

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 112

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 17, 2008  
Tuesday, 9:06 A.M.

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

Ed Flentje, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

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

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

The Minutes of the regular meeting of June 10, 2008, approved 7 to 0.

### AWARDS AND PROCLAMATIONS

--Proclamation

Square Dance Week

Mayor Brewer read aloud the proclamation for Square Dance Week

--Service Awards

Service Citation Awards-Willard Lee Jr.

Mayor Brewer recognized and presented with a plaque for his 27 years and 11 months of service with the Wichita Water Department.

### PUBLIC AGENDA

Buck Goodman

Buck Goodman-Keeper of the Plains Car Show.

Mr. Goodman stated he is here to promote the Keeper of the Plains Car Show, which will be held on Sunday June 29, 2008 at the Mid-America All-Indian Center. Mr. Goodman stated he is hoping this will become an annual event to help promote the City of Wichita and the Indian Center.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 113

## UNFINISHED COUNCIL BUSINESS

### CONDEMNATION

### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES, 2306 EAST RANDOM. (DISTRICT I)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No. 2.

This property was before the Board of Code Standards and Appeals (BCSA) on January 7, 2008. No one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

On March 18, 2008, this case was before City Council. City Council passed a resolution granting the owner sixty days to complete repairs; failing completion of repairs within sixty days the owner was granted an additional ten days to start demolition with an additional ten days to complete, or the City would proceed with demolition and removal.

On May 28, 2008, Council Member Lavonta Williams requested this property appear back before Council on the next available date.

Staff made an inspection of the property on May 20, 2008; siding repairs, painting and reroof had been completed. The foundation work, window repair/replacement and other exterior repairs had not been completed.

The 2007 taxes are current and there are no special assessments.

Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

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

Mayor Brewer

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

Motion--

Williams moved to allow an additional 30 days to bring additional information on foundation work to The Office of Central Inspection, otherwise Staff is to proceed with condemnation. Motion

--carried

carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 114

Resolution No. 08-315

A Resolution finding that the structure/s located on Lot 23, Block 4, Parkmore Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 2306 E. Random, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## HEARTLAND

### HEARTLAND PREPAREDNESS CENTER LAND LEASE CONTRACT AND COST/SPACE REVALIDATION STUDY. (DISTRICT I)

Ed Martin

Building Services Manager reviewed the item.

Agenda Item No. 3.

The Kansas Army National Guard (KSARNG) is in the final phase for design and construction of a new Armed Forces Reserve Center (AFRC) in Wichita, Kansas. The partnership between the City of Wichita, Sedgwick County and KSARNG was initiated over a decade ago with a vision for a Heartland Preparedness Center. In 2002, the City/County dedicated a 30-acre site for this new center and agreed to provide \$3.4 million to cover design and preliminary site costs. Due to the later partnering of the United States Marine Corps Reserve (USMCR) with KSARNG, the AFRC is now 100% federally funded, including all space shared with City/County functions, but not including any facilities that are 100% dedicated to City/County use.

In 2003, 35% architecture design services were completed by Gossen Livingston Associates at the expense of the City/County. This design included facilities for the Army National Guard, Marine Reserve, City/County Law Enforcement Training, 911 Emergency Communications Training, and City/County Fire Training.

In 2007, after a reorganization and expansion of the KSARNG mission at the AFRC, Jacobs Facilities Inc. (Jacobs) was contracted through the United States Property and Fiscal Office on behalf of the KSARNG to update the AFRC site plan to meet the expanded programmatic requirements and to update the cost estimates. The December 16, 2005 AFRC requirements had included a total area of 142,968 gross square feet (GSF) with an estimated cost of \$29.59 million. The revised AFRC dated June 27, 2007 now lists a total area requirement of 220,466 GSF. The new cost estimate for the entire AFRC revised program is \$66.8 million.

The land area available for the AFRC is limited, and it is further constrained by two major drainage ditches that pass through the site. In fitting the increased space requirements of the AFRC onto the available land, the Jacobs study moved the proposed City/County Fire Training Facility across one of the large ditches into an area of Grove Park not previously planned for construction. Operational inefficiencies related to this new less-desirable location plus a lengthy time frame for implementation led City/County Fire to forgo locating their tactical training facilities at the AFRC, and instead, chose to locate them at the existing Fire Training Grounds at 4780 E. 31<sup>st</sup> Street South in Southeast Wichita.

The Jacobs study validated the need for Law Enforcement and Fire Training to be located at the AFRC, but a design study was never done. Now that Law Enforcement intends to keep their training facility at the AFRC, but City/County Fire will relocate their training facilities elsewhere, there is a serious need for the City/County to re-study the scope of the City/County-funded facilities that are needed at both locations and to update their estimated construction costs.

KSARNG must have a firm commitment on the proposed site from the City to meet the FY 2011 Federal funding and approval obligations. The Kansas Adjutant General's Department and the City of Wichita's Law Department have jointly developed a land lease contract for the Heartland Preparedness Center. This contract, which is needed to secure the FY 2011 Federal dollars, meets the requirements of the KSARND and the City of Wichita, and is now submitted for Council approval.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 115

In addition to the land lease contract, a revalidation cost and space study is necessary due to the recent years' changes in the Heartland Preparedness Center Project. The purpose of the study will be to 1) Revalidate the space/cost program for the City/County Law Enforcement and 911 Emergency Communications training on the AFRC site, 2) Revalidate the space/cost program for the City/County Regional Fire Training Facility on its existing site in Southeast Wichita, 3) Update construction cost estimates for utilities, roads and other off-site work as committed by the City/County for the AFRC, and 3) Enable the City/County to validate their current and future year Capital Improvement Program requirements as they relate to the Heartland Preparedness Center and the Regional Fire Training Facility.

A contract has been negotiated with the firm of Gossen Livingston Architecture to provide the revalidation cost and space study in an amount of \$78,336 which will be split equally between the City and County at \$39,168 each. Gossen Livingston will invoice each agency directly for their respective costs.

Since the Regional Fire Training Facility was originally planned as part of the Heartland Preparedness Center, the CIP funding for the City's involvement was designated for the Wichita Fire Department. Even though a new Fire Tower and other improvements have been made to the existing Fire Training Grounds in Southeast Wichita, the City's CIP funding for planning work at the Heartland Preparedness Center is still designated for the Fire Department. Therefore, the revalidated cost study is authorized in the approved 2007-2016 Capital Improvement Program (CIP), Fire Training Grounds (Project No. 435419, OCA No. 792487) at \$55,000.

The Heartland Preparedness Center satisfies the Safe and Secure Community Goal by combining the National Guard, Marine Reserves, City/County law enforcement, community needs into a facility that will put Wichita and Sedgwick County in a position of National Leadership in meeting the needs of local Homeland Defense.

The Law Department has approved the Contracts as to form.

Mayor Brewer

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

Motion--  
--carried

Williams moved that the Contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

## APRON PHASE I

### **NOTICE OF INTENT TO USE DEBT FINANCING, TERMINAL AREA REDEVELOPMENT PROGRAM - APRON PHASE I.** **(DEFERRED JUNE 3, 2008)**

Victor White

Director of Airports reviewed the item.

Agenda Item No. 4.

Capital projects undertaken by the Wichita Airport Authority are funded by Federal Aviation Administration grants, Passenger Facility Charge (PFC) collections, grants from other sources such as the Transportation Security Administration and Airport operating revenues. The timing for the actual receipt of outside funds can vary depending on circumstances such as Congressional action and passenger activity levels. In order to assure that capital project schedules are not interrupted due to these timing fluctuations, City procedure calls for a notice of intent to issue debt financing for the full budget of the project. Debt financing can be in the form of temporary notes for durations as short as six months for timing considerations or the form of General Obligation bonds for long term financing. The Airport Authority relies on the City of Wichita for the issuance of General Obligation bonds and/or notes for capital projects. In order to use debt financing for a project it is necessary to declare that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Mid-Continent Airport facility. Additionally, the nature of said improvements, the estimated costs thereof and the manner of payment needs to be disclosed. The actual issuance of the bonds/notes will require a separate authorization from the City

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 116

Council at a later date.

On June 3, 2008, the Wichita Airport Authority authorized an increase in the Terminal Area Redevelopment Program (TARP) budget to include the cost of constructing Phase I of the terminal apron along with the corresponding expected construction-related services from the design firm. It is now appropriate to make notice of the intent to use debt financing for this project with the specific financing amount and length being identified when the actual issuance of the bonds/notes is authorized in the future by City Council.

The current budget for the TARP is \$24,464,572.00 which represents the maximum cost that will be financed with General Obligation bonds/notes at this time. The anticipated total estimate for the entire project remains at \$160 million, which includes a reserve of \$10 million. The ultimate total budget will be established at a future date when the design work for the entire project is completed, and the construction of the terminal building is set to begin sometime in 2009. Prior to that time, however, smaller elements of enabling site work design and construction will be necessary and the incremental funding mechanisms will be put into place as the authorized budget amount moves towards the \$160 million total. The source of repayment for the bonds/notes will be a combination of grants, PFC collections and Airport revenues.

The Airport's contribution to the economic vitality of Wichita is leveraged through the use of financing for capital projects.

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

Mayor Brewer

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

Motion--  
--carried

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

## RESOLUTION NO. 08-314

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

## **BROADVIEW HOTEL LETTER OF INTENT FOR BROADVIEW HOTEL INCENTIVES. (DISTRICT VI)** **(DEFERRED JUNE 3, 2008)**

Allen Bell

Director of Urban Development reviewed the item.

Agenda Item No. 5.

The Broadview Hotel was built in 1922 and has been an important downtown landmark ever since, due to its prominent location at Douglas and Waco, next to the Douglas Avenue Bridge over the Arkansas River. In recent years, the Hotel has struggled; it has spent most of the past ten years in bankruptcy. In 1996, the City of Wichita provided incentives to Grand Heritage Hotels for the acquisition and rehabilitation of the Broadview, which included industrial revenue bonds (IRBs), property tax abatement and purchase of the Broadview Parking Garage by the City.

