

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 14, 2006
Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

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

Pastor David Henion, Harvest Community Church, gave the invocation.

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

The Minutes of the November 7, 2006 meeting were approved 7 to 0.

PUBLIC AGENDA

Chester Pinkston

Chester Pinkston-Stalled negotiations with the Police Officers and spending money to hire an outside negotiator.

Mr. Pinkston stated that he is the President of the Fraternal Order of Police currently have a contract dilemma and that their contract for the police officers expires December 16th and the employees are perceiving the fact that they have not been able to come to a conclusion on this. Stated that they have explained to them how the contract process works and the number of meetings that they have had and they believe that they are at an impasse with the City and the fact that the City negotiators are actually challenging the word "impasse." Stated that this occurred approximately a month and a half ago and have yet to contact them to sit down with them. Stated that this is the fourth contract that he has negotiated, on behalf of the FOP for the officers. Stated that the City hired an outside negotiator and it appears to him that the contract was not just for police but for other city contracts in the amount of \$75,000.00 to pay this outside firm. Stated that during the previous three contracts that he has negotiated there was no outside assistance that the City needed and finds that questionable and finds the advise that they are getting to not serve the best interest of the City from this firm. Stated that their members are curious if the Council is aware of this and if so are they condoning the advice of this outside counsel that was given to the City in regards to this process. Stated that the fact-finding results that they have, they rely strongly on for their positions, to justify what they believe they should justify to the City for paying allowances to their members. Stated that they went to fact-finding in 1993 and 2004 and both of those times the fact finder has concurred with the FOP's relevant markets for pay comparisons. Stated that the Wichita Police Officer is paid disproportionately low compared to their counterparts. Stated now the COW wants to compare us with smaller departments such as Hutchinson and Haysville, which is not a relevant comparison. Stated the cost of living for the Midwest is about 3.7% and the City's current wage proposal is an across the board wage increase of 2%. Stated that the spending trends for Wichita are not keeping up with the nation wide trends and nation wide, the public safety expenditures are increasing slightly then the other expenditures and Wichita is exactly the opposite and submits to the Council that if we have money for other expenditures, we should have them for public safety. Stated that during the last 10 years, 33.2% of the officers that were hired in the COW have left the department and many have left for higher paying jobs, which is not good business for Wichita and costs approximately \$50,000.00 to equip and train these police officers. Asked for the Council's assistance with getting these stalled negotiations back on track.

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Billy Grimmage

Billy Grimmage, Sunflower Community Action-Illegal dump site on 10th and Volutsia.

Mr. Grimmage stated that he is from the 10th Street and Volutsia neighborhood and that there is a house there that has been a dumpsite for 20 years. Stated that he lives five houses down from this house and that and the neighborhood has to deal with rats, roaches, mosquitoes, raccoons, etc . Stated that this neighborhood is full of kids who are exposed to this everyday. Stated that the neighbors cannot sale any of their homes because of this dumpsite, which has caused a decrease in property value to their homes. Stated that this has been going on since 1991 and he would like to see this dump site removed and asked Council Member Brewer to make a commitment to meet with them in a week.

Mayor Mayans

Mayor Mayans asked the City Manager what is being done with this issue.

George Kolb

City Manager stated that this is the public agenda and is not sure if this is the appropriate time to talk about it and would be glad to talk about it afterwards.

Council Member Brewer

Council Member Brewer stated that there has been a lot of media attention on this issue and the individual has been to court and legal action has been taken. Stated that we need to talk with Kurt Schroeder and the Legal Department to find out what the status is.

CONSENT AGENDA

Motion--
--carried

Mayans moved to approve the Consent Agenda in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 13, 2006.

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION:MAPD Remodel 10th Floor
City Hall

Walz Harmon and Huffman Construction Inc. - \$248,600.00

Motion--
--carried

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

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
William H. Smith	Wichita State University* dba Rhatigan Student Center	1845 North Fairmount
<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Don Farquhar	Rolling Hills CC Golf Shop	9612 West Maple
Thu D. Irfan	DAV Variety Store	1601 East Central

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

Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

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PRELIM ESTS

PRELIMINARY ESTIMATES:

- a) 37th Street North, Tyler to Ridge (KDOT) (87N-0346-01/472-84186/706920/205386) Traffic to be carried through construction using flagpersons and barricades. (District V) - \$5,350,000.00
- b) 2006 Sanitary Sewer Reconstruction, Phase 5 (various locations) - north of 31st Street South, east of Broadway. (468-84241/620462/666581) (District I, II, III) - \$419,300.00
- c) 50th Street South from the east line of Seneca to the east line of Lot 27, Block 1; Osage/Osage Circle from the north line of Sunrise to and including the cul-de-sac; Sidewalk on one side of all through, non-cul-de-sac streets to serve Sycamore Pond Addition south of 47th Street South, east of Seneca.. (472-84416/766108/490125) Does not affect existing traffic. (District IV) - \$259,000.00
- d) Water Distribution System to serve Sycamore Pond Addition south of 47th Street South, east of Seneca. (448-90200/735331/470004) Does not affect existing traffic. (District V) - \$84,000.00
- e) Ralph Wulz Tennis Center Tennis Court Reconstruction, Phase II north of Central, east of Stackman Drive. (472-84439_Ph2/785078/396210) Does not affect existing traffic. (District I) - \$400,000.00
- f) Mosley Cul-de-sac to serve Purcells 3rd Addition south of Pawnee, east of Washington. (472-83891 /765846/490957) Does not affect existing traffic. (District III) - \$51,000.00
- g) Water Distribution System to serve Santa Fe Industrial Subdivision south of Kellogg, east of Tyler. (448-90206/735328/470001) Does not affect existing traffic. (District IV) - \$38,000.00
- h) Mt. Vernon from the east line of the plat to the west line of Lot 18, Block 2 and to the north line of the plat; Triple Crown from the south line of Lot 13, Block 4, to the north line of Lot 12, Block 4; Mt. Vernon Court to and including the cul-de-sac (Lots 65 through 73, Block 5); Sidewalk on one side of all through, non cul-de-sac streets to serve Sierra Hills Addition north of Pawnee, east of 127th Street East. (472-84423/766106/490123) Does not affect existing traffic. (District II) - \$467,000.00
- i) Lateral 149, Main 4, Sanitary Sewer #23 to serve Timmermeyer Gardens Addition north of 31st Street North, east of Hood. (468-84061/744157/480845) Does not affect existing traffic. (District VI) - \$35,999.53
- j) Cost of Lateral 1, Main 15, Sanitary Sewer #23 to serve Rio Vista 4th Addition - north of 61st Street North, west of Meridian. (District VI) (468-83842/744112/480-800) – Total Estimated Cost \$284,900.00
- k) Cost of Lateral 394, Four Mile Creek Sewer to serve Whispering Lakes Estates Addition (south of Harry, west of 159th Street East) (District II) (468-84142/744168/480-856) – Total Estimated Cost \$74,520.00
- l) Cost of Lateral 346, Four Mile Creek Sewer to serve Woodland Lakes Estates Addition - north of Harry, west of 127th Street East. (District II) (468-83589/744178/480-866) – Total Estimated Cost \$70,700.00
- m) Cost of construction of Water Distribution System to serve Reed’s Cove 3rd Addition - south of 21st Street North, east of 127th Street East. (District II) (448-89957/735290/470-961) – Total Estimated Cost \$47,300.00

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- n) 2006 Sanitary Sewer Rehabilitation, Phase D - various locations north of Pawnee, east of Broadway. (468-84226/620461/666580) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III) - \$350,000.00
- o) Water Line in Pawnee - 1/2 mile east of 119th Street West. (448-90117/633962/754858) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$300,000.00
- p) Lateral 4, Main 20 Southwest Interceptor Sewer to serve Slate Creek Addition - north of 21st Street North, west of Hoover. (468-84207/744192/480880) Does not affect existing traffic. (District V) - \$68,000.00
- q) Stormwater Sewer Improvements to serve Westlink Center Addition - west of Tyler, south of Central. (468-84197/660516/855106) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$85,560.00
- r) Manhole Construction at 320 North Belmont - 320 North Belmont, between 2nd & 3rd Streets. (468-84264/620463/666582) Does not affect existing traffic. (District II) - \$20,000.00
- s) 26th Street Circle North, Phase II from the east line of Regency Park 3rd Addition to and including the cul-de-sac serving Lots 1 thru 5, Block 1 and Lot 7, Block 1 to serve Regency Park 3rd Addition - south of 29th Street North, west of Greenwich. (472-84241a /765946 /490059) Does not affect existing traffic. (District II) - \$53,740.00
- t) Lift Station, Main 1, Boeing Sanitary Sewer to serve Clifton Cove Addition - south of 63rd Street South, west of Clifton. (468-84022/744171/480859) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$575,000.00
- u) Lateral 401 Four Mile Creek Sewer to serve Harrison Park 3rd Addition - north of Harry, east of Webb. (468-84232/744196/480884) Does not affect existing traffic. (District II) - \$20,000.00
- v) Water Distribution System to serve Harrison Park 3rd Addition - north of Harry, east of Webb. (448-90188/735333/470006) Does not affect existing traffic. (District II) - \$44,000.00
- w) 2006-2007 CDBG Hilltop Sidewalk Improvements - north of Harry, west of Oliver. (472-84458/92052/800603_010111) Does not affect existing traffic. (District IV) - \$200,516.00
- x) Water Distribution System to serve Clifton Cove Addition - south of 53rd Street South, west of Hillside. (448-90080/735317/470988) Does not affect existing traffic. (District III) - \$1,100,000.00
- y) Water Distribution System to serve Oak Creek 2nd Addition - south of 21st Street North, west of Greenwich. (448-90234/735338/470011) Does not affect existing traffic. (District II) - \$101,000.00

Motion--carried

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

STMNT OF COSTS

STATEMENTS OF COST:

- a) First and Hydraulic Intersection (Design). Total Cost - \$3,616.49; (plus idle fund interest - \$183.51, - plus temporary note financing - \$0; less financing previously issued - \$0; less interfund transfers - \$0). Financing to be issued at this time – \$3,800.00. (706860/472-83750/203-326).

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- b) Intersection of Maple and Ridge (Design). Total Cost - \$63,813.24; (plus idle fund interest - \$486.24, plus temporary note financing - \$200.52; less financing previously issued - \$0; less interfund transfers - \$59,500.00). Financing to be issued at this time - \$5,000.00. (706882/472-83856/204-348).
- c) Bike Path Trailhead in Grove Park (Design). Total Cost - \$22,282.35; (plus idle fund interest - \$357.12, plus temporary note financing - \$160.53; less financing previously issued - \$0; less interfund transfers - \$16,000.00). Financing to be issued at this time - \$6,800.00. (706883/472-84003/204-349).
- d) Bike Path I-135/Gypsum Creek Connection (Strafford-Wassall-George Washington Boulevard) (Design). Total Cost - \$71,420.41; (plus idle fund interest - \$544.53, plus temporary note financing - \$635.06; less financing previously issued - \$0; less interfund transfers - \$60,000.00). Financing to be issued at this time - \$12,600.00. (706885/472-84009/204-351).
- e) Intersection of Zoo Boulevard, Westdale and I-235 Freeway (Design and Construction). Total Cost - \$252,492.01; (less idle fund interest - \$0, plus temporary note financing - \$4,307.99; less financing previously issued - \$236,000.00; less interfund transfers - \$0). Financing to be issued at this time - \$20,800.00. (706889/472-83986/204-355).
- f) Pawnee between 119th Street West and Maize Road (Design). Total Cost - \$199,680.10; (plus idle fund interest - \$1,677.64, plus temporary note financing - \$1,542.26; less financing previously issued - \$98,000.00; less interfund transfers - \$50,000.00). Financing to be issued at this time - \$54,900.00. (706891/472-84005/204-357).
- g) Pawnee between Palisade and Broadway (Design). Total Cost - \$48,072.03; (plus idle fund interest - \$461.16, plus temporary note financing - \$266.81; less financing previously issued - \$0; less interfund transfers - \$40,000.00). Financing to be issued at this time - \$8,800.00. (706894/472-84013/204-360).
- h) 21st Street from Oliver to Woodlawn (Design). Total Cost - \$82,817.61; (plus idle fund interest - \$815.35, plus temporary note financing - \$667.04; less financing previously issued - \$0; less interfund transfers - \$72,000.00). Financing to be issued at this time - \$12,300.00. (706902/472-84016/204-368).
- i) Dewey from Main to Broadway (Design). Total Cost - \$26,075.05; (plus idle fund interest - \$291.55, plus temporary note financing - \$133.40; less financing previously issued - \$0; less interfund transfers - \$20,000.00). Financing to be issued at this time - \$6,500.00. (706905/472-84011/204-371).
- j) Intersection of Harry at Longford (Design and Construction). Total Cost - \$194,665.43; (plus idle fund interest - \$2,519.51, plus temporary note financing - \$3,815.06; less financing previously issued - \$0; less interfund transfers - \$169,000.00). Financing to be issued at this time - \$32,000.00. (706907/472-83998/204-373).
- k) 2004-2005 Traffic Signalization (Construction). Total Cost - \$598,181.10; (plus idle fund interest - \$5,414.95, plus temporary note financing - \$6,303.95; less financing previously issued - \$0; less interfund transfers - \$522,000.00). Financing to be issued at this time - \$87,900.00. (706911/472-83991/204-377).

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- l) Central Bridge at West Branch Gypsum Creek (Design). Total Cost - \$9,953.56; (plus idle fund interest - \$6.45, plus temporary note financing - \$63.33; less financing previously issued - \$0; less interfund transfers - \$10,000.00). Financing to be issued at this time - \$23.34. (715693/472-83748/243-109).
- m) Oliver Street Bridge at Gypsum Creek (Design). Total Cost - \$29,789.45; (plus idle fund interest - \$210.55, plus temporary note financing - \$0; less financing previously issued - \$0; less interfund transfers - \$20,000.00). Financing to be issued at this time - \$10,000.00. (715694/472-83746/243-110).
- n) Lincoln Street Bridge at Arkansas River (Design). Total Cost - \$8,755.00; (plus idle fund interest - \$445.00, plus temporary note financing - \$0; less financing previously issued - \$0; less interfund transfers - \$0). Financing to be issued at this time - \$9,200.00. (715695/472-83747/243-111).
- o) Central Bridge at Tara (Construction). Total Cost - \$486,106.14; (plus idle fund interest - \$396.67, plus temporary note financing - \$633.33; less financing previously issued - \$0; less interfund transfers - \$113,500.00; less KDOT reimbursement - \$359,536.14). Financing to be issued at this time - \$14,100.00. (715696/472-83801/243-112).
- p) 11th Street Bridge over the Wichita Drainage Canal (Design). Total Cost - \$35,987.23; (less idle fund interest - \$887.23, plus temporary note financing - \$0; less financing previously issued - \$35,000.00; less interfund transfers - \$0). Financing to be issued at this time - \$100.00. (715615/472-83040/248-091).

PARTIAL STATEMENTS OF COST:

- q) (Second Partial) Estimate of Cost for Central, Oliver to Woodlawn (Design) – Total Cost - \$129,900; less financing previously issued - \$105,000. Financing to be issued at this time - \$24,900. (706862/472-83754/203-328).
- r) (Second Partial) Estimate of Cost for McCormick Realignment (Construction) – Total Cost - \$1,299,100; less financing previously issued - \$123,000. Financing to be issued at this time - \$1,176,100. (706866/472-83831/203-332).
- s) (First Partial) Estimate of Cost for Pawnee, Washington to Hydraulic (Construction) – Total Cost - \$1,877,100; less KDOT reimbursements - \$0; less financing previously issued - \$789,900. Financing to be issued at this time - \$1,087,200. (706869/472-83858/204-335).
- t) (Fourth Partial) Estimate of Cost for Pawnee and Washington Intersection (Construction) – Total Cost - \$228,500; less KDOT reimbursements - \$0; less financing previously issued - \$215,300. Financing to be issued at this time - \$13,200. (706870/472-83859/204-336).
- u) (Third Partial) Estimate of Cost for Central, Woodlawn to Rock (Construction) – Total Cost - \$741,400; less Federal to State reimbursements - \$0; less financing previously issued - \$24,000. Financing to be issued at this time - \$717,400. (706872/472-83874/204-338).
- v) (Third Partial) Estimate of Cost for Hydraulic, 57th Street to 47th Street (Construction) – Total Cost - \$3,954,871; less KDOT reimbursements - \$2,751,771; less financing previously issued - \$1,154,000. Financing to be issued at this time - \$49,100. (706877/472-83902/204-343).
- w) (Third Partial) Estimate of Cost for Pawnee, Meridian to Seneca (Design) – Total Cost - \$78,000; less financing previously issued - \$60,000. Financing to be issued at this time - \$18,000. (706893/472-84012/204-359).
- x) (Second Partial) Estimate of Cost for MacArthur, Meridian to Seneca (Design) – Total Cost - \$171,300; less financing previously issued - \$125,000. Financing to be issued at this time - \$46,300. (706896/472-83996/204-362).

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- y) (Second Partial) Estimate of Cost for 29th Street, Tyler to Ridge (Construction) – Total Cost - \$2,393,252; less KDOT reimbursements - \$1,591,852; less financing previously issued - \$36,000. Financing to be issued at this time - \$765,400. (706914/472-83903/204-380).
- z) (Second Partial) Estimate of Cost for 2005 Arterial Sidewalk and Wheelchair Program (Construction) – Total Cost - \$211,200; less financing previously issued - \$200,000. Financing to be issued at this time - \$11,200. (706915/472-84142/205-381).
- aa) (First Partial) Estimate of Cost for 29th Street North, 119th Street West to Maize Road (Construction) – Total Cost - \$510,000; less KDOT reimbursements - \$0; less financing previously issued - \$45,000. Financing to be issued at this time - \$465,000. (706919/472-84185/205-385).
- bb) (First Partial) Estimate of Cost for Gyp Creek Bike Path (Construction) – Total Cost - \$30,400; less KDOT reimbursements - \$0; less financing previously issued - \$10,000. Financing to be issued at this time - \$20,400. (706921/472-84194/205-387).
- cc) (First Partial) Estimate of Cost for Hydraulic, 63rd Street South to 57th Street South (Construction) – Total Cost - \$1,700,000; less County reimbursements - \$500,000; less financing previously issued - \$45,000. Financing to be issued at this time - \$1,155,000. (706922/472-84118/205-388).
- dd) (Second Partial) Estimate of Cost for 21st North, Oliver to Woodlawn (Construction) – Total Cost - \$1,450,729; less KDOT reimbursements - \$1,060,729; less financing previously issued - \$0. Financing to be issued at this time - \$390,000. (706923/472-84235/205-389).
- ee) (First Partial) Estimate of Cost for Maize and Westport Intersection (Construction) – Total Cost - \$56,556; less KDOT reimbursements \$27,556; less financing previously issued - \$0. Financing to be issued at this time - \$29,000. (706924/472-84244/205-390).
- ff) (First Partial) Estimate of Cost for 13th and Broadway Intersection (Construction) – Total Cost - \$23,100; less KDOT reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$23,100. (706925/472-84178/205-391).
- gg) (First Partial) Estimate of Cost for 2005 Arterial Street Rehab (Construction) – Total Cost - \$292,700; less financing previously issued - \$0. Financing to be issued at this time - \$292,700. (706916/472-84158/205-392).
- hh) (First Partial) Estimate of Cost for Ridge and Maple Intersection (Construction) – Total Cost - \$33,500; less KDOT reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$33,500. (706927/472-84258/205-393).
- ii) (First Partial) Estimate of Cost for Boys and Girls Club (Jardine Drive) (Construction) – Total Cost - \$596,800; less financing previously issued - \$0. Financing to be issued at this time - \$596,800. (706930/472-84282/205-396).
- jj) (First Partial) Estimate of Cost for Pawnee, west of Palisade to Water Street (Construction) – Total Cost - \$37,200; less KDOT reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$37,200. (706932/472-84283/205-398).
- kk) (First Partial) Estimate of Cost for 13th, I-135 to Woodlawn (Construction) – Total Cost - \$69,000; less financing previously issued - \$0. Financing to be issued at this time - \$69,000. (706933/472-84320/205-399).
- ll) (First Partial) Estimate of Cost for 21st and Broadway Intersection (Construction) – Total Cost - \$42,700; less financing previously issued - \$0. Financing to be issued at this time - \$42,700. (706934/472-84295/205-400).

