of building permits. A financial guarantee for the required plantings shall be required prior to the issuance of any occupancy permit if said plantings have not been installed.

   G. Failure to properly maintain the required screening or landscaping shall be considered a violation of the C.U.P. after a joint determination by the Director of Planning and the Superintendent of Central Inspection.

7. Fire lane(s) shall be provided in accordance with the fire code of the City of Wichita. No parking shall be allowed in said fire lane(s) although they may be used for passenger loading and unloading. Prior to final approval of the parking plan, the Fire Chief or his designated representative, shall approve the plan as to location and design of the fire lane(s).

8. A drainage plan and guarantee for drainage improvements shall be provided at the time of platting.

9. Street right-of-way and easement vacations to be accomplished at the time of platting. Final determination of street right-of-way and pavement widths to be determined at the time of platting.

10. All lights shall be shielded to reflect light away from the residential properties adjacent to the C.U.P. Lighting for the south 180 feet of the west 420 feet of the C.U.P. shall have a maximum height of 15 feet.

11. The transfer of title on all or any portion of the land included in the C.U.P. does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon present owners, their successors, assigns and their lessees, unless amended.

12. No exterior audio systems shall be permitted within the south 180 feet of the C.U.P.

PARCEL DESCRIPTION:

Net Area:	664,245 sq. ft. or 15.25 acres
Maximum Building Coverage:	265,698 sq. ft. or 40%
Maximum Floor Area:	298,910 sq. ft.
Maximum Building Height:	35 ft.

Permitted Uses: All uses permitted by the "LC" Limited Commercial district, excluding adult entertainment establishments, sexually oriented business, group residences, correctional placement residences, asphalt/concrete plants, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Also permitted is new and used auto sales, leasing, service and all other associated uses, including parking garage (not for public use) for storage of vehicles for lease or sale, vehicles awaiting customer service, and vehicle repair (general). The following "GC" General Commercial uses are permitted: Construction sales and service, ancillary fuel storage, Outdoor storage, and Wholesale or Business Services.

DP-183
DAVIS-MOORE
COMMUNITY UNIT PLAN

BAUGHMAN COMPANY P.A.
ENGINEERING, SURVEYING, & PLANNING
316-262-7271 • 318 ELLIS • WICHITA, KANSAS 67211

Agenda Item No. II-21

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

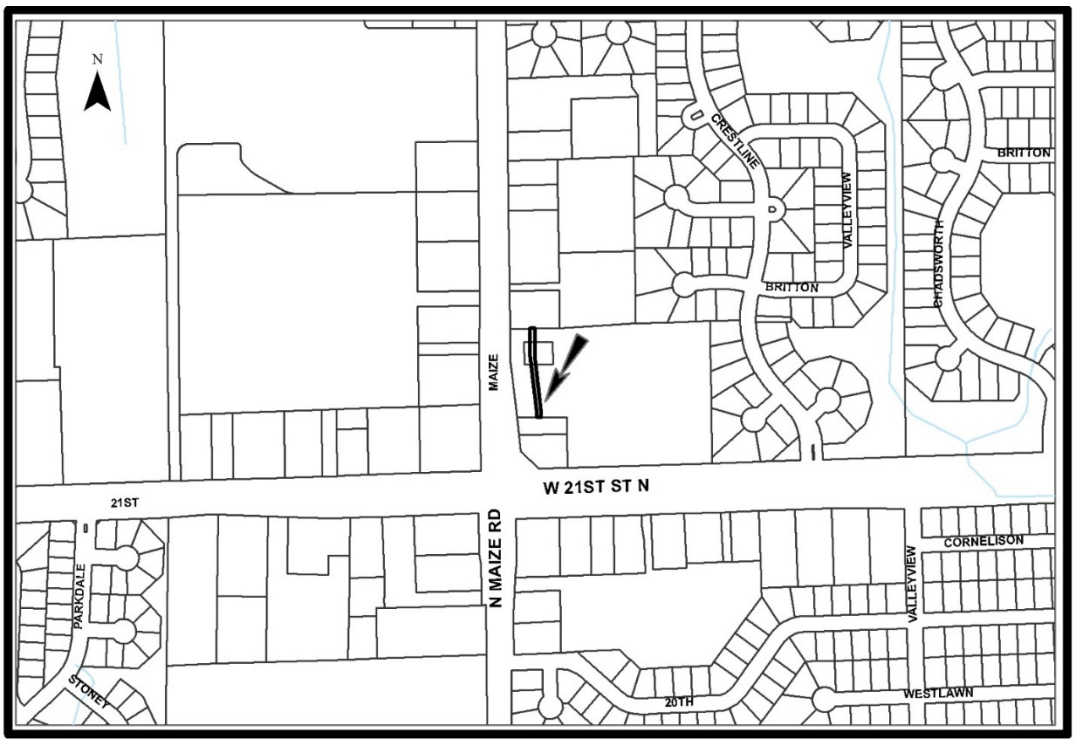
SUBJECT: VAC2015-00028 - Request to Vacate Portions of a Platted Setback and a Utility Easement Dedicated by Separate Instrument on Property Generally Located on the Northeast Corner 21st Street North and Maize Road (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the vacation request (11-0).



