

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 320

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 13, 2007
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Schlapp. Council Member Skelton absent with prior notice.

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

Rick Cline, Central Church of Christ, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of March 6, 2007, approved 5 to 0.

AWARDS AND PROCLAMATIONS

Proclamations

Mayor Mayans read aloud the following Proclamations:

- Child Abuse and Neglect Prevention Month
- Lions' Pancake Day
- Youth Violence Prevention Week

Recognitions

Mayor Mayans recognized the following:

Laurie Labara, Executive Vice-President and Chief Operating Officer of Via Christi Wichita Health Network.

Larry Simmons, Retired Sedgwick County Fire Fighter and Smoke Eater's Benefit Softball Tournament Director.

CONSENT AGENDA

Council Member Brewer Council Member Brewer requested that item 12 be pulled.

Council Member Gray Council Member Gray requested that item 13 be pulled.

Motion-- Mayans moved that Consent items 1 to 18d be approved in accordance with the recommended
--carried action shown thereon, excluding items 12 and 13. Motion carried 5 to 0, (Skelton absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 322

CMBS

APPLICATIONS FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

New Operator 2007 (Consumption on Premises)

Navin Haeri 24 K LLC 2602 North Arkansas

Motion--
--carried

Mayans moved that the license be approved subject to Staff review and approval. Motion carried 5 to 0, (Skelton absent).

PRELIM ESTS.

PRELIMINARY ESTIMATES:

- a. Main 19 Four Mile Creek Sewer to serve Stonebridge Addition - south of 13th Street North, east of 143rd Street East. (468-84127/744194/480882) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$1,319,000.00
- b. Maple Street and Maple Dunes Storm Water Sewer and Channel Improvements to serve Maple Dunes Addition - east of 135th Street, north of Maple Avenue. (468-84199/ 660518/855108) traffic to be maintained during construction using flagpersons and barricades. (District V) - \$91,880.00
- c. Brookside from the north line of Central to and including the cul-de-sac north of Central to serve Kretchmar Addition, Kapaun First Addition, Kapaun Fourth Addition, and Unplatted Tract - north of Central, west of Woodlawn. (472-84442/766112/490129) Does not affect existing traffic. (District II) - \$159,119.99
- d. Lateral 95, Main 1, Southwest Interceptor Sewer to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (468-83715/744215/480903) Does not affect existing traffic. (District III) - \$393,000.00
- e. McKnight Water Main Improvements, Phase II - north of Douglas, east of Broadway. (448-89812a/636154/775547) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$425,000.00

Motion--carried

Mayans moved to receive and file. Motion carried 5 to 0, (Skelton absent).

PETITION

PETITION OF A STORM WATER DRAIN IN NORTHGATE ADDITION, NORTH OF 53RD STREET NORTH, WEST OF MERIDIAN. (DISTRICT VI)

Agenda Report No. 07-0221

On October 24, 2006, the City Council approved a Petition for drainage for improvements in Northgate Addition. Based on recent bid prices, it is doubtful that there is sufficient funding the Petition budget to award a construction contract. In addition the developer has reallocated the distribution of special assessments within the improvement district to reflect recent marketing conditions. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a new residential development located north of 43rd St. North, west of Meridian.

The existing Petition totals \$380,000. The new Petition totals \$617,000. The funding source is special assessments.

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

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 323

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

Motion--
--carried

Mayans moved that the new Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 5 to 0, (Skelton absent).

RESOLUTION NO. 07-163

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 307 (north of 53rd Street North, west of Meridian) 468-84253, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

STREET CLOSURE

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

#SG71

WATER CONSERVATION RENEWAL # SG71.

Agenda Report No. 07-0222

The City owns the Eaton Hotel and associated water right SG71. Following renovations to the hotel, the water right was no longer needed for its original purpose of providing cooling water. The water right was placed in the Water Rights Conservation Program through the State of Kansas Department of Agriculture, Division of Water Resources for a period of five years. Participation in the program ended December 31, 2006.

The Water Rights Conservation Program (WRCP) allows a water right owner to protect an existing water right by suspending its use for a minimum of five years to a maximum of ten years. No present need for water associated with this water right exists, but by putting it into the conservation program, it can be preserved for potential future water use, rather than declaring it abandoned at this time. Without this program, the right must be used, or if not used within three years, it can be declared abandoned and withdrawn by the state. Staff recommends that the water right be placed into the WRCP for the minimum period of five years to December 31, 2011.

There are no financial considerations.

This item addresses the goal of efficient infrastructure of providing reliable, compliant, and secure utilities by protecting an established water right.

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

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Skelton absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 324

STANDBY POWER

STANDBY POWER GENERATION, AGREEMENT.

Agenda Report No. 07-0223

Reliable power is critical in providing water service to the City of Wichita and its customers. The Water Utilities' Vulnerability Assessment identified the lack of standby power generation as a security concern and recommended that it be installed. In addition to security concerns, there is the potential for natural disaster, such as the ice storm of January 2005 and the resulting power outages.

A capital improvement project for Water Utilities security has been established. The project includes standby power generation for the water treatment plant, Hess pump station, Webb Road pump station, Cheney pump station and the Equus Beds Wellfield.

Professional Engineering Consultants (PEC) was contracted in March 2006 to provide the predesign services for Water Utility security and at the same time, evaluated alternatives for providing power to Hess Pump Station, the treatment plant, Cheney Pump Station, Webb Road Pump Station and the Equus Beds Wellfield. Preliminary designs and cost estimates were then prepared. PEC provided services in the previous phase and is recommended to provide design, bidding, and construction-related services to complete the project.

Water System Security Improvements (CIP W-903) has a remaining budget of \$7,709,798. The Agreement with PEC is for \$1,500,000 plus reimbursable expenses.

The project addresses the Efficient Infrastructure goal by providing standby power facilities to help ensure water delivery when loss of power occurs.

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

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Skelton absent).

PROP. ACQUIS.

PARTIAL ACQUISITION OF 119 SOUTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0224

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. This particular acquisition consists of ten-foot strip of land along the West street frontage from the parcel at 119 South West Street. The site is improved with a self-service car wash. The acquisition does not impact the improvements. It will require the relocation of a sign and a vacuum island.

The acquisition involves 1,800 square feet of land and paving. The appraiser valued the land at \$14,400 (\$8.00 per square foot) with an additional \$3,600 for paving. This amount, \$18,000 was offered to the owner and was accepted. The relocation of the sign and vacuum island will be handled separately as relocation items.

The funding source for the project is General Obligation Bonds. A budget of \$50,000 is requested. This includes \$18,000 for the acquisition, \$27,000 for relocation, and \$5,000 for closing costs, title insurance and other costs.

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

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 325

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 5 to 0, (Skelton absent).

PROP. ACQUIS.

ACQUISITION OF 3949 WEST DOUGLAS FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0225

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 proposed road improvements will encroach into the 2,012 square foot, frame, restaurant building, necessitating the acquisition of the entire site. The improvements will be razed and the site used for staging purposes.

The 12,248 square foot site was appraised at \$175,000, or \$14.28 per square foot. The property is leased and both the tenant and lessee are eligible for relocation benefits. The seller countered at \$225,000. After negotiation, the owner agreed to accept \$210,000. This amount includes relocation benefits. The tenant will continue to lease the building from the City until their replacement location is available. The tenant's relocation benefits will be paid when they relocate.

The funding source for the project is General Obligation Bonds. A budget of \$300,000 is requested. This includes \$210,000 for the acquisition, \$15,000 for demolition, \$50,000 for relocation, and \$5,000 for closing costs, title insurance and other costs.

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

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 5 to 0, (Skelton absent).

PROP. ACQUIS.

PARTIAL ACQUISITION OF 701 NORTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0226

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. This particular acquisition consists of ten-foot strip of land along both West Street and Central Avenue in addition to a triangular corner clip.

The proposed 2,005 square foot of land being acquired at \$26,065, or \$13.00 per square foot. The appraiser included another \$4,000 for loss of site improvements. The take will eliminate five parking spaces on the site, reducing the number of spaces from twelve to seven, which is one space less than required by code. The owner has agreed to accept an additional \$47,835 for this loss. This amount is within the value range determined by the appraiser. The total acquisition cost is \$77,500.

The funding source for the project is General Obligation Bonds. A budget of \$90,000 is requested. This includes \$77,500 for the acquisition, \$5,500 for closing costs, title insurance and \$7,000 for sign relocation.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 326

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

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 5 to 0, (Skelton absent).

PROP. ACQUIS.

PARTIAL ACQUISITION OF 4730 EAST CENTRAL FOR THE OLIVER AND CENTRAL INTERSECTION PROJECT. (DISTRICTS I AND II)

Agenda Report No. 07-0227

On January 10, 2006, City Council approved a project to improve the intersection of Central and Oliver. Left turn lanes will be provided at all four approaches to the intersection. The traffic signal system will be upgraded and a new storm sewer will be constructed. The intersection improvement plan calls for partial acquisitions of four parcels. One of the parcels involves a partial acquisition at 4730 East Central consisting of 295 square feet.