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- mm) (First Partial) Estimate of Cost for 47th Street South, Meridian to Seneca (Construction) – Total Cost - \$56,000; less financing previously issued - \$0. Financing to be issued at this time - \$56,000. (706935/472-84296/205-401).
- nn) (First Partial) Estimate of Cost for 55th Street South and Broadway Intersection (Construction) – Total Cost - \$35,100; less financing previously issued - \$0. Financing to be issued at this time - \$35,100. (706936/472-84305/205-402).
- oo) (First Partial) Estimate of Cost for 119th Street West, Kellogg to Maple (Construction) – Total Cost - \$36,500; less financing previously issued - \$0. Financing to be issued at this time - \$36,500. (706937/472-84306/205-403).
- pp) (First Partial) Estimate of Cost for 135th Street West, Maple to Central (Construction) – Total Cost - \$28,500; less financing previously issued - \$0. Financing to be issued at this time - \$28,500. (706938/472-84308/205-404).
- qq) (First Partial) Estimate of Cost for 151st Street West, Kellogg to Maple (Construction) – Total Cost - \$232,000; less financing previously issued - \$0. Financing to be issued at this time - \$232,000. (706939/472-84318/205-405).
- rr) (First Partial) Estimate of Cost for Central and Tyler Intersection (Construction) – Total Cost - \$33,200; less financing previously issued - \$0. Financing to be issued at this time - \$33,200. (706940/472-84311/205-406).
- ss) (First Partial) Estimate of Cost for Greenwich, Harry to Kellogg (Construction) – Total Cost - \$70,600; less financing previously issued - \$0. Financing to be issued at this time - \$70,600. (706941/472-84301/205-407).
- tt) (First Partial) Estimate of Cost for Hydraulic, Harry to Kellogg (Construction) – Total Cost - \$10,900; less financing previously issued - \$0. Financing to be issued at this time - \$10,900. (706942/472-84310/205-408).
- uu) (First Partial) Estimate of Cost for Meridian, 47th Street South to 31st Street South (Construction) – Total Cost - \$57,500; less financing previously issued - \$0. Financing to be issued at this time - \$57,500. (706944/472-84302/205-410).
- vv) (First Partial) Estimate of Cost for Meridian, Pawnee to Orient (Construction) – Total Cost - \$24,200; less financing previously issued - \$0. Financing to be issued at this time - \$24,200. (706945/472-84309/205-411).
- ww) (First Partial) Estimate of Cost for Pawnee, K-15 to Hillside (Construction) – Total Cost - \$30,700; less financing previously issued - \$0. Financing to be issued at this time - \$30,700. (706947/472-84303/205-413).
- xx) (First Partial) Estimate of Cost for Ark River Bike Path, Galena to George Washington Boulevard (Construction) – Total Cost - \$32,100; less financing previously issued - \$0. Financing to be issued at this time - \$32,100. (706949/472-84319/205-415).
- yy) (First Partial) Estimate of Cost for Central and Oliver Intersection (Construction) – Total Cost - \$47,100; less financing previously issued - \$0. Financing to be issued at this time - \$47,100. (706950/472-84362/206-416).
- zz) (First Partial) Estimate of Cost for Pawnee, Maize to 119th Street West (Construction) – Total Cost - \$75,700; less KDOT reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$75,700. (706951/472-84357/206-417).

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- aaa) (First Partial) Estimate of Cost for MacArthur, Meridian to Seneca (Construction) – Total Cost - \$27,800; less KDOT reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$27,800. (706952/472-84358/206-418).
- bbb) (First Partial) Estimate of Cost for Pawnee, Meridian to Seneca (Construction) – Total Cost - \$11,800; less KDOT reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at this time - \$11,800. (706958/472-84356/206-424).
- ccc) (First Partial) Estimate of Cost for 15th Street Bridge at Canal (Construction) – Total Cost - \$17,300; less financing previously issued - \$0. Financing to be issued at this time - \$17,300. (715687/472-83512/242-103).
- ddd) (First Partial) Estimate of Cost for Arkansas River Pedestrian Bridges (Construction) – Total Cost - \$6,122,914; less KDOT reimbursements - \$2,797,714; less financing previously issued - \$3,000,000. Financing to be issued at this time - \$325,200. (715691/472-83416/242-107).
- eee) (First Partial) Estimate of Cost for Oliver Bridge at Gyp Creek (Construction) – Total Cost - \$737,402; less KDOT reimbursements - \$534,602; less financing previously issued - \$50,000. Financing to be issued at this time - \$152,800. (715703/472-84184/245-119).
- fff) (First Partial) Estimate of Cost for 13th Street Bridge at Little Ark River (Construction) – Total Cost - \$35,900; less financing previously issued - \$0. Financing to be issued at this time - \$35,900. (715705/472-84314/245-121).
- ggg) (First Partial) Estimate of Cost for 21st Street Overpass, Broadway to I-135 (Construction) – Total Cost - \$101,600; less financing previously issued - \$0. Financing to be issued at this time - \$101,600. (715706/472-84312/245-122).
- hhh) (First Partial) Estimate of Cost for 11th Street Bridge at Drainage Canal (Construction) – Total Cost - \$33,500; less KDOT reimbursements - \$0; less financing previously issued - \$0. Financing to be issued at

AMENDED PARTIAL STATEMENTS OF COST:

- iii) (First Partial) Estimate of Cost for Hillside, Kellogg to Central (Construction) – Total Cost - \$1,135,196; less KDOT reimbursements - \$337,357; less financing previously issued - \$431,439. Financing to be issued at this time - \$366,400. (706867/472-83862/204-333).
- jjj) (Second Partial) Estimate of Cost for Central, Oliver to Woodlawn (Construction) – Total Cost - \$141,800; less KDOT reimbursements - \$0; less financing previously issued - \$119,000. Financing to be issued at this time - \$22,800. (706871/472-83873/204-337).
- kkk) (First Partial) Estimate of Cost for West Street, Maple to Central (Construction) – Total Cost - \$198,000; less financing previously issued - \$20,000. Financing to be issued at this time - \$178,000. (706890/472-83997/204-356).
- lll) (First Partial) Estimate of Cost for Central, 135th Street West to 119th Street West (Design) – Total Cost - \$106,100; less financing previously issued - \$75,000. Financing to be issued at this time - \$31,100. (706898/472-84017/204-364).
- mmm) (First Partial) Estimate of Cost for 29th Street North, 119th Street West to Maize Road (Design) – Total Cost - \$84,400; less financing previously issued - \$70,000. Financing to be issued at this time - \$14,400. (706901/472-83982/204-367).
- nnn) (Second Partial) Estimate of Cost for Pawnee and McLean Intersection (Construction) – Total Cost - \$55,700; less financing previously issued - \$30,000. Financing to be issued at this time - \$25,700. (706906/472-84007/204-372).

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- ooo) (First Partial) Estimate of Cost for 37th Street North, Tyler to Ridge (Construction) – Total Cost - \$177,100; less KDOT reimbursements - \$0; less financing previously issued - \$26,000. Financing to be issued at this time - \$151,100. (706920/472-84186/205-386).
- ppp) (First Partial) Estimate of Cost for Greenwich, 13th Street North to 27th Street North (Construction) – Total Cost - \$4,502,011; less KDOT reimbursements - \$3,129,111; less financing previously issued - \$0. Financing to be issued at this time - \$1,372,900. (706929/472-84274/205-395).
- qqq) (Ninth Partial) Estimate of Cost for 1998/1999 Arterial Corridor Improvement Program (Construction) – Total Cost - \$1,760,900; less financing previously issued - \$1,740,000. Financing to be issued at this time - \$20,900. (706705/472-82932/208-224).
- rrr) (Seventh Partial) Estimate of Cost for River Corridor (Construction) – Total Cost - \$14,929,700; less Federal to State reimbursements - \$0; less financing previously issued - \$11,629,000. Financing to be issued at this time - \$3,300,700. (706556/472-82799/405-209).

Motion--carried

Mayans moved to approve and file. Motion carried 7 to 0.

PETITION

PETITIONS FOR STREET PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEM FOR RIVENDALE ADDITION, NORTH OF 55TH STREET SOUTH, WEST OF HYDRAULIC. (DISTRICT III)

Agenda Report No. 06-1138

On October 21, 2003, and August 3, 2004, the City Council approved Petitions for street paving, sanitary sewer and water distribution system for Rivendale Addition. Based on recent bid prices, it is doubtful that there is sufficient funding in the Petition budgets to award construction contracts. The developer has submitted new Petitions with increased budgets. The new Petitions also modify the improvement districts to accommodate a number of lot line boundary shifts. The signature on the new Petitions represents 100% of the improvement districts.

The projects will serve a new residential development located north of 55th St. South, west of Hydraulic.

The existing Petitions total \$885,000. The new Petitions total \$1,053,000. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing the public improvements required for a new residential subdivision.

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 Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-597

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89889 (north of 55th Street South, west of Hydraulic) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 06-598

A Resolution of findings of advisability and resolution authorizing construction of Lateral 95, Main 1, Southwest Interceptor Sewer (north of 55th Street South, west of Hydraulic) 468-83715 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-599

A Resolution of findings of advisability and resolution authorizing constructing pavement on Victoria Ct., from Victoria south to and including the cul-de-sac, to serve Lots 30 through 43, Block C, and on Pattie, north from Maywood to the south line of Lot 26, Block B, on Maywood, from the west line of Lot 19, Block B, east to Victoria, on Victoria, from 55th Street. South, north to the south line of Lot 10, Block E, and on Maywood Ct. from Maywood, south to and including the cul-de-sac and that sidewalk be constructed along one side of Pattie, Maywood and Victoria (north of 55th Street. South, west of Hydraulic) 472-83868 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

DEEDS/ESMNTS

DEEDS AND EASEMENTS:

- a) Utility Easement dated July 26th, 2006 from Sedgwick County, Kansas over tracts of land lying in or over portions of Lot 1 and 2, Block A, Sedgwick County Zoo Second Addition, Sedgwick County, Kansas and over a portion of the Southwest Quarter of Section 10, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas (OCA# 607861) D17938
- b) Utility Easement dated September 8th, 2006 from Marisa Farha, and Ink Residential Group LLC, a limited liability company over a tract of land lying over portions of Lots 11 and 12, Block 3, Reed's Cove Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861) D17939
- c) Utility Easement dated September 14th, 2006 from 21/127 LLC., a Kansas limited liability company over a tract of land lying in Lot 1, Block 2, Reed's Cove Fourth Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, No cost to City (OCA# 607861) D17940
- d) Drainage and Utility Easement dated August 25th, 2006 from Donald C. Olson, Joyce K. Olson, co-owners over a tract of land lying within portions of Lots 6 and 7, Block 2, Timberlands Addition, an addition to Wichita, Kansas, Sedgwick County, Kansas No cost to City (OCA# 765990) D17941
- e) Drainage Easement dated October 9th, 2006 from Scott Howard, co-owner of Howard Hospitality, LLC over a tract of land lying in Lot 7, Block B Ridge Plaza 8th Addition, an addition to Wichita, Kansas, Sedgwick County, Kansas No cost to City (OCA# 607861) D17942
- f) Utility Easement dated September 15th, 2006 from Shamrock Development, LLC, a Kansas limited liability company over a tract of land lying in Lot 1, Linder Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, No cost to City (OCA# 607861) D17943
- g) Utility Easement dated September 11th, 2006 from Greenwich Investment Group, LLC, a Kansas limited liability company over a tract of land lying in Lot 1, Block 1, The Manhattan Addition to Sedgwick County, Kansas, No cost to City (OCA# 607861) D17944

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- h) Drainage Easement dated September 11th, 2006 from Greenwich Investment Group, LLC, a Kansas limited liability company over a tract of land lying in Lot 1, Block 1, The Manhattan Addition to Sedgwick County, Kansas, No cost to City (OCA# 607861) D17945
- i) Drainage and Utility Easement dated September 11th, 2006 from Greenwich Investment Group, LLC., a Kansas limited liability company over a tract of land lying in Lot 1, Block 1, The Manhattan Addition to Sedgwick County, Kansas, No cost to City (OCA# 607861) D17946
- j) Utility Easement dated June 7th, 2006 from E.E.D. LLC, John W. McKay, Jr. Managing Member over a tract of land lying in Lot 20, Block 6, Equestrian Estates Addition to Wichita, Sedgwick County, Kansas, No cost to City (OCA# 607861) D17947
- k) Drainage Easement dated October 3rd, 2006 from Shawn Penner over a tract of land lying in Lot 1, Block 1, Valentine Addition, Wichita, Sedgwick County, Kansas, No cost to City (OCA# 607861) D17948
- l) Drainage and Utility Easement dated August 25th, 2006 from Fox Ridge Development Company, Inc., over a tract of land lying in Lots 86, 87, 92, 46 and 47, and Lots 6-12 (inclusive), Block 1, Fox Ridge Addition, an addition to Wichita, Sedgwick County, Kansas, No cost to City (OCA# 607861) D17949
- m) Drainage and Utility Easement dated August 28th, 2006 from Jeremy T. & Emily E. Bezdek, co-owners over a tract of land lying in Lot 21, Block 2, Reed's Cove Addition, an addition to Wichita, Sedgwick County, Kansas, No cost to City (OCA# 607861) D17950
- n) Drainage and Utility Easement dated August 28, 2006 from Twenty- First Growth LLC, a Kansas limited liability company over a tract of land lying in Lots 37 and 38, 41-49 inclusive, Block 1, Hawthorne Third Addition, an addition to Wichita, Sedgwick County, Kansas, No cost to City (OCA# 607861) D17951
- o) Public Utility Easement dated August 28, 2006 from Paul and Eleanor Sade Revocable Trust over a tract of land lying in Lot 5, Chadsworth Commercial 2nd Addition, Wichita, Sedgwick County, Kansas, No cost to City (OCA# 607861) D17952
- p) Utility Easement dated July 24, 2006 from Gary and Cynthia Savage over a tract of land lying in Lot 7, Block B, Cedar Downs 3rd Addition to Wichita, Sedgwick County, Kansas, No cost to City (OCA# 607861) D17958
- q) Sanitary Sewer Easement dated October 19th, 2006 from Larry Holmes and Glenda Holmes over a tract of land lying in the NE 1/4 of the SE 1/4 of Section 31, Township 27S, Range 1 West, Sedgwick County, Wichita, Kansas, (OCA# 744158) D17959
- r) Drainage Easement dated September 6, 2006 from Rhonda Hendershot over a tract of land lying in a portion of Lot 14, 17th Street, Ford's 2nd Addition to Wichita, Sedgwick County, Kansas, No cost to City (OCA# 133166) D17960
- s) Drainage Easement dated September 6, 2006 from Anna M. Tarrer over a tract of land lying in a portion of Lot 14, 17th Street, Ford's 2nd Addition to Wichita, Sedgwick County, Kansas, No cost to City (OCA# 133166) D17961
- t) Drainage Easement dated August 21, 2006 from David E. Gordon over a tract of land lying in a portion of Lot 14, 17th Street, Ford's 2nd Addition to Wichita, Sedgwick County, Kansas, No cost to City (OCA# 133166) D17962
- u) Drainage Easement dated September 6, 2006 from Albert A. Bailey over a tract of land lying in a portion of Lot 14, 17th Street, Ford's 2nd Addition to Wichita, Sedgwick County, Kansas, No cost to City (OCA# 133166) D17963

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- v) Drainage Easement dated September 6, 2006 from Stephen M. Lacy over a tract of land lying in a portion of Lot 14, 17th Street, Ford's 2nd Addition to Wichita, Sedgwick County, Kansas, No cost to City (OCA# 133166) D17964
- w) Drainage Easement dated September 6, 2006 from Frederick A. Grunning and Patricia Rollins-Grunning over a tract of land lying in a portion of Lot 14, 17th Street, Ford's 2nd Addition to Wichita, Sedgwick County, Kansas, No cost to City (OCA# 133166) D17966

Motion--carried Mayans moved that the documents be accepted. Motion carried 7 to 0.

STREET CLOSURE **CONSIDERATION OF STREET CLOSURES/USES.**

Agenda Report No. 06-1139

In accordance with the Community Events Procedure, the event promoter Clark Ensz is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

National Junior College Half Marathon Championships November 19, 2006 8:00 am – 12:00 pm

§ Nims Street, Stackman to Murdock

§ Stackman Blvd., Nims Street to Murdock

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

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Enhance the Quality of Life

Motion--
--carried Mayans moved that the request be approved subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 7 to 0.

CONTS/AGRMNTS **CONTRACTS AND AGREEMENTS FOR OCTOBER 2006.**

Motion--carried Mayans moved to receive and file. Motion carried 7 to 0.

SPACE UTILIZ. **SPACE UTILIZATION STUDY.**

Agenda Report No. 06-1140

The City of Wichita sought a proposal to engage in a Concept Study and review of the space utilization Master Plan for the Wichita Police Department (WPD), headquartered at 455 N Main, Wichita Kansas. The Wichita Police Department (WPD) includes: 4th, 5th, and 6th floors, in their entirety, of City Hall located at 455 North Main; Property and Evidence located in the south end of Rounds and Porter at (410 North Waco), including property stored outside at CMF for Property & Evidence; Patrol South (211 E. Pawnee); Patrol West (661 N Elder); Patrol North (3015 E. 21st St. N.); and Patrol East (350 S Edgemoor). All four substations should be reviewed for expansion possibilities.

On July 10, 2006, Purchasing department advertised the Request for Proposal No. (FP600071) for consultant services for a Concept Study and Conceptual Design for the Wichita Police Department. Only two proposals were received and reviewed by a selection committee the firm of Schaefer Johnson Cox Frey Architecture was selected. Schafer Johnson Cox Frey proposed to provide architectural, graphic design, interior design, and mechanical/electrical engineering services and other related items

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for a single stipulated lump sum fee of twenty four thousand dollars (\$24,00.00) for 300 hours, plus an additional \$5,000 per station for a concept plan if a station needed to be relocated.

The Project is authorized in the 2005-2014 Capital Improvement Program for City facilities space utilization improvements at \$24,000.00, plus and additional \$5,000 per station if relocation is necessary.

Provide a safe and sure community by evaluating the working conditions of WPD employees and citizens who enter our facilities.

The Law Department has approved the Contract as to form.

Motion--
--carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

KANSAS CLICKS

2007/2008 KANSAS CLICKS SPECIAL TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT.