In 1999, the successor to Grand Heritage placed the Broadview in bankruptcy, which led to it being taken over by the bank that owned the IRBs. The bank retired the IRBs and sold the hotel to a group of investors from Miami and Los Angeles. A dispute among the owners, unrelated to the Broadview Hotel, resulted in the hotel going back into bankruptcy in 2004, where it remains to this date. The debtor-in-possession has failed to present an acceptable reorganization plan for the Hotel and the first mortgage lender has filed for foreclosure on the property.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 117

In December 2007, PAZ Management, Inc. a real estate investment firm from Poughkeepsie, NY entered into a real estate purchase agreement to purchase the Broadview Hotel from the bankruptcy debtor-in-possession. The agreement contained certain provisions relating to obtaining financial assistance from the City of Wichita as a condition for the purchase of the Hotel. PAZ and City staff have negotiated the terms of a Letter of Intent to provide IRB and general obligation (GO) bond financing and other incentives for the acquisition and rehabilitation of the Broadview Hotel.

This item was discussed by the City Council on June 3, 2008 and continued for additional consideration at its meeting on June 17, 2008.

The Letter of Intent, addressed to PAZ as managing member of Partner Hospitality LLC (PH), contains the elements outlined below, including the issuance of IRBs and GO bonds to finance the acquisition and rehab of the Hotel and Parking Garage, the sale of the Parking Garage to PH Garage Properties LLC, property tax abatement on the Hotel and Parking Garage and other incentives.

## Industrial Revenue Bonds

The City would issue two series of taxable IRBs in an aggregate principal amount not-to-exceed \$30 million to finance the acquisition and rehab of the Hotel and parking garage. The actual amount to be issued will be determined by a detailed property improvement plan prepared for the Broadview Hotel by a hotel chain whose brand affiliation would be attached to the hotel, as approved by the City. The Series "A" IRBs will be purchased by the developer's senior lender and will be superior in lien to all other bonds, with respect to the payment obligation and claim to collateral. The Series "B" IRBs will be purchased by the developers and other equity investors in the hotel and garage. Structuring the equity investment as a subordinated IRB facilitates maximum benefit from property tax abatement.

## General Obligation Bonds

The City would issue taxable GO bonds to fund a loan to the developers in the amount of \$4.5 million, using its constitutional home rule authority. The loan would be structured as an IRB-type lease obligation, with the hotel's bond payment obligation being subordinated to the payment of the Series "A" IRBs, but senior to the payment of the Series "B" IRBs. The GO bonds would be structured with three years of interest-only payment, a 15-year term and 20-year amortization, with a balloon payment at the end of 15 years. Proceeds would be used to finance rehab costs and would include a capitalized interest reserve to pay interest during the first three years.

## Purchase of Parking Garage

The City would sell the Broadview Parking Garage to the developers for the amount needed to retire the City's special obligation bonds that were issued to acquire the garage in 1997. There is currently approximately \$800,000 left outstanding. Approximately \$650,000 in delinquent Special assessments will be paid to the City, in addition to the \$800,000 purchase price. The real estate contract governing the sale of the garage will stipulate that the garage will continue to serve as a public parking garage and be available for event parking for Century II.

## Property Tax Abatement

Using IRB authority, the City would grant 100% property tax abatement for the hotel and parking garage, to the maximum extent allowed by law. State law may not allow an exemption on the portion of the property financed by the GO bonds.

## Façade Improvement Loan

The City would allow the Hotel to participate in its Façade Improvement Program. The preliminary property improvement budget identifies approximately \$120,000 in façade costs that would be eligible for this program. Improvements would be financed with City special assessment bonds, to be paid over a 15 or 20-year period.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 118

## Riverbank Improvements

The City would agree to accelerate the priority for completing programmed improvements to the Arkansas River riverbank adjacent to the Broadview Hotel between Douglas and First Street. The City would direct its riverbank design consultants to collaborate with the developer's consultants to ensure the improvements coordinate with and compliment the Hotel renovations.

## Historic Preservation Tax Credits

The City would assist the developer to obtain, at their sole discretion, historic place designation and help with the process of obtaining tax credits.

## Conditions Precedent

As a condition for obtaining any City incentives, the developer must obtain a binding written commitment for a hotel franchise from either Wyndham Hotels or Marriott Renaissance Hotels, or a similar hotel chain acceptable to the City. In addition, standard IRB letter of intent conditions will apply.

## Cost-Benefit Analysis

State law requires a cost-benefit analysis be conducted prior to the approval of property tax abatements. Since the actual amount of investment will not be known until a hotel franchise commitment is received, following the development of a property improvement plan, the required cost-benefit study will be performed, and the tax abatement formally approved, at the time the IRBs are issued.

PAZ Management 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 actual amount of the proposed property tax abatement cannot be estimated until the amount of the property rehab costs are known. The current taxes on the Broadview Hotel are approximately \$166,000.

The City's general obligation bonds issued for this project would be sold as part of the City's regularly scheduled semi-annual bond sales. The bonds would be payable in the first instance by lease payments from the Broadview Hotel, and to the extent that lease payments are not received, by City tax funds in the Debt Service Fund. In this case, City tax funds could be liable for up to \$4.5 million of principal, plus accrued interest on the bonds. Use of monies in the Debt Service Fund could negatively impact the ability to initiate projects in the Capital Improvement Program. The Hotel's obligation to make lease payments to the City would be subordinate to payments to the Series "A" bondholder, and the general obligation bonds will not be secured by the Hotel or Garage property.

Economic Vitality and Affordable Living and Core Area and Neighborhoods. The vitality of the downtown area and the viability of the Century II Convention Center is directly impacted by maintaining first-class hotels in the Core Area.

Bond documents would be prepared by the City's contract bond counsel, Kutak Rock LLP and reviewed and approved as to form by the Department of Law. The use of general obligation bonds to fund economic development grants and loans has been tested in court and found to be legal in Kansas.

Allen Bell

Urban Development Director requested to be allowed to come back with this item at the July 1<sup>st</sup> Council Meeting with a revised Letter of Intent.

Mayor Brewer

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

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 119

Motion-- Fearey moved to defer this item until July 1<sup>st</sup>.

Council Member Fearey Council Member Fearey stated there is a person in the community that is saying if we just get rid of this that they have an outside developer who will be able to buy this hotel at \$2.8 million dollars and according to the bankruptcy lawyer, she heard that is probably not going to happen. Stated she had heard talk that perhaps the City buying it and has talked about that herself but at this point she does not know where we would get the money. Stated if the Council cannot work something out with this group by July 1<sup>st</sup>, she will promise that she will not ask for another deferral but would like to give this two more week.

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

--carried Motion carried 7 to 0.

## NEW COUNCIL BUSINESS

### LEARJET PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, BOMBARDIER LEARJET. (DISTRICTS IV AND V)

Allen Bell Director of Urban Development reviewed the item.

Agenda Item No. 6.

On September 10, 1996, the City Council approved a Letter of Intent for Industrial Revenue Bonds for Bombardier Learjet to finance expansion and modernization of its aircraft manufacturing plant. City Council authorized issuance of Industrial Revenue Bonds to Bombardier Learjet totaling approximately \$86.1 million in IRBs between 1996 and 2006.

On November 6, 2007, the City Council approved the issuance of a new Letter of Intent in the amount not-to-exceed \$79,188,000. Council also approved a ten-year 100% ad valorem property tax exemption on all taxable bond-financed property. On December 11, City Council approved issuance of approximately \$3,800,000 to finance capital 2007 capital improvements.

Learjet is now requesting issuance of IRBs in an amount not to exceed \$1,400,000 under the 2007 Letter of Intent.

Learjet, Inc. is a wholly owned subsidiary of Bombardier Inc., a Canadian corporation headquartered in Montreal, Quebec, Canada. Bombardier is engaged in the design, development, manufacturing and marketing of transportation equipment, aerospace and defense products. Learjet is a member of the Bombardier Aerospace Group. Learjet is engaged in the manufacture and marketing of four models of business jets and continues to expand and grow in Wichita to meet demand. Learjet's principal manufacturing facilities, corporate offices and marketing offices are located at One Learjet Way. The Bombardier Flight Test Center is also located in Wichita.

Proceeds from the bonds will be used to upgrade and equip existing manufacturing and flight testing facilities to support continued growth and productivity. Project funds will be utilized as follows:

Building Improvements	\$ 206,179
Machinery and Equipment	273,670
Computer Equipment	717,554
Total	\$1,197,403

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 120

Learjet plans to begin issuing bonds on a biannual schedule. This issue will cover capital investment for the first half of 2008 with a second issue to follow encompassing investment through the end of 2008.

The law firm of Kutak Rock, LLP serves as bond counsel in the transaction. Learjet Inc. will purchase the bonds. Bombardier Learjet has complied with the Standard Conditions contained in the City's IRB Policy.

Bombardier Learjet 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. City Council has approved a 100% tax abatement of ad valorem property taxes on taxable improvements under the Letter of Intent. The proposed issue does not contain property that would be classified as taxable at this time; however exemption would apply to any property that may be added or changed and deemed taxable. Bond-financed purchases will be exempt from state and local sales tax.

Economic Vitality and Affordable Living. Providing low-cost financing, ad valorem property tax exemption and sales tax exemption encourages businesses to create job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

Bond documents have been prepared by bond counsel. The City Attorney's office has reviewed and approved bond documents as to form.

Mayor Brewer

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

Motion--

Longwell moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$1,400,000 placed on First Reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

## ORDINANCE

An ordinance authorizing the city of Wichita, Kansas, to issue its taxable industrial revenue bonds in the original aggregate principal amount not to exceed \$1,400,000 for the purpose of providing funds to finance the installation of improvements to certain existing aviation manufacturing and flight testing facilities as well as to finance the acquisition of certain machinery and equipment for such facilities located in the city of Wichita, Kansas; prescribing the form and authorizing execution of a thirteenth supplemental trust indenture by and between the city and the Bank of New York Trust Company, N.A., St. Louis, Missouri (the "trustee"), as trustee with respect to the bonds; prescribing the form and authorizing the execution of a thirteenth supplemental lease by and between Learjet Inc. and the city; approving the form of a guaranty agreement; and authorizing the execution of a bond purchase agreement by and between the city and Learjet Inc., as purchaser of the bonds. Introduced and under the rules laid over.

