

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 18, 2008
Tuesday, 9:05 A.M.

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

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.

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

The Minutes of the regular meeting of March 04, 2008, approved 7 to 0.

AWARDS AND PROCLAMATIONS

--Proclamations

Proclamations:

Mayor Brewer read aloud the following proclamations:

- Women in Construction Month
- Mental Retardation Awareness Month
- American Red Cross Month

PUBLIC AGENDA

Joseph Weber-Smoking Ban.

Joseph Weber

Mr. Weber stated he owns Club Billiards, which is an old pool hall in the Delano district and has owned it for five years and approximately 80% of his customers smoke and 99% of them are regulars. Stated this business has been around for 62 years and is an institution to the City. Asked the Council to consider everything to the fullest before changing someone's livelihood and that people have a choice to come in to his business or not.

Sue Ann Halliday-Smoking Ban.

Sue Ann Halliday

Ms. Halliday resides at 1102 South Ash, stated the Federal Government subsidizes farmers who grow tobacco and then the city and state taxes come into play and right now Kansas is getting 79 cents on each pack of cigarettes sold. Stated sometimes these taxes are used to make up for budget shortfalls and at the same time city and state governments want to ban tobacco in public places, which is a legal substance. Stated the government should not decide what is best for her and the smoking ban would hurt the bedrock of the American way of life, which is the small business. Stated they simply want to have a choice and asked the Council to give them that choice.

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Paul Weigand-Smoking Ban.

Paul Weigand

Mr. Weigand distributed a handout to the Council and stated that it is a copy of the cover off of a billiard magazine, called the Billiards Digest, which is one of the premier industry magazines and in this magazine is an article about a young man that came from Wichita. Stated in the early 1990's the young mans father called him and asked him if his young son could come and play pool in his pool hall. Stated in 2004 this young man won the U.S. Open Championship, which carries as much prestige as the U.S. Open in golf or tennis. Stated if the Council prevents people under the age of 18 from coming into a place like his, this possibility would be eliminated. Asked the Council to think about the possibility and if the parents think it is okay, then the Council should think that it is okay. Stated he has had some of the best players in the world through his place over the years and asked the Council to consider these possibilities when drafting the compromise.

CONSENT AGENDA

Motion--
--carried

Brewer moved that Consent Agenda items 5 through 23x be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 17, 2008

36 Inch Water Main in Douglas from McComas to Flora (north of Maple, west of Meridian) (448-90141/633781/706965/755192/207431) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

WB Carter Construction - \$2,166,770.00

2008 Contract Maintenance Special Concrete Repair, Lincoln & Hydraulic (472-84664/132721/620799/133116/) Traffic shall be maintained during construction using flagpersons & barricades. (District IV)

Cornejo & Sons Construction - \$205,800.00 *
*Engineer's Estimate

Manlo from the west line of the plat to the east line of Lot 1, Block D; 34th Street North from the west line of the plat, east to the east line of Lot 6, Block D; Sedgwick from the south line of Manlo, south to the north line of 34th Street North to serve Mesa Verde Addition (south of 37th Street North, east of Meridian) (472-84481/766175/490193) Does not affect existing traffic. (District VI)

Cornejo & Sons Construction - \$122,984.50

Storm Water Drain #281 to serve Country Hollow Addition (south of Kellogg, east of 127th Street East) (468-84114/751468/485359) Does not affect existing traffic. (District II)

Utility Contractors - \$177,865.00

Lateral 43, Main 1 Cowskin Interceptor Sewer to serve Wheatridge Addition (north of Kellogg, west of 119th Street West) (468-84491/744272/480961) Does not affect existing traffic. (District V)

Mies Construction - \$31,000.00

Storm Water Sewer #638 to serve Waterfront Residential Addition (north of 13th Street North, west of Greenwich) (468-84423/751462/485353) Does not affect existing traffic. (District II); Storm Water Drain #342 to serve Waterfront Residential and Waterfront 6th Additions (north of 13th Street North, west of Greenwich) (468-84449/751459/485350) Does not affect existing traffic.

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Bob Bergkamp Construction - \$684,886.00 Group 1
- \$208,504.00 Group 2 *
*Negotiated to Engineer's Estimate

Central & I-235 Intersection, Left Turn Lanes and SE Ramp (KDOT)-84639/701232/ 00502) Traffic to be detoured and maintained during construction. (District IV, V, VI)

Cornejo & Sons Construction - \$2,456,190.91

Street Paving Improvements for Lorraine Avenue to serve Agee-Hunter Addition (north of 21st Street North, west of Hillside) (472-84603/766174/490192) Traffic to be maintained during construction using flagpersons & barricades. (District I); Water Distribution System to serve Agee-Hunter, Bruce Jones and Chautauqua Additions (north of 21st Street North, west of Hillside) (448-90328/735388/470061) Traffic to be maintained during construction using flagpersons & barricades. (District I)

Cornejo & Sons Construction - \$ 76,656.20 Group 1
- \$ 11,343.80 Group 2
\$85,000.00 Total Aggregate Bid

Water Distribution System to serve Webb Business Park Addition (north of 37th Street North, west of Webb) (448-90333/735410/470083) Does not affect existing traffic. (District II)

McCullough Excavation - \$45,850.00

Lateral 123, Sanitary Sewer #23 to serve Webb Business Park Addition (north of 37th Street North, west of Webb) (468-84430/744275/480964) Does not affect existing traffic. (District II)

Mies Construction - \$42,370.00 *
* Negotiated to Engineer's Estimate

Drainage Improvements to serve Cessna Park West & Reserve Addition (south of Mt. Vernon, west of Woodlawn) (468-84387/660804/866005) Traffic to be maintained during construction using flagpersons & barricades. (District III)

WB Carter Construction - \$266,131.00

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Replace 2 Cooling Tower Cells at Century II

Central Air Conditioning Company - \$167,000.00

Motion--
--carried

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

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: City Hall Generator & Bollards (Rebid)

Walz Harmon Huffman Construction, Inc. - \$992,911.00 Base Bid

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Fire Station 20 and 21

National Contractors, Inc. - \$2,205,000.00 Base Bid
- \$ 5,900.00 Group 1, Alternate 1
- \$ 13,500.00 Group 1, Alternate 2
- \$ 5,500.00 Group 1, Alternate 3
- \$ 40,000.00 Group 1, Alternate 4

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- \$ 11,300.00 Group 1, Alternate 5
- \$ 11,400.00 Group 1, Alternate 6
- \$ 1,900.00 Group 1, Alternate 7
- \$ 6,400.00 Group 1, Alternate 8
- \$ 36,500.00 Group 1, Alternate 10
- \$ 12.50 Unit Price No. 1
- \$ 80.00 Unit Price No. 2

- Alcon & Associates, LLC - \$2,155,000.00 Base Bid
- \$ 4,500.00 Group 2, Alternate 1
 - \$ 15,000.00 Group 2, Alternate 2
 - \$ 7,500.00 Group 2, Alternate 3
 - \$ 54,500.00 Group 2, Alternate 4
 - \$ 13,000.00 Group 2, Alternate 5
 - \$ 11,500.00 Group 2, Alternate 6
 - \$ 9,500.00 Group 2, Alternate 8
 - \$ 54,500.00 Group 2, Alternate 10
 - \$ 30.00 Unit Price No. 1
 - \$ 150.00 Unit Price No. 2

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: 65# HP Rubber Tired Tractor w/Flail Mower

Wichita Tractor Co. - \$59,646.00 Alternate Bid

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Tire Repair and Service

Wiechman-Bush Tires, Inc. - \$13,987.00*
*Estimate-Contract approved on unit cost basis

Motion--
--carried

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

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Maria E. Romero	Angela's Café*	901 East Central
Terry Brown	Bear's Entertainment	1015 South Meridian

*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.

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PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. Alta from 350 feet west of Ellis to Hydraulic (south of MacArthur, west of Hydraulic) (472-84437/766159/490177) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$452,160.00
- b. Storm Water Drain #346 to serve Woods North Addition (south of 29th Street North, west of 127th Street East) (468-84487/751467/485358) Does not affect existing traffic. (District II) - \$822,000.00
- c. Lateral 1, Main 26 Four Mile Creek Sewer and Main 26 Four Mile Creek Sewer to serve Woods North Addition (south of 29th Street North, west of 127th Street East) (468-84485/744274/480963) Does not affect existing traffic. (District II) - \$424,000.00
- d. North Iron Wood Circle from the north line of 45th Street North to and including the cul-de-sac to serve The Pines at Sawmill Creek Addition (north of 45th Street North, east of Rock Road) (472-84630/766182/490200) Does not affect existing traffic. (District II) - \$166,000.00

Motion--carried

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

PETITION

CONSTRUCT PUBLIC IMPROVEMENTS IN THE PARKSTONE IN COLLEGE HILL DEVELOPMENT, NORTH OF DOUGLAS, EAST OF HILLSIDE. (DISTRICT II)

Agenda Item No. 8a.

On February 6, 2007, the City Council approved Tax Increment Financing (TIF) to develop a residential/commercial area on the north side of Douglas, east of Hillside. On October 23, 2007, the City Council approved a petition to pave streets in the development. The funding source for the paving improvements is Special Assessments. The TIF public improvements include public parking lots, decorative street entrances, ornamental streetlights and the conversion of Victor east of Rutan into a public park area. The construction of the Special Assessment and TIF funded improvements will proceed more efficiently if the work can be performed under one construction contract. A Petition has been prepared that combines the funding under one project. Under the terms of the TIF agreement, the City is the current owner of the property in the improvement district. Title will be transferred to the development company when they begin their construction.

When completed, the development will consist of a high-rise condominium tower, parking garage, two story townhouse residences and small commercial shops. Victor and Rutan Streets will remain as public streets through the area.

The existing Petition totals \$705,000 with the total paid by Special Assessments. The new Petition totals \$2,700,000 with \$705,000 paid by Special Assessments and \$1,995,000 paid by Tax Increment Financing.

This project addresses the Efficient Infrastructure goal by providing for the construction of public improvements for a new development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of property in the improvement district. The City of Wichita is currently the record owner of the property in the improvement district.

Motion--
--carried

Brewer moved to approve the new Petition, adopt the Resolution and authorize the necessary signatures. Motion carried 7 to 0.

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RESOLUTION NO. 08-145

A Resolution of findings of advisability and Resolution authorizing constructing pavement and other associated improvements on Victor from Hillside Ave to the east line of the west 100 feet of the north 140 feet, College Park of said addition and Rutan from Douglas to Second St. and Second St. from the west line of Lot 4, I R&R Subdivision to the east line of the west ½ of the Lot 1, Block 2, College Hill Addition (north of Douglas, east of Hillside) 472-84571 in the City of Wichita, Kansas, pursuant to finds of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

PETITION

ALLEY PAVING IN AN AREA BOUNDED BY KELLOGG, PATTIE, LEWIS AND LAURA. (DISTRICT I)

Agenda Item No. 8b.

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

The Petition is a requirement of a vacation case to guarantee alley paving adjacent to the former Kellogg School on the north side of Kellogg, west of Pattie. The building is being converted to a commercial use.

The Petition totals \$23,400. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by improving vehicular access to a commercial property.

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 to approve the Petition, adopt the Resolution and authorize the necessary signatures. Motion carried 7 to 0.

RESOLUTION NO. 08-146

Resolution of findings of advisability and resolution authorizing constructing pavement on the 20' alley dedicated on the north 20' of Lot 149, on Pattie Avenue, Hunter's 3rd Addition (north of Kellogg, west of Pattie) 472-84704 in the City of Wichita, Kansas, pursuant to finds of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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AGREEMENT

CONSTRUCTION ENGINEERING AND STAKING IN WATERFRONT RESIDENTIAL, GREENWICH OFFICE PARK & WATERFRONT 6TH ADDITIONS, NORTH OF 13TH, WEST OF GREENWICH. (DISTRICT V)-SUPPLEMENTAL

Agenda Item No. 9a.

The City Council approved the drainage and paving improvements in Waterfront Residential, Greenwich Office Park and Waterfront 6th Additions on November 6, 2007. On January 8, 2008 the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering and staking services if requested by the City.

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

Payment to MKEC will be on a lump sum basis of \$107,900 and will be paid by special assessments.