The proposed acquisition was appraised at \$2,360, or \$8.00 per square foot. The project will require the relocation of the store sign and a parking lot light. The landscaping and the sprinkler system will need to be reconstructed. These items will cost \$12,586.61. These amounts were offered to the owner and accepted. The total acquisition and relocation cost is \$14,946.61.

The funding source for the City share of the project is General Obligation Bonds. A budget of \$16,946.61 is requested. This includes \$2,360 for the acquisition, \$12,586.61 for relocation and site restoration and \$2,000 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 5 to 0, (Skelton absent).

BOARD MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Housing Advisory Board, December 20, 2006
District III Advisory Board, January 10, 2007

Motion--carried

Mayans moved to receive and file. Motion carried 5 to 0, (Skelton absent).

HARLOW

APPOINTMENT OF IRB BOND COUNSEL, HARLOW AEROSTRUCTURES, LLC. (DISTRICT IV)

Agenda Report No. 07-0228

On March 6, 2007, the City Council approved a letter of intent for the issuance of industrial revenue bonds ("IRBs") for Harlow Aerostructures, LLC ("Harlow"). It is anticipated that the IRBs will be sold to GE Capital Finance Corporation ("GE Capital") as tax-exempt bonds in order to provide Harlow with low-cost equipment financing. Under City IRB policy, the City's contract bond counsel (currently, KUTAK ROCK) generally serves as bond counsel on IRB issues, except where there is a possible conflict of interest due to an on-going attorney-client relationship with another party to the transaction. Because KUTAK ROCK serves as GE Capital's regular lender's counsel on tax-exempt bond issues,

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 327

the Law Department has solicited competitive fee quotes from other bond counsel firms, to serve as bond counsel for this transaction.

Quotes were obtained from the law firms of Hinkle Elkouri Law Firm LLC and Triplett Woolf & Garretson, LLC. Hinkle Elkouri Law Firm LLC quoted the lower fee.

Bond counsel costs are the responsibility of the Tenant Company in an IRB issue and are paid directly to the bond counsel firm at bond closing.

Economic Vitality and Affordable Living. Economic development incentives, such as tax-exempt IRBs, promote economic growth, diversification and job creation.

Selection of a replacement bond counsel is consistent with the City's IRB Policy.

Motion--

Mayans moved that the appointment of the Hinkle Elkouri Law Firm LLC to serve as bond counsel in the City's issuance of IRBs for the benefit of Harlow Aerostructures LLC be approved. Motion carried 5 to 0, (Skelton absent).

--carried

ACQUIS OF LAND

ACQUISITION OF LAND. (DISTRICT V)

Agenda Report No. 07-0229

On December 30, 2003, the City Council approved the acquisition of a parcel of land between Tyler and Maize Roads south of 31st Street South and authorized staff to negotiate a real estate purchase contract. The parcel is platted and zoned Limited Industrial. It is located immediately west of Mid-Continent Airport. On July 27, 2004, the City Council approved the real estate purchase contract. The contract called for the land to be acquired in four parcels. The first parcel was acquired on September 28, 2004. The other three parcels were optioned with acquisition dates of March 31 of 2005, 2006 and 2007. The second and third parcels were acquired as scheduled in 2005 and 2006 respectively.

The option price is \$946,667.00 plus interest from March 31, 2004 at .75% (approximately \$21,300). If the option is not exercised by March 31, 2007, it shall be declared null and void.

Funding for the acquisition was approved by the December 30, 2003 action, as was a bonding resolution.

Assist with the economic development of the City by providing a site for additional business development and job creation.

The Law Department has approved the contract and options as to form.

Motion--

Mayans moved that the exercise of the option be approved and the signatures authorized. Motion carried 5 to 0, (Skelton absent).

--carried

EMINENT DOMAIN

ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR THE NORTH BROADWAY AND 13TH STREET INTERSECTION IMPROVEMENT PROJECT. (DISTRICT VI)

Agenda Report No. 07-0230

On July 19, 2005, City Council approved a project to improve the intersection of Broadway and 13th Street North. The project will provide left turn lanes at all approaches to the intersection. The project requires the acquisition of all or part of eleven tracts. City staff has been to reach an agreement on two parcels, at 221 East 13th Street North and at 1401 North Broadway. The parcels are improved with commercial, retail buildings. Both are zoned limited commercial but have approvals for use as auto dealerships.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 328

The 221 E. 13th St. acquisition requires a corner taking and a narrow strip of land along Broadway, consisting of a total of 658 square feet. The advertising sign will need to be relocated as a result of the take. A temporary construction easement is also required. The proposed acquisition was appraised at \$11,092. This includes \$3,000 for the relocation of the sign and \$1,092 for the temporary easement. The land itself was appraised at \$8.00 per square foot. The owner has rejected the offer and has yet to provide a counter offer. Staff will continue to negotiate with the owner, but due to the lack of a counter offer, it is necessary to initiate eminent domain.

The acquisition at 1401 N. Broadway requires a corner taking and a fifteen-foot wide strip of land along the south property line, consisting of a total of 2,995 square feet. The property is improved with a concrete building built in 1979. It was formally a full service gas station and is now used for used auto car sales and service. The business sign, three light poles and the perimeter pipe fencing will need to be relocated as a result of the take. A temporary easement is also required during construction. The proposed acquisition was appraised at \$117,700. The land itself was appraised at \$23,960, or \$8.00 per square foot. The appraised value includes \$10,900 for the relocation of the sign, light poles and fencing and \$2,700 for the temporary easement. The remaining \$77,890 was attributed as damages to the remainder. The appraiser concluded that the building size would need to be reduced to accommodate replacement parking spaces that are lost as a result of the take. The owner rejected the offer and countered at \$280,000. His counter offer included the cost to remove part of the building and rebuild an equal size area elsewhere on the facility. Staff will continue to negotiate with the owner, but due to the lack of a counter offer, it is necessary to initiate eminent domain.

The cost of this acquisition will be paid for by the City at large.

The acquisition of these parcels is necessary to ensure efficient infrastructure.

The Law Department has approved the resolution and ordinance as to form.

Motion--

Mayans moved that the resolution be adopted and first reading the ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition be approved.

--carried

Motion carried 5 to 0, (Skelton absent).

RESOLUTION NO. 07-164

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with the planned East 13th Street and North Broadway Intersection Improvement Project, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

ORDINANCE

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 the planned east 13th Street and North Broadway intersection improvement project 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, introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 329

(Item 12)
SPIRIT

CONVEYANCE OF EQUIPMENT, SPIRIT AEROSYSTEMS, INC. (DISTRICT III)

Agenda Report No. 07-0231

On November 8, 2005, the City Council approved the issuance of Industrial Revenue Bonds (Series VI, 2005) in the amount of \$80,000,000, for the purpose of financing the costs of acquisition, construction, equipping and furnishing of industrial facilities for Spirit AeroSystems, Inc. Included in the property financed by the 2005 Bonds are certain tooling equipment and certain other capital property. On February 13, 2007, the City of Wichita received notice from Spirit AeroSystems, Inc. of its intention to exercise its option to purchase a portion of the Project consisting of certain tooling equipment and to redeem and pay a like amount of principal of the Series VI, Bonds, in order to convey such property, or any portion thereof, to, or at the direction of, The Boeing Company.

Pursuant to the terms of Section 10.02 of the Lease, Spirit AeroSystems, Inc. has notified the City of its intent to exercise its option to purchase the Tooling. The City has been advised by Bond Counsel that Spirit AeroSystems has the right to obtain release of this property.

There is no financial impact to the City resulting from the requested change. The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement.

Economic Vitality and Affordable Living. Efficient administration of economic incentive programs, such as IRB financing, contributes to the growth of the economy and prosperity of the community.

The City Attorney's office has reviewed and approved the Resolution and all necessary documents as to form.

Council Member Brewer Council Member Brewer stated he would be abstaining due to a conflict of interest.

Motion-- Mayans moved that the Resolution authorizing execution of the Bill of Sale and Certificate of Redemption for the purpose of conveying ownership of the tooling to Spirit Aerosystems in accordance with the 2005 Lease and Indenture and any other necessary and desirable actions be adopted and the necessary signatures authorized. Motion carried 4 to 0, (Brewer abstained, Skelton absent).
--carried

RESOLUTION NO. 07-165

A Resolution of the city of Wichita, Kansas, approving and authorizing the delivery of a certificate of redemption, bill of sale and other appropriate instruments, presented. Mayans moved that the Resolution be adopted. Motion carried 4 to 0. Yeas, Fearey, Gray, Schlapp, and Mayans, (Brewer abstained, Skelton absent).

(Item 13)
VACANT LOTS

SALE OF VACANT LOTS IN THE 4700 BLOCK OF SOUTH WASHINGTON. (DISTRICT III)

Agenda Report No. 07-0232

The City owns three unimproved lots, consisting of a total of 39,560 square feet, in the 4700 block of South Washington Street. These lots are continuous and can be more clearly identified as the vacant land just north and east of the Interstate 135 and 47th Street South. In 1978, the subject property was deeded to the City of Wichita as open space by a subdivision developer. The deeding entity dissolved years ago and remaining partners cannot be located. The property has been offered as surplus since 1997. An offer to purchase all three lots has been received.