LEE REAL ESTATE

### AMENDMENT OF INDUSTRIAL REVENUE BOND DOCUMENTS, LEE REAL ESTATE, LLC. (DISTRICT II)

(Council Member Skelton momentarily absent)

Agenda Item No. 7.

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

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 121

The company is now requesting amendments to the Trust Indentures of the 2006 and 2007 issues to modify the interest rate on the bonds.

Pursuant to the bond documents, the interest rate on the 2006 bonds is currently 6.94%. The interest rate on the 2007 bonds is currently 6.875%. Lee Real Estate, LLC has requested an amendment to the 2006 and 2007 bond documents in order to obtain a lower interest rate as rates have declined since issuance; the Tenant and Bondholder have consented to modification of the interest rate.

The current interest rates will remain in effect until June 30, 2008; the new interest rate to be calculated monthly at Prime Rate according to the Wall Street Journal minus fifty basis points will take effect July 1, 2008 for both bond issues. The original bond documents must be amended by Ordinance and a Supplemental Indenture to terms is required.

There is no fiscal impact to City through amendment of the bond documents.

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

The City Attorney's Office has reviewed and approved the Ordinance and documents as to form.

Motion--  
--carried

Vice-Mayor Schlapp moved that the amending Ordinances and Supplemental Indentures be approved; the Ordinances placed on First Reading; and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCE

An ordinance authorizing the amendment of the trust indenture, to modify the interest rate, relating to \$2,500,000 Industrial Revenue Bonds, Series X, 2006 (Lee Real Estate, LLC) (taxable under federal law), of the city of Wichita, Kansas. Introduced and under the rules laid over.

## ORDINANCE

An ordinance authorizing the amendment of the trust indenture, to modify the interest rate, relating to \$3,300,000 Industrial Revenue Bonds, Series V, 2007 (Lee Real Estate, LLC) (taxable under federal law), of the city of Wichita, Kansas. Introduced and under the rules laid over.

## **WARREN THEATRE OLD TOWN WARREN THEATRE LLC-TERM LOAN.**

Allen Bell

Director of Urban Development reviewed the item.

Agenda Item No. 8.

In 1999, the City Council took various actions to approve the Old Town Cinema Redevelopment Project, in the area now known as Old Town Square, between Second and Third Streets and Santa Fe and Rock Island Avenues. Pursuant to this redevelopment project, the City invested over \$9.4 million in land acquisition and construction of a 500-car parking structure, street improvements and a central plaza that includes a water feature and public art. The anchor commercial development in this project is the Old Town Warren Theatre, a five-screen multiplex movie theater that also includes a sports bar and features Warren's unique concept of in-theater dining in every auditorium.

The members of the ownership group for the Theatre, Old Town Warren Theatre LLC (William J. Warren, Mark B. Hutton, Andrew W. Hutton, Steven R. Barrett, David C. Burk and David E. Wells), have requested financial incentives from the City of Wichita in the form of a low-interest loan and reduction in parking fees.

The Old Town Theatre is a popular destination in Old Town and serves as a major attraction to bring patrons to the Old Town area. However, its relatively small size, compared to norms in the movie theater industry, has created negative economies of scale that have resulted in significant financial

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 122

losses during the theater's first five years of operation. The owners have instituted a number of remedial measures to reduce the operating deficit, but have been unable to reduce it completely. In order to reduce the deficit to a tolerable level and keep open the theater, the owners have determined that it will be necessary to refinance the current \$4.9 million mortgage loan and borrow an additional \$1.1 million to fund certain improvements and enhancements to the theater.

Old Town Warren Theatre LLC proposes to borrow \$6 million from the City, at an interest rate of 1.25% per annum, with a term of ten years and principal payments based on 20-year amortization (resulting in a balloon payment at the end of ten years). The proposed terms of the loan include forgiveness of interest payments during the first five years of the loan term. Old Town Warren Theatre LLC agrees to give the City a first mortgage on the theater land, building and furnishings, fixtures and equipment to secure the loan. The individual members of the ownership entity have agreed to provide the City with personal guarantees, further securing the loan.

In addition to the City loan, Old Town Warren Theatre LLC has requested relief from parking fees. Businesses in the Old Town Square area pay \$10 per stall per month times the number of stalls they would have had to provide under the Old Town Zoning Overlay, if they did not pay the parking fees. Businesses in the rest of Old Town pay \$7.50 per stall. It is proposed to reduce the parking fees in the entire Old Town Square area to match the \$7.50 fee in the rest of Old Town. This change will save the Old Town Theatre \$7,500 per year.

Proposed improvements to the theater include converting the sports bar to a movie theater, converting all six theaters to digital projection and sound, and adding banquet space to the theatre. Old Town Warren Theatre LLC estimates that the proposed improvements will increase net revenues by \$50,000 per year. Together with the parking savings and reduced loan payments, the Old Town Warren Theatre LLC estimates that its operating deficit will be reduced to a level that will allow them to close the gap with further operational adjustments. Old Town Warren Theatre LLC has agreed to keep the theater open for business as a movie theater for the full ten year term of the loan.

The loan would be funded with short-term general obligation temporary notes which would be retired with cash in Debt Service Fund. Annual loan payments would be credited to the Debt Service Fund in order to minimize any negative impact the loan might have on the City's ability to initiate all projects in the Capital Improvement Program.

Core Area and Neighborhood Revitalization – Old Town is a key component of the Core Area and the continuing presence of the Old Town Warren Theatre LLC is important to the success of Old Town.

Case law has established the legality of City's using general obligation bonds and notes to fund economic development loans and grants. The Department of Law has drafted documents for this transaction. Final versions of documents will be provided prior to the City Council meeting.

Mayor Brewer

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

Ben Sciortino

Mr. Sciortino stated he is with Sciortino and Associates and he is representing the partners of the Old Town Theater. Stated the theater has been the economic engine for Old Town Square for many years and the partners have hoped that they could work out something with the City that would allow them to continue being part of the exciting redevelopment of the entire downtown area. Stated they are in hopes that the Council will take action today, which will guarantee the theater's presence in the Old Town area for at least the next 10 years. Stated this action would guarantee that the theater will continue being an action for the Old Town Square and a major catalyst for redevelopment. Stated it will continue bringing in over 200,000 patrons into the area annually and will continue infusing over \$3 million dollars into the Old Town economy annually and continue paying over \$400,000.00 in both property and sales tax. Stated they will continue purchasing approximately \$2 million dollars in the goods and services needed to continue the theater's operation and continue providing jobs for 80 people with an annual payroll of over \$800,000.00 dollars year. Stated they would like to have the flexibility of making good solid business decisions on what improvements they feel they need to further reduce the deficit and hope that the Council would allow them to be flexible in that area. Stated they are confident if you take this action today, either option is acceptable to them, this will continue that they will be an integral part of the exciting development of the entire downtown area.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 123

- Council Member Longwell Council Member Longwell asked if Mr. Sciortino has seen some kind of Performa that will give them some kind of reassurance over the next 10 years that they are comfortable that they can keep this open.
- Ben Sciortino Mr. Sciortino stated run some Performa's and this will dramatically reduce the subsidy required to keep the theater open and they will guarantee and all of the partners will sign on to that guarantee that they will stay open for 10 years. Stated this is the first and only time they are coming and asking for anything from the City.
- Council Member Fearey Council Member Fearey stated to her a loan makes more sense because we are going to get it paid back; we do not have to find the money from other things; and we do not have to look at closing out a TIF that the Council has been working on with public works and police to try to keep projects moving forward. Stated to her this is different because it has personal guarantees and all the partners are willing to make these guarantees to get this loan paid back. Stated she can also justify it that it is a loan because it is an anchor business in a TIF district that the taxpayers have bonds in this TIF district that we have to pay. Stated if the theater closes it may be that the TIF is not bringing in enough money to pay those bonds, so then the taxpayer is stuck with that. Stated she is asking for Staff clarification of why the Council should not do this loan.
- Ed Flentje Interim City Manager explained he thinks the Council is taking a course of action in making a property taxpayer backed loan to a private business. Stated you are embarking on a course that this City has not embarked on and careful consideration ought to be given to that before you go that route. Stated there is great value in having this theater open but there are in this community much larger businesses, much larger employment, who may see this as opening a door for those businesses to come and say that you have done it before and can do it for us. Stated the Council should think carefully before they make a loan to a private business. Stated the terms that are on this proposed \$6 million dollar loan essentially will claim a place in the debt service fund and given the subsidies for interest rates, will also deplete that fund and essentially city taxpayers at large will be doing that. Stated there are issues with doing a grant and it is out of sequence.
- (Council Member Skelton momentarily absent)
- Vice-Mayor Schlapp Vice-Mayor Schlapp stated she is not really unhappy with the fact that economic development process would be used to help them to stay. Stated the need to have them stay is pretty self-evident. Stated the timing is a little different or backwards and at this point cannot see a problem with providing economic development assistance to something that has proven it to be a necessary piece for the community and is not uncomfortable with the discussion of the forgivable loan.
- Council Member Longwell Council Member Longwell stated he is most concerned with what is the least financial risk on part of the City and what can we most afford to do on the options that are laid out.
- Allen Bell Urban Development Director stated because of the repayment feature, the loan would carry less financial risk than the forgivable loan.
- (Vice-Mayor Schlapp momentarily absent)
- John Rayburn Mr. Rayburn resides at 220 West Douglas, Suite 150, stated as a private citizen he cannot understand how the City could even think about getting into the banking business. Stated if this is such a great package, how come they are not going to the bank. Stated they got wealthy by taking a chance on business and made it work and made money and we did not get any of it. Stated entrepreneurs take chances on things other people do not want to do. Stated he is a business owner and tries to make a good living at it and would never think of coming to the Council asking for a loan to try to make his business better that is what he goes to banks for. Stated he does not understand why the Council is even discussing this when it is not the City's business to be loaning entrepreneurs money. Stated that is his money as a taxpayer that you are dealing with and asked why he should be loaning money to a theater. Stated wealthy men make money putting their money to work for them and the poor man goes out there and works for his money. Stated we have wealthy men trying to borrow money at no interest from the taxpayers so that they can increase their wealth. Stated if this works he will come back with his own request so that he can expand his business.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 124

Council Member Fearey Council Member Fearey her issue with the owners going to the bank comes from the fact that this is an anchor tenant in a TIF district and to her that is what makes it different. Stated if they had come in with a different business plan, more than likely they would have gotten economic development money to begin with. Stated it is just a reworking of the process and business all the time do get economic development money from the City and even have an economic development fund. Stated in this case it is protecting taxpayer money and the money is already spent on the entire infrastructure down there and has bonds that we have to pay back. Stated she just wants to do what is best for the taxpayer and she thinks that is a real balance act for the Council to know what that is. Stated the loan will be paid back and understands that we might be setting a precedent but is comfortable with it because she thinks they can say that if it is a business that is an anchor business in a TIF district; it has public bonds issued for it; that is when the Council would look at it and putting a lot of restrictions on it. Stated she is comfortable with the forgivable loan because it is just doing the same thing that the Council often does in a different time frame. Stated she wished they did not have to do any of them but thinks they do.