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

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

Motion--
--carried

Brewer moved to approve the Supplemental Agreement and authorize the necessary signatures.
Motion carried 7 to 0.

CONTRACT

CONTRACT FOR JANITORIAL SERVICES AT PUBLIC HOUSING APARTMENT COMPLEXES. (DISTRICT VI)

Agenda Item No. 9b.

The City of Wichita Housing and Community Services Department/Housing Authority owns and manages Greenway Manor (86 apartments) and McLean Manor (90 apartments). Both complexes are high-rise buildings. The Housing Authority also owns and manages Rosa Gragg (32 apartments) and Bernice Hutcherson (18 apartments), which are garden apartments. The residents of the four complexes are responsible for the housekeeping of their individual apartments. The complexes have common interior areas that are maintained by a janitorial service. Common areas include laundries, cafeterias, lounges, restrooms and hallways.

The physical condition and interior maintenance of these complexes as provided by the current vendor, have been a concern of the staff and Region VII Office of the United States Department of Housing and Urban Development Department.

Because of these concerns, the Housing and Community Services Department issued a Request for Proposal (RFP) for janitorial service contractors. Included in the RFP was the methodology of award by a technical evaluation. The technical evaluation was performed in order to insure that an experienced, professional janitorial contractor would maintain the complexes. Seven responses were received and three vendors were interviewed. City staff has reviewed and evaluated the proposals in accordance with Administrative Regulation 1.2 and recommends that EH Technical Solutions be awarded the contract at \$38,640.00.

Funding for this contract is a part of the adopted Public Housing Operating Budget and does not require local funding.

This will impact the Economic Vitality and Affordable Living goal.

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The Law Department has approved the contract as to form.

Motion--
--carried

Brewer moved to approve the Contract and authorize the necessary signatures.
Motion carried 7 to 0.

DESIGN SERVICES

WEBB BUSINESS PARK ADDITION, NORTH OF 37TH STREET NORTH, WEST OF WEBB. (DISTRICT II)

Agenda Item No. 10a.

The City Council approved the water, sewer, drainage and paving improvements in Webb Business Park Addition on October 16, 2007.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements consisting of water, sewer, drainage and paving in Webb Business Park Addition. Per Administrative Regulation 1.10, staff recommends that PEC 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 PEC will be on a lump sum basis of \$78,300 and will be paid by special assessments.

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

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

Motion--
--carried

Brewer moved to approve the Agreement and authorize the necessary signatures. Motion carried 7 to 0.

DESIGN SERVICES

CAMBRIA ADDITION, EAST OF 143RD STREET EAST, NORTH OF PAWNEE. (DISTRICT II)

Agenda Item No. 10b.

The City Council approved the water, sewer, drainage and paving improvements in Cambria Addition on February 5, 2008.

The proposed Agreement between the City and Ruggles & Bohm, P.A. provides for the design of bond financed improvements consisting of water, sewer, drainage and paving in Cambria Addition. Per Administrative Regulation 1.10, staff recommends that Ruggles & Bohm 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 Ruggles & Bohm will be on a lump sum basis of \$104,880 and will be paid by special assessments.

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

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

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Motion--
--carried

Brewer moved to approve the Agreement and authorize the necessary signatures. Motion carried 7 to 0.

DESIGN SERVICES

MONARCH LANDING SECOND ADDITION, NORTH OF 21ST STREET, WEST OF 159TH STREET EAST. (DISTRICT II)

Agenda Item No. 10c.

The City Council approved the storm water improvements in Monarch Landing 2nd Addition on October 16, 2007.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of storm water in Monarch Landing 2nd Addition. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$60,300 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 storm water 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 to approve the Agreement and authorize the necessary signatures. Motion carried 7 to 0.

CHANGE ORDER

PAWNEE IMPROVEMENT, BETWEEN PALISADE AND BROADWAY. (DISTRICT III)

Agenda Item No. 11a.

On September 12, 2006, the City Council approved a construction contract with Pavers, Inc. to improve Pawnee, between Palisade and Broadway. At that time, it was expected that existing sidewalk on the north side of Pawnee adjacent to the Envision facility could be preserved. After the work began it was determined that the existing sidewalk would not match the new grades and should be removed and replaced with new sidewalk. Also, additional sod was needed in an area where trees were removed. The cost of the additional work is partially offset by an under run of the amount of driveway construction.

A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

The total cost of the additional work is \$14,908 with \$2,983 paid by City General Obligation bonds and \$11,925 paid by Federal grants. The original contract amount is \$1,641,466. This Change Order plus previous change orders represents 2.20% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving traffic flow along an important transportation corridor.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

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Motion--
--carried

Brewer moved to approve the Change Order and authorize the necessary signatures. Motion carried 7 to 0.

PROP. ACQUIS

PARTIAL ACQUISITION OF 8601 WEST CENTRAL FOR THE INTERSECTION IMPROVEMENT PROJECT AT CENTRAL AVENUE AND TYLER ROAD. (DISTRICT V)

Agenda Item No. 12a.

On December 13, 2005, the City Council approved the intersection improvement of West Central Avenue at Tyler Road. Traffic flow will be enhanced at the intersection by adding dual turn lanes at each approach to the intersection and upgrading the traffic light signals. To accommodate this, it is necessary to acquire a portion of 8601 West Central Avenue. The subject property is improved with a 4,869 square foot branch bank on a 92,445 square foot site.

The proposed acquisition is the north 10 feet of this particular site. This strip of land will widen the southern portion of the Central Avenue road right-of-way to accommodate for the extra lane. The total area of the proposed acquisition is 2,300 square feet. The site improvements will not be impacted as a result of the acquisition and access will remain during construction. The appraised value of \$28,000 was accepted by the owner. The value was derived at using \$10.00 per square foot for the land and \$5,000 for the resetting of the business advertising sign.

The funding source for the project is General Obligation Bonds. A budget of \$30,000 is requested. This includes \$28,000 for acquisition and \$2,000 for closing costs and title insurance.

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

The Law Department has approved the contract as to form.

Motion--
--carried

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

PROP. ACQUIS

PARTIAL ACQUISITION OF 743 SOUTH OLIVER FOR THE OLIVER, HARRY TO KELLOGG ROAD PROJECT. (DISTRICT III)

Agenda Item No. 12b.

On May 14, 2004, City Council approved the Oliver Road improvements from Harry to Kellogg. The design concept is to replace the existing pavement on Oliver with a new five lane roadway, with four through lanes and a center two-way left turn lane. Left turn lanes would be provided at all four approaches to the Oliver and Harry intersection. To accommodate this, it is necessary to acquire ten to twenty-foot wide strips of land from the east side of eight properties abutting Oliver. The properties consist of commercial, single-family and multi-family. This particular acquisition is from 743 South Oliver, a single-family residential site.

The proposed acquisition is the east ten feet of the subject site and consists of 500 square feet. A 936 square foot temporary construction easement is also necessary to match the driveway grade to Oliver when completed. The site improvements will not be impacted as a result of our acquisition and access will remain during construction. The appraised value of \$900 was accepted by the owner. The value was derived at using \$1.58 per square foot for the land.

The funding source for the project is General Obligation Bonds. A budget of \$1,500 is requested. This includes \$900 for acquisition and \$600 for closing costs and title insurance.

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

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The Law Department has approved the contract as to form.

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

BOARD MINUTES **MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

Board of Electric Appeals, January 22, 2008
Board of Appeals Refrigeration, Air Conditioning, Warm Air Heating and Boiler, February 7, 2008
Wichita Airport Advisory Board, February 4, 2008

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

CONTRACTS **FEBRUARY 2008 MONTHLY CONTRACTS AND AGREEMENTS.**

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

SR. MGMT REPORT **SENIOR MANAGEMENT EXPENSES FOR JANUARY 2008.**

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

CMAQ GRANT **RESOLUTION AUTHORIZING CONGESTION MITIGATION AIR QUALITY (CMAQ) GRANT FROM THE FEDERAL TRANSPORTATION ADMINISTRATION (FTA).**

Agenda Item No. 16.

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 for CY2008 Congestion Mitigation Air Quality. The authorized total federal apportionment for FY2008 is \$80,000. A public hearing was held on February 22, 2008, with no adverse comments. CMAQ funds are Federal Highway Administration (FHWA) funds that are transferred to FTA for use by transit services. These funds are 80% federal funds and 20% local matching fund programs.

The proposed resolution authorizes funding to support the Q-Line trolley services for downtown Old Town and Delano Districts.

The total grant budget is \$100,000. The federal share is \$80,000, and the local share of \$20,000 will be from the Wichita Downtown Development Commission (WDDC). No City of Wichita funds will be used as a local match for these CMAQ funds.

To ensure an efficient infrastructure by maintaining and optimizing public facilities and assets.

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

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

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RESOLUTION NO. 08-147

A Resolution authorizing the filing of an application 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, Title 23, and other federal statutes administered by the Federal Transit Administration to support FY2008 Congestion Mitigation Air Quality (QMAC) Projects presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

SECTION 5307

RESOLUTION AUTHORIZING SECTION 5307 URBANIZED AREA FORMULA ANNUAL GRANT FROM THE FEDERAL TRANSPORTATION ADMINISTRATION (FTA).

Agenda Item No. 17.

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 for FY2008 capital purchases and transit operation (pursuant to Section 5307 Urbanized Area Formula Annual Apportionment). The authorized total federal apportionment for FY2008 is \$3,970,940. A public hearing was held on February 22, 2008, with no adverse comments. Section 5307 funds are funded 80% federal funds and 20% local matching funds programs.

The proposed resolution authorizes funding to support the following:

- preventive maintenance, including personnel costs, vehicle overhauls, parts and equipment;
- Special Services, including ADA operating expenses and purchased services;
- planning and training activities;
- pass-through funding for urbanized area operators (Sedgwick County, Butler County, and Derby) for planning and preventive maintenance; and
- capital to update Wichita Transit's bus wash, equipment for our new van maintenance facility, upgrades to existing security cameras, and the purchase of new digital security cameras for our buses.

The total grant budget is \$5,338,675; federal share is \$3,970,940. The local share will be split between the City of Wichita (\$818,735), KDOT (\$504,000), and other local, nonCity of Wichita funds (\$45,000).

To ensure an efficient infrastructure by maintaining and optimizing public facilities and assets.

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

Motion--
--carried

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

RESOLUTION NO. 08-148

A Resolution authorizing the filing of an application 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, Title 23, and other federal statutes administered by the Federal Transit Administration to support FY2008 Section 5207 projects, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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PUBLIC TRANSP.

FUNDING FOR PUBLIC TRANSPORTATION.

Agenda Item No. 18.

Each year the Federal Transit Administration (FTA) provides grant money for use in providing urban public transportation services. The amount of funding is based upon a complex formula involving miles driven, passenger rides provided, population area and density serviced, etc.

The 2000 census figures enlarged the service area for which the City of Wichita is allowed to seek funds to include all of Sedgwick County and other incorporated entities within the urbanized area (UZA). The City can request funds for public transportation services to enhance the programs of Sedgwick County and the urbanized area, and pass through those funds as determined by the formula. For FY 2008 the pass-through funds will be for a total of \$225,000, of which Sedgwick County will receive \$150,000, Butler County will receive \$25,000, and the City of Derby will receive \$50,000 for planning and preventive maintenance. All figures are 80% federal and 20% matched by the receiving agency.

To ensure an efficient infrastructure by maintaining and optimizing public facilities and assets.

The City will have no part in operating these transportation programs. It will give guidance for the federal reporting required under the grant. By the attached interlocal agreements, the counties of Butler and Sedgwick will agree to adhere to all federal program requirements attached to the grant. The Law Department has prepared these agreements.

Motion--carried

Brewer moved to approve the interlocal agreements. Motion carried 7 to 0.

SNOW & ICE

SNOW AND ICE BUDGET ADJUSTMENT.

Agenda Item No. 19.

The 2008 Snow and Ice budget was appropriated \$161,590 in its commodities budget for de-icing materials, plow blades, etc. The severity of this winter coupled with the shortage of salt nationwide has rapidly depleted our funds. The salt shortage has required seeking alternative sources at a higher cost than our usual contracted amount. The use of more expensive alternative materials (CMA and calcium chloride) has also been increased. The weather has been unpredictable requiring mobilization of crews and application of material even when storms do not materialize. The commodities portion of the snow and ice budget has been exhausted. There are currently approximately \$100,000 in outstanding invoices that must be paid. These are for material already delivered to restock our facilities and replenish our salt supply with our contractor.