Agenda Report No. 06-1141

Since 2001, the Wichita Police Department has been awarded grant funds from the Kansas Department of Transportation to participate in the KANSAS CLICKS Special Traffic Enforcement Program (STEP). The KANSAS CLICKS STEP provides participating departments with grant money to pay for overtime worked by police officers performing safety belt surveys, public education, and enforcement work during the following designated mobilizations: Thanksgiving holiday, Child Passenger Safety Week, Memorial day/Buckle Up America Week, and Labor Day. The purpose of the STEP Program is to promote highway safety through awareness, education, and enforcement of the Kansas safety belt, child passenger safety, and impaired driving laws.

The KANSAS CLICKS Special Traffic Enforcement Program has been a critical component of the Police Department's Comprehensive Traffic Safety Plan, which focuses on awareness/education, enforcement, prevention, and equipment. The STEP grant will support increased education and enforcement, thus potentially reducing the number of traffic accidents that impact the quality of life in our community.

The Kansas Department of Transportation will reimburse the Police Department for overtime, not to exceed the amount of the grant, which is currently estimated at \$50,000.

Provide a Safe and Secure community by enforcing Special Traffic Enforcement Programs in the community.

Motion--
--carried

Mayans moved that the STEP grant application and receipt of funds be approved and the necessary signatures authorized. Motion carried 7 to 0.

HUD COMM. APPT.

HUD CONSOLIDATED PLAN-GRANTS REVIEW COMMITTEE APPOINTMENTS.

Agenda Report No. 06-1142

As an entitlement city, the U.S. Department of Housing and Urban Development (HUD) requires the City of Wichita to have a citizen participation plan to receive the following federal funds: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Shelter Grant (ESG).

In 2000, the City Council designated appointment categories for a 12-member Grants Review Committee to review applications and proposals for the above noted federal funding sources to meet the citizen participation requirement. The Committee membership is designated as follows: District Advisory Board (4); Wichita Independent Neighborhoods, Inc. (2); and one each from the United Way, Sedgwick County, USD 259, Wichita State University, large business and small business.

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Nominations for the 2007 Grants Review Committee (GRC) have been solicited from each agency in accordance with the composition listed above. GRC members will receive and review proposals for CDBG Public Services and applications for HOME projects and ESG programs. The Grants Review Committee will also hold at least one public hearing to allow for oral presentations, prior to making funding recommendations to the City Manager for presentation to the City Council.

Support a Dynamic Core Area and Vibrant Neighborhoods.

Motion--

Mayans moved that the appointments to the 2007 Grants Review Committee be approved and the City Council authorize the City Manager to appoint a replacement(s) in the event that an appointee is unable to serve. Motion carried 7 to 0.

--carried

HOME PROGRAM

HOME PROGRAM, HOUSING DEVELOPMENT LOAN PROGRAM FUNDING, HOMEOWNERSHIP 80 PROGRAM FUNDING. (DISTRICTS I, III, IV, V, VI)

Agenda Report No. 06-1143

During the 2006-2007 Consolidated Plan funding process, a total of \$75,000 in HOME funding was allocated for the Housing Development Loan Program (HDLP). The HDLP is designed to provide subsidies for infill housing projects and to support the development of real estate that is idle or underutilized, and to provide needed housing for underserved populations. Funding may be provided to non-profit or for-profit organizations. The loan structure is dependent upon the type of project to be financed. The program funding may be utilized within the boundaries of the City's Redevelopment Incentives Area (RIA), as well as Local Investment Areas (LIA). Requests for funding under the program are received through an open application basis.

The Housing and Community Services Department has received an application from Mennonite Housing Rehabilitation Services, Inc. (MHRS) for HOME funding to be provided through the HDLP, in the amount of \$200,000, in order to subsidize the development of a total of eight single-family homes within the RIA and LIA. Completed homes will be sold to income-eligible owner-occupant homebuyers receiving down payment and closing costs assistance through the City's HOMEownership 80 Program.

The homes to be constructed will require HOME program subsidy. HOME funds are usually provided as development subsidy in order to offset acquisition, construction and site improvement expenses, as well as selling expenses and developer fees. The total of these costs cannot be entirely recovered from sale proceeds due to market constraints and the need to keep the homes affordable for low-income families. Typically, the development subsidy for homes constructed with HOME program funding is between \$20,000 and \$30,000, depending on the cost of acquisition, and whether or not demolition is involved. Homes will sell for a maximum price of \$85,700.

Housing and Community Services has determined that the application meets the criteria of the HDLP, and that the project will assist the City in achieving its neighborhood revitalization and consolidated plan goals. Therefore, staff recommends funding of the application, in the amount of \$150,000, in order to subsidize the construction of six homes. Funding in this amount will provide for the completion of homes on the three remaining sites in MHRS' Blue Sky subdivision, as well as three additional homes in the City's LIA's, two of which have already been acquired by MHRS. The additional \$75,000 required to complete the proposed funding is available from unallocated HOME program funding available due to loan repayments.

As part of this action, Housing and Community Services is also requesting allocation of an additional 57,420 to the HOMEownership 80 Program, in order to assist homebuyers purchasing homes to be developed under the proposed HDLP funding. The initial allocation of HOMEownership 80 Program funding did not include down payment assistance that must be made available for the three additional homes that will be developed as a result of the allocation of the proposed HDLP funding for MHRS, over and above the original \$75,000 program allocation. The additional funding for the

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HOMEownership 80 program is also available from unallocated HOME program funding available due to loan repayments.

HOME funding for the proposed HDLP projects will be provided in the form of zero-interest, forgivable participation construction loans. Typically, local banks provide construction loans equivalent to 75% of the appraised value of a home to be constructed under the HDLP. Allocated funding will provide for construction of up to a total of six homes.

Projects to be funded under the subject HOME funding agreement will contribute to the goal of Economic Vitality and Affordable Living.

Funding provided under the Housing Development Loan program must be approved by the City Council. The funding agreement has been drafted by Housing and Community Services staff and approved as to form by the City Law Department. Assistance loans provided to homebuyers for the purchase of homes constructed under the HDLP are secured with a mortgage on the property. The mortgage serves as the long-term deed restriction required under the HOME regulation to preserve affordability.

Motion--
--carried

Mayans moved that the recommended HDLP allocation and the recommended HOMEownership 80 allocation be approved and the necessary signatures authorized. Motion carried 7 to 0.

WATER MAIN

WATER DISTRIBUTION MAIN REPLACEMENT.

Agenda Report No. 06-1144

This project is included in the ten-year Capital Improvement Program. It provides funding for the replacement of water lines that either leak frequently, or need to be replaced because they are too small to meet current demands. Specific lines to be replaced are identified on an ongoing basis by Public Works engineers and the Water & Sewer staff.

Water distribution main replacement is essential for maintaining the water system infrastructure, decreasing the number of water main breaks, reducing water system maintenance costs and improving customer service.

Distribution Main Replacement Program (CIP W-67) has a budget of \$5,000,000 for 2007. It will be funded from future revenue bonds and/or Water Utility cash reserves.

This project addresses the efficient infrastructure goal by providing reliable water service to the Water Utility customers.

The Law Department has approved the Resolution as to form.

Motion--
--carried

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

RESOLUTION NO. 06-600

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$5 Million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law; presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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COST SHARE

CHENEY RESERVOIR WATERSHED COST-SHARE AGREEMENT.

Agenda Report No. 06-1145

Cheney Reservoir is a major water source for Wichita, currently providing approximately 60 percent of the City's annual water supply. On August 24, 1993, City Council approved the concept of the City assuming part of the cost-share necessary to allow landowners to implement Best Management Practices in the watershed above the Reservoir that would help improve the water quality and extend the life of the reservoir. Since then, City Council has approved annual agreements with the Cheney Watershed Citizens Management Committee and the Reno County Conservation District to help implement improvements in the watershed. On September 19, 2006, City Council approved continuing participation in Cheney Watershed Protection Program.

It has been determined that Cheney Reservoir has at least two significant pollution problems: sedimentation and phosphates. Sedimentation washes into the reservoir from soil erosion, which can reduce the life of the reservoir, and high phosphate levels can lead to an increase in microscopic plant activity such as algae, thus increasing taste and odor problems in water from the lake.

The Reno County Conservation District has acquired funds from the Water Resources Cost-Share Program (WRCS) and the Non-Point Source Pollution Control Fund (NPS) to help finance the installation of conservation practices that will reduce pollution entering the reservoir. Under these programs, the producer can install Best Management Practices that will reduce pollution from their land and apply for reimbursement up to 70 percent of the cost of the improvements. The MOU facilitates a means whereby the producer can receive up to 100 percent reimbursement by having the City provide up to a 30 percent cost-share for the improvements. The producer would not be eligible for any costs that exceed the County Average Cost for those improvements.

Administration of the funds will be through the Cheney Watershed Citizens Management Committee. This committee, composed of landowners and producers in the watershed, administers the Watershed Management Plan and coordinates efforts to promote the installation of Best Management Practices in the watershed. This agreement will help facilitate the creation of partnerships between the producers in the watershed and the City that will reduce pollution entering Cheney Reservoir. Other counties in the watershed, Stafford County, Pratt County, and Kingman County, have agreed to participate. Projects completed in those counties will be submitted to the City through the Reno County Conservation District.

Alternatives: There are several alternatives the City could pursue in attempting to reduce or eliminate pollution in Cheney Reservoir.

1) Participate in this program. The WRCS and NPS programs would provide 70 percent of the funds used to correct pollution in the basin, with the remaining 30 percent coming from the City.

2) Wait until the pollution problems are more severe; however, the City would risk not having other funding sources participate in the cleanup of the drainage basin and additional storage space would be lost to excess sedimentation. Further, customer dissatisfaction with taste and odor, or the additional cost of treating the above, would have a detrimental impact.

3) Forego efforts to work in the basin and respond to the water quality in the reservoir. City Council has approved the use of powered activated carbon and the construction of ozone equipment to help address taste and odor problems, but if conditions in the reservoir deteriorate, the cost of treatments will increase. The treatments, however, do not remove the sediment that comes into the reservoir. To remove sediment after it is in the reservoir, and thus extend its life, would require that the sediment be dredged, which is a costly and environmentally destructive process.

The maximum WRCS available to a single producer in Reno County in the fiscal year will be \$5,000 and limited to \$7,500 for the NPS Program. Calculation is based on the County Average Cost, or actual cost, whichever is less. Reno County has WRCS funds of \$53,028 available in fiscal year 2007, while NPS has \$39,008.

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Stafford County maximum WRCS available to a single producer will be limited to \$5,000 and \$5,000 for the NPS Program. The amount of WRCS funds available in fiscal year 2007 will be \$42,224, and NPS will have available funds of \$24,835.

Pratt County maximum WRCS available to a single producer will be limited to \$3,500 and \$2,200 for the NPS Program. The total of WRCS funds available in fiscal year 2007 will be \$40,535, and NPS will have funds available of \$22,158.

Kingman County maximum WRCS available to a single producer is limited to \$3,500 and \$10,000 for the NPS Program. The total WRCS funds available in fiscal year 2007 will be \$32,790 and NPS will have funds available of \$19,342.

The cost to the City shall not exceed \$44,014 for WRCS projects, and \$27,733 for NPS projects for a combined amount of \$71,747 in fiscal year 2007. CIP W-500, Cheney Watershed Protection Plan, has allocated \$200,000 in 2007 for this effort. These programs are part of a total program in the watershed that began in fiscal year 1995. Other sources of funding include the EPA, the State of Kansas Water Plan, the USDA, all helping to diversify the cost of the improvement projects among funding sources.

Ensure efficient infrastructure by maintaining and optimizing public facilities and assets. While the work in the project occurs in the watershed above the reservoir, the intent is to improve the water quality and prolong the life of the reservoir.

The Law Department has approved the Memorandum of Understanding as to form.

Motion--
--carried

Mayans moved that the MOU with the Reno County Conservation District be approved; the Resolution; adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-614

A Resolution amending Resolution No. 05-523 pertaining to the Cheney Watershed Protection (W-500) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CHENEY MOU

CHENEY WATERSHED STAFF POSITION, MEMORANDUM OF UNDERSTANDING.

Agenda Report No. 06-1146

Cheney Reservoir is one of Wichita's major sources of water, currently providing approximately 60 percent of Wichita's annual water supply. Since 1993, the City has participated in a program to encourage the implementation of projects that will reduce pollution entering the reservoir. Participation includes the concept of the City assuming part of the cost-share necessary to allow landowners to implement Best Management Practices in the watershed. On October 13, 1998, the City Council approved a Memorandum of Understanding with the Citizens Management Committee, now incorporated as the Cheney Lake Watershed, Inc., to fund a public relations/education position and has renewed the MOU annually. On September 19, 2006, City Council approved continuing participation in Cheney Watershed Protection Program

The Cheney Watershed Improvements project is one of the most successful projects of its kind in the nation, having received several national awards. Over 2,300 projects have been completed in the watershed. The work has resulted in a reduction in taste and odor events in the City's drinking water, plus a significant reduction in sediment entering the reservoir. Much of the credit for the success of the project can be attributed to the work of the Citizens Management Committee (CMC), composed of people living and working in the watershed who have worked to convince their neighbors that these improvements are good for both them and the City.

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The staff person funded through this MOU assists the CMC in executing public relations and educational tasks. The staff position has been very successful in increasing interest in the watershed project, increasing the number of projects completed in the watershed, and consequently, improving the water quality in the reservoir.

The cost for the position is \$38,334. The Kansas Department of Health and Environment has offered to provide \$13,814 (approx. 36 percent) towards this position through a grant from the U.S. Environmental Protection Agency, with the City providing \$24,520 (64 percent), as well as \$3,000 to assist in other contractual expenses. The remaining cost would be obtained from a grant from the EPA. Funds are available in the Cheney Watershed Protection Plan, CIP W-500 that has \$200,000 allocated for this project in 2006.

Ensure efficient infrastructure by maintaining and optimizing public facilities and assets. While the work in the project occurs in the watershed above the reservoir, the intent is to improve the water quality and prolong the life of the reservoir.

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

Motion--
--carried

Mayans moved that the MOU with the Cheney Lake Watershed be approved and the necessary signatures authorized. Motion carried 7 to 0.

WORKING AGRMNT CHENEY WATERSHED DEMONSTRATION PROJECTS-WORKING AGREEMENT.

Agenda Report No. 06-1147

Cheney Reservoir is a major water supply source for Wichita, currently providing approximately 60 percent of the City's water. On August 24, 1993, City Council approved the concept of the City assuming part of the cost-share necessary to allow landowners to implement Best Management Practices in the watershed above the reservoir that would improve water quality and extend the life of the reservoir. On September 19, 2006, City Council approved continuing participation in Cheney Watershed Protection Program

Cheney Reservoir has two significant pollution problems: sedimentation and phosphates. Sediment washes into the reservoir from soil erosion displacing stored water, and is a major factor in determining the useful life of the reservoir. High phosphate levels can lead to an increase in microscopic plant activity in a lake, which increases taste and odor problems.

A management plan has been approved for the watershed that identifies Best Management Practices (BMP) that will help reduce the pollution entering the reservoir. The Reno County Conservation District and the Citizens' Management Committee are responsible for implementing the recommendations in the plan. The proposed Working Agreement promotes the use of BMP and establishes procedures for payments to producers who implement these practices. It addresses funding the construction of various demonstration projects, including terraces, grassed waterways, range and pasture seeding, riparian filter strips and concrete drainage structures.

There are incentives to use alternate management techniques (nutrient management, conservation tillage, crop rotation, brush control, and planned grazing systems) and incentives to convert land coming out of the Conservation Reserve Program to rangeland by installing water systems, fencing and filter strips. This Agreement also includes an incentive payment to promote Continuous Sign-up CRP adjacent to streams and an incentive program for small community wastewater treatment plants to make voluntary improvements that improve the quality of their discharge.

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All of the practices are voluntary, and allocated funds may not be fully utilized in the fiscal year. Most of the practices that this Working Agreement is promoting are also eligible for funding from an EPA 319 Grant that provides up to 60 percent of the cost of a BMP project. The City will match the 40 percent that is not covered by federal funds.

Other entities offering cost-share programs include the Kansas Alliance for Wetlands and Streams, the Kansas Water Office and the Kansas Rural Center. These entities have programs that offer 60-70 percent funding for BMP projects. Installation of fences around sites that were previously enrolled in the Conservation Reserve Program is not currently eligible for funding from other programs. Fencing projects will be eligible for 50 percent funding from the City of Wichita, with the remaining 50 percent paid by the landowner. The incentive payment for small municipalities is limited to a one-time payment of \$2,500 per community to match other funding sources, and the incentive payment for the Continuous Sign-up CRP is \$200 per acre. The cost of the incentive payments to the City will not exceed \$10,000.

CIP W-500, Cheney Watershed Protection Plan, has allocated \$200,000 in 2007 for this effort. The maximum amount that the City could spend in FY 2007 for the City's share for all of the practices in this Working Agreement would not exceed \$125,000.

Ensure efficient infrastructure by maintaining and optimizing public facilities and assets. While the work in the project occurs in the watershed above the reservoir, the intent is to improve the water quality and prolong the life of the reservoir.

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

Motion--
--carried

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

SECURITY ENHANCE SECURITY ENHANCEMENTS.

Agenda Report No. 06-1148

The Security Enhancement project is included in the ten-year Capital Improvement Program. Enhancements were identified during the process of conducting a Vulnerability Assessment for the Water & Sewer Department, and this project is intended to provide the security enhancements for the Water Utility.

Funds will be expended primarily to provide fencing along the buffer zone for the water treatment plant and Hess pump station. Additional provisions are for electronic security improvements at the Water Utility facilities and capability for backup power generation at key Water Utility facilities.

Security Enhancements (CIP W-903) has a budget of \$2 million in 2006. Funding for the project will come from Water Utility revenues and reserves, and/or a future revenue bond issue.

This project addresses the Efficient Infrastructure goal by helping to assure the reliability and security of the Water Utility.

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

Motion--
--carried

Mayans moved that the project expenditure for 2006 be approved; the amended Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

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RESOLUTION NO. 06-602

A Resolution amending Resolution No. 05-573 pertaining to Security Enhancements (W-903) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SURGE TANK

SURGE TANK REHABILITATION.

Agenda Report No. 06-1149

This project is included in the ten-year Capital Improvement Program. It is intended to provide necessary maintenance for the surge tanks located on the Cheney and the wellfield raw water lines.

The surge tanks on the Cheney raw water line and the wellfield raw water line are due to be painted. The tank on the wellfield line is in need of structural repairs and a new cathodic protection system.

Surge Tanks Rehabilitation (CIP W-913) has a budget of \$400,000 for 2006. Funds for the project will come from Water Utility revenues and reserves, and/or a future revenue bond issue.

This project addresses the Efficient Infrastructure goal by helping to keep public systems maintained and optimized.

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

Motion--
--carried

Mayans moved that the project expenditure for 2006 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-604

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$400,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law; presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ART CONTRACTS

PERFORMANCE CONTRACTS FOR THE ARTS.

Agenda Report No. 06-1150

In 2005, the City Council approved the formation of the Cultural Funding Committee consisting of 11 members. Members of City Council appointed 7 members. The Arts Council appointed 4 members. The committee consists of representatives from government, education, business, philanthropy, arts organizations and the public at large. The committee was assigned the responsibility to make recommendations to members of City Council on allocation of additional funding through operational grants for arts and cultural organizations. This year, the committee made recommendations in the amount of \$860,651 for the upcoming 2007-funding year.

