

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 6, 2007
Tuesday, 9:05 A.M.

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

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Wichita Fire Department Color Guard posted the colors and the pledge of allegiance was participated in by the Council Members, Staff and guests.

Rabbi Michael Davis from Congregation Emanu-El, 7011 E. Central, gave the invocation.

The Minutes of the regular meeting of October 23, 2007, approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamations

Mayor Brewer read aloud the following proclamations:

- United States Tactile Braille Flag Dedication Day
- National Adoption Day
- Doris Kerr Larkins
- Wichita Area Farm-City Week

Service Awards

Mayor Brewer acknowledged the following people for their years of service with the City of Wichita:

- Randall J. Roths
- Howard E. Morris

Recognitions

Mayor Brewer recognized the following groups and presented them with certificates:

- Emerging and Disadvantaged Business Enterprise Program Award Winners
- Russian Journalists - Special Guests of League of Women Voters
- Citizens Academy Graduation.
- Community Education Volunteers and Partners

CONSENT AGENDA

Council Member Skelton Council Member Skelton requested that item 22 be pulled for clarification by Staff.

Council Member Williams Council Member Williams requested that item 3 be pulled.

Motion--
--carried

Brewer moved that Consent items 2 through 24d be approved in accordance with the recommended action shown thereon excluding items 22 and 3. Motion carried 7 to 0.

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BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 5, 2007

Minutes of the regular meetings dated October 22, 2007 and November 5, 2007, were read and on motion approved.

Bids were opened October 26, 2007 pursuant to advertisements published on:
24 Inch Water Supply Line in 159th Street East to serve Serendipity Addition (south of Central, west of 159th Street East) (448-90296/635684/767734) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Dondlinger Construction - \$104,539.00

Water Distribution System to serve Parkstone Addition (north of Douglas, east of Hillside) (448-90303/735380/470053), and relocate part of District B, Sanitary Sewer #12 to serve Parkstone Addition (north of Douglas, east of Hillside) (468-4376/744247/ 480935) Does not affect existing traffic. (District II)

WB Carter Construction - \$135,000.00 (Group 1)
\$ 231,131.00 (Group 2)
\$366,131.00 Total Aggregate Bid

21st Street Bridge Rehabilitation over the Big Arkansas River (21st Street North, east of West Street) (87N-0362-01/472-84569/715713/247129) Traffic shall be maintained during construction using flagpersons and barricades. (District VI)

King Construction - \$1,926,226.68

Water Distribution System to serve Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler) (448-90271/735384/470057) Does not affect existing traffic. (District V)

Duling Construction - \$38,877.00

13th Street Water Main to serve Waterfront 6th Addition, Waterfront Residential Addition, and Greenwich Office Park (north of 13th Street North, west of Greenwich) (448-90342/735383/470056) Does not affect existing traffic. (District II)

McCullough Excavation - \$83,500.00

51st Street North from Meridian to Athenian (south of 63rd Street North, east of Meridian) (472-84545/766149/490167) Traffic shall be maintained during construction using flagpersons and barricades. (District VI) and 51st Street North from Athenian to Delaware (south of 63rd Street North, east of Meridian) (472-84551/766150/490168) Traffic shall be maintained during construction using flagpersons and barricades. (District VI)

Cornejo & Sons Construction - \$196,590.20 (Group 1)
\$196,838.56 (Group 2)
\$393,428.76 Total Aggregate Bid

The Purchasing Division recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

On motion, the Board recommended that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

Motion--
--carried

Brewer moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the necessary signatures be authorized.
Motion carried 7 to 0.

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WATER UTILITIES DEPARTMENT/PRODUCTION & PUMPING DIVISION: Pebble Quicklime – Bulk Delivery

US Lime Company St. Clair - \$924,000.00*

*Estimate – Contract approved on unit cost basis; refer to attachments.

AIRPORT/ENGINEERING: North Shuttle Parking Lot, Mid-Continent Airport

LaFarge North America - \$2,605,173.75 (Total Base Bid)

WATER UTILITIES DEPARTMENT/WATER DISTRIBUTION DIVISION: 31,000 GVWR Cab & Chassis with 46' Crane

Roberts Truck Center - \$124,675.00 Base Bid
\$ 200.00 Option 1
\$ 105.00 Option 2
\$ 1,600.00 Option 3

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Four Wheel Drive Single Cab Wrecker

Roberts Truck Center - \$101,400.00 Base Bid
(Included) Option 1
(Included) Option 2
(Included) Option 3

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Two Wheel Drive 6000 lb. Forklift

Lift Truck Center, Inc. - \$23,334.00 Base Bid
\$(Included) Option 1
\$ 121.00 Option 2
\$ 98.00 Option 3
\$ 2,446.00 Option 4

WATER UTILITIES DEPARTMENT/CUSTOMER SERVICE & WATER DISTRIBUTION SYSTEM: Water Meters w/Itron ERTs – 2", 3", 4" and 6"

HD Supply Waterworks - \$130,566.50*

*Estimate – Contract approved on unit cost basis; refer to attachments.

IT/IS DEPARTMENT: Labor, material and equipment to furnish and install Siemens Telephone System and upgrade of existing Siemens Telephone System at Cowtown

Siemens Enterprise Networks, LLC, dba Siemens Communications - \$35,056.93*

*Purchases utilizing Sole Source of Supply Ordinance No. 35-856, Section 2. (b)

The Purchasing Division recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

On motion, the Board recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

Motion--
--carried

Brewer moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7-0.

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(Item 3)
CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
James S Grady	Wichita Canteen Company, Inc.*	1845 Fairmount
Steven Blaske	MacDonald Golf Course*	840 North Yale
Teresa A Vasquez	El Patio Inc.*	424 East Central Avenue

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Doug Wald	Presto Convenience Stores, LLC	7136 West Central
Doug Wald	Presto Convenience Stores, LLC	1350 North Oliver
Doug Wald	Presto Convenience Stores, LLC	2001 South Oliver
Doug Wald	Presto Convenience Stores, LLC	7940 East Central
Doug Wald	Presto Convenience Stores, LLC	515 North Seneca
Doug Wald	Presto Convenience Stores, LLC	7236 West 21st Street
Doug Wald	Presto Convenience Stores, LLC	2356 South Seneca
Doug Wald	Presto Convenience Stores, LLC	4414 West Maple
Doug Wald	Presto Convenience Stores, LLC	1254 South Tyler Road
Doug Wald	Presto Convenience Stores, LLC	4821 South Broadway
Doug Wald	Presto Convenience Stores, LLC	2190 North Rock Road
Doug Wald	Presto Convenience Stores, LLC	3311 North Rock Road
Doug Wald	Presto Convenience Stores, LLC	1250 South Rock Road
Saquib Irfan	Dao Variety Store	1601 East Central

<u>New Operator</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Amanda Gier	Rendezvous	3120 East Harry
Roselia Tello-Rubio	Lalo's Express, LLC*	1533 South Seneca

<u>New Operator</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Evan Nguyen	Evans Company DBA Evans Corner Gas & Grocery	2828 East 21 Street North,
Mi Hee Park	Y & M Company, Inc dba Quick Pick	3733 North Arkansas Avenue

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Council Member Williams Council Member Williams asked for clarification on CMB licenses and for the criteria needed for a license.

Gary Rebenstorf Director of Law explained that according to City Ordinance and State law there are a number of requirements that a person has to meet in order to obtain a license and those are set out in the ordinance. Stated that they have to be a resident of the City, show the location where they are going to be, show that they are a citizen of the United States, that they are over 21 years of age, give the name and address of all persons who hold any financial interest in the place of business, and provide a photograph of the persons that will be involved in running the business. Stated the ordinance and statute then provide that if they meet all those qualifications, then the license shall be issued to them. Stated that there are some provisos that no license shall be issued and there are nine categories that are listed where a person cannot receive a license under those nine categories, which are pretty much the same as what was just indicated. Stated if they meet those qualifications pursuant to the City's ordinance and to the state statute, then the application and the permit should be granted. Stated he took the opportunity to see if there is any case law and there is and the court interpreted this statute to say that if they are qualified then the Governing Body has to issue the license.

Council Member Williams Council Member Williams asked if there is a certain distance that a club or cabaret serving malt beverages?

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- Gary Rebenstorf Director of Law stated yes and they cannot be located within 300 feet of any church, public or parochial school, or tavern within 150 feet of a residential zoning district.
- Council Member Williams Council Member Williams stated she does not feel comfortable in voting for this license and it is not that it is all of them but has a problem with at least one of them because of past activity and it is still a very sore spot for that community as this club opens and she would not feel comfortable in approving this at this time.
- Council Member Skelton Council Member Skelton stated he has had discussions with the neighbors and tenants of that building and understands that human feces backs up into the businesses on occasion and it has done this for quite some time and asked if Staff has cases on this particular building.
- Gary Rebenstorf Director of Law stated not that he is aware of.
- George Kolb City Manager stated at this time he does not know if there are cases on this building.
- Council Member Skelton Council Member Skelton stated he has looked at this building and if there are not cases there should be and the issue of feces backing up into the other tenants businesses would disqualify that location. Stated this is a location where someone was murdered and what they were doing was trying to keep the place clean and she was actively trying to run out the bad guys and was shot and killed for that. Stated that is his source of discomfort in voting for this and approving this license. Stated he is not going to vote for this and thinks that the fact there are plumbing issues would disqualify this location. Stated many neighbors have told him about fighting in the back of the building, drug dealing, urination and it is not an appropriate location for a bar. Asked how old the ordinance that was referred to is.
- Gary Rebenstorf Director of Law stated the state statute was first implemented in 1937 and the last time that it was amended was 1988 so our City ordinance has been in affect in a complimentary status during that time period.
- Council Member Skelton Council Member Skelton stated that is an old ordinance and when we look at the problems that we are seeing in a community regarding gangs, it may make some sense to revise the ordinance or just take a look at it to make sure we are current with all of the relevant circumstances here.
- George Kolb City Manager stated Staff will take Council Member Skelton's concerns seriously and will check our records to determine if there are any building code violations although he thinks we probably have checked them. Stated we will re-inspect the premises and if we do find violations and they are not corrected immediately, we can return to the Council for revocation of the license.
- Vice-Mayor Fearey Vice-Mayor Fearey asked if it would make more sense to pass it this morning and then go do the inspection and revoke it if we need to or just to defer this for a couple of weeks and give Staff time to go out there and look at everything.
- George Kolb City Manager stated he would recommend that the Council approve the licenses and Staff will go back and recheck the records and premises and if warranted will initiate revocation.
- Council Member Williams Council Member that she attended a town quorum which was well attended and feels that we have a community that is up in arms over this and that is one of the main reasons that we are speaking out against this today and asked that all of the tenants in that complex be checked and upon visiting did see a lot of things that concerned her.
- George Kolb City Manager stated he just got word from the Police Department and they recommend deferring this and they have not signed off on this in its entirety and would like to pull this item and defer it.
- Motion--
--carried Williams moved that the licenses be approved subject to Staff review and approval except for 3120 East Harry. Motion carried 7 to 0.

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PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. 2007 Sanitary Sewer Reconstruction Phase 10 (various locations north of Maple, east of Seneca) (468-84421/620491/667609) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, VI) - \$312,000.00
- b. 43rd Street South between Seneca and Dodge (south of MacArthur, west of Seneca) (472-84559/766156/490174) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$107,000.00
- c. Storm Water Drain #327 to serve Tara Creek Addition (north of Pawnee, west of 127th Street East) (468-84358/751453/485344) Does not affect existing traffic. (District II) - \$385,000.00
- d. Lateral 4, Main 18 Four Mile Creek Sewer to serve Tara Creek Addition (north of Pawnee, west of 127th Street East) (468-84357/744245/480933) Does not affect existing traffic. (District II) - \$133,000.00
- e. 13th Street North to serve Blackstone Addition & Cheryl's Hollow 2nd Addition (north of 13th Street North, west of 135th Street West) (472-84400/766160/490178) Does not affect existing traffic. (District II) - \$174,000.00
- f. Water Distribution System to serve Turkey Creek 3rd Addition (north of Pawnee, east of 135th Street West) (448-90262/735379/470052) Does not affect existing traffic. (District V) - \$160,000.00
- g. The cost of Sunview from Lulu, east to Ellis; Ellis from the south line of Lot 30, Block B, north to 44th Street South; Marie from Ellis east to the east line of Lot 3, Block B; 44th Street South from the east line of Lot 3, Block E, east to the west line of Lot 1, Block D to serve Hidden Glen Addition (north of 47th Street South, west of Hydraulic). (472-83626/766118/490-136) (District III) - Total Estimated Cost \$135,000.00
- h. The cost of 17th Street North, between Grove and Hillside (472-84015/706908/204-374) (District I) – Total Estimated Cost \$180,000.00
- i. The cost of construction of Lateral 521, Southwest Interceptor Sewer to serve Legacy 3rd Addition (north of 47th Street South, west of Meridian). (District IV) (468-84329/744226/480-914) – Total Estimated Cost \$76,500.00
- j. The cost of 30th Street South between Custer and St. Paul to serve Builders 14th Addition (south of Pawnee, east of Washington). (472-84251/765944/490-057) (District IV) – Total Estimated Cost \$103,200.00
- k. The cost of University Avenue to serve Maple Lane and Maple Lane 3rd Additions and unplatted Tracts (south of Maple, east of Ridge). (472-84299/765971/490-086) (District V). – Total Estimated Cost \$102,900.00
- l. The cost of Façade Improvement Program at 208 S. Market (Kaufman Building) to serve William Grieffenstein's Addition (east of Market, south of William) (472-84536/766021/491-022) (District I). – Total Estimated Cost \$281,840.00
- m. The cost of construction of Lateral 1, Main 19 Four Mile Creek Sewer to serve Stonebridge Addition (north of 13th Street North, west of 159th Street West). (District II) (468-84146/744216/480-904) – Total Estimated Cost \$654,200.00

Motion--carried

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

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PETITION

CONSTRUCT A STORM WATER SEWER IN MEADOWLAKE BEACH ADDITION, WEST OF CLIFTON, NORTH OF 63RD STREET NORTH. (DISTRICT III)

Agenda Item No. 5a.

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide drainage improvements for a new residential development located west of Clifton, north of 63rd St. South.

The Petition budget is \$379,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing drainage improvements required for a new residential development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--
--carried

Brewer moved that the Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 07-610

Resolution of Findings of Advisability and Resolution authorizing improving Storm Water Sewer No. 639 (west of Clifton, north of 63rd St. South) 468-84446 in the City of Wichita, Kansas, pursuant to Findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

STREET CLOSURE

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

13TH ST. BRIDGE

CONSTRUCTION ENGINEERING FOR 13TH STREET BRIDGE AT THE LITTLE ARKANSAS RIVER. (DISTRICT VI)-SUPPLEMENTAL

Agenda Item No. 7a.

On December 13, 2005, the City entered into an Agreement with PB Americas, Inc. (PB) for designing a plan to rehabilitate the 13th Street Bridge at the Little Arkansas River. The fee was \$89,200. The Design Agreement with PB requires PB to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PB provides for construction engineering the bridge. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment to PB will be on an hourly basis not to exceed \$220,407 and will be paid by General Obligations Bonds.

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

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

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Motion--
--carried

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

OAK CREEK

CONSTRUCTION ENGINEERING AND STAKING IN OAK CREEK SECOND ADDITION, SOUTH OF 21ST, WEST OF GREENWICH. (DISTRICT II)-SUPPLEMENTAL.

Agenda Item No. 7b.

The City Council approved the paving improvements in Oak Creek 2nd Addition on September 26, 2006. On December 19, 2006 the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for construction engineering and staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering and staking for this project.

Payment to PEC will be on a lump sum basis of \$94,500 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering services needed for the construction of paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

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

Motion--
--carried

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

EDGEWATER ADD.

CONSTRUCTION ENGINEERING AND STAKING IN EDGEWATER ADDITION, SOUTH OF 45TH STREET NORTH, WEST OF HOOVER. (DISTRICT V)- SUPPLEMENTAL

Agenda Item No. 7c.