To date in 2008, the snow and ice budget is over budget by \$100,000 in overtime wages and commodities. To pay vendor invoices, a budget adjustment for this amount is needed. Salt storage facilities are currently filled to capacity. However, with a month remaining in the first part of the 2008 winter, it is likely that additional inclement weather events could occur. This would result in additional materials being purchased and the possibility of additional overtime usage. Staff estimates up to \$220,000 in additional expenditures could be incurred before spring, dependent on the weather.

Funds are available in the General Fund appropriated reserve. During the process of developing the 2008 revised budget later this year (after the spring snow and ice season), the additional funding needs for snow and ice removal through the remainder of 2008 can be addressed.

This budget transfer will support the Safe and Secure Communities Goal by insuring the continued safety and mobility of the travelling public, and the Efficient Infrastructure Goal by providing dependable, passable highways and streets.

Budget adjustments over \$25,000 require Council approval.

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Motion-- Brewer moved to approve the budget adjustment of up to \$320,000 from appropriated reserves to the Public Works Snow and Ice Removal budget. Any adjustments up to \$320,000 will be processed as needed, based on the occurrence of any additional snow and ice events. Motion carried 7 to 0.
--carried

PRESBYTER MANOR CONVEYANCE OF PORTION OF LAND – PRESBYTERIAN MANORS, INC.

Agenda Item No. 20.

On May 4, 2004, the City Council approved the issuance of Health Care Facilities Refunding Revenue Bonds in the amount of \$24,000,000 to Presbyterian Manors, Inc. (“PMI”) for the purpose of refinancing and restructuring of debt at several of its health care facilities located throughout the state of Kansas. A small portion of the bonds will be used to construct improvements for certain PMI facilities in Kansas. On December 28, 2007, the City of Wichita received notice from Presbyterian Manors, Inc. of its intention to exercise its option to release portions of unimproved land at its Emporia Facility and Dodge City Facility.

Pursuant to the terms of Article XIII of the Lease, Presbyterian Manor has notified the City of its intent to exercise its options to release certain portions of unimproved land, which constitutes a portion of the Emporia Facility and the Dodge City Facility, and to make a technical correction with respect to the legal description of the Emporia Facility and the Dodge City Facility.

There is no financial impact to the City resulting from the requested change.

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 Resolution and all necessary documents as to form.

Motion-- Brewer moved to adopt the Resolution authorizing the Special Warranty Deed and execution and delivery of a partial release of Lease for the purpose of releasing the Unimproved Land from the Lease, and effecting a technical correction of the legal description of the Emporia Facility and the Dodge City Facility, and authorize the necessary signatures. Motion carried 7 to 0.
--carried

RESOLUTION NO. 08-149

A Resolution authorizing the City of Wichita, Kansas, to execute and deliver to Presbyterian Manors, Inc., Special Warranty deeds to release a portion of property previously given in connection with its issuance of health care facilities refunding and improvement revenue bonds of the City, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

STOP LOSS INS. 2008 SELF-INSURED HEALTH PROGRAM STOP-LOSS INSURANCE POLICY.

Agenda Item No. 21.

On November 21, 2007, the City Council approved a 2007-2009 Self-Insured quote from Coventry Health Care Insurance, Inc. and authorized staff to negotiate a Third Party Agreement (TPA) with Coventry to be effective January 1, 2007. On September 25, 2007, the City Council approved the 2007 Third Party Agreement and approved renewal of Coventry Health Care, Inc. to provide medical and prescription drug services for 2008.

The reason for changing to a Self-Insured Health Plan from a fully insured Health Plan was to take advantage of plan savings generated from not paying premium tax and payment for “risk”. The City

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Council approved all plan efficiencies derived from plan savings to initially be used to absorb future risk potential from self-insuring and additionally to maintain the stability of future health insurance rates.

The Stop Loss insurance policy is an integral part of the self-insured health program. Purchase of a \$400,000 stop-loss insurance policy is designed to keep to keep high cost claimants from materially affecting the Self-Insurance Fund. In addition, the known large-claim claims would be subject to the \$500,000 yearly maximum on medical. As a part of the City Council's adoption of the 2008 Health Program Working Rates on October 2, 2007, the City Council was advised that the 2008 stop loss fees would increase by 18%.

Coventry Health and Life Insurance Stop Loss Policy renewal increases the per employee per month cost from \$9.92 in 2007 to \$11.71 in 2008. Third Party Administrator (TPA) administrative fees would be \$24.44 per employee per month (excluding stop loss charges and Mental Health/Substance Abuse fees) in 2007. Coventry has guaranteed that their TPA administrative fees will increase by no more than 4% per annum for 2008 and 2009, exclusive of pass through fees.

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

The Stop Loss Policy has been approved as to form by the City Attorney's office.

Motion--
--carried

Brewer moved to approve the \$400,000 stop-loss insurance policy and authorize the appropriate signatures. Motion carried 7 to 0.

ORDINANCES

SECOND READING PAVING ORDINANCES FOR MARCH 18, 2008: (FIRST READ FEBRUARY 12, 2008)

PAVING PROJECTS:

a. (490-136/472-83626

ORDINANCE NO. 47-781

An ordinance improving Sunview, Ellis, Marie & 44th Street South West of Hydraulic, South of 44th Street South, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District III)

b. (490-127/472-84105)

ORDINANCE NO. 47-782

An ordinance improving Aksarben, Autumn Ridge, Kiwi, & Decker (North of 13th, West of 135th Street West), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District V)

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c. (490-048/472-84206)

ORDINANCE NO. 47-783

An ordinance constructing an accel/decel lane on the south side of 21st Street North South of 21st, West of Greenwich, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District II)

d. (490-057/472-84215)

ORDINANCE NO. 47-784

An ordinance improving 30th st., Custer, Chase, St. Paul South of Pawnee, West of Meridian, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District IV)

e. (490-110/472-84227)

ORDINANCE NO. 47-785

An ordinance improving Jade ave., Sunflower Dr., Cedardale Ave., South of 63rd St. South, West of Clifton, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District III)

f. (490-059/472-84241)

ORDINANCE NO. 47-786

An ordinance improving 26th St.Circle North including the cul-de-sac (South of 29th St. N., West of Greenwich), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District IV)

g. (490-121/472-84246)

ORDINANCE NO. 47-787

An ordinance improving Mainsgate, Eagle, Woodridge, Davin Cir., including the emergency access easement, cul-de-sac & sidewalk North of 21st, West of 127th St. East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District II)

h. (490-090/472-84271)

ORDINANCE NO. 47-788

An ordinance improving Tara Falls, Tara Falls Ct., Pawnee, Willowgreen/Willowgreen Cir., Willowgreen Ct., Casa Bella including the CUL-DE-SAC North of Pawnee, West of 127th St. East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District II)

i. (490-107/472-84297)

ORDINANCE NO. 47-789

An ordinance improving Zmmerly Court including the cul-de-sac North of Harry, West of 127th St. East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District II)

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j. (490-085/472-84298)

ORDINANCE NO. 47-790

An ordinance improving Mascot North of 29th Street North, West of Arkansas Ave., read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District VI)

k. (490-086/472-84299)

ORDINANCE NO. 47-791

An ordinance improving University, Maple Lane to Arapaho South of Maple, East of Ridge, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District V)

l. (490-120/472-84324)

ORDINANCE NO. 47-792

An ordinance improving Marblefalls, Hobby, Mantane & including sidewalk North of 45th St. North, West of Hillside, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District I)

m. (490-096/472-84364)

ORDINANCE NO. 47-793

An ordinance improving Bayside Ct., West St., Bayside, Paradise/Paradise Ct., including the cul-de-sac West of West St., North of 21st, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District V)

n. (490-148/472-84393)

ORDINANCE NO. 47-794

An ordinance improving Onewood, Cityview, City View Cir., City View Ct., including the cul-de-sac South of Maple, East of 151st St. West, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District V)

o. (490-119/472-84404)

ORDINANCE NO. 47-795

An ordinance improving Wilson Estates Ct., Water Distribution No. 448-90191 & Lateral 89, Main 22, war industries sewer 468-84181 South of 21st, West of Webb, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District II)

p. (490-125/472-84416)

ORDINANCE NO. 47-796

An ordinance improving 50th St. South, Osage/Osage Circle, including the cul-de-sac & sidewalks South of 47th Street South, East of Seneca, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District IV)

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q. (490-123/472-84423)

ORDINANCE NO. 47-797

An ordinance improving Mt. Vernon, Triple Crown, Mt. Vernon Ct., including the cul-de-sac & sidewalks East of 127th Street East, North of Pawnee, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District II)

r. (490-122/472-84425)

ORDINANCE NO. 47-798

An ordinance improving Michelle West of 127th Street East, North of Pawnee, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District II)

s. (490-138/472-84471)

ORDINANCE NO. 47-799

An ordinance constructing pavement on the south 100 feet of the north-south alley North of Pawnee, between Ida and Laura, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District III)

t. (491-022/472-84536)

ORDINANCE NO. 47-800

An ordinance facade improvements at 208 S. Market East of Market, South of William, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (District III)

ORDINANCES

SECOND READING ORDINANCES FOR MARCH 18, 2008: (FIRST READ FEBRUARY 12, AND MARCH 04, 2008)

u. Amendments to the Self-Supported Municipal Improvement District (SSMID) Ordinance.
(Districts I and VI)

ORDINANCE NO. 47-853

An ordinance amending Section 5 of Ordinance No. 44-895 (Downtown Self-Supported Municipal Improvement District) of the city of Wichita and repealing the original said section pursuant to K.S.A. 12-1794. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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- v. CUP2007-61 Associated with ZON2007-54– Create DP- Mike Steven Motors Community Unit Plan; zone change to “LC” Limited Commercial. Generally located between Kellogg Drive, Gouverneur Road, and Calhoun Drive. (District II)

ORDINANCE NO. 47-851

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: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- w. ZON2007-00036 – Zone change from “SF-5” Single-family Residential, “TF-3” Two-family Residential and “LC” Limited Commercial to “MF-29” Multi-family Residential with a Protective Overlay. Generally located south and east of the intersection of 31st Street South and Wichita Street. (District III)

ORDINANCE NO. 47-850

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: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- x. ZON2007-66 - City Zone change from “MF-29” Multi-Family to “LC” Limited Commercial. Generally located southeast of the intersection of Meridian and Merton, 1716 and 1722 S. Meridian. (District IV)

ORDINANCE NO. 47-852

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: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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NEW BUSINESS

WATER PROJECTS

PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR TWENTY (20) WATER PROJECTS, TWENTY (20) SEWER PROJECTS, AND EIGHT (8) STORM PROJECTS IN JULY 2008 BOND SALE SERIES 794.

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 24.

The City Council was notified on February 12, 2008 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

Notice of hearing letters were published February 15, 2008 in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing. Department of Finance and Public Works staff held an informal hearing March 3, 2008 at 11:00 a.m. for the water and sewer projects.

Statements of Special Assessment will be mailed to the property owners on April 4, 2008. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2008 Bond Sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2008 tax roll.

The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

These projects were initiated pursuant to provisions of KSA 12-6a01 et seq. as amended. All of the projects were 100% petitions.

Mayor Brewer

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

Motion--
--carried

Brewer moved to close the Public Hearing, approve the proposed assessments and place the ordinances on first reading. Motion carried 7 to 0.

ORDINANCE

(470-007/448-89963) Construction of Water Distribution System No. 448-89963 TO SERVE TURKEY CREEK 2ND ADDITION, North of Pawnee, West of 119th Street West, introduced and under the rules laid over. (District IV)

ORDINANCE

(470-028/448-90004) Construction of Water Distribution System No. 448-90004 TO SERVE FONTANA 3RD ADDITION, East of 119th Street West, North of 29th Street North, introduced and under the rules laid over. (District V)

ORDINANCE

(470-037/448-90028) Construction of Water Distribution System No. 448-90028 TO SERVE THE FAIRMONT 3RD ADDITION, West of 127th Street East, North of 21st Street North, introduced and under the rules laid over. (District II)

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ORDINANCE

(470-988/448-90080) Construction of Water Distribution System No. 448-90080 TO SERVE UNPLATTED TRACTS 'A' & 'B', CLIFTON HEIGHTS COMMERCIAL, CLIFTON HEIGHTS COMMERCIAL 2ND & CLIFTON COVE ADDITIONS, along Clifton, from 63rd Street South to 55th Street South, introduced and under the rules laid over. (District I).