There are not public utilities to the subject site. The subject parcels are zoned for single-family use. Current estimates suggest that if the site is improved, a minimum charge to bring water and sewer services to the site is \$8,670. An offer of \$100 has been presented for all three residential sites. The owner would improve the site with a single-family residence and retain the remainder as part of the

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 330

residential landscape. This offer is deemed reasonable considering the minimum cost the buyer would incur improving the site with water and sewer. This is the first valid offer to purchase the property.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will go back onto the tax roll and the maintenance of these lots would be the responsibility of the new owner.

The sale of this parcel would assist in increasing neighborhood vibrancy.

The Law Department has approved the deed as to form.

Council Member Gray Council Member Gray stated this is the item that Council Member Skelton asked to be deferred until he was present because it is about a piece of property in his district.

Motion--carried Gray moved to defer the item. Motion carried 5 to 0, (Skelton absent).

CONTS/AGRMNTS **CONTRACTS AND AGREEMENTS FOR FEBRUARY 2007**

Motion--carried Mayans moved to receive and file.

LARKSFIELD PL. **RELEASE OF TEMPORARY EASEMENT, LARKSFIELD PLACE. (DISTRICT II)**

Agenda Report No. 07-0233

In 1986 the City was granted a temporary easement by the owners of the land that was being developed as the Larksfeld Place complex. The easement was for drainage purposes. The easement was not granted as part of the platting process nor is it reflected on the plat of the area that comprises Larksfeld Place.

City Public Works staff has inspected the area covered by this temporary easement and have determined that it is no longer necessary for any drainage purpose. Staff recommends that the easement be released.

Positively impacts the goal of Efficient Infrastructure.

The Law Department will approve as to form the Release to be prepared by the owners of the

Motion-- Mayans moved that the release of the temporary easement recorded at Film 0811, Page 0775 with the Register of Deeds of Sedgwick County, Kansas be approved and the Mayor authorized to sign the appropriate documents reflecting such release. Motion carried 5 to 0, (Skelton absent).
--carried

TURKEY CREEK **WATER DISTRIBUTION SYSTEM FOR TURKEY CREEK SECOND ADDITION, NORTH OF PAWNEE, WEST OF 119TH STREET WEST. (DISTRICT IV)**

Agenda Report No. 07-0234

On May 18, 2004, the City Council approved a Petition to construct a Water Distribution System for Turkey Creek 2nd Addition. At that time, the budget was based on construction of a 12" water line. The Water Utilities Department has since determined that a 16" water line is needed. A Resolution has been prepared to increase the budget to accommodate the larger pipe size, with the Water Utility paying for the increased cost.

The project will serve a new residential development located north of Pawnee, west of 119th St. West.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 331

The existing budget totals \$31,000 with 79.35% assessed to the improvement district and 20.65% paid by the Water Utility. The revised budget totals \$46,000 with 60% assessed to the improvement district and 40% paid by the Water Utility.

This project will address the Efficient Infrastructure goal by providing water service to a new residential development.

State Statutes authorize the City Council to increase the Water Utility funding for the project.

Motion--
--carried

Mayans moved that the Resolution be adopted and the necessary signatures authorized. Motion carried 5 to 0, (Skelton absent).

RESOLUTION NO. 07-166

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89959 (north of Pawnee, west of 119th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

CVB

CONTINGENCY FUND USE FOR CONVENTION & VISITORS BUREAU.

Agenda Report No. 07-0235

In an effort to make it possible to bring different conventions and events to Wichita, City Council established a "Convention Promotion Contingency" as part of the Tourism and Convention Fund in the annual budget. This allocation is funded from the transient guest tax, a 6% transient guest tax on hotel and motel rooms in Wichita. It is earmarked to fund special activities as deemed appropriate by the Greater Wichita Convention and Visitors Bureau to approach City Council for approval. The dollar amounts for each event reflects committed financial support of that event. After reviewing with City staff, the following funds are requested to support the GWCVB's efforts to sponsor a variety of events outlined below:

Program	Amount	Description
Shrine Bowl Hall of Fame	\$ 1,000	Event Sponsorship
Kansas Farm Bureau	200	Convention Sponsorship
KSHSAA Wrestling	1,000	Event Sponsorship
NSDC Pre-Convention	33,842	Convention Sponsorship
USBC ITC	5,000	Event Sponsorship
CC OF Jehovah's Witnesses	1,864	Convention Sponsorship
KSHSAA State Track &Field	2,500	Event Sponsorship
American Junior Golf Association	1,500	Event Sponsorship
Ad Valorem Taxation Conference	1,500	Convention Sponsorship
Preferred Health systems Wichita Open	4,000	Event Sponsorship
Midwest Catholic Family Conference	1,500	Convention Sponsorship
American Bonanza Study	5,000	Convention Sponsorship
National Assn of Interpretation	15,000	Convention Sponsorship
Region VI Sports	4,000	Event Sponsorship
ICMA TV	19,500	Event Sponsorship
Arts Council Keeper Dedication	10,000	Event Sponsorship
New Requests	25,000	New Sponsorships
	TOTAL	\$132,406.00

It is anticipated that these investments will be paid back through the transient guest tax fund and through their attendee's spending money in the community at area retail, dining and entertainment facilities.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 332

The 2007 Adopted Budget has \$150,000 in this fund. Therefore, there is enough money to grant these requests.

Economic Vitality: Conventions are a component of Economic Development. Quality of Life: Sponsorship opportunities add value to the events and activities in Wichita for citizens and visitors.

There are no legal considerations.

Motion--
--carried

Mayans moved that the allocation from the contingency fund with the Convention and Tourism Bureau be approved. Motion carried 5 to 0, (Skelton absent).

ORDINANCES

SECOND READING ORDINANCES. (FIRST READ MARCH 6, 2007)

- a. Tax Exemption Request, Eck & Eck Machine Co., Inc. (District IV)

ORDINANCE NO. 47-445

Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Eck and Eck Machine Company, Inc. so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

- b. Industrial Revenue Bonds, Capps Manufacturing, Inc. (District IV)

ORDINANCE NO. 47-446

An Ordinance authorizing the city of Wichita, Kansas to issue its industrial revenue bonds, Series I-A, 2007 and Series I-B, 2007 (Capps Manufacturing, Incorporated) in the aggregate principal amount of \$2,800,000 for the purpose of acquiring, constructing and equipping an addition to an existing manufacturing facility; authorizing execution of a trust indenture by and between the city and UMB Bank, N.A., Kansas City, Missouri, as trustee; authorizing the city to lease such facility to Capps Manufacturing, Incorporated and authorizing execution of a lease agreement between said city, GE Capital Public Finance, Inc. and Capps Manufacturing, Incorporated; authorizing execution of a tax compliance agreement between the city, Capps Manufacturing, Incorporated and UMB Bank, N.A.; approving the form of a personal guaranty by and between Barney L. Capps and Ron L. Capps, as personal guarantors, and GE Capital Public Finance, Inc.; authorizing the execution of a bond purchase agreement for the bonds by and between the city, Capps Manufacturing, Incorporated and GE Capital Public Finance, Inc., as purchaser of the bonds; authorizing the execution of additional documents necessary or desirable to effect the transaction contemplated hereby, and repealing Ordinance No. 47-343 of the city, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 333

- c. Amendment-Municipal Court Judge Compensation.

ORDINANCE NO. 47-447

An Ordinance establishing the mechanism for prescribing pay for the City Manager and Municipal Court judges of the City of Wichita and repealing Ordinance No's 40-995, 45-944, 46-606, and 46-866, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

- d. ZON2006-57-CUP2006-53 - create DP-304 Koch Community Park Community Unit Plan; zone change to "LC" Limited Commercial, generally located west of Oliver and south of K-96. (District I)

ORDINANCE NO. 47-444

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. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent) (ZON2006-57)

NEW BUSINESS

COMMTECH

PUBLIC HEARING AND TAX EXEMPTION REQUEST, COMMTECH, INC. (DISTRICT II)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0236

Commtech, Inc., (Commtech) located at 9011 E. 37th Street N. in northeast Wichita, was locally formed in 1985. Commtech, Inc. is a manufacturer and engineer of electronic systems and sub-assemblies for government agencies. Commtech has experienced rapid growth in sales and production since its inception. As a result of continuous growth in sales, Commtech has expanded its manufacturing capacity and has also found it necessary to construct a 10,000 s.f. warehouse building addition in the amount of \$316,100. Commtech previously submitted a letter of intent to seek an Economic Development Tax Exemption (EDX) on the new building addition in conjunction with the expansion project, and is now requesting approval of the exemption.

Commtech, Inc. engineers and manufactures electronic systems and sub-assemblies for many Government agencies and laboratories. Commtech also designs and manufactures its own line of communication adapters for industrial, commercial and OEM customers. Commtech's products appear in computer systems worldwide and are used for a broad range of applications, from U.S. Postal Service sorting machines to the Space Shuttle. The company provides system engineering, precision manufacturing, comprehensive testing, and on-time deliveries. The building addition will be used as warehouse space to increase the production area in the original building.

Commtech currently employs 14 employees. The expansion project includes construction of a 10,000 s.f. building addition with a cost of \$316,100. As a result of the expansion project, Commtech will create 3 new jobs over the next five years. Commtech exports 100% of all production of out Kansas via US Postal Service, L3 Communications, and Amirim.