The City Council approved the storm water drainage improvements in Edgewater Addition on May 8, 2007. On July 10, 2007 the City approved an Agreement with Baughman Company, Inc. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering and staking for this project.

Payment to Baughman will be on a lump sum basis of \$64,700 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering services needed for the construction of drainage improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

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

Motion--
--carried

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

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LILLIE ADDITION

STAKING IN LILLIE ADDITION, SOUTH OF MAPLE, WEST OF MAIZE. (DISTRICT V)- SUPPLEMENTAL.

Agenda Item No. 7d.

The City Council approved the drainage improvements in Lillie Addition on July 25, 2006. On April 10, 2007 the City approved an Agreement with Baughman Company, Inc. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to Baughman will be on a lump sum basis of \$6,770 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering services needed for the construction of drainage improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

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

Motion--
--carried

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

COLLEGE HILL ADD.

DESIGN SERVICES FOR COLLEGE HILL ADDITION, NORTH OF DOUGLAS, EAST OF HILLSIDE. (DISTRICT II)

Agenda Item No. 8a.

Background: The City Council approved the water, sanitary sewer and paving improvements in College Hill Addition on July 17, 2007.

Analysis: The proposed Agreement between the City and Poe & Associates, Inc. provides for the design of bond financed improvements consisting of water, sanitary sewer and paving in College Hill Addition. Per Administrative Regulation 1.10, staff recommends that Poe be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to Poe will be on a lump sum basis of \$79,500 and will be paid by special assessments.

Goal Impact: This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water, sanitary sewer and paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

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

Motion--
--carried

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

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POWER CDC

DESIGN SERVICES FOR POWER CDC THIRD AND RIDGECREST ADDITIONS, NORTH OF 26TH STREET NORTH, WEST OF GROVE. (DISTRICT I)

Agenda Item No. 8b.

The City Council approved the water, sanitary sewer and paving improvements in Power CDC 3rd & Ridgcrest Additions on June 3, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of water, sanitary sewer and paving in Power CDC 3rd & Ridgcrest Additions. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$50,600 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water, sanitary sewer and paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

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

Motion--
--carried

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

PROP. ACQUIS.

PARTIAL ACQUISITION OF 519 NORTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Item No. 9a.

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition consists of the east 17 feet (2,040 square feet) of the commercially zoned site at 519 North West Street. The property is improved with a two commercial buildings, a 2,556 square foot restaurant /bar and a 450 square foot beauty salon on a 36,000 square foot lot.

Analysis: The appraiser valued the land at \$16,320 (\$8.00 per square foot). The take will require the removal of the smaller building. The appraiser valued the loss of this building at \$16,241. The temporary easement to allow the City to demolish the building was valued at \$9,650 with the removal and replacement of site improvements valued at \$19,000. The total value of the acquisition was \$61,211. This amount did not include relocation of the business, moving business signs or demolition of the building. The appraisal assumed a rent rate for the building being removed of \$11.00 per square foot. The actual rent rate is \$16.67 per square foot. Using the actual rent rate increases the value of the building to \$58,740. The owner is willing to accept \$110,000 for all acquisition, relocation and demolition costs associated with the tract. This amount consists of \$16,320 for the land, \$58,740 for the building, sign relocation of \$10,000, business relocation of \$18,000 and \$6,940 for demolition.

The funding source for the project is General Obligation Bonds. A budget of \$112,000 is requested. This includes \$110,000 for acquisition and \$2,000 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

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The Law Department has approved the contract as to form.

Motion--
--carried

Brewer recommended that the Budget and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

BOARDS/COMMISS.

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Design Council, September 19, 2007
District Advisory Board I, May 1, 2007
District Advisory Board I, August 6, 2007
District Advisory Board I, September 10, 2007
District Advisory Board I, October 1, 2007
Joint Investment Committee, September 6, 2007
Police and Fire Retirement System, July 25, 2007

Motion--carried

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

EXPENSE REPORT

SENIOR MANAGEMENT EXPENSES, SEPTEMBER 2007.

Motion--carried

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

HEALTH PROGRAM

2008 AMENDMENT SELF-INSURANCE HEALTH PROGRAM-SUMMARY PLAN DESCRIPTION.

Agenda Item No. 12.

On September 25, 2007, the City Council approved the 2007 Summary Plan Description, the use of Step Therapy for new prescriptions starting January 1, 2008 and approved adding a new "low option" medical plan in 2008 with flexible cost sharing.

A Plan Amendment is necessary to formally amend the existing Summary Plan Description to include Step Therapy starting January 1, 2008 for new prescriptions (existing prescriptions will be grandfathered), the new, voluntary "low option" medical plan called the "Select Plan" beginning January 1, 2008 and to add Cochlear Implantation as a covered service in 2008.

Implementation of Step Therapy in 2008 and implementation of the voluntary "low option" medical plan should reduce costs for 2008.

The employee health and prescription drug program is a part of the Internal Perspective goal. The City's strategic health care plan combines employee Wellness programs, self-insured health and Rx plans (which provide the City with much more flexibility), disease management and nurse coaches to minimize future health insurance premium increases for the employees and the City.

The Amendment has been reviewed and approved as to form by the City Attorney's Office.

Motion--
--carried

Brewer moved that the 2008 Amendment to the Self-Insurance Health Program Summary Plan Description be approved. Motion carried 7-0.

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TRANSFER OF FUNDS TRANSFER OF FUNDS.

Agenda Item No. 13.

Each year the City Council authorizes the Water Utility Capital Improvement Program expenditures for installing water mains to meet the needs of current development and for replacing old water mains.

Subprojects are defined and identified as necessary, or as development is taking place. When the subproject is defined, the cost is estimated and a budget is set up using funds from the appropriate project. When the subproject is complete, the remaining budget is transferred to the main project, available to be used for other subprojects initiated during the same year. Not all projects are completed in one fiscal year; therefore, not all of the funds approved are able to be spent in the year for which they are approved.

Most 2007 subprojects are substantially complete and will be closed. Staff requests authorization to transfer the 2007 funds remaining in W-65 to W-67, and to amend the Bond Resolutions for the current year. This will clarify spending and bonding authority.

It is essential that the Water Utility transfer \$1 million from W-65, Mains for Future Development, to W-67, Replacement of Old Water Mains. Transferring these funds will not increase CIP expenditures.

As an internal perspective, this is an effective way for maintaining adequate cost accounting. To ensure efficient infrastructure, the transfer of funds will provide reliable water service to Water Utility customers.

City Council approval is required to transfer CIP budget authority.

Motion--
--carried

Brewer moved that the transfer of funds be approved; the CIP amended; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 07-611

A Resolution amending Resolution No. 07-388 pertaining to the replacement and relocation of Distribution Water Mains W-67) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

WEAPONS DESTRUC. WEAPONS DESTRUCTION.

Agenda Item No. 14.

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. Lists of weapons being destroyed has been provided (attached), and includes Exhibit A – 96 long guns and 209 handguns. The destruction of the weapons will be witnessed and monitored by Staff.

The destruction of seized weapons furthers the goals of Safe and Secure Neighborhoods by permanently removing these weapons from the streets of Wichita.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

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Motion--carried

Brewer moved that the list of weapons be received and filed. Motion carried 7 to 0.

ICAC GRANT

INTERNET CRIMES AGAINST CHILDREN (ICAC) GRANT.

Agenda Item No. 15.

The City of Wichita Police Department, Sedgwick County Sheriff's Office and State Department of Social and Rehabilitation Services (SRS) have jointly operated an Exploited and Missing Child Unit (EMCU) since the mid 1980's. The mission of the unit is to investigate cases of missing and/or abused children, to identify offenders and to collect evidence for the prosecution of violators, all with the least amount of trauma to the child victims. SRS provides nine social workers, one office assistant and two program support workers; the Wichita Police Department provides eleven officers; and the Sheriff's Office provides two detectives, one Sergeant, one forensic investigator and two clerical staff. The Wichita Police Department, Sheriff's Office and SRS each fund the wages of their respective positions; operating expenditures are financed one-third by each entity. The EMCU operation is based on a Memorandum of Understanding signed by the five participating parties.

Since 2002, the U.S. Department of Justice, Office of Juvenile Justice Programs (OJJP) has awarded an Internet Crimes Against Children (ICAC) grant to the EMCU. The grant is administered by Sedgwick County and provides funding for one Sheriff's Office detective and one Wichita Police Department detective assigned to the EMCU, and also vehicle, travel/training, equipment and supplies costs. The City of Wichita's portion of the 2007/08 ICAC grant award is \$102,000 for salary/benefits for one detective position and associated vehicle costs.

Sedgwick County will reimburse the City of Wichita for salary and benefit costs for a Police detective position and related vehicle fleet costs, not to exceed \$102,000 for an 18-month period, no grant match is required.

Provide a Safe and Secure community by funding position for the Exploited and Missing Child Unit and helping educate and ensure the safety of children in our community.

The contract for services has been reviewed and approved as to form by the Law Department.

Motion--carried

Brewer moved that the grant award be approved. Motion carried 7 to 0.

EXPLOSIVES FAC.

APPROVE AN EXTENSION FOR THE DESIGN/BUILD PROJECT FOR EXPLOSIVES FACILITY.

Agenda Item No. 16.

On April 4, 2006, the Wichita City Council authorized the purchase and improvements on a parcel of land in southwest Sedgwick County for use as an police explosives facility. The parcel is bounded by 327th and 343rd Streets West and 111th and 103rd Streets South. Previous council action identified funds to move forward with the development of the new facility. All previously approved funds have been expended with the first phase of construction completed at the facility.

The completed work at the facility includes fencing, explosives storage bunkers, an access road to the bunkers and operations areas, electrical work, and earthen berms to contain controlled destruct exercises. A prefabricated equipment building with utilities will need to be erected. Public Works Project Management staff has recommended that due the simple design of this project, that a Design/Build Request For Proposal be the course of action. This type of project will require minimal architectural design. Using a design/build process will be more cost effective and accelerate the project completion.

A budget of \$350,000 is set for the completion of this project. The project is included in the 2007-2016 CIP. The funding source is general obligation bonds.

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The construction of the explosives facility impacts the "Provide and Safe and Secure Community" goal by providing a safe location for destruction of hazardous devices that would otherwise have to be dealt with in populated areas. This facility is expected to provide service for many decades.

The Law Department has approved the amended bonding resolution as to form.

Motion--
--carried

Brewer moved to that the Design/Build Project for explosives facility be approved; the amended bonding resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 07-612

A Resolution amending Resolution No. 06-159 authorizing the issuance of bonds by the City of Wichita at large to construct and explosive ordinance demolition facility (436605), presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CULTURAL FAC.

CULTURAL FACILITIES ENHANCEMENTS.

Agenda Item No. 17.

The City of Wichita maintains an inventory of well over 200 buildings housing a wide variety of City services. These buildings range from prominent facilities such as City Hall, Century II, and Libraries to public safety buildings including fire stations and police substations, and service facilities such as the Central Maintenance Facility. Within the inventory are also those cultural facilities that are so important to the quality of life in Wichita. Included in the list of cultural facilities are the Mid-American All Indian Center (MAAIC), Cow Town and the Kansas Aviation Museum.

The ongoing maintenance of City facilities is critical to protect their value. For the most part, normal maintenance of City facilities is budgeted within the operating budgets of individual departments. However as facilities age and mechanical, electrical, plumbing or other capital equipment within these facilities reach the end of their useful life, expenses occur that are beyond normal maintenance. These larger expenses are funded through the Capital Improvement Program (CIP).

Enhancements to the Mid-American All Indian Center (MAAIC), Cow Town and the Kansas Aviation Museum are needed to upgrade existing mechanical/electrical systems, bring the facilities into ADA and Code compliance, repair deteriorated storm water and sewer systems, repair roofs, abate mold issues, etc. The money currently allocated in the CIP as a lump sum for these three cultural facilities will be proportioned between them as needed to meet the highest overall priorities as determined by management after engineering analysis and operational considerations.

The project is authorized in the 2007 – 2016 Capital Improvement Program (CIP) (Project No. 435427, OCA No. 792502 Mid-American All Indian Center, 792503 Cow Town and 792504 Kansas Aviation Museum). GO funding is a total of \$1 million annually to be shared between the three facilities each year in 2008, 2009 and 2010.

This project addresses the Efficient Infrastructure goal by providing required maintenance and repair of capital assets.

The Law Department has approved the Resolution as to form.

Motion--
--carried

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

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RESOLUTION NO. 07-613

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas; setting forth the general nature and the estimated cost of such improvements; and authorizing the issuance of bonds of the City of Wichita, Kansas, to pay all or a portion of the cost thereof, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

BRIDGE APPRAISAL STRUCTURAL INVENTORY AND BRIDGE APPRAISAL PROGRAM.

Agenda Item No. 18.

On June 12, 2007, the City Council approved a project to fund the inspection and structural inventory of bridges throughout the City. Since that time, there was a structural failure on the South Broadway Bridge south of 31st St South. Additional engineering services were needed immediately in order to begin emergency repairs of the bridge.

The contract amount for the original inspection was \$53,176. Professional Engineering Consultants (PEC) has provided additional services for the South Broadway Bridge at a cost of \$35,000. MKEC Engineering Consultants also provided services for the South Broadway Bridge at a cost of \$11,824.

The existing budget for the building inspections is \$60,000 with \$14,500 paid by the City and \$45,000 paid by Federal transportation grants administered by the Kansas Department of Transportation (KDOT). The proposed revised budget for both the inspections and South Broadway is \$100,000, with \$54,500 paid by the City and \$45,000 paid by KDOT. The funding source for the City share is General Obligation Bonds.

This project addressed the Efficient Infrastructure goal by providing needed inspection of all bridges and box culverts maintained by the City.

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

Motion--

Brewer moved that the budget increase be approved; payment to PEC and MKEC Consultant Engineers authorized; the Ordinance placed on First reading and the necessary signatures authorized.

--carried

Motion carried 7 to 0.

ORDINANCE

An ordinance of the city of Wichita, Kansas authorizing the issuance of its General Obligation Bonds to pay a portion of the costs of a city-wide structural inventory and appraisal of 266 bridges (472-84564); and authorizing and providing for the issuance of temporary improvement notes of the city from time to time as funds are needed for such purpose, introduced and under the rules laid over.

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HOME CHDO

HOME CHDO OPERATING SUPPORT FUNDING. (DISTRICTS I, III, IV, V, VI)

Agenda Item No. 19.

On April 3, 2007, the City Council approved final allocations under the 2007-2008 Consolidated Plan, which included \$75,000 of HOME Investment Partnerships Program (HOME) funds for operational support funding for City-designated Community Housing Development Organizations (CHDOs). HOME regulations require a CHDO to be under contract to receive HOME funding for investment in housing to be developed, sponsored, or owned by the organization, as part of a participating jurisdiction's CHDO set-aside funding, in order to receive operational support funding. Operating expenses are defined as reasonable and necessary costs for the operation of the CHDO, and may include salaries, wages, and other employee compensation and benefits. Expenses for education, training, travel, rent, utilities, communications costs, taxes, insurance equipment, materials and supplies are also eligible. A maximum grant amount of \$30,900 is available to any one CHDO, under the City's program.

Housing and Community Services staff members have evaluated funding applications and make the following recommendations for funding, at this time. Recommendations for the balance of funds available, will be made at a later time.

Mennonite Housing Rehabilitation Services (MHRS), \$30,900, in order to provide operational support for the organization's 2007 Local Investment Area (LIA) Single-Family Development Projects. Operational support funding will be utilized to partially fund the salary of MHRS' project coordinator. The project coordinator works to identify project sites and potential homebuyers, assists buyers in obtaining permanent financing, and resolves pre-development issues.

During the 2006-2007 program year, MHRS completed construction and re-sale of 14 new homes within the City's LIAs utilizing CHDO set-aside funding, the Boarded-up HOME Program, and funding provided under the Housing Development Loan Program. MHRS plans to develop approximately 12 single-family homes during the 2007-2008 program year, utilizing development subsidy funding from these programs.