ORDINANCE

(470-989/448-90081) Construction of Water Distribution System No. 448-90081 TO SERVE CLIFTON COVE ADDITION, South of 63rd Street South, West of Clifton, introduced and under the rules laid over. (District I)

ORDINANCE

(470-970/448-90083) Construction of Water Distribution System No. 448-90083 TO SERVE CROSS POINTE ADDITION, South of 21st, East of Greenwich, introduced and under the rules laid over. (District II).

ORDINANCE

(470-998/448-90093) Construction of Water Distribution System No. 448-90093 TO SERVE THE FAIRMONT ADDITION, North of 21st Street, West of 127th Street East, introduced and under the rules laid over. (District II).

ORDINANCE

(470-020/448-90104) Construction of Water Distribution System No. 448-90104 TO SERVE TYLER'S LANDING 3RD ADDITION, South of 37th Street North, East of Tyler, introduced and under the rules laid over. (District V)

ORDINANCE

(470-962/448-90105) Construction of Water Distribution System No. 448-90105 TO SERVE FALCON FALLS 2ND & 3RD, & FALCON FALLS COMMERCIAL ADDITIONS, North of 45th Street North, West of Hillside, introduced and under the rules laid over. (District I)

ORDINANCE

(470-986/448-90128) Construction of Water Distribution System No. 448-90128 TO SERVE FALCON FALLS 3RD ADDITION, North of 45th Street North, West of Hillside, introduced and under the rules laid over. (District I)

ORDINANCE

(470-972/448-90161) Construction of Water Distribution System No. 448-90161 TO SERVE EMERALD BAY ESTATES ADDITION & UNPLATTED TRACTS A, B & C, West of West Street, North of 21st, introduced and under the rules laid over. (District V)

ORDINANCE

(470-034/448-90175) Construction of Water Distribution System No. 448-90175 TO SERVE K-96 BUSINESS PARK ADDITION, North of 29th Street North, West of Greenwich, Introduced and under the rules laid over. (District II)

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ORDINANCE

(470-004/448-90200) Construction of Water Distribution System No. 448-90200 TO SERVE SYCAMORE POND ADDITION, South of 47th Street South, East of Seneca, introduced and under the rules laid over. (District IV)

ORDINANCE

(470-009/448-90232) Construction of Water Distribution System No. 448-90232 TO SERVE CLEAR CREEK ADDITION, West of 143rd Street East, South of Kellogg, introduced and under the rules laid over. (District II)

ORDINANCE

(470-032/448-90248) Construction of Water Distribution System No. 448-90248 TO SERVE VALENCIA ADDITION, East of Meridian, South of 53rd Street North, introduced and under the rules laid over. (District VI)

ORDINANCE

(470-013/448-90250) Construction of Water Distribution System No. 448-90250 TO SERVE TERRADYNE WEST ADDITION, West of 159th Street East, North of Central, introduced and under the rules laid over. (District II)

ORDINANCE

(470-014/448-90251) Construction of Water Distribution System No. 448-90251 TO SERVE TERRADYNE WEST ADDITION, West of 159th Street East, North of Central, introduced and under the rules laid over. (District II)

ORDINANCE

(470-017/448-90259) Construction of Water Distribution System No. 448-90259 TO SERVE SANTA FE ORIENT INDUSTRIAL DISTRICT 3RD ADDITION, West of Seneca, North of Harry, introduced and under the rules laid over. (District IV)

ORDINANCE

(470-021/448-90275) Construction of Water Distribution System No. 448-90275 TO SERVE MONARCH LANDING ADDITION & UNPLATTED RESIDENTIAL TRACT 1, North of 21st, West of 159th Street East, introduced and under the rules laid over. District II)

ORDINANCE

(470-031/448-90279) Construction of Water Distribution System No. 448-90279 TO SERVE LEGACY 3RD ADDITION, North of 47th Street South, West of Meridian, introduced and under the rules laid over. (District IV)

ORDINANCE

(480-879/468-83584) Construction of LATERAL 344, FOUR MILE CREEK SEWER, East of 127th Street East, North of Pawnee, introduced and under the rules laid over. (District II)

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ORDINANCE

(480-905/468-83809) Construction of LATERAL 3, MAIN 7, NORTHWEST INTERCEPTOR SEWER, North of 37th Street North, West of Maize, introduced and under the rules laid over. (District V)

ORDINANCE

(480-885/468-83820) Construction of LATERAL 3, MAIN 6, COWSKIN INTERCEPTOR SEWER, North of Pawnee, West of 119th Street West, introduced and under the rules laid over. (District IV)

ORDINANCE

(480-907/468-83882) Construction of LATERAL 10, MAIN 7, NORTHWEST INTERCEPTOR SEWER, East of 119th Street West, North of 29th Street North, introduced and under the rules laid over. (District V)

ORDINANCE

(480-855/468-84044) Construction of LATERAL 5, MAIN 16, FOUR MILE CREEK SEWER, South of 21st, East of Greenwich, introduced and under the rules laid over. (District II)

ORDINANCE

(480-898/468-84064) Construction of LATERAL 25, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Tyler, introduced and under the rules laid over. (District V)

ORDINANCE

(480-894/468-84081) Construction of LATERAL 38, MAIN 1, COWSKIN INTERCEPTOR SEWER, South of Maple, West of Maize, introduced and under the rules laid over. (District V)

ORDINANCE

(480-858/468-84139) Construction of LATERAL 1, MAIN 23, SOUTHWEST INTERCEPTOR SEWER, West of West Street, North of 21st introduced and under the rules laid over. (District V)

ORDINANCE

(480-857/468-84141) Construction of MAIN 23, SOUTHWEST INTERCEPTOR SEWER, West of West Street, North of 21st introduced and under the rules laid over. (District V)

ORDINANCE

(480-904/468-84146) Construction of LATERAL 1, MAIN 19, FOUR MILE CREEK SEWER, North of 13th, west of 159th Street East introduced and under the rules laid over. (District II)

ORDINANCE

(480-872/468-84182) Construction of LATERAL 396, FOUR MILE CREEK SEWER, North of Central, West of 127th Street East introduced and under the rules laid over. (District I)

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ORDINANCE

(480-886/468-84203) Construction of LATERAL 398, FOUR MILE CREEK SEWER, East of 127th Street East, North of Harry introduced and under the rules laid over. (District II)

ORDINANCE

(480-887/468-84231) Construction of LATERAL 400, FOUR MILE CREEK SEWER, West of 143rd Street East, South of Kellogg, introduced and under the rules laid over. (District II)

ORDINANCE

(480-890/468-84258) Construction of LATERAL 7, MAIN 15, SANITARY SEWER NO. 23, East of Meridian, South of 53rd Street North, introduced and under the rules laid over. (District VI)

ORDINANCE

(480-891/468-84261) Construction of LATERAL 402, FOUR MILE CREEK SEWER, West of 159th Street East, North of Central, introduced and under the rules laid over. (District II)

ORDINANCE

(480-892/468-84262) Construction of MAIN 22, FOUR MILE CREEK SEWER, North of Pawnee, East of Webb, introduced and under the rules laid over. (District II)

ORDINANCE

(480-893/468-84263) Construction of LATERAL 1, MAIN 22, FOUR MILE CREEK SEWER, North of Pawnee, East of Webb, introduced and under the rules laid over. (District II)

ORDINANCE

(480-895/468-84281) Construction of LATERAL V, SANITARY SEWER NO. 8, West of Seneca, North of Harry, introduced and under the rules laid over. (District IV)

ORDINANCE

(480-900/468-84317) Construction of LATERAL 1, MAIN 23, FOUR MILE CREEK SEWER, North of 21st, West of 159th Street East, introduced and under the rules laid over. (District II)

ORDINANCE

(480-914/468-84329) Construction of LATERAL 521, SOUTHWEST INTERCEPTOR SEWER, North of 47th Street South, West of Meridian, introduced and under the rules laid over. (District IV)

ORDINANCE

(485-302/468-83883) Construction of SWD NO. 236, TO SERVE FONTANA ADDITION, East of 119th Street West, North of 29th Street North, introduced and under the rules laid over. (District V)

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ORDINANCE

(485-312/468-84024) Construction of SWD NO. 269, TO SERVE CLIFTON COVE ADDITION, South of 63rd Street South, West of Clifton, introduced and under the rules laid over. (District III)

ORDINANCE

(485-314/468-84183) Construction of SWD NO. 294, TO SERVE CRESTLAKE ADDITION & UNPLATTED TRACT A, North of Central, West of 127th Street East, introduced and under the rules laid over. (District II)

ORDINANCE

(485-318/468-84193) Construction of SWD NO. 295, TO SERVE SYCAMORE POND ADDITION, South of 47th Street South, East of Seneca, introduced and under the rules laid over. (District IV)

ORDINANCE

(485-321/468-84204) Construction of SWD NO. 297, TO SERVE BELLECHASE ADDITION & UNPLATTED TRACT, East of 127th Street East, North of Harry, introduced and under the rules laid over. (District II)

ORDINANCE

(485-326/468-84260) Construction of SWD NO. 311, TO SERVE VALENCIA ADDITION, East of Meridian, South of 53rd Street North, introduced and under the rules laid over. (District VI)

ORDINANCE

(485-324/468-84282) Construction of SWS NO. 623, TO SERVE SANTA FE INDUSTRIAL DISTRICT 3RD ADDITION, West of Seneca, North of Harry, introduced and under the rules laid over. (District IV)

ORDINANCE

(485-327/468-84298) Construction of SWS NO. 626, TO SERVE TYLERS LANDING ADDITION, South of 37th Street North, East of Tyler, introduced and under the rules laid over. (District V)

C.O.R.E.

PUBLIC HEARING ON THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT TAX INCREMENT FINANCING FOR THE C.O.R.E. REDEVELOPMENT PROJECT. **(DISTRICT VI)**

Allen Bell

Urban Development Director reviewed the item.

Agenda Item No. 25.

On February 12, 2008, the City Council adopted a resolution stating its intent to consider the establishment of a redevelopment district in the downtown area, to be known as the C.O.R.E. Redevelopment District, for the purpose of facilitating the use of tax increment financing. The resolution set 9:30 a.m. on March 18, 2008, or as soon thereafter as possible, as the time for a public hearing before the City Council on this matter. Copies of the resolution were mailed, by certified mail, to all owners and occupants of property in the proposed district, and to the Board of Sedgwick County Commissioners and the U.S.D. 259 Board of Education, according to state law.

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The area proposed for redevelopment is bounded on the south by Central Avenue, on the east by Santa Fe Avenue, on the north by Murdock Ave. and includes property parcels adjacent to the west of Topeka Avenue, as shown on the attached map. This is an area that qualifies as a "conservation area" under the state TIF statutes, in that over 75% of the buildings in the area were built well over 35 years ago, and there are excessive vacancies, building abandonment and signs of dilapidation, obsolescence or deterioration. This area contains various property uses including single and multi-family residential, office, retail, medical, warehouse, and light-industrial.

The proposed C.O.R.E. redevelopment project consists of redeveloping an eight square block area. The development would include new medical buildings, approximately 140 apartment units throughout the development, 30 brownstone-type town homes, office/retail space, a neighborhood grocery store and a neighborhood park. Tax increment financing would be used to pay for eligible redevelopment project costs, such as land acquisition, demolition, site preparation, utilities, landscaping, paving, and public infrastructure.

Tax increment financing (TIF) allows the increased property tax revenue which results from the redevelopment of under-utilized property to be reinvested in the redevelopment. When a TIF district is established and a redevelopment plan is adopted by City Council, the increased tax revenue is set aside by the County Treasurer and can be used by the City to repay bonds issued to finance eligible project costs that are specified in the redevelopment plan and allowed under state law. Such costs can be financed with TIF bonds or on a pay-as-you-go basis.