Commtech's expansion project is itemized in Exhibit I. Under the Economic Development Incentives Policy that applied prior to the current City/County policy, Commtech would be eligible for the following:

TAX EXEMPTION ELIGIBILITY

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 334

ELIGIBLE %	INCENTIVE	EXPLANATION
09.00%	New Job Creation:	Commtech will create at least 3 new jobs.
56.00%	Capital Improvements:	Commtech will invest at least \$316,100.
65.00%	Sub Total Business -	Incentive Eligibility (Maximum allowed is 100%)
00.00%	Location Premium:	Commtech is not located in the central redevelopment area.

65.00% TOTAL EXEMPTION ALLOWED UNDER FORMER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the previous Business Incentive Policy, Commtech is eligible for 65% tax exemption on real property for a five-year term, and a 33% tax exemption for a further five-year period, subject to City Council review. A notice of public hearing has been published. Commtech has agreed to comply with the conditions set forth in the Economic Development Incentive Policy.

The estimated first year taxes on the proposed \$316,100 expansion would be \$9,171 on personal property, based on the 2006 mill levy. Using the allowable tax exemption of 65 percent, the City would be exempting (for the first year) \$5,960 of new taxes from the real property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$1,641; County/State - \$1,685; and USD 375 - \$2,634.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	1.99 to one
Sedgwick County	1.69 to one
USD 375	1.54 to one
State of Kansas	6.99 to one

Economic Vitality and Affordable Living. Granting an ad valorem property 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 Attorney's Office has approved the Ordinance as to form.

Mayor Mayans

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

Motion--

Schlapp moved that the public hearing, be closed and first reading of the Ordinance granting a 65% tax exemption on real property for a five-year term, and a 33% for a further five-year period, subject to City Council review be approved. Motion carried 5 to 0, (Skelton absent).

--carried

ORDINANCE

An Ordinance exempting property from Ad Valorem taxation for economic development purposes pursuant to article 11, section 13, of the Kansas constitution; providing the terms and conditions for Ad Valorem tax exemption; and describing the property of Commtech, Inc. so exempted, introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 335

(OUT OF ORDER AGENDA ITEM 32)

RESOLUTION

A RESOLUTION SUPPORTING PASSAGE OF THE UNBORN VICTIMS OF VIOLENCE ACT, HENCEFORTH KNOWN AS "ALEXA'S LAW"

Council Member Gray Council Member Gray requested that the Council take up an agenda item out of order. Stated we have a guest in the audience today, he would like to bring up item number 32 from the Council Agenda and move it to this place on the agenda. Stated that this item is a Resolution supporting the passage of the unborn victim of violence act, henceforth known as the Alexa's Law. Stated this is in regards to Chelsea Brooks who was murdered last year and who is a resident of his district and this is something that the State is working on and he would like to get this Resolution passed to show the State that we in Wichita support this bill protecting the unborn babies of violent acts of crime.

RESOLUTION No. 07-168

A RESOLUTION SUPPORTING PASSAGE OF THE UNBORN VICTIMS OF VIOLENCE ACT, HENCEFORTH KNOWN AS "ALEXA'S LAW"

WHEREAS, Chelsea Brooks was a fourteen-year-old citizen of the City of Wichita who was abducted and brutally murdered in June, 2006; and

WHEREAS, Chelsea Brooks was nine months pregnant with her already-named daughter, Alexa, at the time of her death; and

WHEREAS, both Chelsea and Alexa were murdered during the same violent act; however, under Kansas law, only Chelsea's death is a chargeable offense under the criminal code; and

WHEREAS, the Kansas Legislature is currently considering the Unborn Victims of Violence Act, or "Alexa's Law," which would give unborn children such as Alexa, legal status in cases of violence and other criminal acts committed upon them;

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

SECTION 1. That the Wichita City Council recognizes Alexa Brooks as a victim of violent crime in our city.

SECTION 2. That the Wichita City Council strongly urges the Kansas State Legislature to enact Alexa's law, an Unborn Victims of Violence Act, which recognizes unborn children, such as Alexa Brooks, as victims of violent crime under the full protection of the law of the State of Kansas.

SECTION 3. This Resolution shall be in force and effect after its due passage.

Motion-- Gray moved to adopt the resolution.

Council Member Fearey Council Member Fearey stated this is a tragedy, she is going to have to vote against this and it has nothing to do with the Resolution itself but has to do with the fact that she was handed this about three minutes ago when they were already into the meeting. Stated she has not had time to read it other than to hear Council Member Gray read it and study it and that is the only reason she will be voting against this.

--carried Motion carried 4 to 1, (Fearey nay, Skelton absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 336

TIF DISTRICT

RESOLUTION CONSIDERING THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT, TAX INCREMENT FINANCING. (DISTRICTS I AND II)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0237

The construction of a new, 15,000-seat, County-owned sports and entertainment facility in Downtown Wichita (the "Downtown Arena"), which will open in Fall 2009, is having the expected result of providing a major catalyst for downtown redevelopment. Several potential redevelopment projects, located in the 30-block area surrounding the arena site, are in various stages of planning. The developer for one of these projects has requested financial assistance from the City of Wichita in the form of tax increment financing ("TIF"). As a first step in the process of authorizing TIF funding for this project, the City Council must set the date for a public hearing on the establishment of a redevelopment district for the project.

The proposed redevelopment project is called Exchange Place and the developer is Real Development LLC, from Minneapolis, MN. The project consists of converting the former Fourth National Bank building and the former Michigan (Rector's) building, located on the northeast corner of Douglas and Market, into a mixed-use property consisting of residential condominiums, retail shops and multi-story residential parking spaces. In addition, the project includes construction of a multi-story public parking structure immediately east of the Michigan building on Douglas.

The area proposed for the proposed redevelopment district is shown on Exhibit 'A'. The proposed boundaries are First Street on the north, Broadway on the east, English on the south and Main Street on the west. This area qualifies under the state TIF statutes for designation as a redevelopment district based on being located within an enterprise zone. The area includes several other buildings controlled by Real Development that are being redeveloped, including the Petroleum Building (221 S. Broadway), Broadway Plaza (105 S. Broadway), the Kress Energy Center (224 E. Douglas), the SCTelcom Building (125 N. Market), 150 Executive Tower (formerly Commerce Bank, 150 N. Main), Sutton Place (209 E. William) and the Kaufman Building (208 S. Market). While TIF will not be used to assist the redevelopment of these properties, the increased tax revenue from the properties will contribute to the TIF used for the Exchange Place project.

Tax increment financing allows the increased tax revenue that result from the redevelopment of property in an area to be used to finance eligible costs in the redevelopment project. The base year for calculating the increment of increased property tax revenue is the year in which the redevelopment district is first established.

Once a TIF district is established and a redevelopment project plan is adopted by City Council, the increment of increased tax revenue is set aside by the County Treasurer, to be used by the City to repay bonds issued to finance the eligible costs that are specified in redevelopment project plan. During the term of the bonds, the property taxes not attributable to increased value continues to be paid to the City, County and School District, as normal tax revenue. After the bonds are finally retired, the redevelopment district is terminated and the full amount of property taxes will be distributed to the taxing jurisdictions. More than one project may be undertaken within a redevelopment district. Each project must be completed and all bonds retired within 20 years of the adoption of each project plan.

The first step in establishing a redevelopment district is the adoption of a resolution which states that the City Council is considering the establishment of the district and sets the date for a public hearing on the matter. The public hearing must be held not less than 30 days or more than 70 days from the date the resolution is passed. The date proposed for the public hearing is May 1, 2007. After closing the public hearing, the City Council may adopt an ordinance establishing the redevelopment district.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 337

The initiating resolution directs the City Clerk to publish the resolution in the City's official newspaper and to mail copies, by certified mail, to the owners and occupants of all property located within the district and to the Board of County Commissioners and Board of Education. The resolution also includes a map of the proposed district and a proposed district plan identifying potential redevelopment project areas and a general description of buildings and facilities to be constructed or improved.

The cost of mailing the Resolution to all owners and occupants of property located within the proposed district will be charged to Economic Development Fund.

Economic Vitality and Affordable Living and Quality of Life. Redevelopment of blighted areas, and declining areas, are needed to avoid economic stagnation. Business prospects and workers seeking to relocate are attracted to a new city that takes care of its older sections.

During a 30-day period following the public hearing, the Sedgwick County Board of County Commissioners and the USD 259 Board of Education will have the right to veto the establishment of the redevelopment district. State law allows the proposed redevelopment district to be reduced in size after the public hearing. The redevelopment can be expanded in the future, without changing the base year, by ordinance, following proper notice and public hearing.