The City must protect its current investments in the Tier I organizations that have become an integral part of our community's culture. Through historical agreements, the City has made substantial investments in these and other facilities to purchase, promote, and maintain them. Funding was allocated by a tiered system:

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- § Tier I – Existing organizations currently receiving City funds. These organizations are Wichita Art Museum, Botanica, Historic Wichita Sedgwick County (Old Cowtown Museum), Mid-America All-Indian Center, The Arts Council, The Kansas African American Museum, and the Wichita-Sedgwick County Historical Museum. These organizations, with Boards of Directors, are non-profit agencies that have private/public partnerships with the City of Wichita.
- § Tier II – Established and emerging organizations with annual operating budgets of \$500,000 or more.
- § Tier III – Established or emerging organizations with annual operating budgets less than \$500,000. The Cultural Funding Committee reviewed applications from 39 arts and cultural organizations during the approved review process from April – May 2006. Thirty-one out of the 39 applicants were recommended for the allocation of additional funding. The organizations were then approved by the City Council as part of the 2006 budget approval process in August. One organization declined the awarded funding grant and those funds were allocated for 2007's funding period.

Approval of Performance Contracts will provide the City of Wichita with a fair and equitable contract in which to measure performance-based outcomes of all 34 Performance Contracts, which include Tier I, Tier II, and Tier III funding for art and cultural organizations. Performance goals assist in supplying accountability and assurance of the use of City funding allocated appropriately with measurements. Funding recommendations below:

Tier I:

Organization	2007 Annual Funding
Wichita Art Museum, Inc.	\$1,279,960
The Kansas African American Museum	\$2,330
Wichita-Sedgwick County Historical Museum	\$82,140
**Historic Wichita Sedgwick County, Inc. (Old Cowtown Museum)	\$241,850
Arts Council	\$6,540
Mid-America All-Indian Center	\$57,900
*Botanica	\$232,500

*There is no contract for annual funding with Botanica due to its classification as a division of the City of Wichita Parks and Recreation Department. Performance measurements are already in place within the department and a contract is not necessary.

**Old Cowtown museum is currently undergoing an operational transition period. A funding contract will be signed and presented upon completion of a legal Memorandum of Understanding between the City and Cowtown Board of Directors.

Tier II:

Organization Name	2007 Additional funding
The Wichita Sedgwick County Historical Museum	\$23,000.00
The Wichita Art Museum, Inc.	\$125,000.00
Mid-America All-Indian Center	\$30,000.00
Botanica, The Wichita Gardens	\$26,000.00
The Kansas African American Museum	\$35,000.00
Old Cowtown Museum*	\$50,000.00
Orpheum Performing Arts Center, Ltd	\$40,000.00
Sedgwick County Zoological Society	\$47,651.00
Wichita Symphony	\$90,000.00
Music Theatre of Wichita	\$75,000.00
Wichita Public Library Foundation	\$25,000.00
Wichita Grand Opera	\$10,000.00
Ulrich Museum	\$20,000.00
Wichita Children's Theatre and Dance Center	\$50,000.00
Friends University	\$5,000.00
Kansas Sports Hall of Fame	\$36,000.00

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Exploration Place	\$30,000.00
The Wichita Center for the Arts	\$10,000.00

*Old Cowtown museum is currently undergoing an operational transition period. A funding contract will be signed and presented upon completion of a legal Memorandum of Understanding between the City, and Cowtown Board of Directors.

Tier III:

Chamber Music at the Barn	\$25,000.00
Arts Partners	\$20,000.00
Ballet Wichita	\$5,000.00
Music Theatre for Young People	\$5,000.00
Kansas Aviation Museum	\$30,000.00
The Wichita Asian Association	\$7,000.00
Wichita Chamber Chorale Inc.	\$5,000.00
Opera Kansas	\$10,000.00
Heart of America Men's Chorus Inc.	\$5,000.00
Kansas Firefighters Museum	\$7,500.00
Wichita Film and Music Festival Inc.	\$10,000.00
The Griots Storytelling Institute	\$3,500.00

Finance department has reviewed the proposed contract specific to performance goals and measurements.

Law department has prepared and approved the form of the proposed contract.

Motion--
--carried

Mayans moved that the 30 Performance Contracts, for Tier I, Tier II, and Tier III art and cultural organizations, for the 2007 budget year be approved. Motion carried 7 to 0.

PROPERTY ACQ.

PARTIAL ACQUISITION OF VACANT LAND FOR EAST WATERMAN STREET IMPROVEMENT PROJECT. (DISTRICT I)

Agenda Report No. 06-1151

On May 16, 2006, City Council approved the improvement of Waterman from Main Street to just west of Washington. This project calls for increasing the storm sewer system to serve the arena project as well as improving Waterman Street proper.

To accommodate the project, right-of-way must be acquired from one tract of land. The south ten feet is required from a vacant parcel along Waterman at Rock Island. The proposed acquisition consists of 1,450 square feet. The tract was valued at \$7,075 or \$4.90 per square foot. This was offered to the owner and accepted.

A budget of \$8,000 is requested. This includes \$7,075 for the acquisition, \$925 for closing costs and title insurance. The funding source is General Obligation Bonds.

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

The Law Department has approved the agreement as to form.

Motion--
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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PROPERTY ACQ.

ACQUISITION OF VACANT LAND AT THE NORTHEAST CORNER OF NORTH BROADWAY AND 13TH STREET FOR THE NORTH BROADWAY AND 13TH STREET INTERSECTION IMPROVEMENT PROJECT. (DISTRICT VI)

Agenda Report No. 06-1152

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. To accommodate the project, right-of-way must be acquired from eleven tracts of land. One of the required tracts is vacant parcel at the northeast corner of Broadway and 13th. This ownership consists of two parcels, 14,000 square feet fronting on Broadway and 7,000 square feet fronting on Topeka. An alley separates them.

It is necessary to acquire the south 20 feet of both parcels along 13th Street and the west 11 feet of the Broadway parcel. After the acquisition, the Broadway parcel will have 10,078 square feet and the Topeka tract will have 4,200 square feet. The property was appraised for \$162,000, or a \$7.70 per square foot. The appraiser felt that the remainders had little development potential without acquiring additional land. The property is currently listed for \$275,000. Based on negotiations and review of additional sales data, a value of \$210,000 (\$10.00 per square foot) was agreed to by the parties. As part of the negotiations, the seller has requested a right of first refusal if the City decides to sell the remainder of the parcel and the parcel located immediately to the north (1410 North Broadway).

A budget of \$213,000 is requested. This includes \$210,000 for the acquisition, \$3,000 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administrated by the Kansas Department of Transportation.

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

The Law Department has approved the agreement as to form.

Motion--
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ NOVEMBER 7, 2006)

- a) Issuance of Taxable Industrial Revenue Bonds, The Boeing Company. (District III)

ORDINANCE NO. 47-280

An Ordinance approving and authorizing the execution of a lease agreement between the Boeing Company and the City of Wichita, Kansas; approving and authorizing the execution of an indenture of trust between said city and the Bank of New York Trust Company, N.A.; pledging certain payments under said lease agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of Industrial Revenue Bonds Series III, 2006 (The Boeing Company project) of said city in the principal amount of not to exceed \$20,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of The Boeing Company, a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said bonds; authorizing the sale of said bonds and the execution of a bond purchase agreement therefore; approving and authorizing the execution of an administrative service fee agreement; and authorizing the execution and delivery of certain related instruments, read for the second time. Skelton moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton; (Mayans abstained due to conflict of interest).

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- b) Tax Exemption Request, Rapid Processing Solutions, Inc. (District IV)

ORDINANCE NO. 47-281

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 Rapid Processing Solutions Inc., so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- c) Tax Exemption Request, Precision Metalcraft, Inc. (District III)

ORDINANCE NO. 47-282

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 Precision Metalcraft, Inc., so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- d) Tyler Road Improvement, between K-42 Highway and Harry. (District IV)

ORDINANCE NO. 47-283

An Ordinance declaring Tyler Road, between K-42 Highway and Harry Street (472-84475) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- e) DER2006-14 Proposed Amendment to the Wichita-Sedgwick County Unified Zoning Code Regarding Rodeo Regulations.

ORDINANCE NO. 47-284

An Ordinance providing amendments to Section II-B.11.A, Section II-B.11.B, section II-B.11.N, Section II-B.11, Section III-B.16, Section III-B.19, Section III-B.20, Section III-D use regulations schedule; and adding Section III-D.6.KK of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition), as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance No. 44-975, dealing with rodeos in the city, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 1. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans; (Skelton, no). (DER2006-14)

- f) Repeal of Section 3.08.040 relating to Circuses, Rodeos and Animal Shows and adoption of Chapter 3.09 relating to rodeos, animal exhibitions, and petting zoos.

ORDINANCE NO. 47-285

An Ordinance creating Chapter 3.09 of the Code of the City of Wichita, Kansas, pertaining to animal exhibitions, rodeos, and animal shows and repealing Section 3.08.040 of the Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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- g) Amendments to Section 6.08.010, 6.08.020, 6.08.030, 6.08.040, 6.08.060 and 6.08.070 of the Code of the City of Wichita, Kansas, pertaining to dangerous wild animals.

ORDINANCE NO. 47-286

An Ordinance amending Sections 6.08.010, 6.08.020, 6.08.030, 6.08.040, 6.08.060 and 6.08.070 of the code of the City of Wichita, Kansas, and repealing the originals of Sections 6.08.010, 6.08.020, 6.08.030, 6.08.040, 6.08.050, 6.08.060 and 6.08.070 of the Code of the City of Wichita, Kansas pertaining to dangerous wild animals, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- h) Amendments to Section 5.10.035 of the Code of the City of Wichita, Kansas, pertaining to assault and battery of a Law Enforcement Officer.

ORDINANCE NO. 47-287

An Ordinance amending Section 5.10.035 of the Code of the City of Wichita, Kansas, pertaining to battery of a law enforcement officer, and repealing the original of said Section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- i) Amendments to Section 5.88.010 of the Code of the City of Wichita, Kansas, pertaining to criminal use of weapons.

ORDINANCE NO. 47-288

An Ordinance amending Section 5.88.010 of the Code of the City of Wichita, Kansas, pertaining to the crime of unlawful use of weapons and repeal of the original Section 5.88.010, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- j) Amendments to Exempt Salary and Classification Ordinances to Implement New Pay Plan.

ORDINANCE NO. 47-289

- 1) An Ordinance establishing position classifications for exempt and management employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges and repealing Ordinance No. 46-865, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-290

- 2) An Ordinance providing for a uniform schedule of standard pay ranges for exempt employees of the city of Wichita, repealing Ordinance No. 46-867, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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- k) ZON2006-37-generally located north of 29th Street North and east of Gouverneur. (District I)

ORDINANCE NO. 47-291

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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON2006-37)

- l) ZO2006-40-Zone Change from "LC" Limited Commercial to "TF-3" Two-family Residential. Generally located east of Oliver and south of Harry, 1740 South Oliver and 1741 South Glendale. (District III)

ORDINANCE NO. 47-292

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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON2006-40)

- m) A06-20R- generally located northeast of the intersection of 135th Street West and Pawnee Avenue. (District IV)

ORDINANCE NO. 47-293

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-20)

- n) A06-21R- generally located west of Clifton Avenue to the north and south of 55th Street South. (District III)

ORDINANCE NO. 47-294

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-21)

- o) A06-22R- generally located south of Harry Street, between Greenwich Road and 127th Street East. (District II)

ORDINANCE NO. 47-295

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-22)

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- p) A06-23R-generally located southwest of the intersection of 53rd Street North and Meridian Avenue. (District VI)

ORDINANCE NO. 47-296

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-23)

- q) A06-24R-generally located southwest of the intersection of 37th Street North and Ridge Road. (District V)

ORDINANCE NO. 47-297

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-24)

- r) A06-26R- generally located southwest of the intersection of 45th Street North and Hoover Road. (District VI)

ORDINANCE NO. 47-298

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-26)

- s) A06-27R-generally located southwest of the intersection of 37th Street North and Ridge Road. (District V)

ORDINANCE NO. 47-299

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-27)

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UNFINISHED BUSINESS

PETITION

PETITION TO PAVE 37TH STREET SOUTH, FLORA AND YORK IN SKYLINE HEIGHTS AND WHEATLAND PLACE ADDITIONS, NORTH OF MACARTHUR, EAST OF HOOVER. (DISTRICT IV)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-1153

On September 12, 2006, the City Council considered a Petition to pave 37th St. South, Flora and York Streets in Skyline Heights and Wheatland Place Additions. The Council deferred action on the Petition because of a question about the validity of two signatures on the Petition.

The original count of the signatures on the Petition represented 28 of 53 (52.83%) resident owners and 43.23% of the improvement district area. It has since been determined that two of the signatures should not be counted because they were no longer the owners of record at the time the Petition was submitted to the City Clerk's Office. However, it has also been determined that one property was counted as having two owners when in fact it has three owners, all three of which have signed the Petition. As a result, the signatures on the Petition represent 27 of 53 (50.94%) and 40.83% of the improvement district area.

The estimated project cost is \$360,000 with \$340,272 assessed to the improvement district and \$19,728 paid by the City. The method of assessment is the fractional basis. The estimated assessment to individual properties is \$8,133 per tract, except for a large tract at the northeast corner of Hoover and MacArthur, which has an estimated assessment of \$24,400. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

This project addresses the Efficient Infrastructure goal by providing street paving in an existing residential neighborhood.

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

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Kevin Warner

Mr. Warner who resides at 3801 South Flora, stated that since the last meeting he has called and spoke to the City attorneys and does not feel that we are getting a valid vote by the landowners. Stated that there are more than 50% of the properties being discussed as people who do not wish to have the paved street, which is by square footage. Stated that by checking with the City attorneys, the law was adopted in 1957 and we are looking at a law that is 50 years old and it is not keeping up with the divorce rate as to what it was then and what it is now. Stated that he does not feel that he is being fairly represented for his square footage on the property and does not feel that this is a fair law and that a paved street in this area will promote tire burnouts and excessive speeds.

John Vosberg

Mr. Vosberg, who resides at 3830 South Hoover, stated that last time this was before the Council the petition was at 50% and is questioning how the vote changed and requested a copy of the map showing who is in favor and against this paving project.

Frank Andrew

Mr. Andrew who resides at 5416 West York in a cul-de-sac and has two lots. Stated that the City built a sewage pump right outside his bedroom window, which makes his lot on the east side worthless. Stated that he is in the process of taking legal action against the City and does not know why he has to pay for two lots, which is \$19,000.00. Stated that he does not feel that this petition is anywhere close to where it needs to be and does not think the people who are against this project have been contacted or been able to voice their opinion and thinks we are moving too fast.

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Council Member Gray Council Member Gray stated that if retirement becomes an issue, there is a deferment process for people who fall below a certain income level, where the special assessment is maintained with the property and is eventually paid for by future property owners or if that person does no longer meet that deferment threshold. Stated regarding the two lot issue, it is the fairest process available because it is calculated off your square footage.

Motion-- Gray moved that the Petition be approved; the Resolution adopted and the necessary signatures
--carried authorized. Motion carried 6 to 1, (Mayans no).

RESOLUTION NO. 06-606

A Resolution of findings of advisability and resolution authorizing constructing pavement on 37th Street South from the east line of Hoover to the east line of Flora, Flora from the south line of 37th Street South to 307.61' South of the south line of York Street, and York from the east line of Hoover to and including the cul-de-sac (north of Macarthur, East of Hoover) 472-84443 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 1, (Nay, Mayans). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton.

STOPBLIGHT

STOPBLIGHT: (1) NEW NEGLECTED BUILDINGS CODE ORDINANCE (TITLE 30.01), (1) AMENDED HOUSING CODE ORDINANCE (TITLE 20.04).

Kurt Schroeder Office of Central Inspection reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. 06-1154

For over a year, the City Council has expressed its desire to strengthen neighborhoods, and particularly, to find more effective ways to eliminate blighting influences such as boarded, abandoned or seriously neglected buildings. A significant part of this effort includes the "StopBlight" initiative.

The StopBlight initiative, as first presented in a City Council workshop in early 2006, included five (5) key strategies: (1) obtaining tax delinquent property through tax foreclosure or "special" tax foreclosure purchases made by the City or qualified neighborhood non-profit entities, and working with Sedgwick County to promote more timely and frequent tax foreclosure sales; (2) identifying and developing resources to allow for bidding and/or outright purchase of properties that can be rehabilitated or redeveloped; (3) strengthening boarded, abandoned and neglected building ordinances, policies and procedures; (4) requiring local agent designation/registration for problem properties owned by non-local persons or entities; and (5) creating means to acquire and "land-bank" land for future re-use.

During Council workshops in January and August 2006, staff presented an overview of proposed ordinances; processes and procedures related to strategies 3 and 4 above, focusing primarily on proposed revisions to the current Housing Code and a proposed new Neglected Buildings Code. The Council indicated substantial support for the proposed changes, and directed staff to prepare the ordinances for City Council review and adoption (with the understanding that the other key strategies would continue to be developed for implementation).

The proposed ordinances were presented to the Council at its regular meeting on September 12, 2006. After significant public comment and discussion, the Council directed staff to make public presentations to District Advisory Boards (DABs) to obtain additional citizen feedback. Presentations were made to all DABs during October 2006.

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In addition to DAB presentations, staff have also made presentations and/or obtained citizen input at the following meetings: (1) Housing Advisory Board (2006); Wichita Independent Neighborhoods (9/14/2006); various neighborhood associations (July – October 2006); Sunflower Community Action N.E. Chapter (10/5/2006); Citizens Academy (10/17/2006); District I Leadership Meeting (10/21/2006); and, Connect with the Community Meeting on (10/25/2006).

Key changes are outlined below for each code chapter. Other significant complementary policy/procedure changes to be implemented upon adoption of the ordinances are also briefly described.

Chapter 30.01 – New Neglected Buildings Code

- i Defines “buildings” covered by the ordinance to include all structures used for residential, public, institutional, business, industrial or storage purposes.
- i Defines “boarded buildings”.
- i Defines “resident agent”.
- i Defines “neglected vacant buildings” to include unoccupied buildings (whether or not boarded) for which one or more of the following has occurred: (1) the building has been the subject of two or more notices of violation of provisions of the Housing Code or the minimum maintenance code for existing non-residential buildings within the past 18 months, and the owner has failed to demonstrate due diligence to abate the violations; (2) the building is unsecured; (3) the building has sustained significant fire, wind or water damage and is uninhabitable; (4) the building has been declared a criminal nuisance per state statute; (5) the building has been boarded for more than 90 days; (6) the building has sustained substantial deterioration due to lack of maintenance; (7) the owner has failed to appear and a warrant has been issued in municipal court for violations of the Housing Code, the minimum maintenance code for existing non-residential buildings, or the provisions of the Neglected Buildings Code; or (8) the owner has refused to accept service of notices of violations of the Housing Code, the minimum maintenance code for existing non-residential buildings, or the provisions of the Neglected Buildings Code.
- i Defines “neglected occupied buildings” as occupied buildings in which one or more of the following has occurred within the past 18 months: (1) the building has been the subject of two or more notices of violation of provisions of the Housing Code or the minimum maintenance code for existing non-residential buildings within the past 18 months, and the owner has failed to demonstrate due diligence to abate the violations; (2) the building has been declared a criminal nuisance per state statute; (3) the building has sustained substantial deterioration due to lack of maintenance; (4) the owner has failed to appear and a warrant has been issued in municipal court for violations of the Minimum Housing Code, the minimum maintenance code for existing non-residential buildings, or the provisions of the Neglected Buildings Code; or (5) the owner has refused to accept service of notices of violations of the Minimum Housing Code, the minimum maintenance code for existing non-residential buildings, or the provisions of the Neglected Buildings Code.
- i Requires owners of neglected buildings to register such buildings with OCI, including a registration fee of \$25. The registration must include the following: (1) premise description; (2) names and addresses of the owner or owners; (3) the names and addresses of all known lien holders and all other parties with a legal or equitable interest in the building; (4) the name of the resident agent designated to act on behalf of the owner to accept legal processes and notices, and to authorize required repairs; and (5) if the building is vacant, a detailed “Statement of Intent” to be submitted within 30 days of the date that the Superintendent orders

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The Statement of Intent must be reviewed and approved by the Superintendent of Central Inspection, and must include information regarding: (1) the expected period of vacancy; (2) a plan for regular maintenance during the period of vacancy; and (3) a reasonable plan and time line for the sale, rehabilitation or demolition of the building.