Power CDC, \$30,900, in order to provide operational support for the organization's 2007 Single-Family Housing Development Projects in the Northeast LIA. Operational funding will be utilized to partially fund the salary and benefits for the Executive Director.

During the 2006-2007 program year, Power CDC completed construction and re-sale of 5 homes utilizing CHDO set-aside funding, the Boarded-up HOME Program, and funding provided under the Housing Development Loan Program. Power CDC plans to develop approximately 6 single-family homes during the 2007-2008 program year, utilizing development subsidy funding from these programs.

Funding for these allocations will come from the 2007-2008 HOME Grant, as previously allocated by the City Council. Funding allocations are based on planned housing production and CHDO set-aside allocations for the 2007-2008 program years.

The proposed allocations will assist City CHDOs in contributing to the City Council goals of Economic Vitality and Affordable Living, and Dynamic Core Area and Vibrant Neighborhoods.

Funding agreements have been approved as to form by the City Law Department.

Motion--
--carried

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

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MILLBROOK PARK LEASING OF ANTENNA SITE AT MILLBROOK PARK. (DISTRICT V)

Agenda Item No. 20.

T-Mobile has approached the City about placing a tower to provide wireless service on a site in the southwest portion of Millbrook Park. The site is located east of 119th West and south of Maple. The site has been reviewed and accepted by appropriate staff. The Park Board approved the sitting at their August meeting. The proposed tower will be a 120-foot tall monopole and will accommodate up to four service providers.

The lease agreement provides for a fifteen-year term with two five-year options. Annual base rental is \$9,600 with annual three percent increases. For each additional user, the base rent will increase \$1,800 annually. Until such time as all four spots on the tower are leased, the City shall have the right to utilize one spot at no cost to the City. The lessee agrees not to interfere with the public purpose of the area and to make sure the leased area is secure.

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

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

The Law Department has approved the lease as to form.

Motion--
--carried

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

CLAIM SETTLEMENT SETTLEMENT OF CLAIM AGAINST APCO LIQUIDATING TRUST.

Agenda Item No. 21.

In 1998, the City of Wichita filed a lawsuit against a number of parties it found were responsible for the groundwater contamination in the Gilbert & Mosley site and sought to recover the costs of investigating and cleaning up the site. Most of the parties settled with the City, and the City went to trial against the remaining parties. On February 27, 2004, the Federal Court entered judgment in favor of the City, finding certain defendants liable for the City's response costs. In October 2004, the City Council approved a partial settlement with the APCO Liquidating Trust (APCO), wherein APCO paid the past costs and settled on an amount for the future site-wide costs for which it was liable. APCO was also 100% liable for future source control costs at 1001 E. Lincoln but those costs had not yet been incurred.

APCO Liquidating Trust filed for Chapter 11 Bankruptcy relief in the Delaware Federal Courts in 2005. The City of Wichita, along with other environmental agencies, filed proofs of claims. After litigation and appeal, the City Attorney and the APCO Trustees have reached a tentative settlement. The City's claim will be allowed as a non-priority general unsecured claim in the amount of \$450,000 in the Bankruptcy case, which will not be subject to objection or setoff.

When received, the settlement sum will be paid into the Gilbert & Mosley TIF fund and be used for the expenses of the Project.

Promote economic vitality and affordable living.

The City Attorney recommends the settlement and the Settlement Agreement has been reviewed and approved as to form by the Law Department.

Motion--
--carried

Brewer moved that the Settlement Agreement be approved and the appropriate signatures authorized.
Motion carried 7 to 0.

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(Item 22)

INWOOD CROSSING

EXTENSION AND AMENDMENT OF LETTER OF INTENT, INWOOD CROSSINGS APARTMENTS. (DISTRICT I)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 22.

On May 8, 2007, the City Council approved to adopt a resolution of support for the LDG Development (LDG) application for Low-Income Housing Tax Credits in connection with the development of the Inwood Crossings Apartments. In addition City Council approved the issuance of a letter of intent to issue industrial revenue bonds in the amount not-to-exceed \$22,000,000. LDG has requested a six-month extension to the term of the Letter of Intent and also approval for the use of letter of credit in place of payment and performance bond.

LDG has requested the extension because they do not expect to have construction complete until after the date expiration of the current letter of intent. The company is now requesting an extension of an additional six-month of the Letter of Intent until May 15, 2008.

The project proposed by LDG Development, will be known as the Inwood Crossings Apartments, to be located on a currently vacant tract of land near Inwood and 35th Street North. Based on the information provided by the developer, the apartment complex will provide 260 apartments, including 40 one-bedroom units, 90 two-bedroom units, 100 three-bedroom units, and 30 four-bedroom units. Rents, net of utility allowances, for the units assisted through the Housing Tax Credit program are estimated to be \$700 for two-bedroom units, \$820 for three-bedroom units, and \$925 for four-bedroom units.

LDG serves as both developer and general contractor in its affordable housing development projects. As such, they are not able to obtain a standard payment and performance bond to insure completion of the project, as required by Charter Ordinance 203. The charter ordinance allows the City Council to approve the use of letters of credit in place of P&P bonds under this type of circumstance. There is no financial impact on the City resulting from the requested extension. The proposed 15% letter of credit is consistent with HUD requirements.

The proposed project contributes to the goal of Economic Vitality and Affordable Living.

Motion--
--carried

Skelton moved that the Letter of Intent extension until May 15, 2008, and the use of a 15% letter of credit to ensure completion of the project be approved. Motion carried 7 to 0.

MCCORMICK-ARM.

PURCHASE OPTION MCCORMICK-ARMSTRONG CO. INC. (DISTRICT I)

Agenda Item No. 23.

On December 3, 1996, the City Council approved the issuance of \$2.46 million in Industrial Revenue Bonds, Series XI, 1996, for the benefit of McCormick-Armstrong Co., Inc. Bond proceeds were used for the purpose of financing the acquisition of a printing press and supporting computer hardware and software, located at 1501 E. Douglas, in Wichita. The Bonds are secured, in part, by a Lease Agreement with McCormick-Armstrong Co., Inc. ("Tenant").

Under the provisions of the Lease Agreement the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$1,000. The Bonds have matured, and the City received notice from the Tenant of the company's intention to exercise its purchase option.

Under the terms of the Lease, the City is required to convey its interest in the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. The Series XI, 1996 Bonds were paid at their maturity on January 1, 2007, and it is now appropriate for the City to deliver the instruments needed to deed the bond-financed property back to McCormick-Armstrong Co.,

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Inc. and terminate the IRB lease. The City has already received payment of the \$1,000 purchase option price.

The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

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

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

Motion--

Brewer moved that the bond call be authorized; the Resolution approving the Bill of Sale and the Termination of Lease Agreement be adopted; and the necessary signatures authorized.

--carried

Motion carried 7 to 0.

RESOLUTION NO. 07-614

A Resolution authorizing the City of Wichita, Kansas, to convey certain real property to McCormick-Armstrong Co., Inc., and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

HISTORIC PRESER.

AUTHORIZE SUBMISSION OF HISTORIC PRESERVATION FUND GRANT PROPOSAL FY 2008. (DISTRICTS I AND VI)

Agenda Item No. 23a.

As a Certified Local Government (CLG), the City of Wichita is eligible to participate in the Historic Preservation Fund (HPF) Grant program administered by the Kansas State Historic Preservation Office. This program finances activities that contribute to planning for the preservation of our built environment and archaeological resources. Each year the State Historic Preservation Office identifies priority projects and this grant proposal meets the top two priorities established for the FY 2008 preservation grant funds. The proposal must be postmarked by November 15, 2007.

The grant will provide funding to hire a consultant to prepare a downtown environs mitigation plan. The plan will utilize the surveys of the historic central business district that have been completed in the last three years (See attached completed building survey area map). The block-by-block plan will address the issues of environs review and demolition as they affect downtown redevelopment opportunities that have been identified by the Wichita Downtown Development Corporation, downtown property owners and developers.

HPF grants require a 40 percent match of the total project cost. The total cost is \$33,840 with federal grant funds of \$20,000 and a City match of \$13,640. City match is provided through staff time, there is no actual cash match.

The City of Wichita Historic Preservation Office annually submits grant proposals to fund projects that promote the goals outlined in the City of Wichita Historic Preservation Plan. The grant proposals fund projects that are not included in the Historic Preservation Office portion of the annual City budget.

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City Council action is needed to authorize the City Manager to sign the assurances required for submission of the grant proposal. Grant projects will not be undertaken until programmatic agreements have been executed with the State Historic Preservation Office.

There is no actual cash match. City match is provided by documented staff hours, which is recorded as cash match on the application.

Core Area and Neighborhoods

Motion--

Brewer moved that the submission of the grant proposals for FY2008 Historic Preservation Fund Grant through the Kansas State Historical Society be authorized and authorize the City Manager to sign the grant application and assurance documents. Motion carried 7 to 0.

--carried

29th ST. NORTH

RESOLUTION ORDERING A PUBLIC HEARING: STORM WATER DRAIN TO SERVE AN AREA SOUTH OF 29TH STREET NORTH, ALONG BOTH SIDES OF MAIZE. (DISTRICT V)

Agenda Item No. 23b.

The developers of Pearson Commercial Addition and Newmarket V Addition have submitted a Petition to construct drainage improvements to serve an area south of 29th St. North, along both sides of Maize. The signatures on the Petition represent 100% of the improvement district area. A Resolution to order a public hearing on November 20, 2007, has been prepared that will provide an opportunity for the project to proceed.

The completed project will provide drainage improvements required for new commercial development and improve drainage for existing residential development.

The estimated project cost is \$2,900,000 with \$1,200,000 assessed to the improvement district and \$1,700,000 paid by the City. The funding source for the City share is General Obligation Bonds.

The project addresses the Efficient Infrastructure goal by improving drainage for existing and future commercial and residential development.

Adopting the Resolution does not obligate the Council to approve the project, only to hold a public hearing on November 20, 2007.

Motion--

Brewer moved that the Resolution be adopted and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 07-615

A resolution directing and providing for a public hearing on the construction of a Storm Water Drain Water Drain No. 332 (south of 29th Street North, along both sides of Maize) 468-84396 in the City of Wichita, Kansas, all as provided by KSA 12-6a04. Said hearing shall be held on November 20, 2007 in the City Council Chambers of City Hall at 9:00 am. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ OCTOBER 23, 2007)

a. 2007/2008 Sidewalk and Wheelchair Ramp Program.

An ordinance declaring 13th, between Gatewood and Webb; Macarthur, between Broadway and Laura; Oliver, between 17th and 21st; Rock, between the union pacific railroad tracks and 45th St. north; Lincoln, between Bluff and Bluffview; 21st street at the bike path link west of maize; riverside sidewalk; meridian, between 31st St. south and I-235; Tyler, between 29th St. North and Maize school and Arkansas, between 42nd St. North and 45th St. North 2007/2008 Sidewalk and Wheelchair ramp program (472-84604) to be main traffic ways within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic ways; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, , read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

b. Acquisition by Eminent Domain of Tracts Required for Improvement Project Mid-Continent Interceptor Sanitary Sewer Project. (District IV)

An ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of planned sanitary sewer improvements to serve an area bordered by Tyler road on the east, Pawnee on the north, 135th street on the west and 31st street on the south in the city of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the district court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer

c. ZON2007-00028 – Zone change from “LC” Limited Commercial to “GC” General Commercial with a Protective Overlay. Generally located 500 feet east of the intersection of West Street on the south side of Douglas Avenue. (District IV)

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 , read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

d. ZON2007-00042 – Zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial. Generally located southeast of the intersection of Rock Road and Harry Avenue. (District II)

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, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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UNFINISHED BUSINESS

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES, 1045 NORTH MATHEWSON. (DISTRICT I)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No. 25.

This property was before the Board of Code Standards and Appeals (BCSA) on August 6, 2007. No one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

On October 16, 2007 this case came before City Council for formal hearing. It was deferred by City Council until November 6, 2007, to allow the owners to obtain estimates and return with a plan to either repair or demolish the structures.

Staff made an inspection of the property on October 22, 2007. The structures were open. There was a large pile of dumped trash, bulky waste and tree limbs on the premises.

As of October 22, 2007, the taxes are current. There are no special assessments.

The owner/s have been informed of the date and time of the hearing.

Kurt Schroeder

Office of Central Inspection stated that they would recommend since the taxes are current, the property is secured and the premises cleaned that he be allowed to have an extra 30 to 45 days to finish the work on the property.

Motion--carried

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

Resolution No. 07-652

A Resolution finding that the structure/s located on, Lots 28 and 30 and Allen Ave., now Mathewson Ave., Getto's Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1045 N. Mathewson, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

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NEW BUSINESS

APPEAL

APPEAL OF DENIAL OF MANUFACTURED HOME PARK ANNUAL LICENSE RENEWAL REED-A-WAY MOBILE HOME PARK, 2635 SOUTH HYDRAULIC. (DISTRICT III)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No. 26.

Based on evidence and testimony presented during the appeal hearing, take appropriate action to sustain, reverse or modify the Office of Central Inspection's denial of the annual manufactured home park license for Reed-A-Way Mobile Home Park, 2635 S. Hydraulic.

The owners of Reed-A-Way Mobile Home Park, 2635 S. Hydraulic, have appealed the Office of Central Inspection's refusal to renew their manufactured home park license. Reed-A-Way Mobile Home Park's most recent license expired on October 2, 2007. Such appeal is allowed per Section 26.04.038 of the Code of the City of Wichita. The appellants state that they have been working to correct code violations in the park, and are requesting additional time to complete the required improvements. The appellants are also requesting the City Council to approve issuance of the park's annual license renewal application.

Wichita first adopted manufactured home park regulations in 1964. Since 1964, the City has required manufactured home parks to be licensed, and to be re-licensed on an annual basis. Manufactured home parks that were developed after adoption of the 1964 ordinance have been required to meet certain manufactured home park development standards, and to be located in a manufactured housing zoning district. Manufactured home parks that were developed prior to adoption of the 1964 ordinance have been allowed to renew their annual licenses and to operate as "legal non-conforming" or "non-standard" parks, without being required to meet current park design and/or zoning standards.

In mid-2006, the City amended its Manufactured Home Park ordinance, adding additional park maintenance and licensing standards, as well as new provisions for denial and/or revocation of manufactured home park licenses. On September 21, 2007, the Office of Central Inspection refused to renew the Mobile Home Park License for Reed-A-Way Mobile Home Park based upon the significant number of active Minimum Housing Code violation cases (16), as well as an active environmental premise violation case.

Reed-A-Way Mobile Home Park was first established in the early 1950's. The property is zoned "SF-5" Single Family, and has been operated as a legal non-conforming mobile home park since 1964. Originally, the mobile home park was developed/licensed for 50 spaces. Most recently, the mobile home park has been licensed for 44 spaces. Presently, there are 31 mobile homes in the park; 25 homes appear to be occupied at this time.

Pursuant to Section 26.04.036 of the Mobile Home and Mobile Home Park Regulations, a Notice of Violation was sent by certified mail to the property owners on September 24, 2007, with a target date for compliance of October 24, 2007. Included with the September 24, 2007, notice were copies of other code violation notices/cases that had been sent/initiated relating to Chapter 20.04 minimum housing code and Chapter 7 environmental premise condition code violations within Reed-A-Way Mobile Home Park.

Section 26.04.035 of the Code of the City of Wichita provides that an application for license renewal shall be denied by the Superintendent of Central Inspection for a violation by the licensee or applicant of a provision of Chapter 26.

The regulations relating to conditions of mobile home parks provide that the Superintendent of Central Inspection, or his designee, and the Director of Environmental Health, or his/her designee, are authorized to inspect and approve the licensee's premises, and to insure compliance with all the ordinances of the City of Wichita governing public health, safety, and welfare.

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Section 26.04.115 of the Code of the City of Wichita

Based on the significant number of Minimum Housing Code case violations present in the park, and the environmental premise condition case, the application for the license was denied.

Minimum Housing Code Case Summary:

Of the 16 minimum housing code violation cases that were active on September 24, 2007, one case has been on-going since 2001; the other 15 cases were started in mid-2007. Two (2) of the 16 cases have now been resolved by the park owners (see below).