- Mayor Mayans Mayor Mayans asked if the adoption of this resolution is four votes.
- Allen Bell Economic Development Administrator stated yes.
- Mayor Mayans Mayor Mayans asked if these are the people from Real Development LLC from Minnesota and if they are the people who are requesting this TIF.
- Allen Bell Economic Development Administrator stated yes and they are requesting this to help them build a public parking garage on the site adjacent to the Exchange Place Building and in addition to that, they are asking that the City acquire the property Exchange Place. Stated it was originally purchased by a real estate holding company and is being held and would ordinarily be purchased by Real Development as part of this development project but instead they are asking for the City to purchase the property and then deed it over to Real Development as a way of providing financial assistance to the redevelopment of Exchange Place.
- Mayor Mayans Mayor Mayans asked if we are going to incur eminent domain here to purchase this.
- Allen Bell Economic Development Administrator stated no, it would be a voluntary acquisition. Stated this would be a way of reducing the cost to the developers to make the project financially feasible.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Ed Wolverton Mr. Wolverton stated he is with the Wichita Downtown Development Corporation at 507 East Douglas. Stated they are in support of creating this TIF and taking this first step in calling for the public hearing. Stated they have a lot of critical infrastructure issues to address in the downtown area and this is a good way to create the mechanism to help pay for some of those public infrastructures that will be needed in the future.
- Mayor Mayans Mayor Mayans stated he plans to vote no on this item because he believes that we need to encourage development in downtown but does not believe that we should be buying properties and transferring to other people who will benefit tremendously from this. Stated if this is a good development, then those people should buy the building themselves and he does feel that we should be in the business of enhancing their particular project by helping them to also build a parking garage. Stated there would be a lot of people that would like to also be helped in that way and he does not believe that we should be earmarking certain individuals to get additional benefits that other developers in town are not receiving or asking for. Stated he going to vote no and is going to ask whether there would be a conflict for Council Member Brewer to vote on this since the developers in question have recently given Council Member Brewer \$2,500.00 as a campaign contribution and his campaign office is in this developer's building. Asked if he would have to abstain from voting as a possible conflict of interest.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 338

- Gary Rebenstorf Director of Law stated he would not have to abstain from this item because it is a legislative decision by the City Council and does not involve a contract or does not involve a substantial interest for Council Member Brewer, therefore there is no conflict.
- Mayor Mayans Mayor Mayans stated that the fact that he has received \$2,500.00 in contributions from these people a few days prior to the City Council taking up this issue and his campaign office is being provided by these people, is not an unethical problem?
- Gary Rebenstorf Director of Law stated no and that it is a legislative decision by the Council plus our City Ordinance and State law that reference campaign contributions, it is not an illegal issue under State law.
- Mayor Mayans Mayor Mayans asked Council Member Brewer because of the perception that some may as he did with the issue on Spirit that he abstained from, he asked that out of Council Member Brewer's conscious that he abstains.
- Council Member Brewer Council Member Brewer stated he appreciates this question being brought up and thinks this is the representation in taking care of this entire area and recognizes the fact that the same individual that the Mayor is leasing his campaign headquarters from, has an area in there and is also doing a parking garage and doing the exact same project. Stated they are included in this TIF.
- Council Member Fearey Council Member Fearey stated this is a project that she has been working on with these developers for over a year and it is similar to the project that they just had in Council District II with the College Hill Redevelopment. Stated we often purchase the land and then move it on to a developer and that is how you fill the gap financing in these projects. Stated she is excited about this one in that it brings new Stated it also brings a new parking garage to our downtown and this garage will not only help on evening events for the arena but will help during the day. Stated as our downtown redevelops we are going to have to see more and more of our surface lots be turned into parking garages and go up, which is what helps with the density of first class cities. Stated she thinks that is what we are striving to be. Stated parking garages are very expensive to build and often cities have to step in and help with those kinds of things. Stated in tax increment financing, it is the increment that is captured, the tax base coming into the City will not go down and she feels that this is a wonderful project and is excited that it is happening in District VI even though the TIF District is partly in District I, the project is strictly District VI.
- Motion-- Fearey moved that the resolution providing notice of consideration for the establishment of the proposed redevelopment district and setting a public hearing for May 1, 2007 be adopted. Motion carried 4 to 1, (Mayans nay, Skelton absent).
- carried

RESOLUTION NO. 07-167

A Resolution stating the City of Wichita is considering the establishment of a Redevelopment District for the Center City South Redevelopment District, under authority of K.S.A. 12-1770 Et Seq, presented. Fearey moved that the Resolution be adopted. Motion carried 4 to 1. Yeas: Brewer, Fearey, Gray, Schlapp, (Mayans, no; Skelton absent).

CASE CORP.

AUTHORIZE A SECOND FIVE-YEAR TAX EXEMPTION, CASE CORPORATION, (DISTRICT V)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No.07-0238

On August 7, 2001, City Council approved an Economic Development Tax Exemption for Case Corporation (Case). Under the previous City's Business Incentive Policy, Case qualified for a 100 percent tax exemption for personal property. As an incentive for the company's consolidation of skid steer manufacturing in Wichita, the City Council granted a 100% tax exemption on new manufacturing equipment purchased in conjunction with the expansion, for an initial term of five-years plus and

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 339

additional five-years, subject to City Council review. On December 31, 2006, the initial five-year period for tax exemption expired. Case requests City Council extend the tax exemption to include the second five-year tax exemption on the personal property.

As a result of the tax exemption, Case committed to undertake an expansion consisting of construction of acquisition of new manufacturing equipment in the amount of \$21,260,790, and creation of 101 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

2001 Commitment	October 31, 2006
Purchase Manufacturing Equipment	Purchased equipment worth over \$21,260,790
Create 101 new jobs in five years	Created 125 new jobs

Staff conducted a site-monitoring visit on June 3, 2006. Case has exceeded its projection of 101 new permanent jobs by creating 125 new jobs. Case increased sales by more than 40% since 2001, and diversified its customer base.

A new cost-benefit analysis was performed based on actual results, and the benefit-to-cost ratios are as follow:

City of Wichita	1.44 to one
Sedgwick County	1.11 to one
USD 259	1.04 to one
State of Kansas	3.08 to one

The financial impact on the City of Wichita of the additional five-year exemption is estimated to be \$178,941.

Economic Vitality and Affordable Living. Economic development incentives, such as property tax exemptions, help ensure the growth and diversification of the local economy, creation of new jobs and partnerships with economic development stakeholder groups.

The second five-year tax exemption on the personal property in conjunction with the original expansion project is at the discretion of the Council.

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

Motion-- Gray moved that a second five-year ad valorem tax exemption at 100 percent on personal property be --carried approved. Motion carried 5 to 0, (Skelton absent).

INWOOD APTS.

PUBLIC HEARING-REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR LOW-INCOME HOUSING TAX CREDITS, INWOOD CROSSINGS APARTMENTS. (DISTRICT I)

Agenda Report No. 07-0239

The City has received a request from LDG Development (LDG), of Louisville, Kentucky, for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the development of the Inwood Crossings Apartments. (The State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.)

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 340

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board. The policy also requires a review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) review the project for design appropriateness, and consistency with applicable neighborhood plans. Once the project is reviewed by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application.

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.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units for market-rate tenants. Therefore, the resolution of support, if adopted, can only apply to 208 units, with 52 units considered to be available for market-rate tenants. Rent amounts for the market-rate units are expected to be \$650 for the one-bedroom units, \$988 for the two-bedroom units, and \$1,000 for the three-bedroom units. There will be no four-bedroom units offered to market-rate tenants.

Amenities to be provided include a large clubhouse with a fitness center and business center, a large swimming pool and patio area, a playground area with equipment, and cookout areas with picnic tables.

The City's Planning Department has provided comment regarding the proposed project, with respect to zoning compliance and design. The site is considered to be "split-zoned", as the zoning designation for the north 8 acres is MF-18, and the zoning designation for the south 14 acres is MF-29. The total number of units proposed will be acceptable, as long as no more than 140 units are constructed on the portion of the site zoned MF-18. It will be necessary for traffic engineering to review access/driveway locations when the final site plan is developed and submitted for plan review, as there are streets that intersect from the west. Planning further notes that there are platted building setbacks along 34th and Inwood, and that proper vacations would be required to encroach a platted setback. Easements along the east side of the property must be observed. The height of the buildings may not exceed 45 feet, and parking spaces located within 150 feet of the street will require screening.

The Office of Central Inspection recommends additional "berming" and landscaping, over and above the landscape code requirements, and further recommends that the building setback be increased from 25 feet to 35 feet.

The project has been reviewed by the Housing and Community Services Department, and has received recommendation for adoption of the resolution of support from the DAB and the HAB with waiver of the 20% market-rate unit requirement. The District I Advisory Board approved a recommendation for adoption of the resolution of support by a 9-0 vote, and the Housing Advisory Board approved recommendation for adoption of the resolution of support by a 6-0 vote. The DCC has also approved recommendation of adoption of the resolution.

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

The total project cost is estimated to be approximately \$29,704,000. The applicant intends to finance the project utilizing funding from the sale of 4% housing tax credits, and partial deferral of the developer fee. The 4% housing tax credits do not involve a competitive application process, but require the issuance of tax-exempt qualified residential housing bonds for the debt-financed portion of the

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 341

project, which is expected to be approximately \$20,750,000. LDG will apply separately for the Industrial Revenue Bonds.

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

In accordance with City Council Resolution No. R-95-479, LDG has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Council Member Brewer Council Member Brewer stated he met with the residents in this housing addition and with the developers and they are asking for a one week extension so they can meet with the housing addition.