- i Establishes criteria for removal of neglected buildings from registration, including: (1) compliance with all environmental health and life safety standards set forth in applicable City codes; (2) removal or demolition by the property owner; or (3) abatement or demolition by the City.
- i Establishes civil penalties against owners of neglected buildings that: (1) are not registered as legally required by the Superintendent of Central Inspection; (2) do not have an acceptable and/or approved, "Statement of Intent" submitted by the owner or their designee; or (3) do not comply with the approved "Statement of Intent" action plan. A civil penalty of \$250 may be assessed for each 90-day period that a violation of the Neglected Buildings Code continues to exist, not to exceed \$1,000 per building per calendar year.
- i Establishes an appeals process and the procedures for owners and/or their legally designated agents to appeal decisions of the Superintendent of Central Inspection (or his designees) to the Board of Code Standards and Appeals (BCSA), and to appeal BCSA decisions to the City Council.
- i Does not preclude other legal action, and in no way limits the penalties or abatement procedures that may be taken by the City for violations of the Housing Code, the minimum maintenance code for existing non-residential buildings, the Unified Zoning Code or environmental health codes.

Chapter 20.04 – Housing Code

- i Several new or significantly amended definitions, including: "Apartment building", "Operator", "Owner" and "Resident Agent." The proposed modifications provide necessary clarification for enforcement and prosecution purposes, and provide key linkages to the new Neglected Buildings Code's building and/or out-of-county "resident agent" registration requirements.
- i Significant changes to Housing Code court penalties, including: (1) increased potential maximum fines per violation (for first offenses) from \$500 to \$1,000 (no minimum fine is established for first offenses); (2) increasing maximum fines for repeat offenders of the Housing Code; and (3) increasing minimum fine amounts for repeat offenders of the Housing Code (convictions of similar code offenses within a five-year time frame). Currently, the Code has no schedule of increasing maximum fines for repeat offenders and no minimum fine amounts for repeat offenders.
- i New provisions that allow the court to order community service as part of or in lieu of fines, but only after the defendant has filed affidavits of financial condition, and the court has reviewed affidavit and determined that the defendant is financially unable to pay the imposed fines.
- i New provisions in the penalties section that allow the judge to, in addition to fines and other penalties, to require a defendant to register the problem property (as required by the proposed new Neglected Buildings Code).

In addition to the proposed ordinance changes, City staff has developed (and proposes to implement) a Housing Code Diversion Program for qualified/eligible first-time offenders. The program will develop realistic and attainable compliance targets, and will attempt to connect income and otherwise eligible defendants with appropriate resources to complete required repairs. A summary of diversion eligibility criteria and program process was presented during the August 15, 2006 City Council workshop.

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An initial \$25 neglected building registration application fee is required, and may be used to help offset the administrative expenses of OCI and other City Departments.

On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. The proposed ordinances support both the "Provide a Safe and Secure Community" goal and the "Dynamic Core Area and Vibrant Neighborhoods" goal. The proposed ordinances will provide new tools to more effectively eliminate blighted buildings, and will enhance efforts to revitalize neighborhoods and the core area.

The ordinances have been approved as to form by the Law Department.

- Council Member Skelton Council Member Skelton asked how the elderly and handicapped is dealt with under this ordinance.
- Kurt Schroeder Office of Central Inspection explained that this is focused on buildings but if an elderly or handicapped person had one of those buildings, they would try to coordinate any resources they may qualify for assistance with this process and if there were a person who ended up in the court system under the housing code, they have developed a diversion program primarily for that purpose. If they are qualified we would bring all the parties together and make a reasonable plan and bring the resources that are available and then have it dismissed in court because the property is corrected.
- Council Member Skelton Council Member Skelton asked what the course of action is for properties that have long time cases on them.
- Kurt Schroeder Office of Central Inspection explained the neglected building ordinance is new and most of the properties that Council Member Skelton is talking about would fall under the classification of neglected buildings and would have to get into the registration program and would be liable for civil penalties as identified in this ordinance. Stated that it does not mean that they would not continue to proceed in the housing code with criminal penalties if that is what we need to do. Stated that in the housing code if we have repeat offenders that have those problems, there are the increased penalties and fines that they feel will assist in that effort.
- Council Member Skelton Council Member Skelton asked what things this ordinance does not cover and what is Staff working on to cover some of the issues that are not addressed, such as abatement.
- George Kolb City Manager stated that one of the things Staff is concerned about is and will have to be put into place to be tested as to how affective it is, is that in the state ordinance it does not allow us to enter property unless we have a court order. So if there is a fence around a property and obvious exterior violations are noted, there is not a lot we can do except site what we can see. Stated that going on the property and trying to do abatement, we would need court permission.
- Council Member Brewer Council Member Brewer asked if Staff can go in the front yard of a property, why are they not allowed to go in other areas.
- Doug Moshier City Attorney explained that although these are housing code violations, they are processed as criminal matters, so all of the constitutional protections that people are entitled to under the constitution in criminal matters, apply in these cases. Stated that this would be an example of a search and unless someone consents and says you can come on my property to look around or come into my house, then we are limited to those things that we can see or to those things that we can observe from areas that we have some right to be in normally.

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- Council Member Gray Council Member Gray stated that we are at the front door of winter time and a lot of people will have more difficulties with performing outdoor work this time of year and asked if there is any thought to implementing this ordinance at a later date so that this will not be a factor and wait until the end of March or early April.
- Kurt Schroeder Office of Central Inspection stated that for the neglected building ordinance, it will take some time for them to contact OCI and file their registration or notice of intent and if it is a boarded property, we will have to show that it has been boarded for 90 days, so there is already some time prior to spring that all of that will be occurring before people actually start filing those plans. Stated regarding the housing code ordinance, we have a policy and procedures manual that talks about things that you cannot normally do in the winter such as painting and if you are notified today of a problem with peeling paint, there is some provisions for painting to be extended until warmer weather and that is adopted as part of the housing code already.
- Council Member Gray Council Member Gray stated that one of the issues is trying to get people to show up for court and over 10 years ago we changed from having some of these environmental court hearings at City Hall and moved them into the Police Substations or into the neighborhoods and asked if this has been affective or is it something that should be looked again.
- Kurt Schroeder Office of Central Inspection stated that the idea was to bring those closer to the neighborhoods where the problems are, so people could attend and see what is going on and follow cases that are of importance to them. Stated that a lot of neighborhoods participate in this and a lot of neighborhoods have liaisons that track those cases and because they are in the evening they are able to attend when they could not in the past.
- Council Member Fearey Council Member Fearey asked how will the Council know if this is working or is not working and how are neighborhoods going to know. Asked what is the feedback and reporting system going to be.
- Kurt Schroeder Office of Central Inspection stated that this will take some time to really implement but would be happy to have some kind of a schedule where they would come back every 12 or 18 months to report to the Council on the progress and get public comment.
- George Kolb City Manager stated that these two amendments to the codes are not the "be all to end all or cure all" problems that we have with housing or boarded up buildings but it is an effort on our part to modernize our approach to those problems and to try and take a step forward to improve the processes that we use to address them and agrees with Council Member Fearey regarding measuring of our effectiveness on how well this does, which will also give us an indication of other areas that we can improve and we plan on doing that and feels that 18 months is probably too long and should begin to incorporate that in our budget process just as quickly as we can. Stated that we know how many boarded up houses we have in COW and that would be a benchmark that we can use at least in one area where we can begin to measure how effective we are in addressing the issue of boarded up houses.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Patricia Harrington Ms. Harrington stated in the case of occupied houses, she has a brother who is disabled and owns his home and the paint started peeling and a few things were not up to code. Stated that they were working on the repairs and he was making his court dates and he got a little confused and missed one of the court dates. Stated he was sent a letter that stated there was a warrant for his arrest so he called them and told them that he was at home. Stated that they came by and handcuffed him and took him to jail. Stated he called their mother and she went down to and paid his bail and went to get him out and she was told that they could not release him until the bondsman came. Stated had she not known that he did not need a bondsman, who knows how long he would have been there. Stated the he had to be processed and was in jail from 10:00 a.m. until 4:00 p.m. Stated that he is not a criminal and they were out there painting in January, which was extremely cold and were painting on the days that they could paint. Stated that she is concerned that the elderly, handicapped and impoverished will be hurt by this law.

(Mayor Mayans momentarily absent, Vice-Mayor Gray in the Chair)

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- Kurt Schroeder Office of Central Inspection stated that one of the things that they have recommended particularly in a case like this, is that if for some reason that person got to the court system and they see that they qualify, this diversion program that is being identified is a much better approach to helping resolve that kind of situation and if they comply, then everything goes away on their record and it is dismissed. Stated that the point of contact team would involve Housing and Community Services, the inspectors, the court and the prosecution.
- John Todd Mr. Todd who resides at 1559 Payne stated that before the Council assist double fines for housing code violations and create mandatory fines for your municipal and environmental court judges to impose on property owners, he suggested that they visit our court and consider how the current system is working. Stated that his personal observation of the municipal and environmental courts over the last several years coupled with visits with the defendants who get caught up in the court of alleged housing violations, leads him to several conclusions. Stated that if you are poor, old and tired and do not have the \$500.00 imposed by the judge and are either physically or mentally unable to do the work on your property, you stand a good chance for being a ward of the court for many months. Stated that if a property owner caught up in the system had the \$500.00 needed to pay the fine, they could and would hire someone to do the repairs required by city authorities. Stated that doubling fines and requiring municipal court judges to impose mandatory fines with potential jail time for up to one year with the in lieu of option of community service, does not solve the problem but exacerbates it. Stated that the municipal court manual that is put out by the State, specifically advises that the municipal and environmental courts are not to be placed in police substations. Sated that he believes a major part of the solution to this dilemma involves the harnessing of the volunteer spirit of our people with neighbor helping neighbor.
- (Council Member Fearey momentarily absent)
- (Council Member Schlapp momentarily absent)
- Brian Koon Mr. Koon stated that he owns a home at 402 North Piatt, which he bought to help a friend out with housing and things changed and he ended up with the whole job. Stated that he has kept the yard up, added fencing and removed junk and gave the neighbors his phone number but they did not call him when things went wrong. Stated that in 2005 he spent a lot of time negotiating with the City and that the property is adjoining to the part where the flood canal is and there was never a dispute as far as he understood about price but they pulled out at the last minute. Stated that another delay happened when two rivals gangs decided to use his house as a billboard and trashed it. Stated if the City cannot control gangs, vandals or arson, we have a problem. Stated that it surprises him that after all the work the City has spent on this ordinance, it is his understanding that only 3/8-inch plywood or thicker is to be used. Stated that if the City wants you to fix up, paint and plug the holes in your trim, you cannot go back and nail over it and if you leave it open, the gangs and the vandals will come along and trash it. Stated that he is proposing that the Council add to the ordinance allowances for steel. Stated that it is lighter and better looking and more thug resistant and can latch it from the inside. Stated that he disagrees with the registering an agent and only lives a county away and cannot see burdening one of his friends with being an official agent for him with the COW and does not think there should be any anonymous complaints, stated that invites more trouble.
- Monty Shaw Mr. Shaw who resides at 1718 Looman Street, stated that it was mention that Staff could go on the property in an emergency situation and clean up a property and wanted to know what constitutes and emergency situation.
- Doug Moshier City Attorney explained that the City has the ability when there is a structure that presents some life safety issue to go into property to tear it down to stabilize it, which is separate from the question that he was responding to earlier, allowing us to go in and look at property and then site someone for a criminal complaint. Stated that regarding an emergency action, a determination by OCI that there is a life safety issue, the City has the police power to go in and take action to enter on to private property, to demolish it, stabilize it and make emergency repairs.
- Monty Shaw Mr. Shaw stated that if it is proven that someone is suffering health problems would it constitute the same type of emergency where you can go in and rid the area of the problem.

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- Doug Moshier City Attorney stated that if there were a condition that was a public condition, a nuisance or sanitary condition, the City would have the ability to go in and take some action.
- Monty Shaw Mr. Shaw asked Council Member Brewer to meet with the Sunflower Coalition next week regarding the property located at 10th and Volutsia. Stated that it is a public health problem and people in the area have been getting sick.
- Council Member Brewer Council Member Brewer stated yes that he would be willing to meet with them next week but will be asking the City Attorney to look at the legalities.
- Doug Moshier City Attorney stated that this case is in court and these are not issues that are occurring in the house, these are claims that people who live in the neighborhood have health problems that relate to that. Stated that it may be something that exists but is far from what he has described as an emergency. Stated that he was describing someone who could not help himself or herself who lived in a condition that was unsanitary and that threatened that specific person's health that was in the property. Stated that if somebody asked the assistance of the public and the government and the City, then we could respond in an emergency situation but thinks that responding in an emergency and saying that we have evidence of health problems that exists in this neighborhood were far from that and this case is in court and until this is resolved in court, he does not feel that there is any emergency action that the City needs to take.
- Catherine Perry Ms. Perry who resides at 1107 North Volutsia stated that she lives next door to this problem and has rats, roaches; flies, mosquitoes bad and her grandchildren are having health problems. Stated that she is also having health problems and feels that there is a health problem next door.
- Karl Peterjohn Mr. Peterjohn who resides at 11328 Texas Street, stated that he is the Executive Director of the Kansas Taxpayers Network and stated that there needs to be more study in this area and needs to look at how well and how poorly aspects of the City's current system is working before you go ahead and look at a rather large increase in the fines and charges. Stated that the Council should be aware of the serious issues before them when going into the area of going after people's rights because of the large fines that exist today and the larger fines that are proposed tomorrow, these are handled in a court that is not of record and the concern he has as a homeowner in the COW, is that he would like to have the same rights as a homeowner in a criminal sense that even the most hideous criminals enjoy. Stated as a homeowner, if he does not have the legal protections of someone who is pulled into criminal court, he has concerns about the system that we have here.
- Charlotte Foster Ms. Foster who resides at 702 Courtleigh stated the City needs to approve this StopBlight Program and stated that in her neighborhood there has been a boarded up house for about 15 years and the City and neighbors have to keep it mowed, which costs the City to keep that property mowed. Stated she is curious on how you proceed with taking over the property when you cannot locate the owner.
- Kurt Schroeder Office of Central Inspection explained that this particular property is one that the new neglected building ordinance would catch that is not normally caught in the housing code. Stated it is boarded up and he has maintained it minimally but we would have to register that property and then get into the civil part of that code.

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(Council Member Martz momentarily absent)

- OmPal Chauhan Mr. Chauhan who resides at 31 Laurel Drive stated that he has no problem with the provisions of Chapter 20 except for the criminal penalty requirements. Stated that property owners are not criminals and that he recommends that the criminal penalties be changed to civil penalties. Stated that it would be more appropriate and in keeping with the spirit of democracy to make city codes civil issues. Stated that decriminalization of city codes is consistent with the intent of the law to address those spheres of life that affect our quality of life separately from those transgressions, which challenge the government's authority and legitimacy. Stated that civil law sets out a comprehensive system of rules, including the legal relations, rights and obligations in management of property that are applied and interpreted by judges. Stated that regarding Chapter 30, they have had excellent discussions and changes have been made. Stated that he would like to make the recommendation that the Council approve this ordinance for 18 months to be reviewed by a citizen's committee appointed by the Council for approval or disapproval for continued use based on results and difficulties encountered during the initial implementation phase. Stated that the ordinance will not work unless we work together to remove the reasons for blight including true criminal activity, perception of lack of law enforcement and a general sense of fear and vulnerability by the residents of the targeted areas.
- Rick Travis Mr. Travis who resides at 250 Cardinal Lane stated that in dealing with zoning he comes across inspectors who do not understand the laws that we have in place and we do not have enough inspectors. Asked how are we going to address that issue by adding another law. Stated we have 3,600 ordinances and not enough people to enforce them and who understand them. Stated that the COW is growing at 750 new homes a year and has seen more police officers, fire fighters and teachers but is not seeing more inspectors. Stated that he is in favor of the law if we can enforce it.
- Chester Sellman Mr. Sellman who resides at 17 Sunnybrook Drive stated that he is under the impression that it is not the intent of the City to go out and arrest people because of code violations but asked if we could fold into the notification process and notify the property owners of any City programs or assistance that would be available. Stated that if you want to make this work that when the first notification goes out regarding a code violation, why not notify them of what programs are available through the City, which could assist them with refurbishing their property.
- Rob Snyder Mr. Snyder stated that he is the owner of Central Plains Development and would like for everyone to keep focus on that this is a minuscule part of what Staff and everyone has worked on for a long time to figure out what we can do to try to make a difference. Stated that this is not changing a lot and is adding a little bit of teeth to what they have been trying to do for a long time and this effects him probably more than anybody. Stated that he has a lot of boarded up places that he has not gotten to yet that he still needs to fix up and will have to pay fines or have to sell them or do something else. Stated that we need to approve this and hopes that this is back before the Council in six months with more teeth and refining this on how we can be more effective. Asked the Council to not make Staff work as hard as they have and ask them to find a solution and then not do something. Stated that we have to start somewhere and this is a start and urged the Council to approve this today.
- Janet Miller Ms. Miller who resides at 1102 Jefferson stated that she is a representative of Historic Midtown Citizen Association and they are in support of this ordinance and these changes. Stated that HMCA has long been a proponent of initiatives at the community, city and state levels that are designed to support neighborhood redevelopment. Stated despite their positive attributes, they are limited in their success because of inadequate legal mechanisms to deal with blighted properties. Stated that they see this StopBlight initiative as a legal backbone that needs to exist before redevelopment programs that exist can reach their full potential. Stated that property owners are not inclined to apply for a reduced rate, renovation loans, grants, or tax credits if the value of the structure they want to improve will be impeded by a blighted property right next door or across the street. Stated that we need to remember that while we all have property rights, her property rights end at that point that they impinge on her neighbor's, which is a key issue here. Stated that HMCA strongly supports any means of identifying, citing and remedying blighted properties described in this ordinance and those of them that have watched this for a decade or longer and go to environmental court will know that we are not talking about cases that move fast but are talking about cases that drag on for years and years. Stated that neighborhood associations have and do offer to fix up properties and not only do they not want to fix it

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up themselves, they do not want their neighbors helping them fix it up either. Stated that it is not a matter that charitable offers are not out there but that they are not often taken up. Stated that she has heard that about 80% of the people who own the boarded up properties do not live around the area and if the best you can do is rely on your neighbor to tell you that you have problems that is not an excuse. Stated that you need to watch over and take care of any property you own or have an agent to do it and is not an unrealistic expectation. Asked about the people who are low income and or disabled, who live in blighted rental property? Asked who is looking after those people and why do they have to live in blighted rental property while rental owners suck rent out of them but do not put any money back into keeping them up. Stated that we are also talking about protecting those people's rights as well. Stated that HMCA supports this ordinance for many reasons, it will encourage recalcitrant owners with means to comply or to sell; it will not penalize people with modest means; there is the diversion program; there are other programs we have heard about that people are told about that they can take advantage of and not only will this help bring blighted structures into compliance but even further it will encourage neighborhood redevelopment over all, which we know is a City wide goal and will help guarantee quality residential housing stock and spur economic growth in neighborhoods needing outside development.