- Eight (8) of the 15 cases started in 2007 are either owned by the Mobile Home Park owner, or the Mobile Home Park owner is responsible for them (due to abandonment). Two (2) of these eight (8) mobile home cases have now been resolved as a result of the Mobile Home Park owner removing them from the park.
- Seven (7) of the 15 cases started in 2007 are individually owned.
- The one case started in 2001 is individually owned.
- Current compliance dates for outstanding Chapter 20.04 minimum housing code violation notices range from 11-20-07 through 12-24-07.

NOTE: Prior to OCI staff receiving a requested rent roster from the Mobile Home Park owner, staff sent notices to the Park owner. Upon receiving a rent roster, updated notices with current ownership information were sent out 10-01-07 and 10-18-07.

Environmental Premise Maintenance Code Case Summary:

As of September 24, 2007, there was one active environmental premise maintenance case active within the park. This case is still on-going. Since September 24, 2007, Environmental Services has initiated an additional nine (9) cases, all with compliance deadlines of November 2, 2007.

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued Revitalization of the Core Area and Neighborhoods.

The applicant was properly notified by the Superintendent of Central Inspection of the code violations and the denial of the license renewal. The applicant has timely filed an appeal of the license denial. The basis for the appeal appears to be a request for additional time to bring the property into compliance with the code provisions. The City Council may sustain, reverse or modify the denial of the license requested.

George Kolb

City Manager stated that at the request of the owner and the review by OCI, they would request that the Council defer this hearing for two weeks.

Motion--carried

Skelton moved to defer this item for two weeks. Motion carried 7 to 0.

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THE BOEING CO.

PUBLIC HEARING AND ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS, THE BOEING COMPANY. (DISTRICT III)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 27.

Since 1979, the City of Wichita has approved over \$3.5 billion in Industrial Revenue bond financing, in conjunction with ad valorem tax exemptions, for aerospace manufacturing, modification and engineering facilities operated by The Boeing Company. Following the sale of a substantial portion of manufacturing assets in 2005, Boeing has retained and continues to operate significant Wichita area modification and engineering facilities.

On November 9, 1999, the City of Wichita approved a letter of intent in the amount not-to-exceed \$1 billion, and approved of an extension of the letter of intent on the remaining amount not issued for five years on July 13, 2004. Boeing is now requesting the issuance of City of Wichita Taxable Industrial Revenue Bonds in an amount not-to-exceed \$12 million, under the authority of that Letter of Intent.

Boeing Wichita, located in Sedgwick County, Kansas, with approximately 3,100 employees and an annual payroll of \$275 million for year end 2006, is engaged in engineering and modification support of military aircraft. All Boeing Wichita sales are exported out of the state of Kansas.

Bond proceeds will be used for acquisition of new, advanced manufacturing equipment and enhancement of existing facilities. Some of the planned facilities upgrades and equipment purchases include an enhanced security gate, chillers, trunk radio systems and ditmco testers. Boeing advises the new equipment will have no adverse effect on Wichita's ambient air quality.

Acquisition of advanced technologies and the improvement of facilities are required for Boeing Wichita to compete for military engineering and modification work, in addition to sustaining on-going programs. In these markedly different and difficult times, the bond proceeds will have an impact with helping Boeing Wichita retain many critical professional, technical, and highly skilled employees. The economic impact of planned upgrades and expansion has a direct cascade effect on engineering and architect firms, machine shops, and material providers in Wichita.

The firm of Kutak Rock LLP serves as bond counsel in the transaction. The Boeing Company will purchase the Bonds, as a result of which, there is no need for an underwriter. Boeing Wichita has agreed to comply with the Letter of Intent Conditions contained in the City's IRB Policy.

The Boeing Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The Boeing Company qualifies for a ten-year 100% property tax exemption on the bond-financed property on the basis of membership in the local aircraft manufacturing community, level of capital investment. Consistent with the intent of the City Council in its action approving the November 9, 1999 letter of intent and as extended for five years on July 13, 2004, the ten-year period of exemption is to apply without a review by the Council at the five-year point.

The estimated first year's real estate taxes on Boeing's proposed expansion would be \$208,915, on real property improvements, and \$119,360 on personal property, based on the 2006 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$328,275 of new taxes from the real and personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$90,376; County/State - \$92,814; and USD 259 - \$145,085.

The economic vitality of the community will be enhanced by the retention of jobs at Boeing and the cascade effect on other area businesses.

The City bond counsel has prepared Bond documents needed for the issuance of bonds. The City Attorney's Office has reviewed and approved the Bond documents needed for the issuance of Bonds.

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Mayor Brewer

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

Motion--

Skelton moved that the public hearing be closed and first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Taxable Industrial Revenue Bonds in an amount not-to-exceed \$12 million be approved. Motion carried 7 to 0.

--carried

ORDINANCE

An ordinance approving and authorizing the execution of a lease agreement between the Boeing company and the city of Wichita, Kansas; approving and authorizing the execution of an indenture of trust between said city and the Bank of New York Trust Company, N.A.; pledging certain payments under said lease agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of industrial revenue bonds series vi, 2007 (the Boeing Company Project) of said city in the principal amount of not to exceed \$12,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of the Boeing Company, a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said bonds; authorizing the sale of said bonds and the execution of a bond purchase agreement therefore; approving and authorizing the execution of an administrative service fee agreement; and authorizing the execution and delivery of certain related instruments;

AMERICAN BAPTIST

PUBLIC HEARING AND REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, AMERICAN BAPTIST ESTATES D/B/A PRAIRIE HOMESTEAD, (DISTRICT IV)

(Council Member Skelton momentarily absent)

Allan Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 28.

On February 8, 2005, City Council approved the issuance of Industrial Revenue Bonds, in the amount not-to-exceed \$1,225,000, to American Baptist Estates d/b/a Prairie Homestead. The proceeds of the bond were used to build five additional duplex buildings, located at 1605 May Street in southwest Wichita. American Baptist Estates is now requesting the approval of a six-month Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$3,155,000 for a new expansion.

American Baptist Estates d/b/a Prairie Homestead is a Kansas not-for-profit corporation formed in 1963 to provide a continuing care retirement community for older adults. The original development of Prairie Homestead was developed in 1966. Prairie Homestead provides housing accommodations and care for older adults especially designed to meet their physical, social and spiritual needs. The project offers 165 apartments and accommodates single or double occupancy. The units range from 279 to 1450 square feet. Prairie Homestead provides health care services that include nursing services through scheduled clinics, 24 hour emergency services, and a multitude of therapy. Prairie Homestead also provides dining services, weekly basic housekeeping, security and safety features, numerous in-house social activities, and scheduled transportation.

The proposed expansion will include thirty (30) assisted living apartments, and related improvements. An estimated analysis of the sources and uses of project funds is:

SOURCES OF FUNDS

2007 Bond Issue	\$3,155,000
Funds from Tenant	45,000
Total Sources of Funds	\$3,200,000

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USES OF FUNDS

Construction Costs	\$2,560,000
Costs of Issuance	105,000
Capitalized Interest	225,000
Contingencies and Miscellaneous	310,000
Total Uses of Funds	\$3,200,000

The firm of Kutak Rock LLP, will serve as bond counsel in the transaction. Riedl First Securities Company of Kansas has agreed to underwrite the bonds.

Economic Vitality and Affordable Living. The Economic Vitality of the community is being enhanced with the continuum of healthcare in Wichita.

American Baptist Estates agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. American Baptist does not request a property tax abatement in conjunction with the IRBs. Sales tax exemption on purchase of bond-financed property will save American Baptist an estimated \$80,640, including \$12,800 in county sales tax.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City's Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. American Baptist Estates is eligible under the new Economic Development incentive policy since they provide affordable housing for senior residents, as well as health care services.

(Council Member Schlapp momentarily absent)

Mayor Brewer

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

Motion--

Gray moved that the public hearing be closed; a Letter of Intent for Industrial Revenue Bonds to American Baptist Estates, in an amount not-to-exceed \$3,155,000, subject to the Letter of Intent Conditions be approved; staff authorized to apply for a sales tax exemption, and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

LEE REAL ESTATE

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, LEE REAL ESTATE, LLC. (DISTRICT II)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 29.

Since 1999, the City of Wichita has issued three separate series of Industrial Revenue Bonds ("IRBs") in an aggregate amount of \$7.2 million Lee Aerospace, Inc. Proceeds from the three bond issues were used to acquire property and construct a new corporate campus for Lee Aerospace at 34th Street North and Webb Road in northeast Wichita, including 88,000 s.f. of manufacturing space and 8,000 s.f. of office space, in three buildings. Each bond issue also included a five-plus-five year 100% tax exemption on bond-financed property. In 1999, Lee Aerospace, Inc. was purchased by Triumph Aerospace Systems and operates as its Wichita-based subsidiary, under the same management team. The bond-financed real estate is now leased to Lee Real Estate, LLC and sub-leased to Triumph Aerospace Systems-Wichita, Inc. (formerly known as Lee Aerospace, Inc).

On June 5, 2007, City Council approved the issuance of a six-month Letter of Intent for IRBs in the amount not-to-exceed \$3,000,000, and a 100% five-plus-five-year property tax exemption, in conjunction with their current expansion project. Bond proceeds will be used to construct a new facility including 39,600 s.f. for manufacturing space on land already owned by an entity related to the company. On September 11, 2007, City Council approved to modify the amount of the Letter of Intent by an additional \$300,000, bring the total amount of the Letter of Intent to \$3,300,000. The proposed

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\$300,000 increase is attributed to increased costs for infrastructure, equipment and furnishings for the facility. The Company is requesting the issuance of IRBs at this time, in the amount not-to-exceed \$3,300,000.

Triumph Aerospace Systems-Wichita is a leading manufacturer of unheated windshields, cockpit side windows, cabin windows, wing leading edge and spar assemblies, control wheels, and sun visor assemblies for the general aviation and corporate jet market. Primary customers are Boeing, Raytheon, Cessna, Spirit AeroSystems, and Bombardier Learjet.

Triumph Aerospace Systems-Wichita has the capabilities to design, develop, test, and manufacture aircraft windows and sheet metal sub-assemblies. Designs can be produced from concept to production in virtually any size configuration of single-ply or multi-ply flat, curved or compound contoured aircraft windows. Triumph Aerospace Systems-Wichita brings a unique service to the aircraft industry that has been a vital part of the Wichita community for the past several years.

Bond proceeds will be used to construct a new facility including 39,600 s.f. for manufacturing space on land already owned by an entity related to the company. Triumph Aerospace Systems-Wichita currently employs 140 people and plans to add 40 new jobs over a five-year period, at an average way of \$38,900 per year.

An analysis of the amended uses of project funds is:

Leasehold Improvements	\$ 800,000
Building	2,450,000
Landscape	50,000
Total Cost of Project	\$ 3,300,000

The firm of Kutak Rock LLP serves as bond counsel in the transaction. The Bonds will be privately placed with the company's principal bank and will not be offered to the public. Triumph Aerospace Systems-Wichita has complied with the Letter of Intent Conditions.

Triumph Aerospace Systems-Wichita agrees to pay all costs of issuing the bonds and the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Economic Development Incentive Policy, the Company qualifies for a 100% five-plus-five-year tax exemption on property purchased with bond proceeds.

The estimated first year's taxes on Triumph Aerospace Systems-Wichita's proposed \$3,300,000 expansion would be \$95,752, on real property improvements, based on the 2006 mill levy. The tax exemption would be shared among the taxing entities as follows: City - \$26,361; County/State - \$27,072; and USD 375 - \$42,319.

The cost-benefit analysis based on the fiscal and economic impact model of the Wichita State University Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City of Wichita	1.34 to one
Sedgwick County	1.24 to one
USD 375	1.22 to one
State of Kansas	3.12 to one

Economic Vitality and Affordable Living. Granting an ad valorem property tax exemption and sales tax exemption will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

The City's bond counsel has prepared Bond documents needed for the issuance of bonds. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

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Mayor Brewer

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

Motion--

Schlapp moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount of \$3,300,000, to Lee Real Estate, LLC be placed on first reading; and the necessary signatures authorized. Motion

--carried

carried 7 to 0.

ORDINANCE

An ordinance authorizing the city of Wichita, Kansas to issue its taxable industrial revenue bonds, series v, 2007 (Lee Real Estate, LLC), in the aggregate principal amount of \$3,300,000 for the purpose of constructing and acquiring a manufacturing facility; and authorizing the execution of certain documents in connection with the issuance of the bonds, introduced and under the rules laid over.

LEARJET, INC.

REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, LEARJET, INC. (DISTRICTS IV AND V)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item 30.

On September 10, 1996, the City Council approved a five-year Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$86 million, issued to Bombardier Learjet to finance expansion and modernization of its aircraft manufacturing plant located at Mid-Continent Airport in west Wichita. Council also approved a ten-year 100% ad valorem property tax exemption on all bond-financed property. Under authority of the 1996 Letter of Intent, City Council has authorized issuance of Industrial Revenue Bonds to Bombardier Learjet at a total of approximately \$86.1 million in IRBs between 1996 and 2006.

Learjet, Inc. (Learjet) is now requesting the issuance of a Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$79,188,000 million to be issued over a five-year period. Bond proceeds will be used to construct new buildings, renovate existing buildings and purchase machinery and equipment to modernize its Wichita manufacturing and office facilities located at One Learjet Way (formerly Harry Street) located near the intersection of Kellogg and Tyler Road in west Wichita. Learjet is also requesting that the City approve 100% ad valorem tax abatement for a 10-year period.

Learjet Inc. is a wholly owned subsidiary of Bombardier Inc., a Canadian corporation headquartered in Montreal, Quebec, Canada ("Bombardier"). Bombardier is engaged in the design, development, manufacturing and marketing of transportation equipment, aerospace and defense products. Learjet is a member of the Bombardier Aerospace Group. Learjet is engaged in the manufacturer and marketing of three models of business jet aircraft, the medium size Learjet 60, the small-to-mid size Learjet 45, and the Learjet 40. Learjet's principal manufacturing facilities, Corporate, and marketing offices are located at One Learjet Way. Also, located at Learjet's Wichita site is the Bombardier Flight Test Center.

Proceeds from the requested bonds will be used to construct a major expansion of Learjet's Flight Test Center to accommodate certification testing of several large aircraft currently under development by the Bombardier Aerospace Group; make improvements to and modernize manufacturing and office space; and the purchase of new state-of-the-art machinery and equipment to reduce manufacturing cycle time and enhance productivity.

An analysis of the uses of project funds is:

USES OF FUNDS

* Building Improvements	\$ 42,276,558
* Machinery and Equipment	30,132,074
* Computer Equipment	6,779,368

Total Cost of Project:	\$79,188,000
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The City's bond counsel firm, Kutak Rock LLP, will serve as bond counsel in the transaction. It is anticipated that the bonds will be purchased by the Company, or its lease provider, and not offered for public sale. If Learjet utilizes the services of a brokerage firm as advisors or underwriters, the City will be advised at such time. A notice has been mailed to the County and Board of Education regarding this bond issue. Learjet, Inc. has an approved EEO/AA plan on file with the City.

Learjet agrees to pay all costs of issuing the bonds and agrees to the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Economic Development Incentive Policy, the Company qualifies for a five-plus-five-year tax exemption on property purchased with bond proceeds, subject to City Council approval.

The estimated taxes on Learjet's proposed \$79,188,000 expansion would be \$1,227,377, on real property improvements based on the 2006 mill levy. Using the allowable tax exemption of 100 percent, the City could be exempting \$1,227,377 of new taxes from the property tax rolls, one the full amount of bonds are issued.

In addition, the project will qualify for a sales tax exemption on bond-financed purchases. The estimated amount of exempted sales taxes is \$1,543,950, including \$1,120,950 state tax and \$423,000 county sales tax.

The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects costs/benefit ratios as follows:

City	19.62 to one
County	33.05 to one
USD 259	.00 to one
State	48.09 to one

Economic Vitality and Affordable Living. Granting an ad valorem property tax exemption and sales tax exemption will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

Bond Counsel will prepare bond documents needed for the issuance of the bonds. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

In 1992, Learjet entered into a Consent Order with the Kansas Department of Health and Environment acknowledging that groundwater contamination exists at its Wichita plant site. Learjet will enter into an agreement with the City under which Learjet will defend and indemnify the City against and for any liability of the City which may arise solely as a consequence of the City issuing the Bonds requested by Learjet.