Motion--carried Brewer moved to defer the item for one week. Motion carried 5 to 0, (Skelton absent).

CENTURY II MOUS CENTURY II TENANT MEMORANDUM OF UNDERSTANDING AGREEMENTS.

Doug Kupper Director of Parks and Recreation reviewed the item.

(Council Member Fearey momentarily absent)

Agenda Report No. 07-0240

Century II is a multipurpose public convention and performing arts venue constructed and completed in 1969. Century II has served the community by providing a multifunctional public facility that offers a wide variety of events including performing arts, theater, concerts, and conventions. Three tenant performing groups, Music Theater of Wichita, Wichita Grand Opera, and the Wichita Symphony currently lease office, storage and performance space inside Century II.

These tenant MOUs were developed to provide written documentation and agreements between the City Council and each of the tenant groups for office, storage, and performance lease space as well as other tenant service requirements. This Agreement also provides the City with the written documentation to manage the financial commitment and to ensure that daily operational tasks and functions are maintained and meet the needs of the tenants, promoters and our citizens. City staff and the tenant groups have been working on the Agreement terms, which cover a five-year period with the option to add a one-year rolling extension. These Agreements also outline and cover basic tenant lease terms such as payment terms, insurance requirements, parking and other services each tenant group requires.

There are no financial funding considerations.

This project will impact the Quality of Life and the Core Area and Neighborhood Goals by providing the tenants with office space to conduct their daily operations and business with their customers.

The Law Department has approved the Agreements as to form.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 342

- Wayne Bryan Mr. Bryan stated he is with Music Theater of Wichita and in the MOU that they received yesterday; there is a great participation by the City Council in determining the future and the priorities of Century II. Stated that Music Theater of Wichita was founded at the request of the City of Wichita to fill a vacancy in concert hall dates in the summer. Stated they formed an organization to provide entertainment and local participation and stated at the time that it would be wise if it could be made educational. Stated their organization was formed with the double-pronged approach that it should be entertaining and bring people to downtown and should also have an educational component. Stated they bring 70 to 80,000 people to the downtown area every summer and create about 250 paid jobs every year and last year 117 of them were to people from Kansas. Stated they have free activities, workshops, classes, for around 200 children and teens every summer and do free performances for at-risk families. Stated they do a number of things to show their appreciation to the City that has made it possible for them to do this. Stated because they are an educational organization, they are limited to the weeks that they can work and they have to start after school lets out and must finish before school resumes. Stated within that time they need five performance weeks in the concert halls and they have to be specific weeks because they are within the time that the kids are out of school. Stated any change in their dates in the future if it falls within that time, could jeopardize the health of the organization. Stated they only saw this document yesterday afternoon and there is new significant language in it that their Executive Committee is going to have to take a look at before they are able to sign.
- Monty Vynes Mr. Vynes who resides at 250 South Pershing, stated he is a Music Theater of Wichita board member and has been asked as an attorney to work closely with the Music Theater creating a Memorandum of Understanding. Stated the board thinks that a MOU with the City in regard to the use of Century II is a good idea and appreciate all the progress that has been made to date. Stated when they saw the most recent language yesterday afternoon, there were three issues in it that caused him concern as a board member. Stated he will want to discuss that with the other board members to see what the feeling of the board is. Stated he would have preferred that everyone could have gotten together in advance and agreed upon the language in advance but at this point it is a very good document and he knows that the board is behind the idea of having this agreement. Stated he will bring up with his board these three issues and has confidence that everyone will come to an agreement that works great for both the City and for Music Theater.
- John Rolfe Mr. Rolfe stated he is representing the Greater Wichita Convention and Visitors Bureau. Stated they would be supportive of the MOU as well. Stated their role is to market the Wichita area as a destination bringing groups and visitors here. Stated they realize the importance of having a wonderful arts community along with the other great attributes of our quality of life that we have here. Stated as it relates to this MOU, they would be supportive of the privileges that it extends to the three performing arts tenants there of the five year running component, which they see as being beneficial and lucrative. Stated he sees this as having a minimal impact in what they do and would be supportive of this agreement.
- Motion-- Mayans moved that each of the three (3) Memorandums of Understanding be approved
- Council Member Brewer Council Member Brewer stated Council Members Fearey and Schlapp have working on this quite extensively and wanted to thank them both because this has been an ongoing process and he appreciates their patience and the people from the arts community.
- Council Member Fearey Council Member Fearey thanked staff and the arts groups and is optimistic that when they look over the three changes, they will think they are good.
- carried Motion carried 5 to 0, (Skelton absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 343

BOOKING POLICY REVISED BOOKING POLICY FOR CENTURY II.

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 07-0241

Century II is a multipurpose public convention and performing arts venue constructed and completed in 1969. Century II has served the community by providing a multifunctional public facility that offers a wide variety of events including performing arts, theater, concerts, and conventions. Century II's Booking Policy has not been revised since August 2000. The current policy was designed to define a course of action for those persons responsible for booking events at Century II. This policy has shown to be too vague thus leaving much interpretation to the client and staff of Century II.

Research was done with other convention and performing arts centers, examining similar size facilities and their booking policy.

Local trade show and consumer show promoters were sent a copy of the revised booking policy and met with Century II staff December 6, 2006, to discuss the policy. Century II staff gave clarification of the policy and suggestions were given by the promoters. The new policy was then revised and sent out to local promoters again on January 8, 2007.

Changes made will help clarify the booking rules and regulations for clients. Key changes include:

- 1) The addition of an "Event Request Application" and a \$25.00 administrative fee.
- 2) The extension of the client to secure dates from 18 months to 24 months.
- 3) The increase of a "contracted hold" deposit from 10% to 20%.
- 4) The requirement to make full payment at least two (2) weeks prior to the event.
- 5) The requirement to use Wichita TIX for all Century II ticketed events.
- 6) The addition of a cancellation policy.

The revised booking policy is critical to improving the business practices at Century II.

The Booking Policy will enhance Quality of Life by allowing promoters and conference planners to book further into the future.

The City Attorney has approved The Booking Policy as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Wes Galyon

Mr. Galyon stated he is appearing on behalf of the Wichita Area Builders Association to express some concerns they have regarding the booking policy. Stated they are a not-for-profit trade association and their members are approximately 1,300 and they do business primarily in Sedgwick, Butler, and Harvey County. Stated they started the Home Show 54 years ago and there has never been a break in continuity in terms of the conduct of that show on an annual basis. Stated each year when they rent the space in Century II, they rent all three large halls and the show is open to the public for a period of four days. Stated during that time period they consistently bring in about 35,000 to 38,000 people. Stated the reason they are consistently able to do this is because the show has grown in reputation and that reputation is based on the quality of the exhibitors, the diversity, and the consistency of the quality of exhibits that are there. Stated they do not have a problem with the booking policy or a problem with paying the deposit that is suggested or paying it in advance. Stated in regards to the deposit, they would like to be able to hard book 16 months out as well because they are a known quantity and it is justifiable. Stated it recognizes and supports local businesses and the efforts they put forth to build the show. Asked the Council to be able to pay that deposit in the years at past two in a letter of credit. Stated that can be secured from a local financial institution and if the concern is that they might walk on the City, they can draw down on that letter of credit if it is properly written. Stated he would rather do this then put the capital out there in an account for years out because that is working capital that they would otherwise use. Would like to be assured that if they enter into a contract with the City for three to five years out, that that is in fact a contract and that he cannot be overridden because there might be a better deal comes along. Stated that is a real concern that they have and their local businesses have.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 344

- Janet Wright Ms. Wright stated she is representing Wichita Festivals and they have had some conversations about this among their board members as well as with the City Manager and Doug Kupper. Stated they appreciate the policy and the clarification and their concern is much as what was expressed by Mr. Galyon in terms of their use on an on-going basis and for many years to come. Stated that they use every part of Century II and every part is critical to their operation because it provides not only the opportunity for them to have a variety of entertainment in that facility but also serves as a back up should weather impede their ability to have their events outside. Sated they feel strongly that they would at least like to have five years of booking in terms of the dates for their event. Stated their concern is that they have as they move forward is not having the same people to work with and that relationship could change or the circumstances might change.
- John Rolfe Mr. Rolfe stated they feel this booking policy is a fair policy and does provide the clarity on what the rules are so that everyone upfront can understand that but it also extends those booking opportunities beyond the current 18 months by six months to the 24 months, which would obviously give these particular groups plenty of opportunity to secure their space. Stated the difference is as it relates to the MOU and the booking policy is that many of the groups that they work with will use some of the spaces that are occupied by other groups such as the exhibition hall and the convention hall.
- Council Member Gray Council Member Gray stated he feels we have a pretty good policy before us to consider and thinks it has a lot of good compromises in it for a lot of groups. Stated he is trying to recognize in some sense maybe two tiers of shows and usage of those spaces and feels that the majority of those people will fit into the first tier, which would go with this proposal very well and then perhaps we need to establish some kind of threshold where people could fall into a second tier that would provide them the added opportunity of the additional three years for the bigger more well known shows in the community and give them that opportunity and it could have some modified extension of the deposit structure for all of those out years. Asked if John Rolfe if that would be something he could work with and help establish.
- John Rolfe Mr. Rolfe stated they would be willing to work and help establish. Stated our local consumers shows are very important to them in that they serve a need and have an economic impact and it is not their intent to book something three or five years out and not allow them to have certain dates or space. Stated the concern becomes when you are trying to get groups and you are working around a certain particular date, there may be other groups that are large once every five or six years that may take place and it has a potential impact of not allowing them to get that. Stated that would be willing to work on whatever the Council desires to make this a win-win for all
- Council Member Gray Council Member Gray stated he supports a great deal of this and thinks whenever this is ultimately decided that a great portion of this going to be workable by the standard that he has set for himself. Stated his concern is what the economic hardship that is put on those organizations that use those consumer shows that are not going to be held now because of the 2011 Bowlers Convention, which is a one time event.
- Council Member Schlapp Council Member Schlapp stated she is not feeling that same comfort zone with the people on this policy and she thinks the policy is a great one and does resolve all of these things but if it is necessary for us to maintain that relationship with the rest of the community that we feel that we have worked so hard to have, she would not be adverse to taking this to a place where we could have that further discussion.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 345