Curtis Marlow

Mr. Marlow who is with Emmanuel House of Faith Christian Center stated that he is in favor of this endeavor because they became a part of the process. Stated that they bought land that had an old house on it and a smaller house behind it and they received a letter in the mail from the inspectors and they worked with them. Stated that they tore both of the houses down and their neighborhood is a lot better because of this. Stated that he feels this will make our neighborhoods a lot better and if people will work with the system that is in place, you will not have to create anything more than you already have.

(Council Member Skelton momentarily absent)

Oletha Foust

Ms. Foust who resides at 4158 Regents Lane stated that she is speaking on behalf of the constituents in the 84th District and asked if the StopBlight Program were implemented if it would give the City more power to foreclose. Asked if we are speaking of the abandoned homes where you cannot locate the out-of-state landlord or are we also speaking of homes where families are residing?

Doug Moshier

City Attorney explained that neither of these ordinance amendments address anything related to foreclosure so these have no affect on what authority the City has to foreclose liens.

Don (inaudible)

Resides at 1142 North Parkwood stated that in all of these discussions that we have been hearing today, one of the preemptive things that could take place in improving the districts and not letting the blight start is the maintaining of the trash. Stated that we have ordinances in place for removing the trash containers from the streets and they are not enforced and do not enforce the parking situations with abandoned cars and if we add additional rules and regulations that we will not enforce, then we are creating more bureaucracy.

Donna Black

Ms. Black who resides in Bel Aire stated that she has five properties in Wichita and two of them are in a blighted area. Stated that she cannot rent one of them because of what is next door. Stated that this house is occupied next door but it looks like a dump and there is a lot of trash. Stated that she would like to see this ordinance adopted because so that she can have something done about the property next to her rental property.

Council Member Skelton

Council Member Skelton stated that this ordinance goes after irresponsible and negligent behavior and one of the aspects of this is that it gives everybody an reasonable chance to comply. Stated that there are some concerns and outstanding issues that this ordinance does not address and some of those are the number of inspectors and many of the problems relating to the current system of code enforcement are related to the number or inspectors; structure of code enforcement and the question he asks is if it is possible to unify code enforcement resources of OCI, Environmental Services for more efficient, timely and effective code enforcement and that many citizens have expressed their concerns to him about environmental court. Stated that it has yet to be seen how this new ordinance is going to come into play when dealing with handicapped and disabled people or the elderly. Stated that it is imperative that we do something here and he thinks this is a step in the right direction and will support this ordinance today but would find it reasonable and imperative that we do review this ordinance after a set period of time whether it is 18 months or two years.

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- Council Member Fearey Council Member Fearey stated that she is also very supportive of this but does think that we need to make sure that this comes back to all of the DABs and to the City Council and would suggest the 18 months because she feels that it is going to take awhile to really get this going and start getting some benchmarking for measuring. Stated that she would suggest that we do review the information during our budget process and at that time we can look at the possibility of combining some of our inspection processes and look at adding some more inspectors during our budgeting process. Stated that when we did our CDBG allocations last Spring, where we got down to the four districts that have that money available doing district specific projects, in District VI, they set aside \$55,000.00 for home repair and she has asked Mary K. Vaughn about working with her and OCI in setting up a pilot program in the sixth district where that money would go for coordinating the efforts of volunteers to work with elderly people on the diversion program to purchase materials, etc.
- Council Member Brewer Council Member Brewer stated that he supports this program and will be sending our representative to Topeka to try and help us with this blight issue, which is not only affecting some of the areas but the entire City. Stated that we have to put some teeth in our ordinances because it is not right for anybody to have to live next door to it.
- Council Member Schlapp Council Member Schlapp stated that this is a good idea but has some concerns. Stated that she would be willing to support this but not unless we put into the motion the 18 months time frame to take a look at this. Stated that we need to be aware of everybody's rights.
- Council Member Martz Council Member Martz stated that he is very supportive of this program and it is a step in the right direction. Stated that this not designed to do eminent domain but designed to clean up the City and make our City better and is an issue that affects all six districts.
- Council Member Gray Council Member Gray stated that he will support this today with some reservations and reluctance only because of the contingency that will put an 18 month time frame on it and would ask that it not be a 18 month review but an 18 months sunset that would actually require Council action to approve reauthorization of the ordinance going forward so that it does not get pushed to the wayside and forgotten about. Stated that the funding issue is one of the biggest concerns that people have especially the people who cannot afford to take care of their properties and keep them up and would like staff to research and put together additional funding from the CDBG dollars that could be used throughout the City and not necessarily just through CDBG dollars so that other dollars would be necessary because not every district in the City qualifies but there are people who live below certain means outside those areas that are categorized by the CDBG threshold and that we look at contacting some of the suppliers in the community that tend to do stuff in the community to help out and maybe we could set up a matching program and contribute to this fund to help people refurbish their homes.
- George Kolb City Manager stated that today when you approve your housing fund allocation for CDBG and housing programs, there is an item that we have set aside just for those kinds of programs, which would supplement what Council Member Fearey was talking about. Stated that in addition to that, they would primarily be used in CDBG eligible areas but we could develop a program where we could make it city wide for hardship cases for persons that would qualify for that program. Stated that in the City Manger's Office in conjunction with the Housing and Community Services Department, we are looking at trying to encourage the establishments in neighborhoods of neighbor-to-neighbor programs that would help their neighbors who would come into violation of the particular ordinance to help those neighborhoods to help that neighbor.
- Motion-- Fearey moved that the ordinances creating Chapter 30.01 of the Code of the City of Wichita and amending Chapter 20.04 of the Code of the City of Wichita be placed on first reading and receive an official report back to the DABs and City Council in May of 2008 for a complete review of the ordinances we are adopting today and the necessary signatures authorized.

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Council Member Schlapp Council Member Schlapp asked that the motion be amended to allow Council at that time to take another vote so that the intent of this Council is to tell them that it is serious enough and possibly revote.

Amendment

Amend to Motion--

Fearey moved an amendment to the motion with consent of the second, that the that the ordinances creating Chapter 30.01 of the Code of the City of Wichita and amending Chapter 20.04 of the Code of the City of Wichita be placed on first reading and receive an official report back to the DABs and City Council in May of 2008 for a complete review of the ordinances we are adopting today and a revote and authorize the necessary signatures. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance creating Chapter 30.01 of the Code of the City of Wichita, Kansas, pertaining to the registration of neglected buildings, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Sections 20.04.010, 20.04.030, 20.04.040, 20.04.050, 20.04.055, 20.04.060, 20.04.100, 20.04.110, 20.04.155 and 20.04.200, of the Code of the City of Wichita, Kansas, all pertaining to the housing code of the City of Wichita, Kansas and repealing the originals of sections 20.04.010, 20.04.030, 20.04.040, 20.04.050, 20.04.055, 20.04.060, 20.04.100, 20.04.110, 20.04.150 and 20.04.200 of the code of the City of Wichita, introduced and under the rules laid over.

NEW BUSINESS

SPIRIT

PUBLIC HEARING AND ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS, SPIRIT AEROSYSTEMS, INC. (DISTRICT III)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1155

On May 17, 2005, the City Council approved a five-year letter of intent for issuance of up to \$1 billion in Industrial Revenue Bonds to finance facilities for the benefit of Mid-Western Aircraft Systems, Inc. (now known as Spirit AeroSystems, Inc.), in the vicinity of 3801 S. Oliver. The May 17 action also included support for a ten-year period of property tax abatement and authorization for City staff to apply for sales tax exemption on the acquisition of the financed assets, all subject to the incentive recapture provisions of the City's current public incentives policy. The first \$80 million in bonds authorized under the letter of intent issued in December 2005. Spirit AeroSystems, Inc. now desires the City to proceed with issuance of an additional series of bonds in the aggregate principal amount of \$252,000,000.

Bond proceeds will be used to finance the ongoing modernization and expansion of the commercial aircraft manufacturing facilities Spirit AeroSystems, Inc. acquired from The Boeing Company in June of 2005. Purchases include 787-program equipment, a widebay clean room, an autoclave, and a fiber placement machine. Ongoing modernization and expansion of the facilities will enable Spirit AeroSystems, Inc. to continue existing commercial aircraft part production programs and services, to take advantage of new technology and to compete for new aircraft part manufacturing business. Although Spirit AeroSystems, Inc. will continue to manufacture major parts systems for a variety of Boeing jetliners, including the Boeing 787, Spirit AeroSystems, Inc. also plans to expand its operations and customer base by marketing its aircraft parts manufacturing services to other makers of commercial aircraft, as well as corporate and military aircraft. Spirit AeroSystems, Inc. employs approximately 9,500 people in its Wichita facilities and for the 12-month period ending June 30, 2006, had a Wichita payroll of \$562 million. Production requirements will determine future employment levels and payroll

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Spirit AeroSystems, Inc. intends to purchase the bonds itself, through direct placement, and the bonds will not be reoffered for sale to the public. Kutak Rock LLP of Omaha, Nebraska, engaged by Spirit AeroSystems, Inc., will serve as Bond Counsel in the transaction. Spirit AeroSystems, Inc. has agreed to comply with all conditions of the letter of intent.

Spirit AeroSystems, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The bond-financed property will be eligible for sales tax exemption and property tax exemption for a term of ten years, subject to fulfillment of the conditions of the City's public incentives policy.

The economic vitality of the community will be enhanced by the creation and retention of jobs at Spirit AeroSystems, Inc., and the cascade effect on other area businesses

The City Attorney's Office has reviewed and approved the Ordinance as to form and will review and approve all final documents prior to issuance of the bonds.

Mayor Mayans

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

Motion--

Skelton moved that the public hearing be closed and the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Taxable Industrial Revenue Bonds in an amount not-to-exceed \$252 million be placed on first reading. Motion carried 6 to 0, (Brewer abstained due to conflict of interest).

--carried

ORDINANCE

An Ordinance approving and authorizing the execution of a lease agreement between Spirit Aerosystems, Inc. and the City of Wichita, Kansas; approving and authorizing the execution of an indenture of trust between said city and the Bank of New York Trust Company, N.A.; pledging certain payments under said lease agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of Industrial Revenue Bonds Series IV, 2006 (Spirit Aerosystems, Inc. Project) of said city in the principal amount of \$252,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of Spirit Aerosystems, Inc., a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said bonds; authorizing the sale of said bonds and the execution of a bond purchase agreement therefor; approving and authorizing the execution of an administrative service fee agreement; and authorizing the execution and delivery of certain related instruments, introduced and under the rules laid over.

KICFA

PUBLIC HEARING AND APPROVAL OF KICFA, EDUCATIONAL FACILITIES REFUNDING REVENUE BONDS, NEWMAN UNIVERSITY. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1156

On March 27, 2001, the City Council approved an Ordinance authorizing the execution of an interlocal cooperation agreement with nine other member cities which created the Kansas Independent College Finance Authority ("KICFA") and authorized KICFA to issue bonds on behalf of these cities to finance private independent colleges located within each member's corporate limits, including Newman University. On September 11, 2001, the City Council approved the issuance of \$10,700,000 of tax-exempt KICFA Refunding Bonds for Newman University, which refinanced City of Wichita bonds that had been issued in 1999 for the purpose of financing the construction of a new residence hall, maintenance facility, sports and fine arts complex and renovation of a food services facility.

Newman University is now requesting that KICFA issue new tax-exempt bonds in the amount not to exceed \$8,000,000 (the "2006 KICFA Bonds") for the purpose of financing the construction of a new student housing facility. Federal law governing the issuance of tax-exempt bonds requires that the

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bond-financed project be approved by the governing body of the jurisdiction in which the project is located, following a public hearing.

The proceeds of 2006 KICFA Bonds will be used to finance the acquisition, construction, furnishing and equipping of a new student housing facility to be located on the Newman University campus at the northeast corner of McCormick Avenue and Leonine Street, just east of City of Wichita bonds. The new student housing facility will provide residential accommodations for 228 students in 72 units. The facility to be constructed is a new 67,000 s.f. facility that will include a new student study area, laundry, and a student gathering and meeting room area. The facility will be constructed on vacant land already owned by Newman University and construction is scheduled to be completed by August 1, 2007.

There is no financial impact on the City of Wichita resulting from the issuance of the 2006 KICFA Bonds.

Quality of Life. Facilitation with Newman University's efforts to obtain low-cost financing for the expansion and improvement of its campus enhances that attractiveness of Wichita as a place to live, work and raise a family.

A public hearing and approval by the City Council is required in order for interest on the KICFA Bonds to be exempt from federal income tax. Notice of the public hearing was published in the Wichita Eagle 14 days prior to the hearing date, on October 27, 2006. The Resolution approving the issuance of the 2006 KICFA Bonds has been prepared by Triplett, Woolf & Garretson, and bond counsel for KICFA. The City Attorney's Office has approved the form of Resolution.

Mayor Mayans

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

Motion--
--carried

Gray moved that the public hearing be closed; the Resolution, which will approve the issuance of the 2006, KICFA Bonds adopted and the Mayor authorized to sign. Motion carried 7 to 0.

RESOLUTION NO. 06-607

A Resolution approving the issuance by the Kansas Independent College Finance Authority of not to exceed \$8,000,000 educational facilities revenue bonds (Newman University) for the purposes of acquiring, constructing, furnishing and equipping a new student housing facility located on the campus of Newman University, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

BOEING IRB

PURCHASE OPTION FOR 1996 PROJECT, BOEING IRB ASSET TRUST.

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1157

The City has outstanding ten series of Industrial Revenue Bonds issued between December 1, 1996 and December 14, 2005, to finance facilities for the benefit of The Boeing Company ("Boeing"). Each series was issued as a stand-alone financing for a discrete project, under separate, project-specific Leases (the "Leases"). Bond proceeds for each series were used for the purpose of financing the costs of acquisition, construction, equipping and furnishing of certain industrial facilities (collectively the "Projects") for lease to, and use by, The Boeing Company. On June 16, 2005, Boeing assigned its interest in all of the Leases to BOEING IRB Asset Trust, a Delaware statutory trust ("Tenant"). Under the provisions of the applicable Lease Agreements the Tenant, if not in default, has the option to purchase each project from the City for a set price of \$1000, plus all amounts required to provide for redemption and payment of the principal, interest and premium on the outstanding bonds issued to finance that project, together with the Trustee's fees and costs of redemption. The City has received notice of the BOEING IRB Asset Trust's intention to exercise its purchase option for the property financed with the proceeds of the Series VII, 1996 Bonds, and the firm of Kutak Rock LLP, Tenant's Bond Counsel, has submitted documents for that purpose.

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Under the terms of the 1996 Lease Agreement, the City is required to convey the property securing the IRB issue to the BOEING IRB Asset Trust, as Assignee of the original Tenant, following the payment of all outstanding Series VII, 1996 Bonds and the BOEING IRB Asset Trust's payment of the purchase price and other consideration under the provisions of the 1996 Lease Agreement.

The Tenant desires to have the City complete the conveyance of the purchased property in January 2007, and the purchase price of \$1,000 and other consideration as required by the 1996 Lease Agreement will be paid by the Tenant prior to the closing.

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

When the purchase price and other consideration (including the retirement of all the 1996 Bonds) has been paid, it will be appropriate for the City to sell and reconvey the 1996 project property to the BOEING IRB Asset Trust, and to terminate the lease and security interests and take all other actions needed to terminate the City's interest in the property. The City Attorney's Office has approved the form of the Resolution and the form of the Termination of Lease to be executed and delivered by the City, as well as the notice letter to be acknowledged by the City, and the Release of Lien of Indenture to be approved by the City and delivered to the Tenant by the Trustee.

Mayor Mayans

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

Motion--

Skelton moved that the Resolution conditionally approving the execution and delivery of the conveyance and termination instruments be adopted and the necessary signatures authorized.

--carried

Motion carried 6 to 0; (Mayans abstained due to conflict of interest)

RESOLUTION NO. 06-608

A resolution of the City of Wichita, Kansas, approving and authorizing the execution and delivery of a termination of lease, and other appropriate instruments; presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton; (Mayans abstained due to conflict of interest).

CESSNA

REQUEST FOR A LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, CESSNA AIRCRAFT COMPANY. (DISTRICTS III AND IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1158

Since 1991, the City Council has approved Letters of Intent for Industrial Revenue Bonds totaling a not-to-exceed principal amount of \$1.2 billion to finance expansion and modernization of Cessna Aircraft Company facilities in Wichita. Along with the letters of intent, the Council approved a five-plus-five-year 100% ad valorem tax exemption for all Cessna property financed with bond proceeds. Since 1991, approximately \$963 million IRBs were issued to Cessna.

On June 8, 1999, City Council approved a Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$600 million. On December 2, 2003, the City Council approved a two-year extension of its 1999 Letter of Intent. The Letter of Intent expired June 8, 2006. Cessna is requesting reinstatement of the 1999 Letter of Intent for the period June 8, 2006 to December 31, 2006, under which \$166,710,000 remain unissued. In addition, the Company is now requesting the issuance of a new five-year Letter of Intent for IRBs in the amount not-to-exceed \$800,000,000.

Cessna Aircraft Company was incorporated in 1927 to manufacture and sell aircraft. Cessna Aircraft Company is the largest manufacturer of general aviation aircraft. Cessna also manufactures aircraft parts and accessories and provides aircraft maintenance and support services. Cessna currently has four major product lines: Citation business jets, single engine turboprop Caravans, Cessna single engine

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piston aircraft and aftermarket services. The family of business jets currently produced by Cessna includes the Citation CJ1, Citation CJ1+, Citation CJ2, Citation CJ3, Citation Bravo, Citation Encore, Citation XLS, Citation Sovereign and Citation X.

Bond proceeds will be utilized to finance expansion and upgrading of facilities located at the Cessna Wichita facilities, including technology and manufacturing equipment to accommodate increased personnel and space required to develop and manufacture the four business jet aircraft produced in Wichita.

An analysis of the uses of project funds is:

Building Improvements	\$ 373,300,000
Furniture, fixtures and tooling	503,970,000
Miscellaneous and contingencies	<u>23,730,000</u>
Total Cost of Project	\$ 800,000,000

Business machinery and equipment is no longer subject to ad valorem taxation in the State of Kansas. However, Cessna understands that the M&E tax exemption does not apply to production tooling that is fabricated in-house. Bond proceeds will therefore be used to finance the cost tooling and not machinery and equipment.

The firm of Kutak Rock LLP, will serve as bond counsel in the transaction. The taxable Bonds will be privately placed with Cessna's parent company. Cessna Aircraft Company Agrees to comply with the Standard Letter of Intent Conditions.

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

The estimated first year's taxes on Cessna's proposed \$800,000,000 expansion would be \$10,588,281 on real property improvements, based on the 2005 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting an annual maximum of \$10,588,281 in new taxes from the property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$2,976,881; County/State - \$2,823,828; and USD 259 - \$4,787,572.