Background: The applicant proposes to build a canopy for the drive through pharmacy, which encroaches into a platted setback and a utility easement dedicated by separate instrument. The applicant is requesting the vacation of the east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2nd Addition. The Limited Commercial (LC) zoned subject is part of Community Unit Plan CUP DP-204 overlay. The minimum street side yard or front yard setback for a CUP is 35 feet; the applicant's request leaves 80 feet of setback.

The applicant is also requesting the vacation of the east portion of a 31.11-foot long section of a 20-foot wide utility easement dedicated by separate instrument; Film 2881, Page 4832. There is a sewer line located within the described portion of the subject easement, which is located in Lot 4, Chadsworth Commercial 2nd Addition. The applicant has provided a replacement easement. The Chadsworth Commercial 2nd Addition was recorded with the Register of Deeds August 14, 1995.

Analysis: The Metropolitan Area Planning Commission (MAPC**)** voted (11-0) to recommend approval of the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved, as to form, the Vacation Order and the utility easement dedicated by separate instrument. The original Vacation Order and the utility easement dedicated by separate instrument will be recorded with the Register of Deeds.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order (simple majority of four votes required) and authorize the necessary signatures.

Attachments:

- Vacation Order
- Utility easement dedicated by separate instrument

BEFORE THE CITY COUNCIL OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF PORTIONS OF A PLATTED SETBACK AND A UTILITY EASEMENT DEDICATED BY SEPARATE INSTRUMENT	)	
GENERALLY LOCATED ON THE NORTHEAST CORNER OF 21ST STREET NORTH & MAIZE ROAD	)	**VAC2015-00028**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 5th day of January, 2016, comes on for hearing the petition for vacation filed by the Paul & Eleanor Sade Trust (owner) & Dillon Stores Inc. (applicant), praying for the vacation of the following described portions of a platted setback and a utility easement dedicated by separate instrument, to-wit:

The east 20 feet of the platted 100-foot setback running parallel to the west property line of Lot 4, Chadsworth Commercial 2nd Addition.
&
The Utility Easement Dedicated by Separate Instrument, Film 2881, Page 4832: Commencing at the Southwest Corner of the Southwest Quarter of Section 5, Township 27 South, Range 1 West, in Sedgwick County, Kansas, said point being the intersection of the centerline of 21st Street North (public, asphalt paved road, right-of-way varies) and Maize Road (public, asphalt paved road, right-of-way varies); thence N00°12’00”E along the centerline of Maize Road – 184.24 feet to a point; thence crossing Lot 5, N90°00’00”E – 273.85 feet; thence bearing N56°09’08”E – 20 feet; thence bearing N33°50’52”W – 208.15 feet to the POINT OF BEGINNING; thence continuing along said bearing N33°50’52”W – 9.12 feet; thence bearing N03°19’25”E -23.84 feet; thence bearing S86°40’35”E – 5.52 feet; thence bearing S03°19’25”W – 31.11 feet to the point of beginning. Containing 151.72 square feet or 0.003 acres, more or less.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on July 30, 2015, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the plattor's text to amend the uses allowed in the described portions of the platted setback and the utility easement dedicated by separate instrument and the public will suffer no loss or inconvenience thereby.