A TIF review team, consisting of staff from the City, County and USD 259, has met to examine the preliminary details of the proposed redevelopment project and consider whether the project either needs or merits public funding assistance. The team raised some questions regarding the Metro Downtown High School, traffic flow and direction, and relocation for current residents. The developer has not yet provided responses to the team's questions. Staff has also requested the developer provide a financial analysis that demonstrates the need for public funding, which has also not yet been provided.

The Board of County Commissioners and the Board of Education for USD 259 will have 30 days following the closing of the public hearing to determine whether establishment of the district will have an adverse impact on them, effectively precluding the use of tax increment financing. If the County and School District approve, or take no action in that time, the tax increment financing district will be established.

It will still be up to the City Council to approve the actual use of tax increment financing by adopting a redevelopment plan for the C.O.R.E. Redevelopment District that includes tax increment financing. Once a redevelopment plan is adopted and sent to the County Clerk, the tax increment revenue generated by redevelopment will be set aside and deposited into a special fund for its prescribed use. TIF revenue will continue to be set aside in this way until all TIF-financed improvements have been paid, including the retirement of any TIF bonds.

The establishment of a redevelopment district will facilitate the use of tax increment financing to pay the cost of a portion of public improvements constructed in conjunction with the proposed C.O.R.E. redevelopment project. Only if the project is approved, a redevelopment plan adopted, and the specific improvements authorized by Council action, will the tax increment revenues generated in the district actually be utilized.

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

The ordinance establishing the redevelopment district has been reviewed by the City's Law Department and approved as to form. The City Council may amend the proposed boundaries to reduce the size of the redevelopment district at the time of adoption of the ordinance.

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- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard.
- Joe Lively Mr. Lively resides at 630 North Topeka, stated he has lived there 20 years and it is the only place he can afford and cannot afford to move anyplace else because he is on a fixed income. Stated that cleaning up that area is a good idea but he does not want to be displaced. Stated he cannot afford to go some place else and pay more in rent and asked the Council what they are going to do with the people who live there and rely on everything that is right downtown and everything he needs in his life is right downtown and within walking distance. Asked the Council what is going to happen to them?
- Vice-Mayor Fearey Vice-Mayor Fearey stated that part of this program includes relocation for people who already live there and what is programmed to happen is as new places are built and there will be places that people could move into that will be brand new or newly rehabilitated where people can move in there and their rents will stay very low because they will use low-income housing tax credits to fix those places up. Stated they will moved right in the neighborhood and if the building that they are currently in another one that is fixed up after that one is fixed up, they can move back into that one. Stated one of the big parts of this is that they do not want anybody who lives in that neighborhood to have to move out of that neighborhood and there will be relocation costs and assistance included and then the low rent in other places.
- Council Member Gray Council Member Gray stated even with low-income housing tax credits, he questions whether it will be the same amount that Mr. Lively is currently paying and cautioned that they not get people too excited that they are going to get a brand new place to stay in and it not going to cost them anymore money.
- Council Member Skelton Council Member Skelton stated as the Council approves specific projects within this TIF district, it is something he is going to be looking at and before he votes on any specific projects, he is going to have to make sure that people like Mr. Lively are taken care of .
- Vickie Keys Ms. Keys, resides at 615 ½ North Topeka, stated she lives in a private home and when they needed handicapped housing, it is all she and her husband could find. Stated she does not want to be forced into an apartment building. Stated that people who live in private homes deserve the right to stay in a private home when this project is done. Stated most of them cannot afford their rent to go up \$25.00 to \$75.00 a month when you are on social security or disability. Stated she wants to stay where she partly because of her church and because she and her husband are both handicapped and that was the best housing they could find in that area to fit their needs.
- Mayor Brewer Mayor Brewer asked the City Manager to have staff check into the grade of the ramp and to see if it is handicapped accessible, which is at the Legacy apartments.
- John Todd Mr. Todd resides at 1559 Payne, stated he is in opposition of TIFs in general because they create an unlevelled playing field and the developers who receive them have the advantage, which the City Council decides that rather than letting the free market decide. Stated he believes that the free market does a better job of deciding who wins and who loses. Stated if tax breaks are good for the few than they are even better for the many. Stated we do not need the TIF to make this project happen.
- Kris Sims Ms. Sims stated her family owns the property at 520 East Central and through the 25 years of running their business they have had a variety of tenants. Stated she has rented to parolees, work-release, drug addicts, alcoholics, mentally ill, and the disabled. Stated she gives them respect and a second chance in life and the downtown tents are a little different from the people who live in Eastborough. Stated they can only afford the lower end housing and apartments. Stated that most of the buildings in the proposed redevelopment area are lower income properties and she agrees that a few of those do need updating but most are well kept. Stated she likes the way the existing buildings were transformed in the Old Town area instead of being torn down. Stated the trend now days if for “green buildings” and asked what would be greener than restoring an old building instead of tearing it down. Stated she does not feel that it would be a wise decision to remove all existing businesses and put in something new and untried in their place and we need to keep low income rentals in the downtown area and we cannot keep running the lower income residents and the homeless to different areas of town. Stated we are running out of places for them to go and feels it make more people homeless of the project goes through and does not

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think we need to add to that growing problem. Stated she has talked to her tenants about this and they are very concerned and worry about the developers not following through on their promises and their track record on follow through has not been very promising. Stated she believes we should help the existing business owners to revitalize their properties and asked the Council before they decide on a vote to look at how this development will help the residents in the CORE area and if it will make their lives better or worse.

Harold Stocking

Mr. Stocking resides at 201 East Kirby, stated that he owns property in Wichita and pay taxes in Wichita. Stated his family has always believed in stewardship of the land and when they brought the property at 520 East Central, they found that the seller and his realtor had not been completely forthcoming about the property and what it needed. Stated there was a lot of deferred maintenance. Stated they began the task of bringing it back and as he sees it some of the property owners in the area have used up their buildings and did little or nothing to keep up the buildings and now they want the City to bail them out. Stated the CORE group told them that churches in the area want this plan but feels that the tax payers will soon be asked to cough up 350 million dollars in higher taxes. Stated they want to be left alone and to provide affordable housing for their clients.

Rick Cline

Mr. Cline resides at 2313 North Sandplum Court, stated he as served as past president of CORE and is currently on its council of directors and is a pastor at the Central Church of Christ. Stated about 12 years ago he joined pastors from ten downtown congregations for discussions about how they might work together to be a benefit to their community, especially the CORE area of the City. Stated out of those discussions came the idea of creating or recreating a neighborhood where they could help build a sense of community. Stated this nine block square area was identified as a faith-based community development corporation and their mission was established to foster or create a community in the center- city through planned residential projects that are inclusive and diverse. Stated CORE has always been about building a neighborhood, where people from all walks of life could live and where all would be welcomed from the very beginning that has been their mission. Stated no matter their income level, whether they are single or a family, young or old, whatever ethnic background, CORE has been about building a neighborhood and this project is about people, which as been their focus and vision all of these years. Stated this plan is focused around a park and the Metro-Midtown High School and they believe that parks and schools along with places of worship become essential community building areas for a neighborhood. Stated this project would be unlike anything that currently exists in Wichita and they have tried to envision what this nine square blocks would look like once completed and how this would connect the old town area to the south and Via Christi St. Francis hospital campus on the north. Stated that CORE began as a faith based organization and remains as such and have sought out interested developers who would share their dream. Stated they believe that this development can become a model for other areas of our City.

Betty Bagley

Ms. Bagley resides at 406 Jacks Court, stated that ten churches shared together in ministry to strengthen the core of our City. Stated they want to lead the way in developing a new neighborhood where people want to live, worship, and play. Stated the support from the City of Wichita is another exciting element of CORE. Ms. Bagley read aloud the mission statement for CORE.

Al Hubert

Mr. Hubert stated he is with Via Christi Hospital, which has been participating with CORE since its inception and believe it is in the best interest of their mission and values at Via Christi to support the under-served and the un-served in the Wichita community. Stated they believe this project adds a lot of good value to this community and can support it going forward. Stated he has been a member for the last year of this committee and will continue to support it and the inclusion, diversity, its mission.

Tony Rangel

Mr. Rangel stated he is the Chairman of CORE Community Development Corporation and this project is about people and providing for a neighborhood that does not have a lot of synergy today and they want to build that synergy for tomorrow. Stated at its heart, CORE is a faith-based organization focusing on people and it is their intent to provide for those people who currently live in the neighborhood. Stated they it has always been their intention to provide for those people who currently live in the neighborhood and it has been their intention all along to provide for those people in the form of relocation funds if they want to move to another neighborhood but invite them openly to stay in the neighborhood and to be a part of something special in the City of Wichita. Stated this is going to be a

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unique venture and they want this to be an inclusive neighborhood and a very diverse neighborhood and hope it is a neighborhood that provides for everyone and not just those in need but those who also want to be a part of something special. Stated they are targeting at a minimum, 150 new low-income housing units that would be available for people who live in the neighborhood today that provide the types of rents that they can afford and the relocation funds that they are going to need to move from one place to another within the neighborhood, which is important to them. Stated they are also providing for the businesses that exist in the neighborhood and one of the things that they are very proud of and that the majority of the businesses that exist in the neighborhood, are going to stay in the neighborhood and are going to be provided with new and or renovated facilities that are vital parts of the community. Stated this is a residential neighborhood and not a commercial district or an entertainment district but a unique downtown urban neighborhood. Stated it is a neighborhood that is going to have its character and identity centered around a park and a school. Stated they are looking to create a walking neighborhood and are negotiating with and hope to have an urban grocery store come into the neighborhood and making this neighborhood a sustainable neighborhood and available for public transportation and other amenities that would make it more self-sustaining. Stated that he hopes this neighborhood development can become a template for other neighborhood development in the City of Wichita.

Ben Grismore

Mr. Grismore resides at 2216 Chadsworth, stated that he is a member of the First United Methodist Church downtown where they believe that living downtown is good and his business is located downtown. Stated that they see this project as an opportunity to enhance the opportunities for people to be able to live in a unique neighborhood right in the downtown area. Stated the business leaders have always focused on and realized that there is a substantial amount of our tax base in this county and city that is centered in properties within the area and they think this is a project that will enable them to stabilize and strengthen the tax base within the community itself and think that is good business. Stated they also see this as an opportunity to attracting the people who will live in this neighborhood and will be bringing in additional businesses to the ones that are already there. Stated this is an exciting project and feels that it will be a model that can be replicated again in other areas and feel it is just good business to continue with this project.

(Council Member Schlapp momentarily absent)

Janet Miller

Ms. Miller resides at 1102 Jefferson, stated she is a resident of the mid-town neighborhood and this project is in at least its tenth year. Stated for the past 15 years she has been active in revitalizing the mid-town neighborhood, which has been one small step at a time. Stated this initiative is of enormous magnitude for this area, a nine block area in one project and that has been privately initiated. Stated the CORE development is exactly the kind of development that the TIF mechanism was designed for. Stated it is for public infrastructure, urban core revitalization, and it is to support mixed uses all in area that is supported and on the public transportation lines. Stated it is a project that has many positive attributes that include the fact that its community plan and driven, it is not a project of the City or other public entity; it is driven by a group of local non-profits; has a local developer and local investors; includes renovation of existing buildings; the new construction will be like and similar to the architectural styles in the area so that it will be an contiguous in appearance area; and the project has support from the local school district and the largest employer in the area, which is Via Christi St. Francis hospital. Stated both the renovation and new construction of the area will feature energy efficient construction, which will lower the utility bills of properties in the area and include mix rate residential units, which will bring more affordable housing to the area.

(Council Member Williams momentarily absent)

Stated this is an area that is around a correctional facility, which is very hard to get development around particularly private development. Stated this developer already has investors lined up and they have already made financial investments in this area in land acquisitions. Stated the TIF dollars are being asked for public infrastructure and this project meets other requirements of the City's recently rewritten and very vigorous TIF guidelines and this is the first project done under the new TIF guidelines and has had much more financial analysis. Stated that approval of this TIF is really critical to the continuation of the CORE project and asked the Council to support the public involvement through the approval of this TIF district.

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(Council Member Skelton momentarily absent)

(Council Member Longwell momentarily absent)

Kevas Harding

Mr. Harding, USD 259 School Board Member gave an overview of what type of school Metro-Midtown High School is like and what types of students attend.