Council Member Longwell Council Member Longwell stated people need to understand that the taxpayers are already on the "hook" and the confusing part is how the TIF district interferes with the ability to raise enough revenue to get the taxpayers off the "hook" and the we have to come up with some sort of solution and we are thrown in the middle of it. Stated if we do nothing and the theater closes, the taxpayers lose and if we do a grant, we can say that is taking money from the taxpayers. Stated if we are truly interested in getting the taxpayers off the "hook" from a financial obligation that the City has moved forward on, then having a loan set up with personal guarantees is probably the easiest way to get the taxpayers off the "hook" because if we do nothing, we are leaving the taxpayers paying, which is his frustration.

Motion-- Fearey moved that the Council approve the concept of a \$6 million dollar loan interest free for the first five years to be paid back in ten years with guarantees on both sides to include but not necessarily be limited to a reduction of parking fees to \$7.50 a stall; a ten year guarantee with personal guarantees on the loan; a ten year guarantee to keep the theater open; new construction at the theater as Allen Bell outlines; and that the legal documents be back to City Council on July 1<sup>st</sup> for a vote. Motion carried 7 to 0.

--carried

MESA VERDE

## **PUBLIC HEARING, REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR HOUSING TAX CREDITS, MESA VERDE. (DISTRICT VI)**

Mary K. Vaughn Director of Housing and Community Services reviewed the item.

(Council Member Williams momentarily absent)

Agenda Item No. 9.

The Housing Tax Credit (HTC) Program is administered by the Kansas Housing Resources Corporation. Enacted in the Tax Reform Act of 1986, the HTC Program is designed to secure private equity capital for the development of affordable rental housing. The Program can provide as much as 55%-60% of the total development cost which reduces the amount of debt financing in affordable rental housing developments. This allows lower rents and greater affordability. The State receives a tax credit allocation from the Federal government, and requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Program.

The City has received a request from Mennonite Housing Rehabilitation Services, Inc. (MHRS) on behalf of Community Economic Resource Corporation (CER), for a City Council resolution of support for an application for Housing Tax Credits in connection with the development of the Mesa Verde residential subdivision, located near north Meridian and 34th and 35th streets.

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

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 125

staff recommendation regarding the resolution of support for the HTC application.

The Mesa Verde housing project involves the construction of a total of 42 single-family homes, and is located on North Meridian, between 34th and 35th streets. MHRS will enter into a partnership with CER in order to complete the new housing development.

The HTC application for Mesa Verde includes construction of 24 three-bedroom single-family homes, to be made available as rental units for a period of 15 years, and construction of a building that will serve as a clubhouse/activity center for residents of the subdivision. The building will also provide for office space for management to service customers, and will also serve as a storm shelter for residents of the development. A storm shelter is needed because the homes will not be constructed with basements. Any activity sponsored by CER at the clubhouse facility will be as a service to the residents of the Mesa Verde subdivision, and not as an extension of the organization's daily business activity. The building will be a part of the HTC project, and is thereby ineligible for commercial use.

The Housing Tax Credit Policy requires a set-aside of 20% of the units in a tax credit development project to be set aside for market-rate tenants. MHRS and SER propose to comply with this requirement by constructing homes on 18 of the 42 sites, to be made available for sale to owner-occupant homebuyers, in various locations within the platted development. While this plan is not the traditional method of achieving the City's required market-rate unit set-aside in a HTC development, staff believes it meets the spirit and intent of the City Council's Housing Tax Credit Policy, with respect to the requirement for a mixed-income community, while providing for a single-family development community that would not be 100% non-owner occupied. MHRS and CER have agreed to not seek a second resolution of support from the City Council to develop additional HTC units within the Mesa Verde subdivision.

The City's Planning Department and the Office of Central Inspection have advised that the development site has been platted, and thus, the project has met requirements imposed as a result of internal staff reviews. MHRS and CER have agreed to comply with all requirements regarding landscaping, etc., and have also agreed to place appropriate signage at the entrances to the development. The DCC voted to recommend adoption of the resolution of support, provided that the part of the clubhouse building that is to serve as the storm shelter is constructed in such a manner as to be FEMA certified. MHRS and CER have agreed to this requirement. DAB VI also voted (9-0) to recommend adoption of the resolution of support.

The project cost for the HTC portion of the project is estimated to be \$4,887,446, including construction of the clubhouse/activity center. Financing includes proceeds from the sale of the housing tax credits in the amount of \$3,080,000, a first mortgage in the amount of \$1,270,000, State HOME and Federal HOME Loan Bank funding in the amount of \$384,000 and donations/deferred developer fees in the amount of \$153,446.

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

The developer has complied with the HTC policy requirements as specified in City Council Resolution No. R 07-584. A resolution document has been approved as to form by the City Law Department.

Mayor Brewer

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

Motion--

Fearey moved that the public hearing be closed; the resolution of support for the application for Housing Tax Credits, subject to all local building and zoning codes, ordinances and any additional design review requirements adopted; and the necessary signatures authorized. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 08-305

A Resolution establishing support of the development of affordable housing in the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 126

## FURNISHINGS

### OFFICE FURNISHINGS AND PHONE EQUIPMENT FOR NEW GREATER WICHITA CONVENTION AND VISITOR'S BUREAU, WATERWALK PLACE DEVELOPMENT. (DISTRICT I)

John D'Angelo

Arts and Cultural Services Manager reviewed the item.

Agenda Item No. 10.

The GWCVB has been leasing its current location at 100 S. Main in the Center Point building since 1985. While this location has served the GWCVB well, its management and Board of Directors have decided to relocate to a more prominent location. The relocation to the new building in WaterWalk Place is scheduled in July of 2008. The majority of the current office furnishings were purchased in 1981 from the Tourism and Convention Fund when the GWCVB was formed as a separate entity. Some furnishings have been added as necessary to accommodate additional staff since the original furniture purchase, but none have been replaced. Most furnishings are in very poor shape and need to be replaced. GWCVB staff will reuse as many items as possible, such as filing cabinets and other accessory type furniture. Furniture and equipment that are not reusable and will not be moving to the new WaterWalk location will be returned to the City of Wichita per the agreement between two entities.

As part of the original agreement with the City of Wichita, the GWCVB agreed that the City will own all those office furnishings and equipment that it purchased with the Tourism & Convention Fund. As a result of moving to a more visible location in the WaterWalk Place development, the GWCVB needs to replace the old and inefficient office furnishings and update the current telephone equipment. The current phone system is antiquated and must be updated to meet the need of modern technology at the new building. The projected one-time expenditure for the replacement of office furnishings and telephone equipment is approximately \$190,000: \$175,000 to replace furniture and \$15,000 to update the phone system.

It is proposed to fund the necessary replacement of GWCVB's office furnishings and telephone equipment in the projected amount up to \$190,000 from the Tourism & Convention Fund.

This proposal will enhance the Economic Vitality goal by facilitating an increase in the visibility of the GWCVB, improving its functionality and the initial impression created for its visitors. This will add to the ability of GWCVB to accomplish its mission of increasing tourism and marketing Wichita as a destination.

Contractual agreement dictates GWCVB's inventory purchased from Tourism & Convention Fund will be owned by the City and returned to the City when they are no longer used by the GWCVB.

Mayor Brewer

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

Motion--

Williams moved that the one-time expenditure amount up to \$190,000 for the replacement of GWCVB's office furnishings and telephone equipment be approved and any necessary budget adjustments authorized. Motion carried 7 to 0.

--carried

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 127

## ORDINANCE

### AN ORDINANCE AMENDING CHAPTER 3.72 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO PRIVATE SECURITY OFFICERS AND PRIVATE SECURITY AGENCIES.

Darren Moore

Police Captain reviewed the item.

Agenda Item No. 11.

Chapter 3.72 of the City code establishes guidelines for the licensing of private security agencies, and the training and permitting of private security officers. There are 31 licensed agencies at present, employing approximately 640 private security officers. The Police Department and Law Department have been working together to draft necessary revisions to the current ordinance, and all of the agencies were invited to offer input at two separate meetings. The agency attendance and interest was very good and we received a great deal of input from them. The most recent ordinance amendment occurred in 1999.

Chapter 3.72 is being amended to add clarity and content, which will enhance the understanding and compliance efforts of the licensed agencies and their permitted employees, as well as the administration and regulation efforts of the Police Department and Law Department.