3. A utility easement dedicated by separate instrument and exhibit will be recorded with this Vacation Order at the Register of Deeds.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

5. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

6. The vacation of the described plattor's text to amend the uses allowed in the described platted reserve, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of January, 2016, ordered that the above-described portions of the platted setback and the utility easement dedicated by separate instrument are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and Director of Law

UTILITY EASEMENT

THIS EASEMENT made this 12th day of October, 2015, by and between the Paul and Eleanor Sade Trust, of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first party, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party a perpetual right-of-way and easement for the purpose of constructing, operating, maintaining, and repairing public utilities, over, along and under the following described real estate situated in Sedgwick County, Kansas, to wit:

Dedication of Utility Easement located in Chadsworth Commercial 2nd Addition, said property situated in the Southwest Quarter of Section 5, Township 27 South, Range 1 West in Sedgwick County, Kansas, said proposed dedication being more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of Section 5, Township 27 South, Range 1 West, in Sedgwick County, Kansas, said point being the intersection of the centerline of 21st Street North (public, asphalt paved road, right-of-way varies) and Maize Road (public, asphalt paved road, right-of-way varies); thence N00°12'00"E along the centerline of Maize Road – 184.24 feet to a point; thence crossing Lot 5, N90°00'00"E – 273.85 feet; thence bearing N33°50'52"W – 214.88 feet to the POINT OF BEGINNING; thence continuing on said bearing N33°50'52"W – 9.11 feet; thence bearing N03°19'25"E – 32.80 feet; thence bearing N20°34'37"E- 18.61 feet; thence bearing S03°19'25"W – 57.83 feet to the point of beginning.
Containing 250.17square feet or 0.005 acres, more or less.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such public utilities.

PEC Project No. 14991-049-7997
Utility Easement Dedication – Paul and Eleanor Sade Trust

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.

UE-2015-00028

PAUL AND ELEANOR SADE TRUST

Dated August 6, 1985, as amended

BY: Eleanor Sade, Trustee

ELEANOR SADE, TRUSTEE

STATE OF CALIFORNIA)

)SS

CONTRA COSTA COUNTY)

Please see attached California All-Purpose Acknowledgment

Personally appeared before me a notary public in and for the County and State aforesaid Eleanor Sade, Trustee of the Paul and Eleanor Sade Trust dated August 6, 1985, as Amended, to me personally known to be the same person who executed the foregoing instrument of writing and said person duly acknowledged the execution thereof.

Dated this day of , 2015.

Notary Public

My Commission Expires:

APPROVED AS TO FORM:

Jennifer Magana, City Attorney and Director of Law

PEC Project No. 14991-049-7997
Utility Easement Dedication – Paul and Eleanor Sade Trust

VAC2015-00028

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Marin)

On October 12, 2015 before me, Valerie B. Peterson Notary,
Date *Here Insert Name and Title of the Officer*

personally appeared Eleanor Sade
Name(s) of Signer(s)

,

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

VALERIE B. PETERSON
Commission # 2032409
Notary Public - California
Marin County
My Comm. Expires Jul 30, 2017

Signature Valerie B Peterson
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: Utility Easement Document Date: Oct 12 2015
Number of Pages: _____ Signer(s) Other Than Named Above: n/a

Capacity(ies) Claimed by Signer(s)

Signer's Name: Eleanor Sade
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: n/a