Motion--
--carried

Vice-Mayor Fearey moved that the City Council continue the public hearing until the April 1st.
Motion carried 7 to 0.

KEN MAR

LETTER OF INTENT TO PARTICIPATE IN KEN MAR REDEVELOPMENT PROJECT. (DISTRICT I)

Allen Bell

Urban Development Director reviewed the item.

(Council Member Schlapp momentarily absent)

Agenda Item No. 26.

A local development group operating under the name of H.H. Holding LLC has requested the City's participation in the redevelopment of the Ken Mar Shopping Center property, located at the northwest corner of Oliver and 13th Street North in northeast Wichita. The proposed redevelopment project consists of a major renovation of the two principal structures on the site, and development of several new commercial structures, at an estimated total project cost of \$14 million. The developers' stated intent is to provide new and expanded shopping opportunities in the neighborhood, new jobs in a high unemployment area, as well as improve the quality of commercial structures on a site that has been in decline for years.

The developers and City staff are in preliminary discussions regarding the use of tax increment financing ("TIF") and other economic development incentives in order to make the proposed redevelopment project economically and financially feasible. The developers have identified a financing shortfall of \$2.5 million, for which they are seeking tax increment financing assistance. The preliminary project budget presented to City staff indicates that TIF funds would need to be used for site acquisition costs in order to spend \$2.5 million on project costs eligible for TIF funding.

The developers have a real estate purchase contract with the out-of-state owner of the Ken Mar property, which expires on April 1, 2008. In order to preserve the option to use TIF funds to reimburse the developers for site acquisition costs, an official action is needed by the City Council, prior to the acquisition, expressing the City's intent to use TIF for this purpose, but only in the event that the use of

TIF is ultimately approved for this project. This need can be addressed by a letter of intent stating that the City Council will consider participating in this project, in due course, and identifying site acquisition as a potential TIF-funded project cost.

The Letter of Intent sets forth the City's acknowledgement that, in the event that a redevelopment district is duly approved, and a redevelopment project plan is duly adopted, and a development agreement with H.H. Holdings is approved, one of the costs that could be paid for with TIF is the reimbursement of all or a portion of the developers' cost of acquiring the project site.

The Letter of Intent contains language that makes it clear that there is no obligation or commitment of the City Council to ultimately approve the creation of a TIF district or approve the use of TIF, or any other City incentive, for this project. Staff will continue to work with the developers to prepare this project for consideration by the City Council as a redevelopment project eligible for tax increment financing.

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There are no costs to the City directly associated with the approval of the attached Letter of Intent.

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

The Letter of Intent has been reviewed by the Law Department and approved as to form.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Murf Buckley

Mr. Buckley stated he is counselor for the developer and this is scheduled to close April 1st and that is a solid date. Stated this is about a 14 million dollar project with about a 2.5 million dollar funding gap and that is where they are looking to the City for some direction of support that the City would consider for establishing redevelopment district, which is the letter of intent that they are asking for the Council's support today.

Kevass Harding

Mr. Harding resides at 5816 East 48th Street, stated he is one of the developers of this project. Stated as a pastor of a church just north of this area, he has watched over the last ten years this property deteriorate and become a very blighted area. Stated as a local person born and raised in Wichita, he has a great respect for our city and for our community and saw this as a great opportunity to step up to the plate and try and take something that is falling apart and bring new life to it to revitalize it to make it sustainable in our community for our people and city.

Motion--
--carried

Williams moved to approve the Letter of Intent to consider participating in the Ken Mar redevelopment project and authorize the Mayor to sign. Motion carried 7 to 0.

FIBER DYNAMICS

TAX EXEMPTION REQUEST FIBER DYNAMICS, INC. (DISTRICT IV)

Allen Bell

Urban Development Director reviewed the item.

(Vice-Mayor Fearey momentarily absent)

Agenda Item 27.

On February 26, 2008, City Council approved a tax exemption for Fiber Dynamics Inc. (FDI) for a building expansion and added machinery and equipment. The Ordinance and Economic Development Incentive Agreement indicated a base employment of 55 jobs and new job creation of 67, for a total employment of 112. The employment numbers were based on a letter from the company dated April 5, 2005 and not the original Letter of Intent that was received on March 8, 2004. Based on the original Letter of Intent the actual jobs numbers are a base employment of 22 jobs and new job creation of 79, for a total employment of 101 jobs.

Fiber Dynamics has been approved for a 100% exemption on the \$3,178,178 expansion based on job creation of 67 jobs. A job creation of 79 jobs will not affect the exemption approved by the Council since the company still qualifies for the maximum amount. Additionally, the cost-benefit analysis conducted by the Wichita State University Center for Economic Development and Business Research (CEDBR) was based on FDI's creation of 79 jobs; a new analysis is not needed.

All other information provided by FDI and used for analysis by the City and CEDBR remains the same and is not affected. To remedy the error and provide FDI with accurate credit for the new jobs they will create in the City of Wichita and correct the total employment to 101 jobs, the EDI and Ordinance will need to be amended to reflect the real job base and job creation.

There is no change to the financial impact from the original approved exemption.

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

The City Attorney's Office has reviewed the information and determined that since the exempt percentage and cost benefit do not change, the amendment may be approved without a new public hearing.

Mayor Brewer

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

Motion--carried

Gray moved to approve the first reading of the Ordinance. Motion carried 7 to 0.

ORDINANCE

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to article 11, section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of TTR, LLC/Fiber Dynamics, Inc., so exempted and repealing ordinance 47-774. Introduced and under the rules laid over.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICT I)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No. 29.

On February 5, 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 March 18, 2008.

On January 7, 2008 the Board of Code Standards and Appeals (BCSA) held a hearing on the two (2) properties listed below:

<u>Property Address</u>	<u>Council District</u>
a. 608 N. Madison	I
b. 2306 E. Random	I

Detailed information/analysis concerning this property are included in the attachments.

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

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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 February 8, 2008 and February 15, 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 Schroder Office of Central Inspection stated the owners for both properties are here to speak on these properties and both are involved a sell of the property and trying to get them rehabbed and are asking for an extension of time to get that done.

Kurt Schroeder OCI reported on 608 North Madison, stated that Mr. William Burney is the current owner and the BCSA gave him 60 days to try to get work started on the property and come back to them with a plan of action to get it rehabilitated. Stated he reappeared at the January meeting but the person intended to buy the property did not appear and the board recommended proceeding with condemnation. Stated that Mr. Burney and his buyer Mr. Tolbert are both here today and over the past 30 to 60 days there has been work going on this property, it has a new roof and many of the windows have been repaired and the front porch as been repaired with new foundation and at this time it appears that they should be able to finish the exterior in about 30 days. Stated there was some delinquent taxes due, about \$800.00 and Mr. Burney obtained this property through a series of ownership changes due to deaths in the family and he did not get notified of this last clean up and would like to talk to the Council about that.

William Burney Mr. Burney resides at 6608 Parkwood Court, stated he feels he can complete the outside renovations in 30 days and the back taxes have been paid except for a special assessment from environmental services. Stated they sent a registered letter to his home in his uncle's name that has been dead for 25 years and his mother is 91 years old and would not except a letter for a man who has been dead for 25 years. Stated he never got that letter and they came and did the work on the property. Stated prior to that all of the taxes came in his name and all information concerning the property has come in his name and does not know why that particular letter came in his uncle's name and not his. Stated had he known that the work was going to be assessed, he would have taken care of it and the City would not have had to do it. Stated if he has to pay for it he will need another 60 days to pay it off.

Council Member Williams Council Member Williams asked if there could be some special arrangements to get the special assessments taken care of.

Kurt Schroeder OCI state he as not seen that file and but Mr. Burney that he and environmental services can look at that file and if there was something with the way that was administered, they would have to bring it back to the Council to remove that assessment.

Motion-- Williams moved to allow 30 days for completion of the project but that it is reported back to the
--carried Council pertaining to the special assessments within the next 10 days. Motion carried 7 to 0.

Kurt Schroeder OCI reported on 2306 East Random, stated this property was recently purchased by Mr. Clarence Reed and a partner and they just got title of last year. Sated Mr. Reed is here today and has indicated a contract for sale that was transacted on March 10th and he has a plan from the new owner that outlined a repair plan to complete the roofing and substantial work on the foundation within 30days and that to have all of the exterior work done within 60 days. Stated the biggest problem in this house is the foundation and the roof needs a lot of work as well. The property has been cleaned up in the last couple of weeks by the new owner in terms of the premises but no work has started on the house.

Clarence Reed Mr. Reed resides at 1011 North Spruce, stated he sold the house to James Farley and he is to start roofing the house next month and then will start work on the foundation at that time also. Stated all delinquent taxes have been paid.

Motion-- Williams moved to allow construction of no more than 60 days and to be completed at that time.
--carried Motion carried 7 to 0.

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RESOLUTION NO. 08-167

A Resolution finding that the structure/s located on Lots 38 and 40, on Locust Street, now Madison Avenue, in Stites Bros. Second Addition to Wichita, Sedgwick County, Kansas, commonly known as 608 North 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, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-168

A Resolution finding that the structure/s located on Lot 23, Block 4, Parkmore Addition, Wichita, Sedgwick County, Kansas, commonly known as 2306 East 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, Longwell, Schlapp, Skelton, Williams, and Brewer.

CHAP. 18.12

ORDINANCE CHANGES TO THE CITY OF WICHITA BUILDING CODE - CONTRACTORS CHAPTER 18.12 OF THE CODE OF THE CITY OF WICHITA.

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item 30.

Following a recent Board of Code Standards and Appeals (BCSA) hearing and action regarding a Wichita-licensed building contractor, the affected contractor considered appealing the BCSA's decision to the City Council. Although no appeal was ultimately requested, the Law Department recommended that the BCSA hearing/action appeal process be more clearly outlined in Chapter 18.12 of the Building Code. During review of Chapter 18.12, it was further noted that the examination section, which references approved testing companies, needed updating.

The proposed Chapter 18.12 Building Code amendments (in final delineated form) were unanimously recommended for adoption by the Board of Code Standards and Appeals during its January 7, 2008 meeting. The proposed amendments outline in detail the process for making an appeal to the City Council, including the time frame for filing the appeal with the City Clerk (within ten days of the date of the hearing before the BCSA). The amendments also update the testing agencies authorized by the City of Wichita to administer required contractor license examinations.

There are no costs to the City associated with adoption of the amended ordinance.

On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. The proposed Mechanical Code ordinance amendments support the "Provide a Safe and Secure Community" goal by ensuring effective administration and enforcement of building contractor licensing provisions and actions to suspend or revoke contractor licenses.

The recommended ordinance revisions have been approved as to form by the Law Department.

Mayor Brewer

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

Motion--
--carried

Brewer moved that first reading of the ordinance amending Chapter 18.12 of the Building Code for the City of Wichita be approved. Motion carried 7 to 0.

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ORDINANCE

An ordinance amending sections 18.12.130, and 18.12.160 of the code of the City of Wichita, Kansas, pertaining to contractors and repealing the originals of said sections. Introduced and under the rules laid over.

MECHANICAL CODE ORDINANCE CHANGES TO THE CITY OF WICHITA MECHANICAL CODE TITLE 22.04.

Kurt Schroeder Office of Central Inspection reviewed the item.

Agenda Item No. 31.

Over the past several months, the Mechanical Board has reviewed and recommended various amendments to the Mechanical Code, primarily as related to bi-annual continuing education unit requirements (CEUs) for certified mechanical tradepersons. Although Wichita has required mechanical tradeperson certificate testing and annual certificate renewal for over thirty years, Kansas state statute now requires mechanical tradepersons to obtain a minimum of twelve hours of continuing education every two (2) years, and to provide proof of such education for local certificate renewal. In order to clarify requirements of state statute, as applied at the local level, it is necessary to amend the Mechanical Code to add a number of definitions, and to generally outline local authority and policy as related to CEUs required for certificate renewal in Wichita.

The above-outlined review of mechanical tradeperson certification, education and renewal generated additional Mechanical Board discussion about responsibility for training and supervision of “apprentices” by certified master and journeyman level mechanics, as well as by the licensed company for which they work. This led to several additional Mechanical Code amendment recommendations by the Mechanical Board.