Deanna Wheeler

Ms. Wheeler stated she is with the Women's Fair and introduced her partner Chris Brown. Stated there are some issues beyond the 24 months that need to be discussed further especially for some of them that are fairly established in long-term shows at Century II. Stated one of the concerns that they have is that by the Statement of Purpose in this document, it obviously omits the acknowledgement in the importance of trade shows, consumer shows, and expos in this booking policy. Stated that they have requested that be put in there and would like to have the extension of reserved dates to a minimum of five years. Stated that they are one of the shows that are affected by not only the 2011 Bowling Congress but are also affected in 2010 by another convention that has come in, which will affect them two years in a row. Stated Century II has worked with them and talked to them about other dates in 2010 and they could move a week earlier. Stated their show has consistently been scheduled on the third week in February and a lot of their exhibitors travel. Stated they have a mix of both local vendors, regional vendors, and national vendors and they specifically chose the third week of February because they immediately follow another huge show that is in Oklahoma City. Stated those of their vendors that travel to multiple states can hit a show in Texas on week, Oklahoma City the next week, and Wichita the following week. Stated when they move up a week earlier they are hitting on the same date as another show, which creates a tremendous hardship on them especially to have this happen to them two years in a row. Stated this will be their 10th year for the Women's Fair and started very small with 67 to 70 exhibitors and last year they had over 280 and consume an equivalent of 420 10 X 10 spaces, which fills up Expo Hall. Stated the option to move to a convention in Exhibition Hall does not give them adequate space to hold their event. Asked the City Council to take that into consideration. Stated if they could have the opportunity to sit down and work with Century II and the convention people then maybe alternatives could have been worked out but to have their show hit two years in a row is a tremendous devastation to them. Regarding the deposit requirements, they would be able to do that and would also like to be able to do the letter of credit. Stated that the purchase of the ticketing computer was discussed at a meeting and it is their understanding that they would have the option of the menu of services to choose from at Century II and in this booking policy it not only deals with dates and booking but also adds the requirement that they use the ticketing agency and also eludes to some other areas that Century II will be able to determine the number of security and other operational staff that is needed. Stated that this wording makes them a little nervous that it might dictate additional cost or things that are out of their control. Stated they would like to have some further discussion on those areas but it was their understanding that they would have a menu of services to choose from and that services would not be dictated to them or that they would have to pay for services that they many not need in putting on their show. Stated she has a question that has been raised by legal in that she is not sure that they can sign and make a commitment for attendees or anyone that they might invite to the show. Stated she does not think they as users of the building have the right to sign away their rights in terms of holding them or the Council responsible for something. Stated regarding the emergency cancellation clause, they would like to see that defined a little more of what would constitute an emergency cancellation on the part of Century II management. Stated they are requesting that the Council deny this policy at this point unless the Council is willing to look at some of the changes.

(Council Member Schlapp momentarily absent)

Mayor Mayans

Mayor Mayans stated that will are going to probably have to defer this item because there are just too many issues from too many people.

Council Member Fearey

Council Member Fearey stated she feels we should defer this and her suggestion would be that we ask staff to work with John Rolfe, Wes Galyon, and randomly pick five representatives from our other local users and she would also like to work on that committee and would imagine that Council Member Schlapp would also like to join them and have a working committee and sit down together to see if they can get this worked out.

Motion--

Fearey moved to defer this item until such time as a working committee can be set up including Council Member Schlapp and herself, John Rolfe, Wes Galyon and to randomly pick five representatives from our other local users to bring something back to Council. Motion carried 5 to 0, (Skelton absent).

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 346

PLANNING AGENDA

Motion-- Mayans moved that Planning Consent items 25-29 be approved in accordance with the recommended
--carried action shown thereon.. Motion carried 5 to 0, (Skelton absent).

SUB2006-97

SUB2006-97-PLAT OF WILLOW CREEK EAST ADDITION, LOCATED EAST OF GREENWICH ROAD AND ON THE SOUTH SIDE OF HARRY STREET. (DISTRICT II)

Agenda Report No. 07-0242

Staff Recommendation: Approve the plat.

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

This site, consisting of 55 lots on 16.7 acres, has recently been annexed into Wichita's city limits. This site is zoned "SF-5" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for water, sewer, paving and drainage improvements. A Restrictive Covenant was submitted to provide for the ownership and maintenance responsibilities of the proposed reserves.

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

Ensure Efficient Infrastructure.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion-- Mayans moved that the documents and plat be approved; the necessary signatures authorized; and
--carried the Resolutions adopted. Motion carried 5 to 0, (Skelton absent).

Motion-- Mayans moved that the documents and plat be approved; the necessary signatures authorized; and
--carried the Resolutions adopted. Motion carried 5 to 0, (Skelton absent).

RESOLUTION NO. 07-169

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90282 (east of Greenwich, south of Harry) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-170

Resolution of findings of advisability and resolution authorizing construction of Lateral 404, Four Mile Creek Sewer, 468-84338 (east of Greenwich, south of Harry) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-171

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 322, 468-84339 (east of Greenwich, south of Harry) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 347

RESOLUTION NO. 07-198

Resolution of findings of advisability and resolution authorizing constructing pavement on Herrington, from the south line of Harry to the south line of Willow Creek, east Addition; Sally, from the west line of Herrington to the west line of Willow Creek East Addition; Funston, from the east line of Herrington to the east line of Willow Creek Addition, and Lynnrae, from the west line of Herrington to the south line of Willow Creek East Addition, 472-84535 (east of Greenwich, south of Harry) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

SUB2006-104

SUB2006-104-PLAT OF VALENCIA ADDITION, LOCATED EAST OF MERIDIAN AND SOUTH OF 53RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 07-0243

Staff Recommendation: Approve the plat.

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

This site, consisting of 54 lots on 20.81 acres, is a replat of Northcrest Estates Addition and is located within Wichita's city limits. This site is zoned "SF-5" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer, water and drainage improvements. Restrictive Covenants were submitted to provide for the ownership and maintenance responsibilities of the proposed reserves and to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

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

Ensure Efficient Infrastructure.

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

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; and the and the Resolutions adopted. Motion carried 5 to 0, (Skelton absent).

RESOLUTION NO. 07-172

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90248 (east of Meridian, south of 53rd Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-173

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90249 (east of Meridian, south of 53rd Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 348

RESOLUTION NO. 07-174

Resolution of findings of advisability and resolution authorizing construction of Lateral 7, Main 15, Sanitary Sewer No. 23, 468-84258 (east of Meridian, south of 53rd Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-175

Resolution of findings of advisability and resolution authorizing construction of Lateral 8, Main 15, Sanitary Sewer No. 23, 468-84259 (east of Meridian, south of 53rd Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-176

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 311, 468-84260 (east of Meridian, south of 53rd Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-177

Resolution of findings of advisability and resolution authorizing constructing pavement on Athenia, from the south line of 51st Street North to the south line of Lot 8, Block 2, Athenian Ct., from the east line of Athenian through and including the cul-de-sac, 472-84473 (east of Meridian, south of 53rd Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-178

Resolution of findings of advisability and resolution authorizing constructing pavement on Athenia, from the south line of 51st Street North to the south line of Lot 8, Block 2, through and including the eyebrow, 472-84474 (east of Meridian, south of 53rd Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

SUB2006-87

SUB2006-87-PLAT OF MEADOWLAKE BEACH ADDITION, LOCATED ON THE NORTHWEST CORNER OF 55TH STREET SOUTH AND CLIFTON. (DISTRICT III)

Agenda Report No. 07-0244

Staff Recommendation: Approve the plat.

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

This site, consisting of 194 lots on 99.4 acres, is a final portion of an overall preliminary plat. This site has recently been annexed into Wichita's city limits and is zoned "SF-5" Single-family Residential District.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 349

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving and drainage improvements. Restrictive Covenants have been submitted to provide for the ownership and maintenance responsibilities of the proposed reserves and to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. The site is within the noise impact area of McConnell Air Force Base; therefore, an Avigational Easement and Restrictive Covenant have been submitted.

This plat has been reviewed and 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

Mayans moved that the documents and plat be approved; the necessary signatures authorized; and the Resolutions adopted. Motion carried 5 to 0, (Skelton absent).