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

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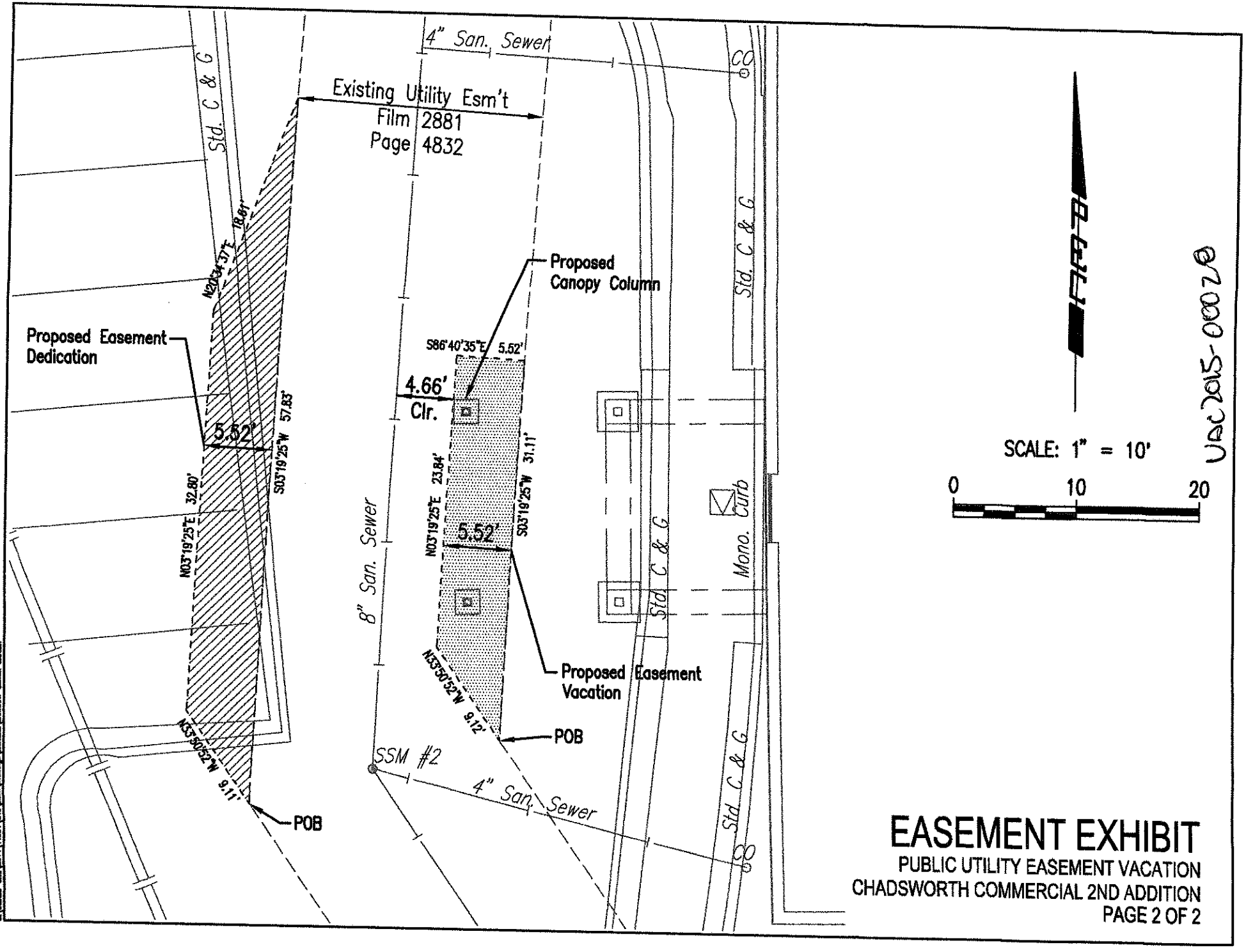
VAC2015-00028



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