The proposed Mechanical Code amendments (in final delineated form) were unanimously recommended for adoption by the Mechanical Board during the Board’s February 28, 2008 meeting. The recommended ordinance amendments are summarized below.

Section 22. 04. 070: This section creates specific definitions for various mechanical tradeperson certificate holders, and also defines “direct supervision.” These definitions are necessary for testing, CEU and renewal purposes, and for more effective enforcement of required apprentice supervision.

Section 22.04.100: This amendment clarifies the licensed company’s (“master, qualified”) responsibility to ensure proper marking of vehicles owned by the company, which are used to conduct business.

Section 22.04.130(a): This amendment increases the maximum number of apprentices supervised by a journeyman or master level certified mechanic (on commercial job sites) from two (2) to three (3). The Board and staff believe this will increase job productivity, and will not decrease job safety and/or quality.

Section 22.04.130(b): This amendment clarifies the responsibility of the qualified master for a licensed company to ensure that employees are appropriately certified to do plumbing work.

Section 22.04.220: This amendment clarifies City of Wichita requirements for mechanical certificate bi-annual renewal, specifically as related to CEU requirements.

There are no costs to the City associated with the adoption of the amended ordinance. Mechanical permit, contractor license and trade certificate fees are not changed.

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On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. The proposed Mechanical Code ordinance amendments support the "Provide a Safe and Secure Community" goal by ensuring continuing education of mechanical tradespersons, as well as proper job site supervision and accountability by Wichita-licensed mechanical companies.

The recommended ordinance revisions have been approved as to form by the Law Department.

Mayor Brewer

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

Motion--
--carried

Brewer moved that first reading of the ordinance amending Title 22.04 of the Code of the City of Wichita be approved. Motion carried 7 to 0.

ORDINANCE

An ordinance creating section 22.04.070 and amending sections 22.04.100, 22.04.130 and 22.04.220 of the code of the City of Wichita, Kansas, pertaining to air conditioning, refrigeration and warm air heating code and repealing the originals of sections 22.04.200, 22.04.130 and 22.04.220. Introduced and under the rules laid over.

(ITEM 32)
CHAPTER 8.01

NEIGHBORHOOD NUISANCE ENFORCEMENT CODE AMENDMENTS CHAPTER 8.01 OF THE CODE OF THE CITY OF WICHITA.

Ed Flentje

Interim City Manager reported that as the result of discussion at agenda review, the recommendation is that items 32, 33, and 34 be referred to DABs for review and then returned to the Council.

Motion--
--carried

Skelton moved to defer to items 32, 33, and 34 to the District Advisory Boards and upon completion of that return those items to the City Council for consideration. Motion carried 7 to 0.

(ITEM 33)
GRAFFITI ORD.

GRAFFITI ORDINANCE CODE AMENDMENTS CHAPTER 5.37 OF THE CODE OF THE CITY OF WICHITA.

Motion--
--carried

Skelton moved to defer to items 32, 33, and 34 to the District Advisory Boards and upon completion of that return those items to the City Council for consideration. Motion carried 7 to 0.

(ITEM 34)
TRAFFIC ORD.

TRAFFIC ORDINANCE AMENDMENTS, PARKING ENFORCEMENT AUTHORITY, CHAPTER 11.52.035 OF THE CODE OF THE CITY OF WICHITA.

Motion--
--carried

Skelton moved to defer to items 32, 33, and 34 to the District Advisory Boards and upon completion of that return those items to the City Council for consideration. Motion carried 7 to 0.

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BASEBALL CONGRESS REORGANIZATION OF THE NATIONAL BASEBALL CONGRESS, INC.

Gary Rebenstorf Director of Law reviewed the item.

Agenda Item No.35.

The City of Wichita has completed the transaction in which it purchased all of the 7000 outstanding shares of the National Baseball Congress, Inc. held by the R.E Rich Family Holding Corporation. This purchase secures for Wichita the annual hosting of the National Baseball Congress, Inc. tournament, which is of economic, cultural and historical importance to the community. The corporate structure of the prior owner was used to obtain the benefits of protection from individual liability and the availability of fractional ownership interests by sale of shares in the corporation. These corporate powers are irrelevant to the City.

The corporate business form requires any owner to adhere to statutory requirements for annual reports, meetings of directors and shareholders and filings with the Secretary of State, with accompanying fees. The information generated duplicates activities that are undertaken by city staff as a matter of course. The safeguards in place for shareholders are immaterial, as the City will be both the sole owner of these assets and will monitor their use and operation under a management contract.

Once completed, the dissolution of the corporation will save the expense of annual meetings, corporate filings with the State, and the associated filing fees.

Effective management of this asset, insuring promotion and operation of Wichita's signature national amateur baseball tournament promotes the goal of Quality of Life, and the benefits it brings to local businesses enhance the goal of Economic Vitality.

The Law Department has drafted this proposed resolution, and will participate directly in the corporate filings and subsequent dissolution anticipated. The City has no need for the liability limitation offered by the corporate format, because, to the extent allowed by public policy, this is provided by the Kansas Tort Claims Act statute. It has no need for the ability to sell fractional shares of the tournament assets, as it specifically made this purchase to consolidate its ownership position to equal 100%, with the stated intention never to divide its ownership.

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

Motion-- Brewer moved that the proposed resolution to authorize the appropriate corporate activity and filings be adopted. Motion carried 7 to 0.
--carried

RESOLUTION NO. 08-152

A resolution of the governing body of the City of Wichita authorizing the City to reorganize the National Baseball Congress, Inc., and to dissolve the corporation, transferring its assets to the City of Wichita, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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LAWRENCE-DUMONT LEASE AGREEMENT FOR LAWRENCE-DUMONT STADIUM. (DISTRICT IV)

Gary Rebenstorf Director of Law reported to defer this item until the end of the meeting.

(Skelton momentarily absent)

Motion--carried Brewer moved to defer agenda item 36 until after the Executive Session. Motion carried 6 to 0, (Skelton absent).

POINT-TO-POINT CITY OF WICHITA POINT-TO-POINT DATA NETWORK SERVICES.

Kevin Norman IT/IS Department reviewed the item.

Agenda Item No. 37.

IT/IS Department has been conducting a study to determine the most economical and reliable solution in reducing down time and slow data connections to outlying City facilities. Leased buried cables currently provide connections from City Hall to other locations throughout the city.

The IT/IS Department has determined that the most viable and economical approach would be to replace the current leased buried cable network structure with a Point-to-Point (P2P) telecommunications system. P2P communications utilize antenna based broadband technology to move data from one building to another instead of using a buried cable network. A distinct advantage of utilizing a P2P network is that it will provide a means for transferring large amounts of data from one antenna at fixed locations over long distances to City Hall and back.

IT/IS has encountered many instances of slow and problematic transfer rates for data with its current leased buried cable network structure. An evaluation of P2P technology was established between City Hall and Environmental Services in October 2007. This replaced two AT&T leased line circuits. Since its implementation, data transfer speed has been dramatically improved and not a single second of loss in the network communication has been experienced.

The P2P network structure will utilize a minimum of four base antennas located on the top of City Hall. Each base antenna will provide a ninety degree coverage area to its respective quadrant, eventually encompassing the City in total. The base antennas will be capable of receiving data through an access antenna and sending data through a subscriber antenna, to any outlying structure or facility located within that coverage area.

A P2P network structure requires a direct line-of-sight (LOS) connection between the base antenna and outlying facility antenna. If a desired location does not have a direct LOS connection, IT/IS will install an antenna from that facility to an existing LOS location, to complete the network connection.

The P2P network offers several other advantages which include Department Of Defense level data encryption and possible connection to high speed hotspot(s).

The IT/IS Department has identified the FFY2004 FHWA ITS Earmarked Integration fund of \$646,186, for purchase and installation of the equipment necessary for the construction of the P2P network. Federal Integration funds require a one-hundred percent local match on the awarded federal amount.

Sixty percent of the local match money, \$387,711, may be provided through the use of another federal fund source. IT/IS has identified a FFY2003 FHWA ITS Demonstration Fund of \$993,500, which will be utilized in part by Transit Services for their ITS related projects. Transit Services has agreed to allow IT/IS to utilize a portion of the Demonstration Fund to provide the sixty percent federal source match amount for the P2P network project.

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The remaining forty percent of the match, \$258,475, must come from a local source. This amount will be provided from the IT Equipment Replacement Fund (ERF).

Source	Amount	Match Required
FFY2004 FHWA ITS Earmarked Integration Fund	\$646,186.00	100%
FFY2003 FHWA ITS Demonstration Fund	\$387,711.00	This is 60% Match of \$646,186
Local IT ERF	\$258,475.00	This is the 40% Match of \$646,186
Total Available to Project	\$1,292,372.00	

The reduction in cost for replacing the buried cable circuits, estimated at \$75,895 annually, will permit repayment of the ERF in less than four years.

Expenditure of the FHWA Integration Fund will require:

- Approval from City Council;
- Approval and acceptance by FHWA, FTA and KDOT, of a formal application with a System Engineering Analysis;
- Supplemental Agreement between the City, County, Wichita Area Metropolitan Planning Organization and KDOT.

This project addresses the Internal Perspective goal by influencing the following indicators: Improve Technology Efficiencies and Increase Productivity.

The Supplemental Agreement has been approved by City and County Legal departments as to form. The Application for participation in the FFY04 FHWA ITS Earmarked Integration Fund has been received and reviewed by FHWA, FTA and KDOT as to form and content.

Mayor Brewer

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

Motion--

Brewer moved to approve the formal submittal of the application for FFY2004 FHWA ITS Earmarked Integration Fund to FHWA, FTA and KDOT; Upon approval of the application, approve expenditure of the FFY2004 FHWA ITS Earmarked Integration Fund; Approve expenditure of the FFY2003 FHWA ITS Demonstration Fund; Approve expenditure of the Equipment Replacement Fund; Approve the signing of the associated Supplemental Agreement. Motion carried 7 to 0.

--carried

2008/2009 HUD

2008-2009 HUD COMBINED ALLOCATIONS/ONE YEAR ACTION PLAN. (DISTRICTS I, III, IV, AND VI)

Ed Flentje

Interim City Manager reported that there were some revisions that had been made in response to questions raised during agenda review and that each Council Member should have in front of them a revised motion and that revision of the underline parts are adjustments that were made since last Friday, specifically the New Communities Initiative/Stop Blight/START funds are reduced by about \$60,000 and the Public Service Funds for Permanent Supportive Housing Project Coordinator increased by \$60,000. Stated he had discussion with the county manager on the financial impact of the housing task force and these funds are eligible for a position in the housing department to assist with housing first. Stated another question was raised about the source of funds for the New Communities Initiative/Stop Blight/START purposes and the source of funds for those are program income funds, which are funds generated by CDBG investments that we are obligated to make a part of this ongoing plan. Stated they explored the use of CDBG funds for the rental portion of housing first and those purposes are specifically excluded. Stated there might be some other funds available to apply to the housing first portion of the homeless task force recommendations but it does not appear that we can use CDBG funds.

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Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Item No. 38.

On November 27, 2007, the City Council established funding allocation amounts for Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), American Dream Downpayment Initiative (ADDI), and Emergency Shelter Grant (ESG) programs and services to be provided by the City and by external service providers. These allocations were based on staff projections of 2008-09 funding. Following the Council's action, City staff issued a Request for Proposal (RFP) and solicited applications for programs and services in the approved categorical amounts.

The City Council-appointed Grants Review Committee (GRC) held a public hearing on January 30, 2008 to provide an opportunity for the public to address the Committee regarding housing and community development needs for CDBG, HOME and ESG funding. No comments were received. The GRC carefully reviewed proposals submitted in response to the CDBG RFP and HOME and ESG applications, in order to develop funding recommendations for the City Council's consideration. The Grants Review Committee's recommendations are summarized in the GRC columns on Attachment 1.