RESOLUTION NO. 07-179

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90285 (north of 55th Street South, west of Clifton) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-180

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90286 (north of 55th Street South, west of Clifton) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-181

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90287 (north of 55th Street South, west of Clifton) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-182

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90288 (north of 55th Street South, west of Clifton) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-183

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 315, 468-84302 (north of 55th Street South, west of Clifton) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 350

RESOLUTION NO. 07-184

Resolution of findings of advisability and resolution authorizing construction of Lateral 2, Main 3, Boeing sanitary Sewer 468-84340(north of 55th Street South, west of Clifton) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-185

Resolution of findings of advisability and resolution authorizing construction of Lateral 3, Main 3, Boeing Sanitary Sewer, 468-84341(north of 55th Street South, west of Clifton) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-186

Resolution of findings of advisability and resolution authorizing construction of Lateral 4, Main 3, Boeing Sanitary Sewer, 468-84342 (north of 55th Street South, west of Clifton) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-187

Resolution of findings of advisability and resolution authorizing constructing pavement on 55th St. South from the east line of the plat, west to the west line of Meadowview; on Meadowview from the north line of 55th St. South, north to the west line of Maywood; and on Maywood from the west line of Meadowview, east to the east line of Elmhurst Cir.; on Shoffner from the west line of Meadowview, west to the west line of Lot 14, Block B; and on Elmhurst Cir. from the south line of Maywood, south to and including the cul-de-sac and on Meadowview Ct. (Lots 33 through 40, Block C) from the east line of Meadowview, east to and including the cul-de-sac; on Meadowview Ct. (Lots 83 through 91, Block A) from the west line of Meadowview, west to and including the cul-de-sac; and on Meadowview Ct. (Lots 16 through 21, Block B) from the west line of Meadowview, west to and including the cul-de-sac and that sidewalk be constructed on 55th St. South, Meadowview, and Shoffner, 472-84540 (north of 55th Street South, west of Clifton) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-188

Resolution of findings of advisability and resolution authorizing constructing pavement on Maywood from the east line of the plat, west to the west line of Lot 43, Block A and on Maywood Ct. (Lots 1 through 15,Block A) from the east line of Maywood, east to and including the cul-de-sac; on Maywood Ct. (Lots 18 through 37, Block A) from the north line of Maywood, north and east to and including the cul-de-sac; and on Maywood Ct. (Lots 27 through 33, Block B) from the south line of Maywood, south to and including the cul-de-sac and that sidewalk be constructed on Maywood 472-84541 (north of 55th Street South, west of Clifton) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 351

RESOLUTION NO. 07-189

Resolution of findings of advisability and resolution authorizing constructing pavement on Maywood from the west line of Lot 43, Block A, west to the north line of Shoffner; and on Shoffner and Shoffner Cir. from the west line of Lot 14, Block B, west to and including the cul-de-sac and on Shoffner Ct. from the south line of Shoffner, south to and including the cul-de-sac and that sidewalk be constructed on Shoffner and Maywood, 472-84542 (north of 55th Street South, west of Clifton) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

SUB2006-90

SUB2006-90-PLAT OF ECCO INDUSTRIAL SECOND ADDITION, LOCATED ON THE WEST SIDE OF HOOVER ROAD AND SOUTH OF 31ST STREET SOUTH. (DISTRICT VI)

Agenda Report No. 07-0245

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 77.43 acres, is a replat of Ecco Industrial Addition and is located within Wichita's city limits. This site is zoned "LI" Limited Industrial District.

Municipal services are available to serve this site.

A Restrictive Covenant was submitted providing for the ownership and maintenance responsibilities of the reserves being platted for drainage purposes. Also, a Grant of Access Easement was submitted to provide ingress and egress to Hoover Road.

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

Ensure Efficient Infrastructure.

The Restrictive Covenant and Grant of Access Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized. Motion carried 5 to 0, (Skelton absent).

SUB2006-103

SUB2006-103-PLAT OF LEGACY THIRD ADDITION LOCATED NORTH OF 47TH STREET SOUTH AND WEST OF MERIDIAN. (DISTRICT IV)

Agenda Report No. 07-0246

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

This site, consisting of 112 lots on 32.79 acres, is a replat of a portion of the Legacy Addition and is located within Wichita's city limits. This site is zoned "SF-5" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer, and water and drainage improvements. Restrictive Covenants were submitted to provide for the ownership and maintenance responsibilities of the proposed reserves and to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

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

Ensure Efficient Infrastructure.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 352

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

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; and the the Resolutions adopted. Motion carried 5 to 0, (Skelton absent).

RESOLUTION NO. 07-190

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System number 448-90279 (north of 47th Street South, west of Meridian) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-191

Resolution of findings of advisability and resolution authorizing construction of Lateral 519 Southwest Interceptor Sewer (North of 47th Street South, west of Meridian) 468-84312 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-192

Resolution of findings of advisability and resolution authorizing construction of Lateral 519, MBF 1 (north of 47th Street South, west of Meridian) 468-84313 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-193

Resolution of findings of advisability and resolution authorizing construction of Lateral 519, MBF 2 (north of 47th Street South, west of Meridian) 468-84314 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-194

Resolution of findings of advisability and resolution authorizing construction of Lateral 521, Southwest Interceptor Sewer (north of 47th Street South, west of Meridian) 468-84329 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-195

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 323 (north of 47th Street South, west of Meridian) 468-84330 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 353

RESOLUTION NO. 07-196

Resolution of findings of advisability and resolution authorizing constructing pavement on 44th Street South, from the West line of (Lot 6, Block 6) to the east line of Legacy 3rd Addition; St. Paul, from the south line of Legacy 3rd Addition to the south line of 44th Street South; St. Paul Court, from the west line of St. Paul to and including the cul-de-sac (Lots 1 through 5, Block 3); and Chase from the north line of 44th Street South to the north line of (Lot 1, Block 6) (north of 47th Street South, West of Meridian) 472-84527) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

RESOLUTION NO. 07-197

Resolution of findings of advisability and resolution authorizing constructing pavement on 44th Street South, from the west line of Legacy 3rd Addition to the east line of (lot 6, Block 6); Mt. Carmel, from the north line of 44th Street South to the north line of Legacy 3rd Addition; Mt Carmel Circle, from the south line of 44th Street South to and including the cul-de-sac of (Lots 20 through 27, Block 3); 43rd Street South, from the east line of Mt. Carmel to the north line of (Lot 1, Block 6); and Custer, from the north line of 44th Street South to the south line of 43rd Street South (North of 47th Street South, west of Meridian) 472-84539 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton absent).

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

(Council Member Schlapp momentarily absent)

Mayor Mayans

Mayor Mayans recommended that Bill Livingston, Janet Craghead, Mile Relihan, and Kim DeShazer be appointed to the Wichita Downtown Development Corporation.

Motion--carried

Mayans moved that the appointments be made. Motion carried 4 to 0, (Schlapp and Skelton absent).

COURT JUDGES

MUNICIPAL COURT JUDGE COMPENSATION.

Agenda Report No. 07-0153

Charter Ordinance No. 191 provides that the compensation of Municipal Court Judges shall be set by the City Council. The ordinance also provides that the judges will be evaluated according to procedures established by the City Council.

Pursuant to Charter Ordinance No. 191, the "City Council Policy on the Evaluation Procedures for Wichita Municipal Court Judges" provides the process for evaluating and compensating Municipal Court Judges.

Two City Council members were designated by the City Council to conduct the review and survey required by the Policy for retention of all of the Municipal Court Judges. On November 1, 2005, the City Council approved the appointment of all of the Municipal Court judges for a new four-year term of office, retroactive to the third Tuesday of April, 2005, ending the third Tuesday of April 2009. The judges have been evaluated based on their service from April 2005 to April 2006. Accordingly, it is recommended that each judge receive a 2% cost of living increase for the year 2006, retroactive to the third Tuesday of April, 2006 and a 2% merit increase for 2006, retroactive to the third Tuesday of April, 2006.

The cost of the salary increases is budgeted in the Municipal Court Budget.

CITY COUNCIL PROCEEDINGS

JOURNAL 188

MARCH 13, 2007

PAGE 354

The ordinance amendment addresses the Safe and Secure Community goal by providing adequate compensation for Municipal Court Judges.

Motion-- Brewer moved that a general pay adjustment of 2% for 2006, retroactive to the third Tuesday of April, 2006 and a merit increase of 2% for 2006, retroactive to the third Tuesday of April, 2006 for all of the Municipal Court Judges be approved. Motion carried 5 to 0, (Skelton absent).
--carried

(ITEM 32 ACTION SHOWN UNDER NEW BUSINESS)

RESOLUTION **A RESOLUTION SUPPORTING PASSAGE OF THE UNBORN VICTIMS OF VIOLENCE ACT, HENCEFORTH KNOWN AS "ALEXA'S LAW"**

ADJOURNMENT

Motion--carried Mayans moved to adjourn. Motion carried 5 to 0, (Skelton absent).

The City Council meeting adjourned at 10:57 a.m.

Respectfully submitted,

Karen Sublett CMC
City Clerk