The most significant revisions being proposed are in the following areas:

1. Definitions (3.72.010): Definitions are expanded, ordered alphabetically, with consistent and gender neutral language, and handcuffs are now allowed under the basic level private security officer permit.
2. Scope (3.72.015): A scope section added to clearly delineate what is/is not regulated under the ordinance.
3. License and license fees (3.72.050): Clarified requirements for agencies seeking a license. No changes are being recommended for the license fees.
4. Insurance (3.72.070): Minimum requirements are increased for a private security agency license to \$500,000 for each bodily injury (\$1,000,000 aggregate limit) and \$200,000 for each property claim (\$500,000 aggregate limit).
5. Revocation/suspension of permit or license (3.72.110): Notice and hearing procedures are clarified, as well as the appeal process; consistent with similar ordinances.
6. Permit qualifications and disqualifiers (3.72.120): Background/criminal history standards for a private security officer to obtain a permit were more restrictive than for WPD officer applicants; contacted several peer cities and our current ordinance standards are more restrictive than most. The standards have been lowered slightly, but an agency can maintain a more restrictive standard if they prefer.
7. Training committee/American Society for Industrial Security (ASIS): References to a training committee and ASIS removed under 3.72.030(8) of the existing ordinance. Agencies prefer an annual meeting, to which they are all invited, as opposed to being represented by a small committee or ASIS. The Chief of Police is responsible for all training standards, requirements, etc.
8. Permit fees (3.72.160): A slight increase in permit fees is recommended (surveyed peer cities). Initial permit fee to \$35, from \$25; additional permit fee to \$25, from \$10; permit renewal fee to \$25, from \$15; additional permit renewal fee to \$25, from \$10; permit replacement to \$15, from \$10; firearm upgrade to \$15, from \$0. Training fees are set by designated training providers and are subject to review by the Chief of Police.
9. Permit for persons not employed by a private security agency (3.72.200): There are several private entities that maintain a private security component for their own internal purposes, and they do not compete for contracts to provide private security services to any other party. Some of these entities see value in sending their private security officers to the same training required by this ordinance and obtaining the same permit(s) required by this ordinance. This amendment formalizes their ability to do so.
10. Firearms (3.72.210 through 3.72.280): Regulates unconcealed firearm permits only; not in conflict with the State's carry concealed handgun law. Training, qualification, and weapon standards are established by Chief of Police. Suspension/revocation/appeal/hearing provisions are the same as for the other private security permits.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 128

11. Uniforms (3.72.290 and 3.72.300): Requirements and clarification regarding badges, patches, insignia, etc.
12. Vehicles (3.72.310): Requirements and clarification regarding design, color scheme, wording, etc., of agency vehicles.
13. Penalty section (3.72.340): Currently subject to the general penalty section of the City code. Revised to a minimum fine of \$100, up to a maximum of \$2,500.

Slight fee increases are being recommended for private security officer permits; no fee increases are being recommended for agency licenses.

Provide a Safe and Secure Community: This ordinance amendment will continue to allow the Police Department and Law Department to work in partnership with private security agencies and their employees.

The Law Department drafted the ordinance revisions and approved them as to form.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

John Rayburn

Mr. Rayburn stated he owns Diamond Security and there is another company out of state that has the same name that his company does and asked if there could be some consideration made in the ordinance or licensing department that would prevent this from happening.

Gary Rebenstorf

Director of Law stated currently this is a state or federal issue and the City does not have any authority.

Motion--carried

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

## ORDINANCE

An ordinance creating new chapter 3.72 of the code of the city of Wichita, Kansas, pertaining to private security officers and private security agencies within the city, and repealing the original of said chapter 3.72. Introduced and under the rules laid over.

## RESOLUTION

### **RESOLUTION ENCOURAGING A COMMUNITY RESPONSE FOR CLEAN AIR (OUTDOOR AIR)**

Kay Johnson

Director of Environmental Services reviewed the item.

Agenda Item No. 11a.

For many years Wichita has been close to violating the Environmental Protection Agency's (EPA) National Ambient Air Quality Standard for ozone, a common outdoor air pollutant and primary component of smog. Throughout this period, the City of Wichita and, in particular, the Environmental Services (ES) Department has worked with EPA, the Kansas Department of Health and Environment (KDHE), as well as local organizations, businesses, industries, neighborhood associations and government agencies to voluntarily reduce emissions that cause ozone pollution. The ES Department has coordinated these efforts by implementing community initiatives and activities through the City Manager's Wichita Air Quality Improvement Task Force.

In March of this year, EPA lowered the national ozone standard from 0.85 parts per million (ppm) to 0.75 ppm due to health concerns. (Attachment 2 – Wichita Press Release dated March 13, 2008) KDHE and EPA will use data from 2006, 2007, and 2008 to make a compliance determination. ES staff won't have the final data collected and approved until the end of November or later. Because of the uncertain ozone results and the timing of the new EPA requirements, KDHE has recently informed the City, that it must begin the process of evaluating Wichita for nonattainment. (See Attachment 3 - KDHE Letter dated June 11, 2008) If, at the end of October, the ozone standard has not been violated, KDHE has stated it will recommend that Wichita should continue as an "attainment" area. The Council Resolution will direct staff to take actions this summer and in the future for **staying in ozone** attainment

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 129

and encourage all citizens, organizations, businesses, industry and governments in the Wichita MSA to do the same.

It is vitally important that Wichita stays in compliance and maintains its current ozone attainment status for many reasons including negative public health impacts and negative impacts on economic development. If the community collectively and voluntarily can take action quickly, it is possible that Wichita can avoid a recommendation for nonattainment. According to EPA rules, a designation for Wichita nonattainment will include the entire Wichita Metropolitan Statistical Area (Wichita MSA - Counties of Sedgwick, Butler, Harvey and Sumner).

This action supports the goals for Safe and Secure Communities.

There are no funding commitments associated with this resolution. There are financial impacts with a "nonattainment" designation. In 2005, the ES Department developed a cost estimate if the Wichita MSA became an ozone nonattainment area. Using data compiled from seven nonattainment cities across the U.S., it was found that for an MSA the size of Wichita, the estimated cost to local government, local businesses, and citizens would be approximately \$10,000,000 per year for at least ten years.

The Law Department has reviewed the resolution as to form.

Mayor Brewer

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

Motion--carried

Brewer moved that the resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 08-306

A Resolution of the governing body of the City of Wichita, Kansas, encouraging a community response for clean air, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

## CONDEMNATIONS

### **PUBLIC HEARING: REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I AND III)**

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No. 12.

On May 6, 2008, a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on June 17, 2008.

On April 7, 2008 the Board of Code Standards and Appeals (BCSA) held a hearing on the ten properties listed below:

<u>Property Address</u>	<u>Council District</u>
a. 546 North Madison	I
b. 537 N. Estelle	I
c. 1212 N. Wabash	I
d. 1301 N. Indiana	I
e. 1123 N. Spruce	I
f. 1102 N. Green	I
g. 1201 N. Green	I
h. 1323 N. Volutsia	I
i. 2044 N. Kansas	I
j. 3723 E. Funston	III

Detailed information/analysis concerning this property is included.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 130

Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

Pursuant to State Statute, the Resolutions were duly published twice on May 9, 2008 and May 16, 2008. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder

Office of Central Inspection reported that the property listed as C) 1212 North Wabash has been fully repaired and a new owner is ready to buy and move in his family. Stated this can be removed from the Council's consideration today. Stated on the remaining nine properties there are speakers here on three of them: B) 537 North Estelle; H) 1323 North Volutsia; and I) 2044 North Kansas. Stated on the remaining six properties he recommends that the Council take the boards recommended action and proceed with condemnation and that would be for items A) 546 North Madison, D) 1301 North Indiana, E) 1123 North Spruce, F) 1102 North Green, G) 1201 North Green, and J) 3723 East Funston.

Motion--

Brewer moved to close the public hearing, adopt the resolutions declaring the buildings to be dangerous and unsafe structures, and accept the BCSA recommended actions to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair any structures would be contingent on the following: (1) All taxes have been paid to date, as of June 17, 2008; (2) the structures have been secured as of June 17, 2008 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of June 17, 2008, and will be so maintained during renovation for items A, D, E, F, G, and J. Motion carried 7 to 0.

--carried

Kurt Schroeder

Office of Central Inspection reported the property listed as B) 537 North Estelle. Stated that the owner is not present today but there is an individual who is trying to arrange the purchase of this property who is here and he is asking for additional time to purchase the home. Stated the structure is structurally sound and salvageable.

Mr. Esters

Mr. Esters resides at 1201 North Emporia, stated he became aware of the property and is a local realtor. Stated he wrote to the owner but did not hear anything from him. Stated he would like additional time to try and contact the owner of this property, Mr. Matthews, so that he can purchase the home.

Motion--

Williams moved to allow 30 days to get in touch with Mr. Matthews and keep in touch with OCI and an additional 60 days to bring the house under compliance. Motion carried 7 to 0.

--carried

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 131

- Kurt Schroeder Office of Central Inspection reported on the property listed as H) 1323 North Volutsia. Stated that there is four years of delinquent taxes due and pending specials. Stated the owner thought they had given the deed to their niece three years ago and that this was a done deal but it had never been recorded. Stated the owner is trying to figure out what to do and is asking for more time to clean the premise and decide whether they will sell the property or not.
- Diana Walker Mr. Walker resides at 5023 East Murdock, stated they did not know the property was still in their name and had given the home to their niece. Stated she is not sure what she is going to do at this time and would like time to try and sell it.
- Motion-- Williams moved to hold for 30 days until we can come up with some solution of either trying to pay the taxes, clean up, or sell and that it is reported back in 30 days. Motion carried 7 to 0.  
--carried
- Kurt Schroeder Office of Central Inspection reported on the property listed as I) 2044 North Kansas. Stated that the property is in the initial stages of tax foreclosure and there are other special assessments included in that dollar amount. Stated the owner is here and has a potential buyer who is asking for 30 to 45 days to close the sell.
- Robert Washington Mr. Washington stated he is planning on getting the house sold and if not, he will tear it down within 90 days and will pay the back taxes.
- Motion-- Williams moved to allow 30 days to either sell the house or turn it over to someone else and after the 30 days if nothing has been done, it will go through the process of condemnation. Motion carried 6 to 1, (Nay-Skelton).  
--carried

## Resolution No. 08-316

A Resolution finding that the structure/s located on Lot 26 and 28, on Locust, now Madison, Stites Bros Second Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 546 N. Madison, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 08-317

A Resolution finding that the structure/s located on Lots 17 and 19, on Mabel Avenue, now Estelle Avenue, Mossman's Second Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 537 N. Estelle, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 08-318

A Resolution finding that the structure/s located on the south 8 1/3 feet of Lot 45 and all of Lot 47, on Cherry Street, now Indiana Avenue, in H.O. Burleigh's Third Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1301 N. Indiana, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 08-319

A Resolution finding that the structure/s located on Lot 29 and 31, Tenth street Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1123 N. Spruce, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 132

## Resolution No. 08-320

A Resolution finding that the structure/s located on Lot 1 and 3, Block 4, Esterbrook Park Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1102 N. Green , is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 08-321

A Resolution finding that the structure/s located on the east 81 feet of Lots 93 and 95, on Alice, now Green Street, in Fairmount Park Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1201 N Green , is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 08-322

A Resolution finding that the structure/s located on Lots 60 and 62, Kansas Avenue, Parkview Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 2044 N. Kansas, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 1. Yeas: Fearey, Gray, Schlapp, Longwell, Williams and Brewer, (Nay-Skelton).