Mayor Brewer

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

Motion--

Gray moved that the public hearing be closed; a Letter of Intent to Learjet, Inc., for Industrial Revenue Bonds in an amount not-to-exceed \$79,188,000, subject to the Letter of Intent Conditions for a term of five-years approved; a 100% tax abatement on all bond-financed property for an initial five-year period plus an additional five-years following City Council review approved; staff authorized to apply for a sales tax exemption; and the necessary signatures authorized. Motion carried 7 to 0.

--carried

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FINANCIAL REPORT QUARTERLY FINANCIAL REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2007.

Kelly Carpenter

Finance Director reviewed the item.

Agenda Report No. 31.

City of Wichita

The Finance Department prepares quarterly un-audited financial reports to monitor and review the financial activities of the operating and capital funds. The report is presented to provide the City Council and citizens with information that will assist in making informed decisions. The report is available on the City's web-site and citizens may obtain a printed copy by contacting the Department of Finance at 268-4651.

Comparisons of budgeted amounts to actual revenue and expenditures are provided for each operating fund. In addition, financial statements prepared on an accrual basis are presented for enterprise funds, consistent with requirements of revenue bond covenants. The quarterly financial report does not contain all the entries and adjustments that will be reflected in the Comprehensive Annual Financial Report for fiscal 2007.

Financial highlights are summarized beginning on page iii, with financial statements beginning on page 1. Information supplementary to the financial statements begins on page 63, including information on the performance of invested funds, the City's bonded indebtedness relative to the legal debt limitations, capital projects currently underway, tax abatements, the status of the Debt Service fund relative to any debt service payments due from the tax increment financing districts, and a quarterly summary of disadvantaged and emerging business activity.

The Director of Finance will provide a financial overview and stand for questions.

The Internal Perspective is advanced with the Quarterly Financial Report providing information on the financial condition of City to the City Council, to the Citizens of Wichita and to investors. In addition, the report demonstrates budgetary compliance with applicable laws and ordinances for the reporting year.

Council Member Longwell Council Member Longwell stated he would like to see an annual report on the progress of those TIFs and if that information is available he would like to have that and to know if we are on schedule and when the schedule is to pay off those TIFs.

George Kolb

City Manager stated he thinks this is included in the annual budget. Stated there is a description of each TIF and we talk about the bond payments and the schedules are there.

Mayor Brewer

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

Motion--
--carried

Brewer moved that the Quarterly Financial Report for the quarter ended September 30, 2007 be received and filed. Motion carried 7 to 0.

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LIBRARY PLAN

LIBRARY MASTER PLAN. (DISTRICT I)

Cindy Harris-Berner

Library Director reviewed the item.

Agenda Item No. 32.

On August 15 2006, the Library Board of Directors adopted a master plan for library facilities for the period from 2006-2021. The plan was endorsed by the City Council on September 12, 2006. Since that time, the Board has been at work seeking to identify a location that would meet the plan's requirements as an appropriate site for a new Central Library. On October 15, the Library Board identified the former Watkins Steel plant as its preferred location for a new facility.

The Master Plan's site requirements for a new Central Library include a minimum of 5.5 acres to allow for a 130,000 square foot building with accompanying surface parking for 520 vehicles, proximity to bus routes, and the downtown core area as well as a location on an arterial or collector street. The area from Kellogg to Central and Seneca to Washington was identified as the area in which the facility should be located. The Watkins property fulfills all of these requirements. In addition, use of the site as a location for a new library is consistent with the Delano Neighborhood Revitalization Plan, City of Wichita goals for Quality of Life and Core Areas and Neighborhoods and Visioneering Wichita's goals for downtown development and libraries. On October 23, the City Council asked staff to do an additional check to ensure that no other properties exist within the target site area that might offer the same benefits at a more affordable price.

Property acquisition cost will not be known until a site is agreed upon and negotiations can be completed. \$30,000,000 in General Obligation bond funding toward the Central Library project has been identified in the 2007-2016 Capital Improvement Program budget.

A negotiated agreement for purchase of the land will be subject to review and approval of the Law Department as well as the City Council.

The project relates to the Quality of Life goal and its indicators of satisfying citizens with the quality of life and ensuring a positive return on quality of life investments as well as the Core Area and Neighborhoods goal through its indicator of revitalizing the core area.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Nancy Ogle

Ms. Ogle stated she is the Vice-President of the Library Board of Trustees and the Library Board is very excited about the possibility of the Watkins property considering it as an ideal location in the cultural corridor and also serving the core business district. Stated their process of arriving at the Watkins property started some time ago considering a large area and then narrowing it down to that property.

Dr. Sage Joyner

Dr. Joyner stated he is a retired engineer and the President of the Wichita Genealogical Society, which is a support group of the Wichita Public Library. Stated that he expects the City Council to do due diligence and encouraged them to accept the work and recommendations that has been done by the Library Board and asked that the plans of the new library be completed as soon as possible.

Council Member Longwell

Council Member Longwell stated there has been some discussions on sites and would like to add one more site for the Council to look at before proceeding too far with site plans and he just recently became familiar with the site directly across from the Indian Center, which the City of Wichita currently owns. Stated it is about eight acres and it would be nested on the river in a terrific location across from the current museum next to Cowtown, across from the Indian Center, accessed from Seneca and McLean Boulevard and feels it would be a very good site that would create some real synergy amongst that area. Stated his only hesitation is not moving ahead with plans for a new library but moving ahead with site plans that would eliminate an opportunity to really place this in an area that can create some synergy.

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- Vice-Mayor Fearey Vice-Mayor Fearey stated at the agenda review on Friday, they did talk about whether or not they were ready to move forward with anything in regard to the site and she thinks it was the wish of the Council Members who were at agenda review that we go ahead and initiate the project and the bonding resolution so that some things can be done with sending out an RFP for an architect, etc but that we delay site selection until we are sure about the site and that would be her recommendation.
- Council Member Gray Council Member Gray stated as far as putting together the idea of doing the bonding and of approving or initiating the project before we do the land, he does not feel is the best way to go. Stated he feels you should do the land first and if you are not ready to do the land today then you should not initiate the project until you have the land. Stated it is one thing to get architects to come up with prices and cost estimates for them to design a building and do the engineering and would be a lot easier to do that if they know what piece of dirt they are talking about. Stated there is a big geological difference between the site across from the Indian Center and the Watkins Steel site, which could change the dynamics. Stated he feels we would be doing ourselves a disservice to go out and try and get estimates and bids from architects without having the ground locked up.
- John Philbrick Property Management stated that the site that is being referenced is the site that was discussed for the overseas school historical society several years ago and in 1998-1999 a site search was done and this site was selected and the City pledged this site to this group but he does not think there was any formal memorandum of understanding or anything but an agreement that we would lease the site to them for 99 years when they came forward with building plans. Stated the site itself is about 13 acres and one issue that would need looked at is that part of the site overlays water storage facilities, which were determined to be viable for the overseas school use but what the library is going to need could cause some issues there because there are underground water tanks.
- Council Member Gray Council Member Gray stated he is comfortable today with moving forward with this site as the selection and thinks it is a reasonable site. Stated one of the things that need to be considered other than what was just posed, which none of the Council was aware of until Friday, is that other people have made estimations that they could accumulate the ground and that they could assemble the property and he is not interested in that because that would be displacing things such as operating businesses and people that are living in homes or apartments, etc. Stated we have a site now that has been vacant for numerous years and he would rather take property that is already been vacated and not having a usage then to go out and send somebody to try and accumulate and assemble property for us over several months.
- Mayor Brewer Mayor Brewer stated looking at the motion and what we are asking is to adopt the bonding resolution and initiate the project and then the second portion of the motion is to authorize negotiation to acquire property once the site is selected and thinks what we are doing is that we have still not closed the door on going out and looking at other pieces of property but allowing everyone to start moving forward as opposed to just stopping. Stated he does not see any harm in going and taking the motion as it is and adopting the bonding resolution, initiate the project, and authorize the negotiation to acquire property once a site is selected. Stated he is not seeing where there is a problem.
- Vice-Mayor Fearey Vice-Mayor Fearey stated she is having a problem understanding why we have agenda review. Stated those of the Council that were there had a lot of questions and from what she understood, if we said acquire the property once the site was selected, that this today is selecting the Watkins site. Stated then we got into the discussion of why are we going to the district advisory boards. Stated she would like to know if we do this are we only negotiating for the Watkins site and she is not good with this at the cost of four million dollars when she thinks there are two other sites that she is not convinced do not work.
- George Kolb City Manager stated we will do whatever the Council wants but the recommendation is the Watkins property which comes from the Library Board but the motion is wide open and if the Council chooses another site, and then we would still be free to negotiate for the acquisition of that property if it is appropriate.

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- Council Member Longwell Council Member Longwell stated his guess is that the Library Board did not have the opportunity to look at that piece of property that we already own because they thought it was taken and we just found out that it is not taken. Stated there are some other properties that were mentioned that are further south but he does not agree with because he does not think they fit into what we are trying to do in those particular areas in regards to either WaterWalk or athletic facilities. Stated when we are looking at what we are asking this library to be and what it fits next to, he is not convinced that we have been able to do our due diligence just because we did not know there were properties available. Stated he does not feel the same sense of urgency that maybe some people do that we need to make a motion today and move this forward until we look at that property.
- George Kolb City Manager stated his recommendation would be to take a look at that property and he does not feel it would take a week and the library facilities committee in conjunction with the property management staff can take a look at it and report back to the Council and if there are still some concerns then we could slow the process down but if there is consensus to continue to move forward on this property, the Council will have at least given us authorization to do so.
- Council Member Schlapp Council Member Schlapp asked if Staff is going to look at that property if two Council Members could be included in that discussion, Council Member Longwell and Vice-Mayor Fearey so that the Council can immediately get the response back through their own channels and move ahead.
- George Kolb City Manager stated yes.
- Motion-- Brewer moved that the Council adopts the bonding resolution, initiate the project; and authorize the negotiation to acquire property once a site is selected and that we review the additional alternate site to where the overseas school or museum was going to be and that the report come back to the City Council in two weeks.
- George Kolb City Manager stated the first step in the process is to look at the property across from the Indian Center along with the Library Board and if it is the consensus of the two Council Members and the Library Board that this is the property, we stop and come back to the Council later with selection of architects and moving forward on that land and will so advise the Council. Stated this week the Council would know one way or another. Stated if it is not the consensus then we would move forward for negotiation for the acquisition of the Watkins property. Stated the motion as written covers that.
- Amended Motion--
--carried Brewer moved that the bonding resolution be adopted; initiate the project; and authorize the negotiation to acquire property once a site is selected. Motion carried 7 to 0.

RESOLUTION NO. 07-616

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas, and setting forth the general nature and the estimated cost of such improvements; authorizing and providing for the making and financing of the improvements in accordance with the findings of the governing body; and direction the publication of this Resolution, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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CHARTER ORD. 192

ORDINANCE AMENDMENT-CHARTER ORDINANCE 192, RELATING TO PAWNBROKERS AND SECOND HAND DEALERS.

Capt. Darryl Haynes

Property Crimes Bureau reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Item No. 33.

The Wichita Police Department monitors pawnbroker and second hand dealer transactions, in an effort to locate stolen property. Staff has developed ordinance amendments which will allow them to better track these transactions and locate stolen property. Staff has incorporated changes in holding periods requested by second hand dealers.

The amendments require that the name of the employee as well as the manager or owner who is responsible for the daily operation of the business be reported.

If the owner's agent is pawning, pledging, selling or trading the item, the owner's name and address shall be provided at the time of the transaction.

After July 1st 2008, licensees who average more than one hundred transactions a month, during any 90-day period, must submit such information electronically to the Wichita Police Department in a computer format approved by the police department.

The holding requirement provisions of the ordinance will not apply to phonographic records, cassette tapes, compact disc or video games when such items are not purchased, traded, pawned or sold in conjunction with an operation system or stereo equipment. Items, which are sold, purchased, traded or pawned during any 24-hour period or from the same individual are considered 'sold in conjunction' for the holding requirements in this section.

All merchandise, including merchandise with a value of twenty dollars (\$20.00) or less and even where it does not have a serial number or other identifying marks will be required to be reported.

Off Business permits may be issued for 6 days instead of 5 days.

Ordinances will assist in providing for a safe and secure community.

The amendment has been prepared and approved as to form by the Law Department.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Duane Waterworth

Mr. Waterworth stated that after these proposed amendments will greatly increase his ability to be competitive and will reduce the risks involved when dealing with time and price sensitive items such as video games and other entertainment pieces. Stated for these reasons they ask for the Council's support and approval in these changes as drafted..

Motion--carried

Brewer moved that the ordinances be placed on first reading. Motion carried 7to 0.

ORDINANCE

A ordinance amending Sections, 3, 12, 13, 20 and 21 of Charter Ordinance No 192 relating to pawnbrokers, second hand dealers, precious metal dealers and repealing the originals of Section 3, 12, 13, 20 and 21 of Charter Ordinance No 192, introduced and under the rules laid over.

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13TH STREET

13TH STREET IMPROVEMENT, I-135 FREEWAY TO OLIVER. (DISTRICT I)

Gary Janzen

Chief Design Engineer reviewed the item.

Agenda Item No. 34.

The 2007-2016 Capital Improvement Program includes funding to reconstruct 13th Street, between the I-135 Freeway and Oliver. On December 13, 2005, the City Council approved an agreement with Poe and Associates to prepare a design concept for the project. On October 1, 2007, District I Advisory Board held a neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the design concept and project.

The proposed design concept is a five-lane roadway with four through lanes and a center two-way left turn lane. A storm water sewer will be constructed to improve drainage and wider sidewalks will be constructed on both sides of 13th. Funding is programmed in the Capital Improvement Program for year 2008 to design the project, 2009 to acquire right-of-way and 2010 for additional right-of-way acquisition and construction. It is proposed that the funding allocated in 2008 and 2009 for final design and right-of-way acquisition be approved at this time.

The 2008-2009 CIP budgets for design and acquisition of right-of-way is \$2,210,000. The current total estimate to acquire all of the required right-of-way is approximately \$3,500,000. The funding source is General Obligation Bonds. Approval of the 2008-2009 design and right-of-way funding now will expedite the project. The project will be returned to the City Council at a future date for consideration of additional right-of-way and construction funding.

This project addresses the Efficient Infrastructure goal by improving traffic flow and drainage in an existing residential and commercial area.

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

Mayor Brewer

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

Motion--
--carried

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

ORDINANCE

An ordinance amending Ordinance No. 46-838 of the city of Wichita, Kansas declaring 13th street, between i-135 freeway and Woodlawn (472-84320) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

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ANIMAL CONTROL

REVISION OF CHAPTER 6.04, ANIMAL CONTROL AND PROTECTION.

Kay Johnson

Environmental Services Director reviewed the item.

(Vice-Mayor Fearey momentarily absent)

Agenda Item No. 35.

The Department of Environmental Services administers Title Six of the City Code, which includes regulations for animal control and protection. Officers assigned to the department's Animal Services section enforce Chapter 6.04, which deals with animals running at large, dangerous animals, licensing of dogs, and cruelty to animals. The section receives approximately 22,000 citizen requests for service annually, investigates over 800 animal bites or attacks, and conducts more than 1800 cruelty investigations. Leash law and licensing enforcement also result in over 1600 citations annually.

Proposed revisions to Chapter 6.04 include clarification of code requirements, enhanced enforcement mechanisms, requirements that better address current concerns with dangerous dogs, inherently dangerous breeds, over population of dogs, and a revision of license fees. Environmental Services staff is proposing the ordinance based on meetings with District Advisory Boards, stakeholders and Council members.