In addition, the project will qualify for a sales tax exemption on bond-financed purchases relating to building improvements. The estimated amount of exempted sales taxes is \$12,132,250, including \$9,892,450 state sales tax and \$2,239,800 county sales tax.

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

City	1.52 to one
County	1.21 to one
USD 259	1.15 to one
State	4.78 to one

Economic Vitality and Affordable Living. Granting an ad valorem property tax exemption and sales tax exemption will stimulate economic growth for the City of Wichita and Sedgwick County.

The Letter of Intent will be drafted by the Department of Law, based on Cessna's formal request and the City's economic development incentive policy.

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Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Karl Peterjohn

Mr. Peterjohn who resides at 11328 West Texas Street, stated that he is in opposed to this proposal because he understands why Cessna would like to have a property tax break and thinks that all of us would like to receive a tax break. Stated that in August of this year the president of Cessna spoke at the County Commission Meeting in support of raising property taxes in this community. Stated that corporate hypocrisy demands that they should live under the rules that they want to impose on the rest of us. Stated as a tax payer, he resents it when a business like Cessna wants to distort the playing field so that the business that gets the tax abatement has an overhead cost structure that is well below the businesses that do not receive the abatement and then turns around and says that everyone else should pay more in property taxes. Stated that justice requires that companies that take a position should take a consistent position.

Motion--

Skelton moved that the public hearing be closed; a Letter of Intent to Cessna Aircraft Company for Industrial Revenue Bonds in amount not-to-exceed \$800,000,000, subject to the Letter of Intent conditions, for a term of five-years be approved; reinstatement of 1999 Letter of Intent for period June 8, 2006 to December 31, 2006 approved; a 100% tax abatement on all bond-financed property for an initial five-year period plus an additional five years following City Council review approved and staff authorized to apply for a sales tax exemption on bond-financed property. Motion carried 7 to 0.

--carried

CAPPS MANUFAC.

REQUEST FOR A LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, CAPPS MANUFACTURING, INC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1159

Capps Manufacturing, Inc. is requesting the issuance of a two-year letter of intent for Industrial Revenue Bonds ("IRBs") in an amount not to exceed \$2,840,000. Bond proceeds will be used to finance the cost of acquiring, constructing, and equipping a new 79,750 s.f. building to be leased to Capps Manufacturing, Inc. Capps Manufacturing is also requesting the City Council's approval of a 100% five-year tax exemption on the IRB-financed building and a second five-year exemption subject to City Council review and approval. The new facility will be located in the 2222 S. Custer Avenue in southwest Wichita.

Capps Manufacturing, Inc., located at 2121 S. Edwards in southwest Wichita, is a local corporation founded in 1983. Capps Manufacturing has grown to a complete fabrication and assembly facility for aircraft products, manufacturing such items as tooling and components for the Boeing 737 sound suppressor, thrust reversers, winglets, door assemblies, detail sheet metal parts and machined parts for most of the major aircraft companies. The company also manufacturers component parts for in-house assembly which includes stretch formed skins, stretch formed shapes, hydro formed parts, brake formed parts, punch press stamping and forming, certified spot welding and machined parts.

Bond proceeds will be used to construct and equip a new 79,750 s.f. manufacturing facility. Capps Manufacturing currently employs 85 people and plans to add 63 new jobs over a five-year period, at an average wage of \$37,960 per year.

An estimated analysis of the sources and uses of project funds is:

SOURCES OF FUNDS

Tenant's funds	\$ 632,384
Bond Proceeds	<u>2,840,000</u>
Total Sources	\$3,472,384

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USES OF FUNDS

Building costs	\$2,432,384
Equipment	1,000,000
Cost of Issuance	<u>40,000</u>
Total Uses	\$3,472,384

GE Capital Public Finance, Inc. will purchase the tax-exempt bonds to hold as an investment, and as a result the bonds will not be offered to the public. Capps Manufacturing agrees to comply with the City's requirements contained in the Letter of Intent.

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

The estimated first year's taxes on Capps Manufacturing's proposed \$3,472,384 expansion would be \$63,886, on real property improvements, based on the 2005 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$63,886 of new taxes from the real property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$17,961; County/State - \$17,038; and USD 259 - \$28,887.

In addition, the project will qualify for a sales tax exemption on bond-financed purchases. The estimated amount of exempted sales taxes is \$125,282, including \$108,120 state sales tax and \$17,162 county sales tax.

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

City of Wichita	1.91 to one
Sedgwick County	1.31 to one
USD 259	1.00 to one
State of Kansas	7.33 to one

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

Ordinarily, Kutak Rock, LLP, the City's general bond counsel, acts as bond counsel in City IRB financings; however, that firm represents the Bondholder in many business matters. In this case, City policy calls for selection of a different firm to act as bond counsel, to avoid any conflict of interest. The City's Law Department has solicited competitive fee quotes from other bond counsel firms that have indicated an interest in handling City matters. Based on the quotes received, it is recommended the firm Gilmore and Bell, which furnished the lowest quotes; serve as Bond Counsel for this project.

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

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

Motion-- Gray moved that the public hearing be closed; a two-year Letter of Intent to Capps Manufacturing, Inc. for Industrial Revenue Bonds in an amount not to exceed \$2,840,000, subject to the Standard Letter of Intent Conditions be approved; a 100% tax abatement on all bond-financed property for an initial five-year period plus an additional five-years following City Council review be approved; staff authorized to apply for a sales tax exemption; and the recommended law firm of Gilmore and Bell be appointed to serve as bond counsel for this project. Motion carried 7 to 0.

--carried

QUARTERLY REPT. QUARTERLY FINANCIAL REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2006,

Kelly Carpenter Director of Finance reviewed the item.

Agenda Report No. 06-1160

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

Comparisons of budgeted amounts to actual revenue and expenditures are provided for each operating fund. In addition, financial statements prepared on an accrual basis are presented for enterprise funds, consistent with requirements of revenue bond covenants.

Financial highlights are summarized beginning on page iii, with financial statements beginning on page 1. Information supplementary to the financial statements begins on page 61, including information on the performance of invested funds, the City's bonded indebtedness relative to the legal debt limitations, capital projects currently underway, tax abatements, the status of the Debt Service fund relative to any debt service payments due from the tax increment financing districts, and a quarterly summary of disadvantaged and emerging business activity.

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

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

No consideration necessary.

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

Motion-- Mayans moved that the Quarterly Financial Report for the quarter ended September 30, 2006 be received and filed. Motion carried 7 to 0.

--carried

Mayor Mayans Mayor Mayans requested to move ahead and hear item 36 since it is ready.

(ITEM 36 SHOWN IN AGENDA ORDER)

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HUD

HUD CONSOLIDATED PLAN-2007-2008 ALLOCATION CATEGORIES.

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

(Mayor Mayans momentarily absent, Vice-Mayor Gray at the bench)

Agenda Report No. 06-1162

The U.S. Department of Housing and Urban Development (HUD) provides annual funding for programs that serve or benefit low to moderate-income persons, as a part of the Consolidated Plan. The City of Wichita is required to submit annual amendments to the 5-Year Consolidated Plan, outlining specific activities to be funded through the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Shelter Grant (ESG) programs. Each year City staff presents funding estimates and allocation category recommendations to the City Council. The public is also invited to comment on the annual needs and funding priorities.

Based on past years' funding history, staff has projected the following reductions in 2007/2008 program funding: CDBG (-5%), HOME (-7.6%) and ESG (-1%). These reductions result in funding amounts of: CDBG - \$2,784,830; HOME - \$1,625,900; and ESG - \$124,560. The recommendations for funding categories and amounts reflect these reductions while maintaining the 5-Year Consolidated Plan priorities. Upon City Council approval of the staff's projected estimates and categories, applications and Requests for Proposals will be issued to agencies that can provide the designated services as well as to the public at large. Staff will adjust funding categories and amounts once HUD announces final allocations. All staff modifications will be presented to the City Council for final approval after RFPs and applications have been received and reviewed.

HOME funds require a match, and in the past the 25% match requirement has been met through creative partnerships with community agencies and has not required General Fund support.

Support a Dynamic Core Area and Vibrant Neighborhoods.

All proposed Council actions and program activities are consistent with HUD regulations and requirements.

Vice-Mayor Gray

Vice-Mayor Gray inquired whether anyone wished to be heard.

Dennis Shannenback

Mr. Shannenback stated that he is the Director of the YMCA and want to make the Council aware and thanked them for their support of the CDBG funding for the After School Middle School Program and that this program has been part of the youth enrichment funding for the CDBG and were funded for \$100,000.00 in 2005 and this is a collaborative effort and is a model program and is the most affective and efficient program that they do in this community. Stated that this is a free program that serves 15 middle schools four days a week after school and the kids that benefit from this program, 74% are of low-income and they provide educational programs, enrichment programs and tours so that they have a variety of experiences. Stated that this is a critical program in this community and is a collaborative program and involves a lot of other agencies that see the importance of this and serves a lot of kids and is a proven program and he has been doing it for 13 years and asked for the Council's continued support.

Council Member Schlapp

Council Member Schlapp asked if we are not funding this.

Mary K. Vaughn

Director of Housing and Community Services stated that the recommendation is that there would be no funding for that program going forward. Stated that right now the budget balances and to allocate money to a category that is not funded they would have to take it away from another. Stated that the other option would be that when they present it to the Council in January or February of 2007, program income amounts, which have traditionally been given to the Council at that time and then Council members have decided how they want those funds allocated for neighborhood stabilization purposes and an option would be to dedicate some of that funding for the YMCA program.

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- Council Member Schlapp Council Member Schlapp stated that if it were possible that some funding would come available, this is a wonderful program and really essential to the kids in this City and would like to see if there is some way to find some funding to support this program.
- George Kolb City Manager stated that this is victim of the cuts that we are realizing in these programs coming from HUD and CDBG has experienced significant cuts and so have the other programs that are associated with the Block Grant Programs and we are beginning to feel the impact of those particular federal cuts.
- Council Member Martz Council Member Martz stated that this bothers him and that maybe they should have gone through these project more carefully and sees that there is \$89,000.00 for Historic Preservation planning and nothing for the kids. Asked if there is a reason why, we can find \$89,000.00 for Historic Preservation planning and nothing for the kids at the YMCA. Asked if there is a way to reallocating this around.
- Mary K. Vaughn Director of Housing and Community Services stated some of the administration dollars, which is where the Historic Preservation planning is, are required to be spent in those areas because when we do projects that have historic significance, such as in this case, they have to have the input from the Staff who are in the Planning Department. Stated that funding that service supports the bigger picture of some of our Historic Preservation projects. Stated that it is mandatory that we support Historic Preservation as it relates to our other projects and the amount is up to the Council and us as a local entity.
- Council Member Martz Council Member Martz stated that he would like to have this reconsidered because he feels that the kids are more important in this case.
- George Kolb City Manger stated that this supports the staff in the Planning Department that is allocated towards Historic Preservation.
- Council Member Gray Council Member Gray stated that one of his concerns is that this is for some of the funding of the same Historic Preservation group that opposes the Council's and Staff's actions repeatedly on things that they deal with and we are choosing to negate other funding options for youth programs for a group that sometimes is contrary to what the rest of the governing body feels about things.
- George Kolb City Manger stated that they are following the law as they see it and that is the staff that supports it and if the Council wants to take this away you can do that but you are risking being in violation of other laws as it relates to spending of federal dollars.
- (Council Member Gray momentarily absent)
- Mayor Mayans Mayor Mayans asked if everyone is agreeable to accepting the recommended action and then Staff will bring back to the Council in January or February any programming income so that the Council can review at that time.
- Motion-- Moved that the public hearing be closed and funding categories and reserve amounts for the 2007/2008 Consolidated Plan be approved based on funding estimates available at this time. Motion
--carried carried 7 to 0.

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HUD

HUD CONSOLIDATED PLAN-SUBSTANTIAL AMENDMENT.

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 06-1163

Staff has prepared a substantial amendment to the One Year Action Plan, which would close out a revolving loan program and allocate remaining funds to a new program activity. City Council approved CDBG allocations of \$150,000 in 1995/1996 and \$150,000 in the 1996/1997-program year, for a housing program operated by Community Housing Services, (CHS). Each budget provided \$50,000 for operating costs and \$100,000 for a revolving loan program. After operating costs were expended, the budgets were revised to \$100,000 each and a \$200,000 revolving fund was established for various housing rehab loan programs.

Staff is proposing reallocation of funds for a new Community Housing Program which will provide a resource for addressing distressed and vacant properties suitable for rehabilitation, and will complement efforts currently underway among several City departments, to reduce substandard housing and blight at scattered sites throughout the community. Funds may be used for eligible expenses including but not limited to, financial feasibility reviews, title searches, construction inspections, environmental review, acquisition, demolition, rehabilitation, reconstruction, architectural design, site improvement, maintenance, developer fees and marketing for sale properties. Program income generated by property sales will be properly allocated to allow for program continuation.

For the past several years, funds have been maintained by CHS in a revolving loan account. When the 2005/2006 contracts expired as of June 30, 2006, \$129,300 remained in the account. Reallocation of the \$129,300 is being proposed to fund the Community Housing Program.

Support a Dynamic Core Area and Vibrant Neighborhoods

HUD regulations require that citizens be allowed 30 days to comment on all substantial amendments to the City's Consolidated Plan. All citizen comments received will be presented to the City Council or consideration before the amendment is adopted. HUD must be notified of approved amendments to the Consolidated Plan before they can be implemented.

Mayor Mayans

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

Motion--
--carried

Mayans moved that a 30-day public comment period be authorized and the substantial amendments be received subject to citizen comments.

REVITALIZATION

NEIGHBORHOOD REVITALIZATION AREAS AND LOCAL INVESTMENT AREAS. (DISTRICTS I, III, IV, VI)

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 06-1164

On April 6, 2004, the City council approved the 2004-2008 City of Wichita Consolidated Plan and the Neighborhood Revitalization Plan. The Neighborhood Revitalization Plan addresses the legal requirements for implementation of the State Neighborhood Revitalization Act and the HUD Neighborhood Revitalization Strategy Areas. The Neighborhood Revitalization Plan utilizes authority that cities in Kansas have under State law to provide tax rebates to property owners in designated Neighborhood Revitalization Areas as an incentive for improving private property. The Plan also focuses Community Development Block Grant (CDBG) and HOME funding in Local Investment Areas to provide a significant visual impact on specific areas and provide an incentive for private investment.

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The data collected during 2000 by the U.S. Census Bureau, along with Census updates and information provided by the Sedgwick County Appraiser's Office, the City's Office of Central Inspection, the Wichita Police Department and the Wichita-Sedgwick County Metropolitan Area Planning Department was used to base the recommended modifications to the Neighborhood Revitalization Area boundary. The Neighborhood Revitalization Area (NRA) Task Force comprised of City staff, Sedgwick County staff and staff from United School District 259, evaluated the data and made a recommendation to be considered by the City Council. The NRA Task Force recommended keeping Hilltop, Planeview and the core Neighborhood Revitalization Area boundary and the Hilltop, Planeview, Northeast, North central, Delano and Orchard Breeze Local Investment Areas. The Task Force also recommended adding the boundary described in the South Central Neighborhood Plan to the NRA and as a Local Investment Area.

Presentations were made to the six District Advisory Boards (DABs) on October 2nd and 4th, 2006. After the presentations an opportunity was provided for the public and board members to comment on the NRA Task Force boundary recommendation.

All of the District Advisory Boards supported the recommended Neighborhood Revitalization Area change. The comments received during the District Advisory Board meetings included: adding South City; extending the existing NRA boundary west to Meridian, south to May Street and east to the river; and extending the boundary to include the Low-Moderate Income Area south of Harry between Hydraulic and Hillside to Pawnee. The boundary change proposal does not incorporate these changes, however the can and will be modified if the Council so directs.

The recommended NRA Boundary addition will be eligible for the Kansas Tax Rebate program incentive for rehabilitation and new construction projects. Since 1999 approximately \$350,000 has been rebated back to property owners for projects located in the NRA.

The Neighborhood Revitalization Plan addresses the Support Dynamic Core Area and Vibrant Neighborhoods goal.

The City Council may designate any area meeting the State and HUD guidelines as a Neighborhood Revitalization Area. The Neighborhood Revitalization Areas are subject to the HUD Notice CPD96-01 and the Kansas Statutes Annotated (K.S.A.) 12-17-117.

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

Motion-- Brewer moved that the recommended Neighborhood Revitalization Areas and the Local Investment Areas be approved and staff authorized to develop the required Neighborhood Revitalization Plan.
--carried Motion carried 7 to 0.

(Item 36 shown in agenda order)

W/S REV BONDS

WATER AND SEWER UTILITY REVENUE BONDS, SERIES 2006.

Kelly Carpenter Director of Finance reviewed the item.

Agenda Report No. 06-1165

The City is offering for sale one series of Water and Sewer Utility Revenue Bonds (Series 2006) totaling \$52,640,000 for the purpose of providing permanent financing for duly authorized capital improvement projects of the Utility. Sealed bids for the aforementioned Bonds will be received by the City in the IT/IS Conference Room until 10:30 a.m. CST on November 14, 2006.

The estimated principal amount for the bonds is based on an amount necessary to reimburse current and prior cash reserve expenditures. The debt is structured in such a way that it allows for inter-generational equity by spreading a portion of the costs out to a total of 25 years rather than the typical 20-year utility debt term.

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Sealed bids will be accepted electronically through I-Deal, LLC/PARITY Electronic Bid Submission System until 10:30 a.m. CST in the IT/IS Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 2006 Bonds will mature serially over twenty-five years and will be paid from revenues collected by the Utility. The Series 2006 Bonds will be callable in 2016 with a 1% call premium, in accordance with the City's debt management policy.

The permanent financing of capital costs helps to ensure efficient infrastructure through construction efforts providing reliable, compliant and secure utilities. The Internal Perspective is also impacted as a result of the permanent financing of capital improvements and by offering these debt obligations through competitive sale.

Bond Counsel will review and approve the bids and the Law Department has approved the authorizing Ordinances and Resolutions, which have been prepared by Bond Counsel.

Mayor Mayans

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

Motion--

Mayans moved to direct the opening and reading of the bids; award the sale of the Bonds; find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond Ordinance on the date of its introduction; the Bond Ordinance and Resolution adopted and the publication thereof authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 06-609

A resolution of the City of Wichita, Kansas, authorizing and providing for constructing, reconstructing, altering, repairing, improving, extending or enlarging of the municipal water and sewer utility; authorizing and providing for the sale and issuance of \$52,640,000 aggregate principal amount of water and sewer utility revenue bonds, series 2006, of the City of Wichita, Kansas, for the purpose of paying the costs thereof; prescribing the form and details of the bonds; providing for the collection, segregation and application of the revenues of the utility for the purposes authorized by law, and making certain covenants and agreements with respect thereto; and authorizing and providing for the execution and delivery of certain agreements and supporting documents; presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-300

An Ordinance of the City of Wichita, Kansas, authorizing and providing for constructing, reconstructing, altering, repairing, improving, extending or enlarging of the municipal water and sewer utility; authorizing and providing for the issuance of \$52,640,000 aggregate principal amount of Water and Sewer Utility Revenue Bonds, Series 2006, of the City of Wichita, Kansas, for the purpose of paying the costs thereof; making certain covenants and agreements with respect thereto; and authorizing and providing for the execution and delivery of certain agreements and supporting documents. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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PLANNING AGENDA

Motion-- Mayans moved to approve Planning Consent items 39 and 40 in accordance with the recommended
--carried action shown thereon. Motion carried 7 to 0.