## Resolution No. 07-323

A Resolution finding that the structure/s located on Lot 2, except beginning southwest corner thence northerly to northwest corner thence easterly along the front line 5 feet then southerly to a point of beginning, in Block 7, Grandview Heights Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 3723 E. Funston, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## **PLANNING AGENDA**

Motion--  
--carried

Brewer moved that Planning consent items 13 and 14 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

**VAC2008-00003**

### **VAC2008-00003-REQUEST TO VACATE A PORTION OF A PLATTED PUBLIC STREET RIGHT-OF-WAY; GENERALLY LOCATED WEST OF 127TH STREET EAST, ON THE NORTH SIDE OF PAWNEE AVENUE. (DISTRICT II)**

Agenda Item No. 13.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting the vacation of the center portion of the platted Tara Falls public street right-of-way (ROW), where it intersects with Pawnee Avenue. This portion of the Tara Falls public street ROW was recorded in the Casa Bella Addition. Tara Falls is the collector street for the Casa Bella single-family residential subdivision, and it is also the only way in or out of the subdivision. An entry monument (considered a permanent subdivision sign by OCI) was built in the in the platted street ROW. The Traffic Engineer has approved of the location of the entry monument/vacation request. A sewer line runs through the north portion of the proposed reserve/easement, but there are no other utilities located in it. The Casa Bella Addition was recorded with the Register of Deeds on January 19, 1996.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 133

The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order, an easement dedicated by separate instrument, a reserve dedicated by separate instrument and a restrictive covenant dedicated by separate instrument will be recorded with the Register of Deeds.

Motion--  
--carried

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

**VAC2008-00004**

**VAC2008-00004-REQUEST TO VACATE A PORTION OF A PLATTED PUBLIC STREET RIGHT-OF-WAY; GENERALLY LOCATED SOUTH OF I-35, EAST OF GREENWICH ROAD. (DISTRICT II)**

Agenda Item No. 14.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting the vacation of the center portion of the platted Fawn Grove public street right-of-way (ROW) where it intersects with Greenwich Road. This portion of the Fawn Grove public street ROW was recorded in the Fawn Grove at Sunset Lakes Addition. Fawn Grove is the collector street for the Fawn Grove at Sunset Lakes, single-family residential subdivision, and it is also the only way in or out of the subdivision. An entry monument (considered a permanent subdivision sign by OCI) has been built in the in the platted street ROW. The applicant proposes to create a reserve around the entry monument. The Traffic Engineer has approved of the location of the entry monument/vacation request. There are no utilities, manholes, water, or sewer lines within the proposed reserve. The Fawn Grove at Sunset Lakes Addition was recorded with the Register of Deeds on April 20, 2004.

The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order, a reserve dedicated by separate instrument and a restrictive covenant dedicated by separate instrument will be recorded with the Register of Deeds.

Motion--  
--carried

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

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 134

## AIRPORT AGENDA

Motion-- Brewer moved that Airport Consent items 15 and 17 be approved in accordance with the recommended  
--carried action shown thereon. Motion carried 7 to 0.

## **COMMUN. CABLE** COMMUNICATIONS CABLE PLANT, WICHITA MID-CONTINENT AIRPORT, COLONEL JAMES JABARA AIRPORT.

Agenda Item No. 15.

The 2008 Capital Improvement Program (CIP) allows for utility improvements, which includes modifications to the communications cable plant. In addition to being the backbone for the Authority operated telephone system, this cable plant supports the airport-wide security system, the environmental control system, the runway lights controls and the administrative network.

It is necessary from time to time to extend, modify, repair and maintain the cable plant to fulfill the obligations that come with being the owner and operator of such a network. Examples include the extension of cabling to meet tenant expansion needs, relocation to accommodate facility construction, and installation to address new location requirements of the security system. Contracts, when developed, will be approved following the City procedures.

The modifications are estimated to cost \$50,000 for Mid-Continent Airport and \$10,000 for Colonel James Jabara Airport and will be paid for with airport revenue with the portions related to the telephone system recovered from our tenants and customers through an established rent structure.

The Airport's contribution to the economic vitality of Wichita is promoted through appropriate maintenance of the capital asset.

Motion--carried Brewer moved that the capital project budgets be approved. Motion carried 7 to 0.

## **(ITEM 16)** CLEAR CHANNEL CLEAR CHANNEL INTERSPACE AIRPORTS AIRPORT ADVERTISING CONCESSION AGREEMENT.

Victor White Director of Airports reviewed the item.

Agenda Item No. 16.

The Wichita Airport Authority has operated the in-terminal advertising program with in-house staff since the early 1990's. Prior to that time it was managed by Ackerley Airport Advertising acting as the concessionaire. Although the in-house program has been successful, it was determined that it would be prudent to explore utilizing outside expertise in airport advertising in order to refresh the program in the current terminal and to provide guidance of the latest best thinking on advertising media in the planned new terminal facility.

A Request for Qualifications was advertised nationally to which three responses were received. After reviewing the responses and conducting interviews, the Staff Screening and Selection Committee selected In-Ter-Space Services, Inc. d/b/a Clear Channel Interspace Airports to provide the services. The company brings extensive experience in airport advertising and is the holder of similar contracts at more than 200 airports across the US and abroad. The Wichita Airport Advisory Board discussed this item at its June 2, 2008 meeting and voted to unanimously recommend the Agreement for approval by the WAA.

The proposed Agreement includes a 43% commission to the Authority on static displays and a 36% commission on high-technology media. The percentage of commission escalates as the amount of gross revenue increases. Additionally, the Agreement provides a minimum annual guarantee of \$200,000 in

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 135

the first year which increases to \$250,000 for the second and subsequent years. The historic ten year average annual revenue from the advertising program is just under \$200,000. The Agreement requires that Clear Channel invest a minimum of \$125,000 in the current terminal facility at the onset of the arrangement with at least another \$125,000 being invested in the planned new terminal. By having Clear Channel make the financial investment in advertising displays, it eliminates the need for the Airport to make ongoing capital investment in these materials. Clear Channel also has unique and proprietary equipment designs that are state-of-the art in airport advertising that would be otherwise unavailable to the Airport. The initial term will be 11 years under the current contract provisions, with one eight-year option to renew by the Authority subject to negotiations related to capital expenditures, improvements to the advertising program, proposed minimum annual guarantee and revisions to the management, marketing and operations plans to be implemented.

The Airport's contribution to the economic vitality of Wichita is promoted through creating opportunities to enhance revenues.

The Law Department has approved the Agreement as to form.

Mayor Brewer

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

Motion--  
--carried

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

**TRANSP. SECURITY**

## **TRANSPORTATION SECURITY ADMINISTRATION - OTHER TRANSACTION AGREEMENT.**

Agenda Item No. 17.

Wichita Mid-Continent Airport was a participant in the Transportation Security Administration (TSA) pilot program in which the TSA leased surveillance equipment from a third party vendor to enhance security and enable the provision of video recording of TSA screening operations in the terminal building. The pilot project has been completed and the leased equipment at Wichita Mid-Continent will be removed by the third party vendor in 2008. The leased equipment includes cameras, servers, storage devices and camera encoders related to the monitoring of TSA screening operations and have been operated independent of the Authority's Closed Circuit Television (CCTV) system.

The TSA and the Airport agree the pilot program has been successful and has provided better accountability. In order to continue monitoring the passenger screening checkpoint and baggage inspection areas, the TSA has agreed to fund the replacement of the cameras and equipment formerly leased from a third party vendor if the Authority will include these areas in the upcoming replacement of the Authority's CCTV system. In exchange, the Airport will accept full responsibility to procure, install, own and operate the augmentation of the CCTV system to enhance aviation security for use by TSA and the Airport. This CCTV system replacement project will individually proceed through the standard authorization and procurement processes. An Other Transaction Agreement (OTA) is the document used by the TSA to award grant funds.

Grant funding in the amount of \$730,833 has been offered by the TSA for the purpose of replacing the current screening area cameras and related equipment. A Passenger Facility Charge application has been approved to fund the remainder of the full CCTV system replacement project. The CIP includes the planned replacement of the CCTV system at Mid-Continent Airport; therefore, approval of this OTA allows the maximization of funding from grant sources.

The Airport's contribution to the economic vitality of Wichita is promoted through the continued acceptance of funding, which allows for improvements to the Airport's assets and enhances security for its users.

The Other Transaction Agreement has been reviewed by the Law Department and approved as to form.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 136

Motion--  
--carried

Brewer moved that the receipt of funds be approved and authorize the Director of Airports to sign all the documents related to the Other Transaction Agreement.

## COUNCIL MEMBER APPOINTMENTS

There were no appointments to be made.

## CONSENT AGENDA

Motion--  
--carried

Brewer moved that Consent items 20 through 33B, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## **BOARD OF BIDS**

### REPORT OF BOARD OF BIDS AND CONTRACTS DATED JUNE 16, 2008.

Minutes of the regular meeting dated June 9, 2008, were read and on motion approved.

Bids were opened June 13, 2008, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications (Exhibit Attached).