The proposed revision of dog owner license fees is projected to yield an additional \$292,000 in annual revenue, which will help offset program costs. Basic license fees are increased from twelve to eighteen dollars, and the surcharge for animals not spayed or neutered is increased from five to eighteen dollars. Revenue projections are based on issuance of 40,000 dog owner licenses, with animals that are not spayed or neutered comprising ten percent of the total. Proposed changes will not increase expenditures over the previously approved 2007 levels.

This action furthers the Council's "Provide a Safe and Secure Community" goal via more aggressive regulation of dangerous animals and enhanced enforcement of animal control standards.

The Department of Law has approved the ordinance as to form.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Joe Freed

Mr. Freed stated he owns a manufacturing company and has been in business for 25 years and they manufacture intensive care units for animals. Stated he agrees with most of the ordinance but objects to the paragraph on banning exotic animals in the City limits. Stated shortly after he won his court case with animal control, the judge said that his wallaby was not illegal and therefore not guilty, he found out there was a movement to change the ordinance and make him illegal. Stated this is when he put out petitions at local businesses throughout Wichita and people came in and signed them. Stated the petitions were out for 19 days and they received 1,625 signatures from people in Wichita who do not want exotic animals banned. Stated there are currently only seven locally owned pet stores and these people pay \$400.00 annually for a pet store license and he does not think it is fair that they are not allowed to have animals that you can buy five miles down the road. Stated when you put laws into affect like this you are just making the 95% of the honest hardworking citizen's criminals and the 1 and 2% of the people that the City has to deal with the most are the ones that do not abide by the laws. Stated that he hopes the Council will take into consideration the ban on exotic animals.

Council Member Skelton Council Member Skelton asked why we need to ban exotic animals.

Kay Johnson

Environmental Services Director explained that we have had this ordinance in affect for many years and what this does is animals of nature that come outside of our domestic animals which are cats and dogs carry diseases and they can be transmitted into our community and most of these animals cannot be inoculated against rabies. Stated we have these animals that can bite people and there is also the tax payer concern, which is running at large which is why we were involved with this situation to begin with. Stated animals that are kept in an urban setting that should not be kept in an urban setting quite frequently get out and run loose and then they are chasing those animals as well as the dogs and cats.

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- Council Member Gray Council Member Gray stated he fails to find any reason that the situation with Mr. Freed's wallaby to be that overt and that it should be banned. Stated we have a pretty reasonable exotic animal ordinance and the one thing that he questions about it is iguanas. Stated you drive 200 miles south and they are indigenous and fails to see that Mr. Freed's circumstances really cause an undue harm on the community and does not think we need to create an ordinance to prevent it. Stated he does not think that merit has been created that justifies taking away his property, his animal because it got out once and we do not think it should be here.
- Council Member Williams Council Member Williams asked if we have ever addressed cats running at large and is there anything in the ordinance that pertains to that.
- Gary Rebenstorf Director of Law explained it has been several years and the City Council did propose an ordinance for a leash law for cats and the hearing lasted many hours and the chambers was full of cat owners opposing it and the Council at that time said never bring this back again.
- Bob Wine Mr. Wine stated he is the President of Wichita Independent Neighborhoods (WIN) and is here in support of this ordinance today for dangerous dogs. Stated WIN started an effort more than three and a half years ago to address a problem common to many neighborhoods across the City of Wichita. Stated this is a problem that has plagued many neighborhoods and they think that this ordinance while it has eliminated the pit bull provision is at least a step in the right direction. Stated the other element that is as important as this ordinance is that we actually follow through with the enforcement and get the staffing that is needed to do the enforcement and hopefully this will make all of our neighborhoods safer places for all of us to live.
- John Stevens Mr. Stevens stated he is a WIN board member and this is a quality of life issue in Wichita and that citizens should not have to be afraid because there are dogs running at large in the City. Stated that he hopes the City Council will consider this ordinance.
- Mayor Brewer Mayor Brewer stated he there was some discussion that on the recommendation we have a monthly review by email from Staff telling the Council what the status is as far as the dogs are concerned and also that we have a public review every six months.
- Council Member Longwell Council Member Longwell stated he is not sure this ordinance is pro-active enough but he can live with it today. Stated he is very eager to see those benchmarks on a monthly basis to see if this is going to accomplish what we think it will accomplish. Stated he feels it is a step in the right direction but if those benchmarks are not being met and we are seeing this escalate into still a dangerous dog situation, he is all for putting on greater restrictions. Stated he is not sure he is totally convinced that the wallaby is a problem and is not sure if he is comfortable with having that in there at this time.
- Council Member Skelton Council Member Skelton stated he is supportive of this ordinance when it comes to addressing the nuisances caused by household pets. Stated whether this works on pit bulls or not it is yet to be seen and thinks it is wise that we review this ordinance periodically. Stated he does not think it is bad or wrong for people to own wallabies and would like to see the exotic animal portion removed.
- Gary Rebenstorf Director of Law stated if the Council wants to exclude just wallabies then you are going to have other people coming to you. Stated you really need to look at the definition of exotic animals and decide which ones should not be kept in the City and which ones should. Stated his recommendation from a legal standpoint that you not just make it wallabies that there be some type of a consideration made of animals that the Council would be able to say these are the animals that we can keep and these are the animals that we should not keep.
- Council Member Williams Council Member Williams asked if it would be possible to defer a section of this ordinance to look at it a little closer.
- Gary Rebenstorf Director of Law stated the Council could adopt the ordinance on first reading and have second reading to consider a new definition for exotic animals and that would come up for second reading or just defer the whole ordinance and come back again.

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- Motion-- Brewer moved that the City Council approve the ordinance and place it on first reading, require monthly review by email and also public review in six months and before we have the second reading that we review the exotic animal portion of it as to whether or not we want to remove certain ones from the exotic animal or allow them to come in.
- Council Member Gray Council Member Gray stated that regarding the review of the exotic animal ordinance portion is it something you want two Council Members to look at or come back to a workshop and discuss it there.
- Mayor Brewer Mayor Brewer stated to bring it back to a workshop.
- carried Motion carried 7 to 0.

ORDINANCE

A ordinance amending sections 6.04.010, 6.04.020, 6.04.035, 6.04.036, 6.04.040, 6.04.045, 6.04.046, 6.04.048, 6.04.050, 6.04.055, 6.04.060, 6.04.070, 6.04.080, 6.04.090, 6.04.110, 6.04.120, 6.04.130, 6.04.150, 6.04.160, 6.04.170, 6.04.190, 6.04.210 and creating sections 6.04.155 and 6.04.156 of the code of the city of Wichita, Kansas pertaining to animal control and protection and repealing the original of sections 6.04.010, 6.04.020, 6.04.035, 6.04.036, 6.04.040, 6.04.045, 6.04.046, 6.04.048, 6.04.050, 6.04.055, 6.04.060, 6.04.070, 6.04.080, 6.04.090, 6.04.110, 6.04.120, 6.04.130, 6.04.150, 6.04.160, 6.04.170, 6.04.190, 6.04.210 of the code of the city of Wichita, introduced and under the rules laid over.

PLANNING AGENDA

- Motion-- Brewer moved that Planning Consent items 37-48 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.
- carried

DR2005-08

DR 2005-08: ARENA NEIGHBORHOOD REDEVELOPMENT PLAN - PROPOSED AMENDMENT TO THE WICHITA-SEDGWICK COUNTY COMPREHENSIVE PLAN. (DISTRICTS I AND VI)

- John Schlegel Planning Director reviewed the item.

Agenda Item No. 36.

MAPC Recommendation: Approve (12-2).
MAPD Staff Recommendation: Approve.
DAB Recommendations: Comments only provided.

The City has partnered with Sedgwick County and the Wichita Downtown Development Corporation in formulating an Arena Neighborhood Redevelopment Plan. The Plan area is bounded by the central rail corridor on the east, Kellogg on the south, Main Street on the west and extends ½ blocks north of Douglas.

In June 2005, the City Council approved the selection of Gould Evans to undertake the preparation of this Plan. A 19-member steering committee representing key area and city stakeholders (including City and County elected officials and a representative of the MAPC) was appointed by the City Manager to oversee the development of the Plan. A 13 member Support Team comprised of 12 City and one County administrative support staff was also created to provide technical support to the development of the Plan.

Over the last year and a half, the city has worked closely with the steering committee, area stakeholders, residents, landowners, business representatives and the community at-large to build consensus in the development of this Plan. To-date, there have been a total of 18 Arena Neighborhood Redevelopment Plan Steering Committee meetings, 6 City Council workshop presentations, 4 public information meetings (including a two-day design charrette), 3 presentations to the City's Design Council, 3

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briefings to the Advance Plans Committee of MAPC, 2 workshop presentations to the Board of County Commissioners, one presentation to the Historic Preservation Board, presentations to the six City District Advisory Boards, and 660 responses from a community-wide survey done by the consultant.

The Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) held a public hearing on March 15, 2007 and voted 12-2 to adopt the proposed Arena Neighborhood Redevelopment Plan, March 2007, as an element of the Wichita-Sedgwick County Comprehensive Plan. No members of the public spoke against the Plan.

Since March 15, 2007, modifications have been made to the Arena Neighborhood Redevelopment Plan, March 2007, as approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, in order to reflect a final recommendation of angled parking on Douglas Street and a development driven, phased conversion of one-way streets to two-way streets, excepting Market Street. These modifications have been incorporated into the revised Arena Neighborhood Redevelopment Plan, November 2007.

Elements of the Arena Neighborhood Redevelopment Plan:

1. Vision - The Plan contains a vision that this portion of downtown will become a vibrant, redeveloped urban place where people want to live, work and visit due to its proximity to existing and proposed downtown assets. Guiding principles for this Plan are as follows:

Build on existing linkages and assets

Encourage private investment that creates a special urban place

Acknowledge distinct districts that exist within the Plan area

Manage parking and enhance mobility

Commit to implementation to maximize return on public investment

Demand quality development

Adjust the Plan to market conditions

2. The Districts - The Plan builds upon the following four distinct districts that comprise the Plan area: Douglas Street Corridor District - A highly intense business corridor, primarily office and support commercial uses with upper level residential opportunities.

English/William Street District - An urban mixed-use district of primarily commercial and office uses with supporting public and residential uses.

Broadway Neighborhood District - An urban residential environment with support commercial opportunities serving area residents and Kellogg users.

Commerce Street Arts District - A unique mixed-use district where artists have opportunities to live-work.

3. Parking and Mobility - The plan has four key objectives related to this element:

1. Improve vehicular circulation and convenience - The Plan calls for a development driven, phased conversion of one-way streets to two-way streets, excepting Market Street, and designing area streets by major function (balanced, pedestrian or plaza).

2. Create and implement a Downtown parking master plan - The Plan advocates for the creation of an entity to oversee and manage parking downtown, and promotes the multiple use of parking facilities that are priced accordingly, and giving people better parking information and choices.

3. Use transit to move people from parking to destination, and from place to place. The Plan promotes the increased use of trolleys to create an enhanced circulator system. Transit would have to be scheduled to link parking areas to event centers.

4. Create better linkages and pathways through Downtown. The Plan advocates the creation of easy-to-recognize, safe and interesting pedestrian pathways.

4. Design Framework - In order to create a minimum level of quality and certainty to support future redevelopment investments, the Plan contains recommended design standards that promote urban design appropriate for each of the four Districts, as well as the street rights-of-way within them.

5. Implementation - This area has redevelopment challenges and complexities like no other in the city. The Plan recognizes that a dedicated implementation agency or entity is key to making this Plan a

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reality. The City or a City-approved catalytic development entity should oversee Plan implementations efforts and make strategic public investments that partner with and support private development.

Adopting the Arena Neighborhood Redevelopment Plan involves no commitment of funding; however, the Plan identifies public improvements needed in the Plan area that, if implemented, could total millions of dollars in expenditures. These improvements could potentially be funded from several sources, including the establishment of TIF districts and City funds. Funding decisions associated with each implementation initiative will receive separate approval, and the decision will be based, in part, on a detailed cost-benefit analysis.

This Plan impacts two goal areas. It will help achieve the goal of creating vibrant neighborhoods and CORE area, as well as the goal of promoting economic vitality.

The ordinance has been reviewed and approved as to form by the Law Department.

- Council Member Longwell Council Member Longwell stated even though this is called the Arena Neighborhood Redevelopment Plan it is so much more than the Arena Neighborhood Redevelopment Plan. Stated it is extremely important for people to understand and there are some issues that we need to take care of regardless of what is happening down there in the arena footprint area and he feels this is a good step in that direction. Stated it is a huge win/win for us and when we start looking at that parking and mobility and what we are trying to accomplish in that downtown area the arena portion of that has just a small portion of the entire parking and mobility that we are looking at downtown. Asked what the time span is for phasing this in.
- John Schlegel Planning Director stated we are looking at 20 years out in developing this plan and it is going to take a good five or ten years before we start seeing real substantial changes in this area and does not think we can expect a full build out in this area until about 20 years out.
- Council Member Gray Council Member Gray stated this was brought up the first part of the year and at that time was deferred to look into other things and go out with the construction, development, and real estate community to get their opinions on this because this does define a lot of things. Stated one of the most important groups that needed to examine this is was commercial real estate and commercial development groups within our community that would be the ones that would have to take hold of this and do something with it. Stated what we chose to do at that time was to invite the commercial real estate industry and commercial development industry to come in and have a meeting to discuss this. Stated we had the downtown developers, the Minnesota guys, Dave Burke, Larry Webber, Don Slawson, and a lot of other developers within this community that have basically made Wichita what it is today over the past 20 years and got them in a room and asked them if the plan is feasible and if this is the way we should be going on this. Stated they said at that time they could not answer that question today because they need to see what happens with the casino and if we have a casino come downtown it will change this entire plan and they wanted to put this off in making commitments until after that vote was handled. Stated a month ago he asked the City Manger to set up a meeting and get these people back involved and talk about this again and a meeting has been scheduled with these people for this Thursday afternoon. Stated before we approve another plan, let us talk to the people who are going to be responsible for making part of that plan work and get their opinions on this. Stated we should see if we can put this plan into fruition before we adopt it and is asking for a two week deferral. Stated this has a funding component, which is TIF funding and right now he is trying to get information from Staff to find out about our other TIFs we have and how they have performed and is working with Staff to get that information so that he can put together something to have a better understanding of how this is going to work.
- Vice-Mayor Fearey Vice-Mayor Fearey stated she does not feel that we need to defer this and when she looks at the list of people who have been involved in this it is the people who have already put their money down there in building it out what we have so far and we will not be doing the project plan for a TIF and that is not part of this and does not see anyway we can do that before the end of the year. Stated this is a plan that says this is going to guide what the City at this time working with these people and these consultants say is the best way to guide this area moving forward in light of the arena coming in there and she thinks we need to go ahead and do that.

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- Motion-- Fearey moved to concur with the findings of the MAPC and approve the first reading of the ordinance adopting the Arena Neighborhood Redevelopment Plan, November 2007.
- John Schlegel Planning Director asked if that included the modifications they have made.
- Vice-Mayor Fearey Vice-Mayor Fearey stated yes.
- Council Member Skelton Council Member Skelton stated Council Member Gray makes a good point and would not mind waiting either .
- carried Motion carried 5 to 2, (Nays-Gray and Skelton).

ORDINANCE

An ordinance adopting the arena neighborhood redevelopment plan as an amendment to the Wichita-Sedgwick county comprehensive plan, introduced and under the rules laid over.

ZON2007-44

ZON2007-44-ZONE CHANGE FROM "LI" LIMITED INDUSTRIAL TO "GC" GENERAL COMMERCIAL. GENERALLY LOCATED NORTH OF KELLOGG DRIVE BETWEEN LAURA AVENUE AND PATTIE AVENUE AND ON THE EAST SIDE OF PATTIE AVENUE. (DISTRICT I)

Agenda Item No. 37.

MAPC Recommendations: Approve, subject to the condition of vacation or replatting of Hunters 3rd Addition within one year (12-0).

MAPD Staff Recommendations: Approve, subject to vacation or replatting of Hunters 3rd Addition within one year.

DAB Recommendations: To be heard October 22, 2007.