DR2005-21

DR2005-21-MCCONNELL AIR FORCE BASE JOINT LAND USE STUDY.

John Schlegel

Planning Director reviewed the item.

(Schlapp momentarily absent)

Agenda Report No. 06-1166

At a joint meeting held on August 24, 2005, representatives from the Sedgwick County Board of Commissioners and the City Councils of Derby and Wichita agreed to take action to form an Implementation Coordinating Committee that would help oversee and coordinate efforts to consider the implementation of recommendations contained in McConnell Air Force Base Joint Land Use Study, May 2005 (JLUS). Sitting in the capacity of a sounding board and discussion forum, the Implementation Coordinating Committee was comprised of one elected official and one staff member each from Sedgwick County and the Cities of Derby and Wichita and one representative each from McConnell Air Force Base, the Wichita Area Builders Association, the Wichita Area Association of Realtors and the Greater Wichita Economic Development Coalition. The Implementation Coordinating Committee's objective was to make a recommendation on what, if any, of the JLUS recommendations should be implemented by the three municipal jurisdictions to balance future operations at McConnell with the growth needs of Derby, Wichita and Sedgwick County.

The recommendations of the Implementation Coordinating Committee are described in detail in the report entitled McConnell AFB Joint Land Use Study, Recommendation of the Implementation Coordinating Committee to The Sedgwick County Board of Commissioners and the City Councils of Derby and Wichita, Final Report, August 2006. The recommendations of the Implementation Coordinating Committee are summarized below.

1. Direct the staff of the Metropolitan Area Planning Department to initiate an amendment of the zoning code text for the A-O, Airport Overlay District (A-O I, II, III), to bring the list of allowable uses into closer conformity with uses recommended in the Federal Land Use Compatibility Guidelines.
2. Direct the staff of the Metropolitan Area Planning Department to initiate an amendment of the zoning code text and zoning map to create an AFB, Air Force Base District, to replace the existing residential zoning of McConnell Air Force Base.
3. Direct the staff of the Metropolitan Area Planning Department to initiate an amendment of the zoning code text and zoning map to create an AT/FP-O, Anti-Terrorism/Force Protection Overlay District, to restrict the height of new buildings to a maximum of 25 feet in the area surrounding McConnell Air Force Base.
4. Direct the staff of the Metropolitan Area Planning Department to initiate an amendment of the zoning code text and zoning map to create an IP, Industrial Park District, to replace the existing zoning on many agricultural, vacant and undeveloped parcels in the area surrounding McConnell Air Force Base.
5. Direct the staff of the Water and Sewer Department to work with land developers on the extension of municipal water and sewer services to support land uses that are compatible with McConnell Air Force Base in Wichita's designated urban growth areas surrounding McConnell.
6. Direct the staff of the Metropolitan Area Planning Department to work with the Wichita Area Association of Realtors to establish a voluntary real estate disclosure related to potential noise impacts from McConnell Air Force Base.
7. Direct the staff of the Office of Central Inspection to work with area building officials and representatives of the local building industry develop noise mitigation standards for new construction in the areas surrounding McConnell Air Force Base.

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The recommendations address the Safe and Secure Community Goal by establishing zoning restrictions that help protect McConnell Air Force Base from terrorist attack. The recommendations address the Economic Vitality and Affordable Living Goal by establishing reasonable growth management policies that help balance future operations at McConnell with the growth needs of Derby, Wichita and Sedgwick County. The recommendations address the Efficient Infrastructure Goal by establishing policies for the efficient extension of municipal water and sewer services to support land development in areas surrounding McConnell Air Force Base. The recommendations address the Quality of Life Goal by establishing policies that help mitigate the noise impacts of McConnell Air Force Base on surrounding homes and businesses.

Section V.C.2. of the Wichita-Sedgwick County Unified Zoning Code requires governing body or planning commission authorization for the City to initiate the recommended amendments to the zoning map and zoning code text.

Motion-- Mayans moved to direct the appropriate staff to implement the recommendations of the Implementation Coordinating Committee and authorize the initiation of recommended amendments to the zoning map and zoning code text. Motion carried 7 to 0.
--carried

HISTORIC PRESER. APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING PLACEMENT OF THREE LED SIGNS AT 2307 EAST CENTRAL. (DISTRICT I)

John Schlegel Planning Director reviewed the item.

Agenda Report No. 06-1167

HPB Recommendation: Deny the placement of the three LED signs.

Staff Recommendation: Defer Action until City council provides direction re: LED signs.

At the September 11, 2006, Historic Preservation Board (HPB) meeting, the applicant requested approval for placement of three four- by six-foot LED signs, one each on the east, north and the west sides of the building. The property is located immediately adjacent to the Johnson Drug Store Building listed in the Register of Historic Kansas Places and is subject to the process of review as set forth in the Kansas Preservation Act.

By a 5-0 vote, the HPB denied the placement of the signs because the sign material does not meet Kansas State Statute Environs guideline #1, which states,

- The character of a historic property's environs should be retained and preserved. The removal or alteration of distinctive buildings, structures, landscape features, spatial relationships, etc. that characterize the environs should be avoided. Installing new signs that are incompatible and/or inconsistent with the size, shape and character of the signs that are typical in the environs are to be avoided.

HPB is currently studying the use of these types of signs to make a policy recommendation on their placement within listed historic districts, on individually listed properties and within environs of listed properties and districts.

In addition, the City Manager has directed the Office of Central Inspections and the Planning Department to review whether the Sign Code should be amended to deal with LED signs. These departments are working with the sign industry to prepare recommendations for the Council's consideration.

This property is located within 500 feet of the Johnson Drug Store, which is listed in the Wichita Register of Historic Places and the Register of Historic Kansas Places. Kansas State Statute K.S.A. 75-2715 – 75-2725 requires that projects occurring within 500 feet of a state or national register listed property or district be reviewed. The review guidelines set forth specific considerations for evaluation.

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The HPB has a programmatic agreement with the State Historic Preservation Office to review applications for all properties individually listed, listed in historic districts in the state/national register of historic places or within the environs of properties listed in the state/national registers of historic places. The Council has review authority over the decision of the Historic Preservation Board, as provided for in K.S. A. 75- 2724 and the City Code Section 2.12.1023(c), and (f). In order for the City Council to overturn the decision of the HPB, all relevant factors must be considered and must find there is no "feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use."

Core Area and Neighborhood

Motion--
--carried

Brewer moved to defer the request for LED signage until the City Council has reviewed staff recommendations regarding LED signs and provides direction. Motion carried 7 to 0.

SUB2005-128

SUB2005-128-PLAT OF BLUEGRASS ESTATES ADDITION, LOCATED EAST OF 167TH STREET WEST AND SOUTH OF PAWNEE. (COUNTY)

Agenda Report No. 06-1168

Staff Recommendation: Approve the plat.

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

This site, consisting of 14 lots on 71.91 acres, is located within three miles of Wichita's city limits. This site is zoned "RR" Rural Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for future extension of sanitary sewer and City water services. The site is in the County and has been approved by County Code Enforcement for the use of on-site sanitary sewer and water facilities. Paving improvements will be handled by the County.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Ensure Efficient Infrastructure.

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

Motion--
--carried

Mayans moved that the document and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 06-610

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90229 (east of 167th Street West, south of Pawnee) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-611

A Resolution of findings of advisability and resolution authorizing construction of Lateral 54, Cowskin Interceptor Sewer, (east of 167th Street West, south of Pawnee) 468-84229 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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SUB2006-50

SUB2006-50-PLAT OF OAK CLIFF ESTATES SIXTH ADDITION, LOCATED WEST OF MAIZE ROAD AND ON THE NORTH SIDE OF MAPLE. (DISTRICT V)

Agenda Report 06-1169

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

This site, consisting of 18 lots on 5.3 acres, is a replat of Oak Cliff Estates and Oak Cliff Estates 4th Addition and is located with Wichita's city limits. The site is zoned "LC" Limited Commercial District and is subject to the Oak Cliff Estates Community Unit Plan (DP-104). A Notice of Community Unit Plan has been submitted.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer and water improvements. A Declaration of Easements, Covenants and Restrictions have been submitted to provide for the ownership and maintenance of the proposed reserves and a private drive.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Ensure Efficient Infrastructure.

The Certificate of Petitions, Notice of Community Unit Plan and Declaration of Easements, Covenants and Restrictions 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 7 to 0.

RESOLUTION NO. 06-612

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90253 (west of Maize, north of Maple) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-613

A Resolution of findings of advisability and resolution authorizing construction of Lateral 41, Main 1, Cowskin Interceptor Sewer, (west of Maize, north of Maple) 468-84266 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CITY COUNCIL PROCEEDINGS

HOUSING AGENDA

SECTION 8

2007 PAYMENT STANDARDS-SECTION 8 HOUSING CHOICE VOUCHERS.

Agenda Report No. 06-1170

Payment standards represent the amount of rent paid to owners, plus tenant paid utilities, and are established by Housing Authorities based on current Fair Market Rents. The Department of Housing and Urban Development published a notice of Fair Market Rents (FMRs), effective October 1, 2006. These FMRs are calculated to be at the 50th percentile of rents in the Wichita area, and include an allowance for utilities.

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

The QHWRA also includes a provision that a family, which initially receives Section 8 tenant-based assistance, may not be required to pay more than 40% of its adjusted monthly income for rent and utilities. In order to determine appropriate rent rates for the WHA based on the latest published Fair Market Rent schedule, staff reviewed requests for tenancy and actual rents for the months of January through October 2006. As a result of the staff review, Housing and Community Services recommends that the current payment standards for 0 bedroom size to be calculated at 100% of the 2006 FMR, 1, 2 & 4 bedrooms at 105% of 2006 FMR, 3 bedroom sizes be calculated at 110% of the 2006 FMR, and 5 bedroom sizes to be calculated at 95% of the 2006 FMR. Staff further recommends that payment standards for 6 bedroom size units be calculated at 90% of 2006 FMR to meet the average rate of rent.

Following is a table of the October 2006 FMR, the current payment standards and the recommended increase or decrease in payment standards based on bedroom sizes:

BEDROOM SIZE									
0	1	2	3	4	5	6			
FMR (10/1/2006)	420		470	618	790	889	1022	1156	
Current Pymt. Standard			429	492	635	856	930	1069	1209
Recommended Standard			420	493	648	869	933	970	1040

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

Promote Economic Vitality and Affordable Living

Motion--

Inafay Grays-McClellan moved that to approve the revised Payment Standards for the Section 8 Voucher Program to be effective on January 1, 2007 for new clients and current clients who are relocating, and as of April 1, 2007 for current clients as determined by their recertification dates. Motion carried 8 to 0.

--carried

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CITY COUNCIL

Mayor Mayans

Mayor Mayans requested that item 42 be taken up last.

(ITEM 42 SHOWN IN AGENDA ORDER)

(Item 42.)
SROS

RECOMMENDATION REGARDING SCHOOL RESOURCE OFFICERS, (SROS).

Agenda Report No. 06-1171

City Council appointed Bob Martz and Sue Schlapp to negotiate with representatives of the USSD 259 Board of Education Keviss Harding and Connie Dietz to determine the funding formula and other details for the City to provide School Resource Officers to the 22 public schools in USD 259. The joint committee has agreed to a concept presented to both governing bodies for consideration and approval.

The Committee agrees to share responsibility of funding school resource officers on a 50/50 formula. The financial burden to this date has fallen mostly on the City with USD 259 sharing only a portion of the cost to fund 22 SROs. USD 259 over a three year period will gradually increase funding from 36.5% of 100% of the total annual costs in January 2007, 43% of 100% of the total annual costs in January 2008 and 50% of the total annual costs in January 2009. "Total Cost" representing the annual cost of a school resource officer including salary, fringes and support services, such as training, equipment, etc. The 2007 annual cost is estimated to be \$1,869,440. After 2009, the total cost will be shared on a 50/50 basis and will determine that number of SROs funded in future years.

The cost of the City's share is currently in the General Fund Police Budget for fiscal year 2007.

The Safe and Secure goal will be enhanced through this funding formula and concept and contribute to a safer community through a partnership with the USD 259.

Upon Council approval of this concept, a memorandum of understanding (MOU) will be negotiated and submitted for City Council approval.

Council Member Martz

Council Member Martz stated that the action taken by the School Board last evening, which was somewhat of a surprise to him and Council Member Schlapp and they have not had an opportunity to talk about this and that the last evening the School Board did not accept the recommended action that the committee had come up with and had come up with another position that he does not agree with. Stated the committee has gone through this for a number of months and their input was based solely for the good of the kids, which is what they were trying to accomplish from the start. Stated that it was the hope of the committee to obtain an agreement and then have each board to confirm that agreement and it was very disappointing from his standpoint last evening when USD 259 board members disregarded the agreement that had come about that was presented in our Council packets today. Stated that their decision has basically started this process over without the benefit of any further discussion that was held as we had gone through these talks. Stated that the agreement that they had was a very fair compromise by both sides and it was a compromise. Stated it was trying to find a way to fund 22 SRO officers and there were some input from the Wichita Crime Commission in the process of this and he felt like that they also agreed that the compromise was a very fair agreement for all. Stated that the dilemma that he has right now is where do we go from here and how firm do we go from here. Stated that if we want to start negotiations again, he has one motion that he would like to make and if on the other hand we want to make a position of saying this is where we stand, then he has a second proposal that he would make and he would like input from Council.

Council Member Schlapp

Council Member Schlapp stated that she is also extremely disappointed and does not understand why this negotiation was not approved by the Board of Education. Stated that we wanted to move forward and if we need to have more input from the community, she feels that all of that takes time but if the Board of Education wants to start over, this compromise would be the end result and not the starting point.

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- Council Member Skelton Council Member Skelton stated that we need to try and prevent this from being a contest of who can stand on the highest hill and if we try and one up each other all the time, it will not work. Stated that maybe we should consider an En Banc Meeting with the school board in a public forum. Stated that he would like to share with the Council Members, some of the concerns that Sarah shared with him last night and then perhaps subsequent to that the En Banc Meeting.
- Council Member Brewer Council Member Brewer stated that he thinks this will be an on-going issue every time we negotiate or come to budget issues and feels that Council Members Martz and Schlapp have worked very hard and have been very patient in trying to negotiate this process and thinks that Council Member Skelton might have a good point. Stated that we have to go through this process and continue to do the things that they have been doing and keep the interest of the children in mind and continue working through this process. Stated that the school board did not buy it and he is of the opinion that if Council Members Martz and Schlapp are willing to continue this effort, they could go back and continue negotiations and see if they can come back and get everyone to agree on something.
- Council Member Fearey Council Member Fearey stated that she disagrees and Council usually works under the arrangement of when one or a couple of us are asked to go into negotiations, the rest of us support the outcome of those negotiations and she 100% supports the outcome of the negotiations and these police officers would still be out there protecting citizens and she hears from some citizens that would be just as happy having them on the street and maybe having a couple of smaller police beats and thinks they are doing an excellent job in the schools and it is a wonderful program but the City has gone into negotiations and reached an agreement and she supports that agreement and does not see any reason to go back and start from square one. Stated that the ball is 100% in the school district's court and everyone here is supportive of this compromise and hates to ask two of our Council Members to spend more time on this and is ready to vote on what we have before us.
- Mayor Mayans Mayor Mayans stated that if we were to take a vote on what our position has been and it passes and the school board does not agree, we are still at an impasse and if we take a vote and it does not pass, then he feels that we are still at an impasse but now we actually have a weaker hand because we do not know what the rest of the members here support in the current plan and what they do not support or that they may support the current plan with additional changes. Stated that the vote may not indicate true intent and he understands the frustration on the part of Council Members Martz and Schlapp because it has been a long and tedious process.
- Council Member Martz Council Member Martz stated that they have tried very hard to do all of the negotiations fairly and privately and not put it out to the vote of the people but do it professionally and he does not feel that it has become that way and he is frustrated. Stated last night USD 259 voted down what was set aside in the agreement and went right back to what he is considering their original starting position, which is not a compromise of any sort. Stated that they are accused of not being flexible to help in the situation and thinks that they have been very fair and open-minded and have a high desire to try and settle this for the best of everyone and to come out to make statements that were made without having any benefit of any of these other discussions, he feels was wrong. Stated that if we go back to negotiations, then he would say that we go back to our first starting point.
- Council Member Schlapp Council Member Schlapp stated that they have spoken as a board regarding how they feel about this and they would like some assurance that they are on the right track and are going the right direction and when they go forward with the negotiations again, which will happen, she would like to do it right here from the bench.
- Council Member Gray Council Member Gray stated that he personally does not feel that we should vote on this today and feels that if we vote on this today, it sets us up for a position that this is the starting point. Stated that he feels it is very inappropriate that they voted on this last night and is one thing for the school board to have rejected this but took it too far by choosing to vote on something last night just as it would be inappropriate for the Council to vote on not funding it at all. Stated it would be beneath us to do something like that and to raise the stakes to where we originally started and it would be against our best interest to vote on this proposal today.

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Mayor Mayans

Mayor Mayans stated that he feels it is important that we have a general consensus and we are not going to agree on everything and thinks that we should go ahead and vote on this issue and more negotiations can take place. Stated the two sides have worked through this challenging issue and that the two school board members, not knowing what their body was going to say, approached their board with something that they believed perhaps could be approved so he feels that the message that we should send is that we agree with our two members here on this position and negotiations can still continue.

(Council Member Skelton momentarily absent)

Motion--
--carried

Mayans moved that the funding concept be approved and the negotiating committee authorized and staff to develop a MOU implementing this concept. Motion carried 6 to 0, (Skelton absent).

BOARD APPTS.

BOARD APPOINTMENTS.

There were no appointments made.

PERFORMANCE

CITY MANAGER PERFORMANCE EVALUATION

Council Member Gray

Council Member Gray reviewed the item.

Agenda Report No. 06-1172

Mr. George Kolb was appointed by the City Council to serve as City Manager of the City of Wichita on June 8, 2004, and began his service as City Manager on July 26, 2004. The City Council also approved and authorized the Mayor to sign a letter agreement concerning the employment conditions of the new City Manager.

The employment agreement provides that in its discretion, the governing body may increase the City Manager's annual base salary, subject to performance evaluations. The last increase was effective August 1, 2005. Based on the performance review of the City Council, a COLA and merit increase of 3% to the annual base salary of the City Manager is appropriate. The increase will be retroactive to August 1, 2006.

The adopted budget provides for such increase based on performance review.

Internal Perspective.

Motion--
--carried

Gray moved that to authorize and approve a salary increase of 3% to the annual base salary of City Manager George Kolb, retroactive to August 1, 2006. Motion carried 7 to 0.

RECESS

Motion--

Mayans moved that the City Council recess into Executive Session at 2:25 p.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation and legal advice and that the Council return from Executive Session no earlier than 2:30 p.m. and reconvene in the City Council Chambers on the First Floor of City Hall.

--carried

Motion carried 7 to 0.

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RECONVENE

The City Council reconvened in the Council Chambers at 2:39 p.m. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved at 2:39 p.m. to close the Executive Session. Motion carried 5 to 0, (Brewer and Schlapp absent).

Motion--carried

Mayans moved at 2:40 p.m. to close the Regular Meeting. Motion carried 5 to 0, (Brewer and Schlapp absent).

ADJOURNMENT

The City Council meeting adjourned at 2:40 p.m.

Respectfully submitted,

Karen Sublett CMC
City Clerk

Workshop followed in the Council Chambers