2008 Sanitary Sewer Reconstruction Phase 6 (various locations) (468-84521/620511/ 668630) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III)

WB Carter Construction - \$99,931.00

2008 Sanitary Sewer Rehabilitation Service Connections Cured-in-Place T-Liner (three locations south of Central, west of Greenwich) (468-84525/620512/668631) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, IV)

United Pipe Renewal - \$90,300.00

2008 Contract Maintenance Bike path Asphalt Repair & Overlay (south of 2nd Street North, west of Hillside) (472-84733/132721/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV)

PPJ Construction - \$99,800.00 (Engineer's Estimate)

Lateral 14, Main 15, Sanitary Sewer #23 to serve The Moorings 10th Addition (south of 53rd Street North, west of Meridian) (468-84467/744276/480965) Does not affect existing traffic. (District VI)

McCullough Excavation - \$414,400.00

Hollywood, from the west line of Lot 18, Block C, west and north to the south line of Block D; 35th Street South, from the west line of Hollywood, west to the west line of the plat; Shefford, from the north line of Hollywood, north to the north line of the plat; Hollywood Court, from the north line of Hollywood, north to and including the cul-de-sac to serve Lots 49 through 63, Block A; Hollywood Court from the north line of Hollywood, north to and including the cul-de-sac to serve Lots 34 through 48, Block A; Sidewalk to be constructed on one side of Hollywood, Shefford, and 35th Street South to serve Harvest Ridge Addition (west of Maize, south of 31st Street South) (472-83806/766215/490233) Does not affect existing traffic. (District IV)

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 137

Cornejo & Sons - \$497,475.06

Manlo from the east line of Lot 1, Block D, east to the east line of the plat; 34th Street North from the east line of Lot 6, Block D, east to the south line of Manlo to serve Mesa Verda Addition (south of 37th Street North, east of Meridian) (472-84482/766211/490229) Does not affect existing traffic. (District VI)

Cornejo & Sons Construction - \$103,645.70

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

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

Motion--

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

--carried

WATER UTILITIES DEPARTMENT/PRODUCTION & PUMPING DIVISION: Liquid Oxygen

Lampton Welding Supply - \$187,007.00 Corrected Total\*

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

WATER UTILITIES DEPARTMENT/CUSTOMER SERVICE DIVISION: Residential Meter and AMR Installation

H & C Insulation, Inc. - \$176,080.00\*

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

PUBLIC WORKS DEPARTMENT/ MAINTENANCE DIVISION: Sand only and Salt and Sand Mixture

Cornejo Materials - \$ 53,100.00\*

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

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Lighting Football Field at Evergreen Park

Atlas Electric LLC - \$ 38,725.00

WATER UTILITIES DEPARTMENT/WATER DISTRIBUTION DIVISION: Meter Box Rings, Lids and Risers

Clay & Bailey Mfg. Co. - \$313,020.00 Alternate Bid\*

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

AIRPORT/ENGINEERING DIVISION: 4,000 Gallon Liquid Deicer Vehicle

Kansas Truck Center North - \$236,609.00 Alternate Bid

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 138

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: LED Traffic Signal Lamp Unites

Leotek Electronics USA Corp. - \$338,636.00 Group 1\*  
- \$ 19,057.00 Group 2\*  
\$357,693.00 Total Aggregate Bid

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

Motion--  
--carried

Brewer moved that the contracts be awarded as outlined above, same being the lowest and best bid, and the necessary signatures authorized. Motion carried 7 to 0.

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>New</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Anita Haeri	Hoss, LLC dba Valero West	1622 South West Street

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Wal-Mart Stores, Inc.	Wal-Mart Supercenter #1507	3030 North Rock Road

<u>Special Event</u>	<u>Wichita Pride, Inc. /Gala 2008</u>	
Patrick Munz	June 20, 2008	835 East 1st Street
Patrick Munz	June 29, 2008	601 East Douglas, (Naftzger Park)

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

Motion--  
--carried

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

## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a. Water Distribution System to serve Edge Water Addition (south of 45th Street North, west of Hoover) (448-90312/735393/470066) Does not affect existing traffic. (District VI) - \$278,000.00
- b. Taft Street Rehabilitation (various locations south of Maple Street, east of Maize Road) (472-84578/132721/N/A) Traffic to be maintained during construction using flagpersons & barricades. (District V) - \$344,995.00
- c. Water Main Replacement in Arkansas, 16th Street North to 20th Street North (north of 13th Street North, west of Broadway) (448-90119/633721/750815) Traffic to be maintained during construction using flagpersons & barricades. (District VI) - \$1,069,900.00
- d. Sanitary Sewer Improvements in Arkansas, 15th Street North to 20th Street North (north of 13th Street North, west of Broadway) (468-84372/620480/667598) Traffic to be maintained during construction using flagpersons & barricades. (District VI) - \$100,000.00
- e. Water Distribution System to serve Foliage 4th Addition (north of 13, west of Webb) (448-90391/735421/470094) Does not affect existing traffic. (District II) - \$39,000.00
- f. Lateral 57, Main 24, War Industries Sewer to serve Foliage 4th Addition (north of 13, west of Webb) (468-84519/744285/480974) Does not effect existing traffic. (District II) - \$66,000.00
- g. Storm Water Sewer #644 to serve Foliage 4th Addition (north of 13th, west of Webb) (468-84520/751476/485367) Does not affect existing traffic. (District II) - \$73,000.00

Motion--carried

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

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 139

## PETITION

### PAVING AND DRAINAGE IMPROVEMENTS FOR WATERFRONT RESIDENTIAL AND GREENWICH OFFICE PARK ADDITIONS, NORTH OF 13TH STREET, WEST OF GREENWICH. (DISTRICT II)

Agenda Item No. 23a.

On November 6, 2007 and February 5, 2008, the City Council approved petitions to construct paving and drainage improvements in Waterfront Residential and Greenwich Office Park Additions. The developers have submitted new petitions that adjust the fractional assessments to reflect current marketing conditions. The Petitions have been signed by five owners representing 100% of the improvement districts.

The projects provide paving and drainage improvements required for new residential and commercial development located north of 13th, west of Greenwich.

The budgets are unchanged.

This project addresses the Efficient Infrastructure goal by providing public improvements required for new residential and commercial development.

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

Motion--  
--carried

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

#### RESOLUTION NO. 08-307

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

#### RESOLUTION NO. 08-308

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

#### RESOLUTION NO. 08-309

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

#### RESOLUTION NO. 08-310

Resolution of findings of advisability and Resolution authorizing construction of authorizing constructing a left turn lane on 13th Street for eastbound traffic into Veranda (north of 13th, west of Greenwich) 472-84645, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 140

## **COLLEGE HILL ADD. STAKING AND CONSTRUCTION ENGINEERING IN COLLEGE HILL ADDITION, NORTH OF DOUGLAS, EAST OF HILLSIDE. (DISTRICT II)- SUPPLEMENTAL.**

Agenda Item No. 24a.

The City Council approved the paving improvements in College Hill Addition on July 17, 2007. On November 6, 2007 the City approved an Agreement with Poe & Associates, Inc. to design the improvements. The Design Agreement with Poe requires Poe to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Poe provides for staking and construction engineering the improvements and additional design services for the Tax Increment Funding improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking and construction engineering for this project.

Payment to POE will be on a lump sum basis of \$278,155 and will be paid by special assessments.

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

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

Motion--  
--carried

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

## **FRANCHISE EXTEN. SOUTHWESTERN BELL (AT&T) FRANCHISE EXTENSION**

Agenda Item No. 24b.

The City Council approved a telecommunications franchise with Southwestern Bell Telephone Company effective March 29, 2003, and amended effective September 21, 2006; this franchise was to expire on March 31, 2007. The City Council has approved extensions of the current franchise until June 30, 2008. Because of changes in the law, structure of utilities, and corporate organizations, both City Staff and Southwestern Bell (AT&T) believe that additional time is needed to conclude negotiations on a new franchise agreement

The proposed Extension Agreement with Southwestern Bell Telephone Company maintains the current franchise and all of its provisions until December 31, 2008, or until a new franchise is negotiated and adopted, whichever occurs first.

The franchise Extension Agreement maintains the current level of compensation.

Economic Vitality and Quality of Life. Cooperatively negotiating franchise provisions with utilities is a necessary part of preserving the right of way for use by the public.

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

Motion--  
--carried

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

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 141

## TURKEY CREEK

### DESIGN SERVICES FOR TURKEY CREEK THIRD ADDITION, NORTH OF PAWNEE, EAST OF 135TH STREET WEST. (DISTRICT IV)

Agenda Item No. 25a.

The City Council approved the paving improvements in Turkey Creek 3<sup>rd</sup> Addition on February 6, 2007.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of paving in Turkey Creek 3<sup>rd</sup> Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$40,800 and will be paid by special assessments.

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

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

Motion--  
--carried

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

## BOARD MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS

Wichita Board of Appeals of Refrigeration, Air-conditioning, Warm Air Heating and Boiler Minutes, March 27, 2008  
Police & Fire Retirement System, April 23, 2008  
Board of Code Standards and Appeals, May 5, 2008  
District Advisory Board I, May 5, 2008  
Wichita Historic Preservation Board, May 12, 2008  
Design Council Minutes, May 21, 2008

Motion--carried

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

## GRANT APP.

### YOUTH MENTORING GRANT APPLICATION.

Agenda Item No. 27.

The U. S. Department of Justice, Office of Justice Program, Office of Juvenile Justice and Delinquency Prevention is seeking applications for funding its Strengthening Youth Mentoring through Community Partnerships program. Through this grant opportunity, the Department seeks to further its mission by supporting the development and enhancement of mentoring programs. Mentoring is generally defined as "a relationship over a prolonged period of time between two or more people where an older, caring, more experienced individual provides help to the younger person as he/she goes through life". Studies prove that young people who have a consistently caring and supportive adult as a mentor are significantly less likely to try drugs or alcohol, have better school attendance and academic performance, and are less likely to experience violence.

There are several organizations in the Wichita community which provide youth mentoring programs. However there remains a lack of mentors to meet the needs of children who need this service. Youth mentoring is one of Visioneering Strategic Alliances and is being supported by a wide range of partners from the public and private sectors. This proposal will provide funds to coordinate all mentoring programs, to develop creative marketing and outreach strategies, to develop tools to sustain the mentoring relationships which are formed, to standardize the training curriculum and expectations,

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 142

to identify gaps in mentor needs, and evaluate the impact of the mentoring relationship.

The amount in the grant application is \$500,000, and will cover a three year period. There is no match required, however the partners who will join this effort, will be asked to participate in the sustainability planning.

This grant will impact the City's Quality of Life goal.

Motion--

Brewer moved that the application for funding to support expanded mentoring opportunities in Wichita be approved and the necessary signatures for the application and grant award authorized. Motion carried 7 to 0.

--carried

## PUMP STATION

### REHABILITATION OF ADJUSTABLE FREQUENCY DRIVES AT CHENEY PUMP STATION.

Agenda Item No. 28.