The applicant is seeking to downzone a 2.45-acre site from "LI" Limited Industrial to "GC" General Commercial. The request consists of the former Kellogg Elementary School building (2.20 acres) located north of Kellogg Drive between Laura Avenue and Pattie Avenue and a small parking lot (0.25 acre) located on the east side of Pattie Avenue across from the former Kellogg School site.

The applicant intends to redevelop the building as an adaptive re-use. The requested GC zoning allows the flexibility of commercial or residential re-use or a combination. The current zoning, LI, does not allow residential use.

Most surrounding properties are zoned LI, with the exception of several properties zoned "LC" Limited Commercial to enable the refinancing or sale of residential properties. However, all immediately surrounding properties to the north and west are developed with single-family residences. East of the site, across Pattie Avenue, is a mixture of construction sales and service businesses and offices, parking and residential uses. Further east of the site, east of Lulu Avenue, is a large church complex. South of the site is Kellogg/US-54, a limited access freeway.

To the north side of Waterman Street, approximately 1000 feet north of this site, the Douglas Street corridor was rezoned in 2005 from LI to "CBD" Central Business District. The purpose of that rezoning was to enable residential development, and increase flexibility for redevelopment of older buildings within that corridor. This would be similar to the intent of this requested rezoning to GC.

Analysis: At the MAPC meeting held October 4, 2007, MAPC voted (12-0) to recommend approval of the zone change request for GC subject to staff recommendation of vacation or replatting of Hunters 3rd Addition within one year. The large lot is platted as a reserve school purposes and the redevelopment also may involve vacation of alley(s). These changes can be accomplished either through vacation or replatting. No citizens spoke at the MAPC meeting. No protest petitions have been received.

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Promote Economic Vitality and Affordable Living.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Brewer moved that the findings of the MAPC be adopted and the zone change approved subject to the condition of vacation or replatting within one year; the publication of the ordinance withheld until the appropriate instrument (vacation order or the plat) is recorded. Motion carried 7 to 0.

--carried

for reconsideration. Motion carried 7 to 0.

ORDINANCE

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, introduced and under the rules laid over.

CUP2006-45

CUP2006-45 (DP-302) AND ZON2006-44 – EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR THE KRUG SOUTH COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL. GENERALLY LOCATED ON THE SOUTHWEST CORNER OF 21ST STREET NORTH AND 143RD STREET EAST. (DISTRICT II)

Agenda Item No. 38.

On January 9, 2007, the City Council approved the creation of DP-302 Krug South CUP and a zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial, subject to the condition of platting the property within one year. The applicant’s attached letter states that the owner is studying options and costs for alternative improvement concepts, holding discussions with potential purchasers and preparing alternative land plans. Therefore, the applicant requests a one year platting extension to January 9, 2009.

Staff recommends that an extension of time to complete platting requirements be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

Promote Economic Vitality and Affordable Living.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--

Brewer moved that the extended platting deadline of January 9, 2009 be approved. Motion carried 7 to 0.

--carried

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SUB2005-77

SUB2005-77-PLAT OF GREENWICH BUSINESS CENTER ADDITION LOCATED ON THE EAST SIDE OF GREENWICH ROAD AND ON THE SOUTH SIDE OF 29TH STREET NORTH. (DISTRICT II)

Agenda Item No. 39.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of 42 lots on 158.81 acres, has been annexed into Wichita's city limits. Zone changes (ZON 2000-23) from SF-20, Single-Family Residential District and (ZON 2005-03) "RR" Rural Residential District to "LI" Limited Industrial District were approved for this site. Protective Overlays (PO #74 and PO #155) were also approved for this site addressing uses, outside storage, setbacks, signage and building height. A Notice of Protective Overlay has been submitted identifying the approved PO and its special conditions for development on this property.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, drainage, water and sewer improvements. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the proposed reserves being platted. In accordance with the Protective Overlay approval, a Cross-lot Circulation Agreement has also been submitted to assure internal vehicular movement between the lots.

This plat has been approved by the Planning Commission, subject to conditions. Publication of the Ordinances should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Notice of Protective Overlay, Certificate of Petitions, Restrictive Covenant and Cross-lot Circulation Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted; and first reading of the Ordinance approved. Motion carried 7 to 0.

RESOLUTION NO. 07-617

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90336 (east of Greenwich, south of 29th St. North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-618

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90337 (east of Greenwich, south of 29th St. North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-619

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90338 (east of Greenwich, south of 29th St. North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, (east of Greenwich, south of 29th St. North), presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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RESOLUTION NO. 07-620

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90339 (east of Greenwich, south of 29th St. North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-621

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90340 (east of Greenwich, south of 29th St. North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-622

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90341 (east of Greenwich, south of 29th St. North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-623

Resolution of Findings of Advisability and Resolution authorizing construction of Main 24, Four Mile Creek Sewer 468-84436, (east of Greenwich, south of 29th St. North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-626

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 1, Main 24, Four Mile Creek Sewer 468-84439, (east of Greenwich, south of 29th St. North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-624

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 9, Main 25, War Industries Sewer 468-84437 (east of Greenwich, south of 29th St. North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-625

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 10, Main 26, War Industries Sewer 468-84438 (east of Greenwich, south of 29th St. North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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RESOLUTION NO. 07-627

Resolution of Findings of Advisability and Resolution authorizing construction of Storm Water Drain No. 339 468-84440 (east of Greenwich, south of 29th St. North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-628

Resolution of Findings of Advisability and Resolution authorizing construction of Storm Water drain No. 340 468-84441 (east of Greenwich, south of 29th St. North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-629

Resolution of Findings of Advisability and Resolution authorizing construction of Storm Water Drain No. 341 468-84442 (east of Greenwich, south of 29th St. North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-630

Resolution of Findings of Advisability and Resolution authorizing construction of pavement on 27th Street, from the east line Greenwich to the centerline of Essex (east of Greenwich, south of 29th St. North) 472-84616, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-631

Resolution of Findings of Advisability and Resolution authorizing construction of 27th Street Court, from the north line of 27th Street to and including the cul-de-sac (east of Greenwich, south of 29th St. North) 472-84614, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-632

Resolution of Findings of Advisability and Resolution authorizing construction of Essex from 27th Street North to the south line of 29th Street; paving 28th Street from the east line of Essex to the east line of Lot 16, Block 3, (east of Greenwich, south of 29th St. North) 472-84618, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-633

Resolution of Findings of Advisability and Resolution authorizing construction of pavement on 28th Street North, from the east line of Lot 16, Block 3 to the west line of Founders; paving Founders/Collective from the south line of 29th Street North to the northeast line of Lot 1, Block 4; paving Founders Court from the north line of Founders, serving Lots 1 through 4, Block 3, to and including the cul-de-sac (east of Greenwich, south of 29th St. North) 472-84619, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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RESOLUTION NO. 07-634

Resolution of Findings of Advisability and Resolution authorizing construction of pavement on 29th Street North from the east line of Greenwich to the east line of Essex (east of Greenwich, south of 29th St. North) 472-84620, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-635

Resolution of Findings of Advisability and Resolution authorizing construction of 29th Street North from the east line of Essex to the east line of Founders (east of Greenwich, south of 29th St. North) 472-84621, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-636

Resolution of Findings of Advisability and Resolution authorizing construction of pavement of a decel lane on Greenwich to 27th Street and 3rd lane from 27th Street to 29th Street; on Greenwich (east of Greenwich, south of 29th St. North) 472-84622, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

ORDINANCE

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, introduced and under the rules laid over.

ORDINANCE

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, introduced and under the rules laid over.

SUB2007-36

SUB2007-36-PLAT OF THE WATERFRONT RESIDENTIAL ADDITION LOCATED ON THE NORTH SIDE OF 13TH STREET NORTH AND WEST OF GREENWICH ROAD. (DISTRICT II)

Agenda Item No. 40.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site consists of 73 lots on 59.61 acres. A portion of this site has recently been annexed into Wichita's city limits. A zone change (ZON 2007-15) from "LI" Limited Industrial District to "SF-5" Single-Family Residential District has been approved.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for water, sewer, drainage, paving and traffic improvements. A Restrictive Covenant has been submitted to 1) provide four off-street parking spaces per dwelling unit on each lot that abuts a 32 or 58-foot street; 2) provide for the ownership and maintenance of the proposed reserves being platted for drainage purposes; 3) provide for the ownership and maintenance of the private street; and 4) outline restrictions for lot-owner use of the easements being platted in narrow street right-of-way with adjacent 15-foot street drainage and utility easements. An off-site Drainage Agreement has also been submitted.

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This plat has been approved by the Planning Commission, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenants and Drainage Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved to approve the documents and plat, authorize the necessary signatures, adopt the Resolutions and approve first reading of the Ordinance. Motion carried 7 to 0.

RESOLUTION NO. 07-637

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90329, (north of 13th, west of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-638

Resolution of Findings of Advisability and Resolution authorizing improving Storm Water Sewer No. 638, (north of 13th, west of Greenwich) 468-84423 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-639

Resolution of Findings of Advisability and Resolution authorizing improving of Storm Water Drain No. 342, (north of 13th, west of Greenwich) 468-84449 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

ORDINANCE

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, introduced and under the rules laid over.

SUB2007-37

SUB2007-37-PLAT OF GREENWICH OFFICE PARK ADDITION LOCATED ON THE NORTH SIDE OF 13TH STREET NORTH AND WEST OF GREENWICH ROAD. (DISTRICT II)

Agenda Item No. 41.

Staff Recommendation: Approve the plat.

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

This site, consisting of two lots on 15.06 acres, has recently been annexed into Wichita's city limits and is zoned "LI" Limited Industrial District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, paving, water, traffic, drainage and storm water improvements. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the proposed reserves being platted. A Cross-lot Circulation Agreement has been submitted to permit cross-lot access through Lot 2 for the benefit of Lot 1.

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Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenant and Cross-lot Circulation Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved to approve the documents and plat, authorize the necessary signatures and adopt the Resolutions. Motion carried 7 to 0.

RESOLUTION NO. 07-640

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90342, (north of 13th, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-641

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution Number 448-90344, (north of 13th, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-642

Resolution of Findings of Advisability and Resolution authorizing improving Storm Water Drain No. 334 468-84409, (north of 13th, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-643

Resolution of Findings of Advisability and Resolution authorizing improving Storm Water Drain No. 335, 468-84410, (north of 13th, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-644

Resolution of Findings of Advisability and Resolution authorizing improving Storm Water Sewer No. 635, 468-84441, (north of 13th, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-645

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on Veranda from the north line of 13th Street to 446' north of the north line of 13th Street, 472-84598, (north of 13th, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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RESOLUTION NO. 07-646

Resolution of Findings of Advisability and Resolution authorizing constructing traffic signals on 13th Street North, 472-84599, (north of 13th, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

SUB2006-106

SUB2006-106-PLAT OF WATERFRONT SIXTH ADDITION, LOCATED EAST OF WEBB ROAD AND ON THE NORTH SIDE OF 13TH STREET NORTH. (DISTRICT II)

Agenda Item No. 42.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

Background: This site, consisting of three lots on 31.66 acres, is a replat of a portion of Lot 1, Block 1, Waterfront 5th Addition and unplatted property. This site is located within Wichita's city limits and is zoned "LI" Limited Industrial District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for water, sewer, paving, turn lane and storm water improvements. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the proposed reserves being platted. Since narrow street rights-of-way with adjacent 15-foot street drainage and utility easements will be platted, the Restrictive Covenant also outlines restrictions for lot-owner use of these easements. This site is located within the noise impact area of McConnell Air Force Base; therefore, a Restrictive Covenant and an Avigational Easement have been submitted. A Letter of Credit has been provided to guarantee paving of a private street.

This plat has been approved by the Planning Commission, subject to conditions.

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenants and Avigational Easement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved to approve the documents and plat, authorize the necessary signatures and adopt the Resolutions. Motion carried 7 to 0.

RESOLUTION NO. 07-647

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90343, (north of 13th, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-648

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 55, Main 24, War Industries Sewer (north of 13th, west of Greenwich) 468-84427 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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RESOLUTION NO. 07-649

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 56, Main 24, War Industries Sewer (north of 13th, west of Greenwich) 468-84428 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-650

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on Lindberg from the north line of 13th Street to and including the cul-de-sac, (north of 13th, west of Greenwich) 472-84626 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, , presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

RESOLUTION NO. 07-651

Resolution of Findings of Advisability and Resolution authorizing constructing a left turn lane and right turn lane on 13th Street at Lindberg (north of 13th, west of Greenwich) 472-84627 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

VAC2003-00006

VAC2003-00006-REQUEST TO VACATE A PORTION OF A PLATTED SETBACK, GENERALLY LOCATED SOUTH OF DOUGLAS AND EAST OF OLIVER. (DISTRICT II)

Agenda Item No. 43.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting vacation of a portion of the platted 30-foot setback. An existing attached garage encroaches 10.7-feet at its deepest point into the platted 30-foot setback, putting the garage 19.3-feet from the property line. A proposed attached garage will encroach 14.9-feet at its deepest point into the platted 30-foot setback, putting the proposed garage 15.1-feet from the property line. The UZC allows a 15-foot street side setback for the SF-5 zoning district. The Lincoln Heights Addition was recorded on February 26, 1927.

The MAPC voted (11-0) to approve 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.

The applicant provided a guarantee that the existing drive onto Dellrose/English will be closed with a continuation of the existing curb, per City standards.

Ensure efficient infrastructure.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved to follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures. Motion carried 7 to 0.

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NO PROTEST

NO PROTEST AGREEMENT, DED2007-21-DEDICATION OF STREET RIGHT-OF-WAY, DED 2007-22 AND DED 2007-26-DEDICATION OF UTILITY EASEMENTS LOCATED EAST OF SENECA AND NORTH OF 53RD STREET NORTH. (DISTRICT VI)

Agenda Item No. 44.

The No-Protest Agreement and dedications are associated with Lot Split Case No. SUB 2007-88 (Interurban Place Addition). The No-Protest Agreement is for the future paving of 54th Street North. The dedications are for additional street right-of-way and access control along 54th Street North and for construction and maintenance of public utilities.

The lot split will allow for the creation of one additional lot zoned "SF-5" Single-family Residential District. This Agreement assures the City of Wichita that this property will be included in the paving improvements and that the owners have waived their right to protest said paving improvement.

Ensure Efficient Infrastructure.

The No-Protest Agreement and dedications will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved that the City Council approve the No-Protest Agreement, authorize the necessary signatures and accept the Dedications. Motion carried 7 to 0.

DED2007-25

DED2007-25-DEDICATION OF ACCESS CONTROL LOCATED ON THE SOUTHEAST CORNER OF ROCK ROAD AND HARRY STREET. (DISTRICT II)

Agenda Item 45.

Staff Recommendation: Accept the Dedication.

This Dedication is associated with Lot Split Case No. SUB 2007-83 (English's Ninth Addition). The Dedication is for access control along Mt. Vernon, except for two openings.

Ensure Efficient Infrastructure.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Brewer moved that the City Council accept the Dedication. Motion carried 7 to 0.

DED2007-27

DED2007-27-DEDICATION OF A WATER LINE EASEMENT, DED2007-28-DEDICATION OF A DRAINAGE EASEMENT AND DED2007-29-DEDICATION OF ACCESS CONTROL LOCATED WEST OF 135TH STREET WEST AND ON THE NORTH SIDE OF MAPLE. (DISTRICT V)

Agenda Item No. 46.

Staff Recommendation: Accept the Dedications.

The dedications are associated with Lot Split Case No. SUB 2007-87 (Riverside Health System Addition) and are for construction and maintenance of public utilities and access control along Maple Street.

Ensure Efficient Infrastructure.

The dedications will be recorded with the Register of Deeds.

Motion--carried

Brewer moved that the City Council accept the Dedications. Motion carried 7 to 0.

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A07-20R

**A07-20R-REQUEST BY JOHN DUGAN OF JOHN E. DUGAN FAMILY PARTNERSHIP, LP,
TO ANNEX LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF
MAIZE ROAD AND 31ST STREET SOUTH. (DISTRICT IV)**

Agenda Item No. 47.

The City received a request to annex 144.56 acres of land generally located southwest of the intersection of Maize Road and 31st Street South. The annexation area abuts the City of Wichita to the south and east. The property owner anticipates that the proposed property will be developed as Skyway West Addition, with 950,000 square feet of industrial development within the next twenty years. On June 21, 2007, the Metropolitan Area Planning Commission approved the final plat as recommended by the Subdivision Committee.

Land Use and Zoning: The proposed annexation consists of approximately 144.56 acres of property currently zoned "SF-20" Single-Family Residential. The applicant requested a zone change from "SF-20" Single-Family Residential to "IP" Industrial Park. On August 23, 2006, the Board of County Commissioners approved the "IP" Industrial Park zone change subject to platting within one year and the provisions of Protective Overlay #176. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential until such time the plat is recorded. Once the plat is recorded, the "SF-5" Single-Family Residential would convert to "IP" Industrial Park. Property directly to the north, west and east is primarily undeveloped, with a few scattered homes. Property to the north and west is zoned "SF-20" Single-Family Residential. Property to the east is zoned as "LI" Limited Industrial. Property directly to the south is being developed into a residential subdivision known as the Harvest Ridge Addition and is zoned as "SF-5" Single-Family Residential.

Public Services: There is an existing 16" water line along the east side of Maize Road, east of the subject property. There is an existing 12" sewer line along the east side of Maize Road at the southeast corner of the subject property.

Street System: The subject property borders 31st Street South to the north, which is a dirt road. The subject property also borders Maize Road to the east, which is a paved, two-lane road. The City of Wichita Capital Improvement Program (CIP) 2007-2016 has scheduled Maize Road to be widened, between K-42 and Kellogg, which is directly east of the subject property. The Sedgwick County Capital Improvement Program 2008-2012 and the 2006 Transportation Improvement Program do not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City Fire Station No. 17, located at 10651 West Maple Street. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: The Pawnee Prairie Park, a 625-acre park, is located approximately 1/2 mile to the northeast of the proposed annexation site. Amenities at the park include a five-mile bridle trail, an eight-mile nature trail, a municipal golf course, a nature center and parking areas that accommodate horse trailers. Several horse stalls are also available. In addition, Air Capital Memorial Park, a ten-acre park, is adjoining Pawnee Prairie Park to the north. Meadow Park, a 51-acre park, and the Auburn Hills Golf Course, a 158 acres, 18 hole championship golf course is located approximately 3 miles to the northwest of the subject property.

School District: The annexation property is part of the Unified School District 265 (Goddard School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$29,720 with a total assessed value of \$8,916. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$280 in City annual tax revenues for the property. The future

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assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 950,000 square feet of industrial improvements will be developed in the next twenty years. The total appraised value of this development after completion is estimated at \$80,750,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$634,009 in City annual tax revenues.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Brewer moved to approve the annexation request, place the ordinance on first reading and authorize the necessary signatures. Motion carried 7 to 0.

ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas, introduced and under the rules laid over. (A07-20)

A07-21R

**A07-21R-REQUEST BY ALLAN AND CAROLYN HARTMAN TO ANNEX LAND
GENERALLY LOCATED EAST OF 135TH STREET WEST, BETWEEN 21ST STREET
NORTH AND 13TH STREET NORTH. (DISTRICT V)**

Agenda Item No. 48.

The City received a request to annex 0.7 acres of land generally located east of 135th Street West, between 21st Street North and 13th Street North. The annexation area abuts the City of Wichita to the west. The subject property is within the L.R. Jones 2nd Addition, and the property owner does not anticipate changes to the existing development at this time.

Land Use and Zoning: The proposed annexation consists of approximately 0.7 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north, east and south are developed as a part of the L.R. Jones 2nd Addition and zoned "SF-20" Single-Family Residential. Property to the west is currently being developed with single-family homes, as a part of the Silverton Addition, and is zoned "SF-5" Single-Family Residential.

Public Services: There is an existing 12" water line along the east side of 135th Street West, in the front yard of the subject property. There is an existing 24" sewer main along the west side of 135th Street West.

Street System: The subject property borders 135th Street West to the west, which is a paved, two-lane road. The subject property also borders Willoughby Drive, which is a dirt road. The City of Wichita Capital Improvement Program (CIP) 2007-2016 and the 2006 Transportation Improvement Program have scheduled 135th Street West to be widened, between 21st Street North and Kellogg, which is directly west of the subject property. The Sedgwick County Capital Improvement Program 2008-2012 has scheduled improvements to 135th Street West from south of Kellogg to K-42, south of the subject property.

Public Safety: Fire service to this site can be provided by the City of Wichita within nine (9) to ten (10) minute approximate response time from City Station No. 16, located at 1632 North Tyler Street. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

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Parks: The West Meadows Park, a 1.5-acre park, is located approximately 1 1/2 miles to the southeast of the subject property and contains tennis courts, a basketball court and a children's play area. The Swanson Park, a 93-acre park, is located approximately 2 1/2 miles to the southeast of the subject property and contains a nature trail and a parking area. In addition, Dugan Park, although located within the City of Maize, is about 1 1/2 miles to the northeast of the subject property. According to the 1996 Parks and Open Space Master Plan, a potential future pathway has been identified that would run along the western edge of the subject property, along 135th Street West. In addition, an existing pathway runs along 21st Street North to the north of the property.

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$120,300 with a total assessed value of \$13,834. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$434 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. The subject property is within the L.R. Jones 2nd Addition, and the property owner does not anticipate changes to the existing development at this time.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Brewer moved to approve the annexation request, place the ordinance on first reading and authorize the necessary signatures. Motion carried 7 to 0.

ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas, introduced and under the rules laid over. (A07-21)

HOUSING AGENDA

2008 PYMNT STAND.

2008 PAYMENT STANDARDS-SECTION 8 HOUSING CHOICE VOUCHERS.

Agenda Item No. 49.

Payment standards represent the amount of rent paid to owners, plus tenant paid utilities, and are established by Housing Authorities based on current Fair Market Rents. The U.S. Department of Housing and Urban Development (HUD) published a notice of Fair Market Rents (FMRs), effective October 1, 2007. These FMRs are calculated to be at the 50th percentile of rents in the Wichita area, and include an allowance for utilities.

The Quality Housing and Work Responsibility Act (QHWRA) of 1998 requires that Housing Authorities operating Section 8 Housing Choice Voucher Programs, establish Section 8 Voucher Payment Standards between 90% and 110% of the Published Fair Market Rent for each bedroom size. The payment standards are used to calculate the amount of the monthly subsidy paid to landlords.

The QHWRA also includes a provision that a family, who initially receives Section 8 tenant-based assistance, may not be required to pay more than 40% of its adjusted monthly income for rent and

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utilities. In order to determine appropriate rent rates for the WHA based on the latest published Fair Market Rent schedule, staff reviewed requests for tenancy and actual rents for the months of January through October 2007 and calculated the average rate of rent. As a result of the staff review, Housing and Community Services recommends that the current payment standards for 0 bedroom size to be calculated at 100% of the 2007 FMR, 1, 2 & 4 bedrooms at 105% of 2007 FMR, 3 bedroom units be calculated at 110% of the 2007 FMR, and 5 bedroom units be calculated at 95% of the 2007 FMR. Staff further recommends that payment standards for 6 bedroom units be calculated at 90% of 2007 FMR to meet the average rate of rent.

Following is a table of the October 2007 FMR, the current Wichita Housing Authority (WHA) payment standards and the recommended increase or decrease in WHA payment standards based on bedroom sizes:

BEDROOM SIZE								
0	1	2	3	4	5	6		
FMR (10/1/2007)	423		473	622	796	894	1028	1162
Current Pymt. Standard			420	493	648	869	933	970
	1040							
Recommended Standard			423	496	653	875	938	976
	1045							

Wichita Housing Authority staff recommends these standards in order to meet its goal of assisting as many households as possible, with Housing Assistance Payment funds provided by HUD.

Promote Economic Vitality and Affordable Living

Motion--

Allen Murdock moved that the Wichita Housing Authority Board approve the revised Payment Standards for the Section 8 Housing Choice Voucher Program to be effective on January 1, 2008 for new clients and current clients who are relocating, and as of April 1, 2008 for current clients as determined by their recertification dates. Motion carried 8 to 0.

--carried

SUBMISSION TO HUD SUBMISSION TO HUD FOR 2008 SECTION 8 MAINSTREAM FUNDING.

Agenda Item No. 50.

The U.S. Department of Housing and Urban Development (HUD) requires that the Wichita Housing Authority (WHA) annually submit Section 8 Mainstream budgets for HUD approval. The budget estimates the housing assistance and administrative fees necessary to support the 75 Mainstream housing assistance vouchers that HUD has allocated for the WHA. Mainstream vouchers are specifically designated to help persons with disabilities, to obtain affordable housing. The Mainstream program allows a client to locate his or her own rental housing unit; the WHA subsidizes the rent through housing assistance payments to the landlord based on the client's household income.

The 2008 Budget will provide funding in the amount of \$319,695 for the period of January 1, 2008 through December 31, 2008. The Mainstream program will be totally funded by HUD and will provide for 75 housing assistance vouchers.

The Wichita Housing Authority Board's approval is required for budget submittal to HUD.

The Mainstream program will contribute to the Economic Vitality and Affordable Living goal.

The program is completely funded by HUD grants. No local tax funds will be required for this program.

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Motion-- Allen Murdock moved that the Wichita Housing Authority Board approve the submission of the 2008 requisition for payment of annual contributions for the Section 8 Mainstream Program and authorize the necessary signatures. Motion carried 8 to 0.
--carried

AIRPORT AGENDA

Motion-- Brewer moved that Airport Consent items 51-55 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.
--carried

CHANGER ORDER **COLONEL JAMES JABARA AIRPORT, SW AREA SITE DEVELOPMENT PAVING IMPROVEMENTS, CHANGE ORDER NO. 1.**

Agenda Item No. 51.

On February 27, 2007, the Wichita Airport Authority approved a contract with Cornejo & Sons for paving, grading and drainage improvements.

A change order has been prepared to modify the contracted work and adjust quantities.

The change order amount of \$17,018.00 is a deduction from the original contracted amount of \$270,873.00, representing a reduction of approximately six percent.

The Airport's contribution to the economic vitality of Wichita is promoted through infrastructure improvements to allow tenant development.

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

Motion-- Brewer moved that the Wichita Airport Authority approve the change order and authorize the necessary signatures. Motion carried 7 to 0.
--carried

PAVEMENT REHAB. **STREET SIDE PAVEMENT REHABILITATION - AIRPORT ROAD AND INLET REPAIR, WICHITA MID-CONTINENT AIRPORT.**

Agenda Item No. 52.

The 2007 Capital Improvement Program (CIP) includes the rehabilitation of street side pavement.

In order to address deteriorated pavement, Airport Road has been identified as needing rehabilitation.

The project is estimated to cost \$410,000, which will be funded with PFCs and General Obligation Bonds paid with airport revenue.

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

The Law Department has approved the Authorizing Resolution as to legal form.

Motion-- Brewer moved that the Wichita Airport Authority approve the project, adopt the resolution and authorize the necessary signatures.
--carried

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RESOLUTION NO. A07-007

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

BUILDING REHAB.

WICHITA MID-CONTINENT AIRPORT, 2204 SOUTH TYLER ROAD BUILDING REHABILITATION.

Agenda Item No. 53.

The 2007 Capital Improvement Program (CIP) includes airport development.

This building has remained empty since being vacated by the National Weather Service and needs rehabilitation before it can be leased to future tenants.

The budget to rehabilitate the facility is \$90,000, and will be funded with General Obligation Bonds funded with Airport Revenue.

The Airport's contribution to the economic vitality of Wichita is promoted through providing rentable space to serve the aviation community.

The Law Department has approved the Authorizing Resolution as to form.

Motion--
--carried

Brewer moved that the Wichita Airport Authority approve the project budget, adopt the resolution and authorize the necessary signatures. Motion carried 7 to 0.

RESOLUTION NO. A07-009

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

LEASE AMEND.

CESSNA AIRCRAFT - THIRD AMENDMENT TO LEASE.

Agenda Item No. 54.

On March 1, 2001, the WAA entered into an agreement with Cessna Aircraft for use of a facility located at 2010 Airport Road on Mid-Continent Airport. Cessna subleased this facility to Yingling Aircraft for the purpose of operating a fixed base operation serving general aviation aircraft. The WAA issued a resolution of intent to issue airport special facility revenue bonds to finance a \$1.3 million renovation and upgrade to this facility. The term of the agreement is for 20 years with two, five-year options. Cessna is desirous of amending the agreement to incorporate terms for the construction of a 9,000 sq.ft. building expansion.

Cessna's estimated investment for the construction of the expansion is \$1.5 Million. The supplemental agreement provides for no facility rent through November 20, 2035 in order for Cessna to amortize its investment. Building rent for the remainder of the facility will be at fair market value commencing March 1, 2021, and will continue throughout the term of the agreement.

There is no financial impact at this time in that the facility is being constructed upon land already leased from the WAA by Cessna. The financial impact will be a consideration when the facility rent comes on line in 2021.

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The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which allow the Airport to continue its operation on a self-sustaining basis, and to facilitate the operations of airport tenants.

The Supplemental Agreement has been approved as to form by the Department of Law.

Motion--
--carried

Brewer moved that the Wichita Airport Authority approve the Supplemental Agreement, and authorize the necessary signatures. Motion carried 7 to 0.

SUPPLEMENT NO. 1 **Cessna Aircraft - Supplement No. 1 to First Amended Project Lease and Supplement No. 1 to First Amended Site Lease.**

Agenda Item No. 55.

Cessna currently leases a two-story, hangar/office facility situated at the south end of its Mid-Continent Airport complex. This facility encompasses approximately 195,000 sq.ft., and was constructed in 1991. Cessna is desirous of making modifications to this facility.

Two leases govern the construction of this facility: a project lease and a site lease. The term of the project lease is through May 15, 2026 and the site lease is through May 15, 2030. Facility rent is set out in the first amended project lease through May 15, 2026, and increases at the rate of 1½% each year. Cessna proposes to invest \$3.5 Million to create additional office space within the existing facility. Rental adjustments are provided in this supplemental agreement which are commensurate with Cessna's additional investment in the facility. Also, facility rent is included beyond the May 15, 2026 date through May 15, 2030 to coincide with the lease termination dates.

There is no financial impact at this time in that the improvements are being constructed upon land already leased from the WAA by Cessna.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which facilitate the operations of airport tenants.

The Supplemental Agreements have been approved as to form by the Department of Law.

Motion--
--carried

Brewer moved that the Wichita Airport Authority approve the Supplemental Agreements, and authorize the necessary signatures. Motion carried 7 to 0.

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Vice-Mayor Fearey

Vice-Mayor Fearey requested that Clay Bastian, Dave Burk, Gary Schmidt, Joe Johnson, and Dale Maltbie, be appointed to the SMID District.

Council Member Gray

Council Member Gray requested that John Riggerbach be appointed to the Public Building Commission.

Council Member Williams

Council Member Williams requested that Andy Bias be appointed to the Public Building Commission.

Council Member Longwell

Council Member Longwell requested that Bill Haggar be appointed to the Public Building Commission.

Motion--carried

Brewer moved that the appointments be approved. Motion carried 7 to 0.

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RECESS

EXECUTIVE SESSION

Motion--

Brewer moved that the City Council recess into Executive Session to consider: consultant with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice, contract negotiations, and matters relating to employer-employee negotiations and that the Council return from Executive Session no earlier than 2:10 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

RECONVENE

The Council reconvened in the City Council Chambers at 2:11 p.m.

Mayor Brewer

Mayor Brewer stated that the City Council has returned from Executive Session, there was no action taken and there is no action needed as a result of the Executive Session.

Motion--carried

Brewer moved that the Executive Session be closed. Motion carried 5 to 0, (Fearey and Williams absent).

Motion--carried

Brewer moved that the Regular Meeting be adjourned. Motion carried 5 to 0, (Fearey and Williams absent).

ADJOURNMENT

The meeting was adjourned at 2:12 p.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

Workshop to followed in the MAPC 10th Floor Training Room