Cheney Pump Station has two Robicon Adjustable Frequency Drives (AFDs) that were installed in 1997. These drives allow the pumps to pump a range of flows, rather than a single flow rate.

Significant problems have been experienced with the AFDs this year. While investigating, Staff was informed that these drives generally require major rehabilitation after eight years of service and these drives are now eleven years old. The need to have a more controlled pumping rate from the Cheney Pump Station is more critical during the lower production seasons than during peak water demand periods when constant-rate pumps can be used more frequently. It is, therefore, prudent to complete repairs to the AFDs during the summer months. Rehabilitation by Siemens, the manufacturer of the drives, may extend the life of these drives an additional eight years

The cost to rehabilitate the existing AFDs is \$93,166 and will be paid from the Production & Pumping operations' budget. Work to be performed will include on-site reinstallation and support.

The project will help ensure efficient infrastructure by optimizing the existing facilities at Cheney Pump Station.

This is a sole source project. Siemens purchased the Robicon Brand, and is the sole distributor for replacement parts and repair services. Purchase Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources without advertising for bids. The purchase will be made from Siemens.

Motion--

Brewer moved that the expenditure be approved; Siemens approved as the sole source of supply and repairs; the necessary signatures authorized. Motion carried 7 to 0.

--carried

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 143

## RESOLUTION

### CORRECTING RESOLUTION: ALTA PAVING FROM 350' WEST OF ELLIS TO HYDRAULIC. (DISTRICT III)

Agenda Item No. 29.

On July 10, 2007, the City Council approved a Petition to pave Alta, from approximately 350' west of Ellis to Hydraulic. The Petition included lots that were not intended to be assessed for the project. A Resolution has been prepared to correct the error. The City share of the project cost has been increased so that the rate of assessment to individual properties has not been increased.

The project provides paved access to a developed residential area.

The existing project budget is \$330,000 with \$294,944 assessed to the improvement district and \$35,056 paid by the City-at-large. The revised budget is \$330,000 with \$287,971 assessed the improvement district and \$42,029 paid by the City-at-large. The funding source for the City share is General Obligation Bonds.

This project addresses the Efficient Infrastructure goal by providing paved access to a residential area.

State Statutes provide the City Council the authority to reduce the improvement district and add City-at-large funding to the project budget.

Motion--  
--carried

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

#### RESOLUTION NO. 08-311

Resolution of findings of advisability and Resolution authorizing construction of Resolution amending findings of advisability on Alta from the west line of Hydraulic to a point approximately to the east line of South Pattie Circle (west of Hydraulic, south of MacArthur) 472-84437, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

## GOB/NOTE SALE

### GENERAL OBLIGATION BOND AND NOTE SALE.

Agenda Item No. 30.

The City is planning to offer for sale two series of general obligation temporary notes in an amount not to exceed \$104,170,000 (Series 224 and 225) and two series of general obligation bonds (Series 794 and 794A) in an amount not to exceed \$14,020,000 for the purpose of providing interim and permanent financing for capital improvement projects of the City. The public sale of the bonds and notes is scheduled for 10:00 a.m. C.T. on July 15, 2008, at which time bids will be opened and the City Council will award the sale of bonds and notes to the bidders whose proposed interest rates result in the lowest overall cost to the City.

The City's summer 2008 general obligation bond and note sale includes the following issues:

#### Temporary Notes

The proceeds from the sale of the Series 224 Renewal and Improvement Temporary Notes will be used to provide interim financing for City-at-large, improvement district projects and public improvement projects. The Series 225 Taxable Renewal and Improvement Temporary Notes will be used to provide interim financing for improvements located within the Douglas and Hillside Tax Increment Financing District.

#### Special Assessment Bonds

The proceeds from the sale of the Series 794 and 794A Bonds will be used to permanently finance neighborhood improvements located in special improvement districts. Special assessments have been

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 144

levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 794 and Series 794A Bonds. The General Obligation Bonds, Series 794 will be issued in a par amount not to exceed \$10,050,000 and the General Obligation Bonds, Series 794A will be issued in the par amount not to exceed \$3,970,000.

The City of Wichita awards the sale of bonds and notes to the bidder with the lowest true interest cost, or "TIC". Using TIC to calculate the bids accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in the City saving money because TIC does not ignore the timing of interest payments.

The Series 224 and Series 225 Temporary Notes will mature on February 19, 2009 and will be retired using the proceeds of both permanent financing bonds, renewal notes and cash.

The Series 794 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 794 Bonds are payable from the collection of special assessments levied against benefitting properties, and if not so paid, from Citywide ad valorem taxes. The Series 794 Special Assessment Bonds will be callable in 2015 with a 1% call premium.

The Series 794A Special Assessment Bonds will mature serially over 20 years with principal maturities structured to produce level annual payments of principal and interest. The Series 794A Bonds are payable from the collection of special assessments levied against benefitting properties, and if not so paid, from Citywide ad valorem taxes. The Series 794A Special Assessment Bonds will be callable in 2018 with a 1% call premium.

This item impacts the Economic Vitality/Affordable Living and Internal Perspectives through the temporary and permanent financing of capital improvements and offering the City's debt obligations through competitive sale. The sale of temporary notes allows short-term financing of improvements that shall be permanently financed through the issuance of bonds or pay-as-you-go financing. The special assessment bonds are being issued on a reimbursement basis to finance project costs previously incurred.

The Law Department has approved the Resolution authorizing the sale of the series of bonds and notes and directing the publication and distribution of the Notices of Bond and Note Sale (prepared by the City's Bond Counsel as required by law).

Motion--

Brewer moved that the resolution be adopted authorizing the general obligation bond and note sales; approving the distribution to prospective bidders of the Preliminary Official Statement, subject to such minor revisions as may be determined necessary by the Director of Finance and Bond Counsel; finding that such Preliminary Official Statement is in a form "deemed final" for the purpose of the Securities Exchange Commission's Rule 15c2-12(b)(1), subject to revision, amendment and completion in the final Official Statement; and authorizing publication of the Notice of Sale. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 08-312

A Resolution of the City of Wichita, Kansas, authorizing and providing for the public sale of General Obligation Renewal and Improvement Temporary Notes, Series 224; General Obligation and Improvement Temporary notes, Series 225 (taxable under Federal Law) and General Obligation Bonds, Series 794 and 794A; and providing for the giving of notice of the public sale, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 145

## CLAIMS

### PAYMENT OF CLAIMS FOR THE MONTH OF MAY, 2008.

Nancy Kitchens	\$1,485.14
Union Pacific Railroad Company	\$18,840.91
Moore Engineering Services	\$3,220.00
Jessica Warrender	\$1,828.09
Barbara Mitchell	\$57,500.00**
Bryan Young	\$4,059.27
James Cline III	\$1,500.00**
Douglas Jackson	\$3,805.70
Savannah Sanders	\$230.6 7

\*\*Settled for lesser amount than claimed

Motion--carried

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

## RESOLUTION

### RESOLUTION AUTHORIZING THE CITY OF WICHITA, REPRESENTED BY WICHITA TRANSIT, TO FILE APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR FUNDING FOR FINANCIAL ASSISTANCE FOR TRANSPORTATION PROJECTS

Agenda Item No. 32.

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize staff to file for eligible federal funds for the support of the city's transit services. Until March of 2008, Wichita Transit's leadership was contracted out to First Transit Group. With the cancellation of that contract, FTA requires Wichita Transit (the designated federal recipient) to approve a new resolution designating what entity is responsible for the management of federal grants for the City of Wichita.

The proposed Resolution authorizes Wichita Transit staff to do the following:

- Represent the City of Wichita as an applicant for federal funding assistance authorized by 49 U.S.C. Chapter 53, Title 23;
- Execute and file with the City of Wichita's applications the annual certifications and assurances and other documents FTA requires before awarding any federal assistance grants or cooperative agreements; and
- Execute grants and cooperative agreements with FTA on behalf of the City of Wichita.

This resolution will allow the city access to federal grant funds for use in Wichita Transit operations. It would require no unplanned expenditures by the city.

This action would enhance the efficient infrastructure goal by maintaining and optimizing public facilities and assets by use of federal funds available only for that purpose.

The Law Department has drafted the Resolution, and, in draft form, it has specific approval of FTA regional counsel.

Motion--  
--carried

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

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 146

Resolution No. 08-313

A resolution of the governing body of the city of the City of Wichita authorizing the filling of applications with the federal transit administration, an operating administration of the united states department of transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53 and other federal statutes administered by the federal transit administration, made by the governing body of the City of Wichita, Kansas. presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Schlapp, Williams and Brewer.

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ JUNE 10, 2008)**

- a. CUP2008-10 and CUP2008-11 AND ZON2008-013 and ZON2008-16 – Creation of DP-312 Girrens Addition Commercial Community Unit Plan and zone change from SF-5 Single-family Residential to LC Limited Commercial and GC General, generally located on the southwest corner of 119th Street West and Pawnee Avenue. (District IV)

ORDINANCE NO. 47-912

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. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

ORDINANCE NO. 47-913

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. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

- b. DER2008-01: 47th-55th Street South Joint Area Plan, 2008-2030, (Within Unincorporated Sedgwick County).

ORDINANCE NO. 47-914

An ordinance adopting the 47th-55th street south joint area plan as an amendment to the Wichita-Sedgwick county comprehensive plan. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 192

JUNE 17, 2008

PAGE 147

## RECESS

### EXECUTIVE SESSION

Motion--

Brewer moved that the City Council meeting recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice and contract negotiations, and that the Council return from Executive Session no earlier than 12:30 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

## RECONVENE

The Council reconvened in the Council Chambers at 12:37 p.m. Mayor Brewer announced that no action was taken or needed.

Motion--carried

Brewer moved to close the Executive Session. Motion carried 6 to 0, (Williams absent).

Motion--carried

Brewer moved to adjourn the meeting. Motion carried 6 to 0, (Williams absent).

## ADJOURNMENT

The meeting was adjourned at 12:38 p.m.

Respectfully submitted,

Karen Sublett, CMC  
City Clerk

\*\*\*workshop followed in the first floor board room\*\*\*