Congressional appropriations were announced in January, 2008, and reflected decreases from staff projections and prior year funding for CDBG, HOME, ADDI and ESG. Following is a summary of the original staff projections and actual allocations:

Program 07-08 Actual	08-09 Projections	08-09 Actual	08-09 Adjusted Totals	
Community Development Block Grant (CDBG)		\$2,919,233	\$2,892,413	\$2,813,499
				\$3,413,499
• Program Income		\$600,000		
HOME Investment Partnership (HOME)		\$1,711,267	\$1,711,267	\$1,650,087
				\$1,665,697
• American Dream Downpayment Initiative (ADDI)			\$38,634	\$38,634
Emergency Shelter Grant (ESG)	\$126,435	\$126,435	\$125,779	\$125,779
TOTAL Consolidated Plan Funding		\$5,204,975		

Attachment 1 reflects recommendations from the Grants Review Committee for CDBG Public Services, HOME CHDO set-aside, and ESG funding, using the actual HUD allocations. It also includes staff recommendations. Following is additional narrative relative to the GRC and staff recommendations.

Community Development Block Grant

1. Capital/Housing/Economic Development

No new funding is proposed in the Capital Projects category, however Council Members in Districts I, III, IV, and VI will have an opportunity to designate capital projects from their Neighborhood Stabilization allocations. Current year CDBG allocations for Housing Projects include \$100,000 for rental housing rehabilitation.

2. New Communities Initiative/StopBlight/START (StopBlight Action Response Team)

This recommendation proposes an allocation of \$450,000 to support neighborhood revitalization activities in the New Communities area and in other parts of the community where blight and substandard living conditions exist. These funds will be expended in partnership with the three programs listed. Funds from program income were allocated to this category.

3. Neighborhood Stabilization

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Funds have been identified from program income to provide \$400,000 for Neighborhood Stabilization activities.

4. Public Services

Based on the November 27, 2007 City Council actions, RFPs were solicited for Women’s Services, Youth Recreation and Enrichment, and Summer Youth Employment. The GRC expressed support for Summer Youth Employment however did not recommend the full amount allocated by Council, due to the quality of one of the youth employment proposals. They recommended increasing the women’s services allocation by \$29,747 and decreasing the youth employment allocation by that amount. Following are their recommendations in both categories:

Original Agency Request	GRC Recommendation	Council Allocation	Difference
Women’s Services		\$269,033	+\$29,747
• YWCA		\$160,873	\$160,873
• Catholic Charities		\$137,907	\$137,907
Youth Employment		\$163,186	-\$29,747
• Family Services Institute		\$81,593	\$81,593
• Wichita Indochinese		\$163,186	\$51,846

HOME Investment Partnerships Funds

1. CHDO Set-Aside Funding

The Grants Review Committee and staff recommend funding the following Community Housing Development Organizations (CHDOs) from the CHDO set-aside category:

- Community Housing Services for construction of two homes;
- Mennonite Housing Rehabilitation Services for construction of five homes;
- Power CDC for construction of two homes.

All homes will be built in one of the seven Local Investment Areas and sold to income qualified homebuyers.

2. HOME and ADDI Funding

The base allocation for the 2008-2009 HOME program decreased from original projections of \$1,711,267 to \$1,650,087. The ADDI program was reduced from \$38,634 to \$15,610. Adjustments for the actual HOME ADDI allocations are reflected in the following chart and in Attachment 1.

Category	07-08 Actual	08-09 Estimates	08-09 Actual	Adjustment
Administration	\$171,126	\$171,126	\$165,008	
CHDO Operating	\$75,000	\$75,000	\$75,000	
HOME 80	\$735,141	\$541,110	\$563,134	
ADDI	\$38,634	\$38,634	\$15,610	
Boarded Up House	\$200,000	\$200,000	\$200,000	
Housing Development Loan	\$225,000	\$205,013	\$205,031	
Deferred Loan	\$30,000	\$245,000	\$175,000	
CHDO Set-Aside	\$275,000	\$275,000	\$266,914	

- Administration funds are capped at 10% of the allocation – the reduced allocation automatically reduced the administration amount.
- The HOME 80 program was increased to match the reduction in American Dream Downpayment Initiative (ADDI). ADDI and HOME 80 provide downpayment and closing cost assistance to first time homebuyers.
- The Deferred Loan program provides funds at zero percent interest for major home repairs for income-eligible homeowners. The maximum loan amount is \$35,000. This reduction will

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eliminate the possibility of two such repair projects but other funds remain available for less extensive repairs.

- HUD regulations require that jurisdictions set aside a minimum of 15% of their entire allocation, for Community Housing Development Organizations (CHDOs) to use for project development. The City of Wichita has historically set aside a larger percentage. Reducing the original set-aside amount results in a set-aside that is still above the 15% minimum.

Emergency Shelter Grants

Staff supports the recommendation of the Grants Review Committee for Emergency Shelter Grant Undesignated Funding, which took into account, the Community Council on Homeless Advocacy (CCHA)'s priorities and proposed funding needs. These recommendations have been adjusted to match the actual allocation of \$125,779.

Total funding available for FY 2008-2009 from CDBG, HOME and ESG is \$5,204,975, which includes Program Income in the amount of \$600,000. These allocations will be effective July 1, 2008.

Each grant program is restricted to certain federal allocation limits, and in the case of HOME funding, a minimum. Following are the limits based on actual FY 2008-2009 allocations:

CDBG

\$1,163,310

Public Services - Cap

\$562,670

20% Planning and Administration - Cap

HOME Funds \$247,513

- Minimum

\$165,008

10% Administration - Cap

15% Neighborhood-Based Non-Profits (CHDOs)

Emergency Shelter Funds \$37,733

\$37,733

\$6,289

30% Homeless Prevention - Cap

5% Administration - Cap

30% Essential Services - Cap

The recommendations are within all required caps or minimums.

Approval of the Consolidated Plan funding allocation schedule will impact the Economic Vitality and Affordable Living, Quality of Life, Core Area and Neighborhood, and Efficient Infrastructure goals.

The allocation of Consolidated Plan funds is subject to individual federal eligibility rules regarding specific activities/programs and the national objectives. The process by which grant funds are authorized by the City Council is a matter of local determination, providing all HUD eligibility requirements are met. The national objectives of the Community Development Act are to principally benefit low/moderate income persons, eliminate slum and blight, or meet other urgent community needs. The HOME program must also primarily benefit low/moderate income persons and the Emergency Shelter Grant program must benefit homeless persons.

The City Council has the authority to solicit proposals or to reserve grant funds for community priority needs and programs, as determined by the City Council. The recommendations herein meet all federal requirements in the allocation of funds. Upon approval of this action and prior to final allocations and payments, each project must be verified for eligibility for use of the respective grant funds. In addition, staff will prepare a One-Year Action Plan of activities to be funded based on the City Council's action. The One-Year Action Plan will be presented to City Council and will be made available for a required 30-day public review/comment period prior to final approval.

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- Council Member Gray Council Member Gray stated he has a problem from a philosophical standpoint of a New Communities Initiative, he does not feel comfortable encumbering all of those funds to that project. Stated he appreciates that that category has been expanded to include stop blight but just because it has stop blight in it does not mean the money is going to go to stop blight it could all go to New Communities Initiative, (NCI) and he has a problem with that. Asked to take the proportion of CDBG dollars that typically go to his district and then take that portion of \$350,000 and allocate that that cannot be used on New Communities Initiative. Stated it can stay in that category but cannot go to NCI because he sees NCI as being very geographically isolated to one part of town and would like to see his proportional amount stay out of that and be utilized for some of the other things.
- Ed Flentje Interim City Manager stated the Council should have received in advance of the agenda report a more detailed discussion and explanation of the use of those funds and it is in line with Council Member Gray's comments but that item has been expanded but is also intended not only for the NCI area but fore other areas of the City and designated for property acquisition and maintenance as well as repair and clean up so that category is being expanded in a sense and thinks it can address the questions that are being raised. Stated his recommendation would be to keep that broad and address the housing related issues that exist in those four districts as well as the NCI.
- Council Member Longwell Council Member Longwell stated that his main concern is they are focusing on the homeless issue and coordinating of much of these funds as they possibly can to help us with that issue coming before the Council today and it was mentioned that we cannot use CDBG funds for certain specific housing needs for the homeless and argued that point. Stated for him personally he feels there are some issues before the Council that are more important. Stated he does not know how much latitude we have once we set these funds in certain locations at redispersing them and thinks now is the only time we have that latitude to try and shift some of these funds around.
- Ed Flentje Interim City Manager stated he has been working with the county manager on the issue raised by Council Member Longwell and the county is taking the initiative in this and the financial implications of this task force, which will be covered this afternoon, have been discussed thoroughly and as he and the county manager views it, they have isolated the City's financial contribution to a position, which is funded here. Stated it appears to him that the task force to have a fairly thoughtful and focused financial plan and the City's piece of this is well founded and is limited.
- Mary K. Vaughn Director of Housing and Community Services stated she just received some new information that she has not even been able to share with the task force members and that is that within the next three weeks, they will have an opportunity to apply for housing vouchers for veterans and have been invited to apply for 35 vouchers and the use of those vouchers will be for paying the rent for homeless veterans. Stated that 25% of the chronic population that that task force report is focused on is veterans and that is one option that will be available to them. Stated this is one way they will be able to contribute toward the rental portion of the homeless task force report. Stated another part is in the Section 8 program, they operate a shelter plus care component, which is a separate federal program and it provides vouchers to people who have special needs and are working with agencies that provide them with support of services while they provide the money for their rent. Stated that is a two year program and at the end of two years people can transition out of that program into their regular section 8 program and they are at the two year point now and is going to have a significant number of shelter plus care openings that will be able to be applied toward members of that chronic homeless population. Stated there are a couple of options that they have been working on that will help them meet some of the needs they have to help implement that report so we do not have to try and make CDBG fit where it really does not.
- Council Member Williams Council Member Williams stated with the Wichita Indochinese Center loosing money for the youth summer program asked how many youths will be affected.
- Mary K. Vaughn Director of Housing and Community Services stated they requested \$163,000 and proposed to serve 108 young people with that amount. Stated the GRC recommended \$51,546, which is less than half of their request, which is due to the way their proposal was written.

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- Council Member Williams Council Member Williams stated she sees this affecting youth and that is the part that bothers her and she has a feeling that youth right now are really important as far as employment is concerned. Stated her other concern is in regards to separating the monies that Council Member Gray suggested to do regarding his money to be used for only his district. Stated she would like the Council to focus on Wichita the community as a whole and are look at partnerships as a whole and hopes the Council can continue to do that. Stated now that there is funding that has been replaced she hopes that many parts of the City can be fixed and she is not looking at just one part of Wichita.
- Mayor Brewer Mayor Brewer stated that CDBG dollars is something that everybody seems to be concerned about but each year those dollars are getting cut and he does not know how much we lost this year but knows that we originally started out at 10 million dollars and now he is not sure what the total amount is but he can almost guarantee that it is probably not even half that amount. Stated it continues to be cut and that is one of the things that was up for discussion during the National League of Cities. Stated all of the cities throughout the entire nation are concerned about the CDBG dollars being cut and in Washington DC they want to cut those dollars every year that issue comes up. Stated the Council needs to keep that in mind that that possibility is there and if that does happen, then what is going to happen.
- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard.
- Janet Wilson Ms. Wilson stated she is the president of A. Park Woodard Neighborhood Association and her neighborhood is one of the blightest neighborhoods in the City of Wichita and they pay taxes and expect the City to address their issues also. And asked the Council not to put all of the funds in one area where you create a situation where you make everyone else become homeless because they do not have access to those funds. Stated with the Neighborhood Initiative, she pays taxes which are spread throughout the City and some point in time she expects the City to come back and look at her area also and recommends that the CDBG budget be looked at and approved with necessary recommendations and that move forward as a City.
- Council Member Longwell Council Member Longwell inquired that once this is approved in April and find throughout this next year, July to July that there is a shortfall here, can we take from one group and move to another group?
- Mary K. Vaughn Director of Housing and Community Services explained that what is being described would be a substantial amendment to our plan and that is possible to do during the year.
- Vice-Mayor Fearey Vice-Mayor Fearey stated she finds from other groups there are people who are good grant writers and people who are not and knows that the Wichita Indochinese Center tries very hard to help youth and that might give them more of an opportunity to get that extra \$30,000 back then just saying that we are not going to do it that way. Stated that she feels we need to move on Summer Youth Employment because it is the middle of March.
- Council Member Williams Council Member Williams stated she agrees and thinks the Summer Youth Employment is very important and would welcome the opportunity to look for an alternative avenue for them to also be included with the same amount and would hope that in the past this program has done just as well as the other programs .
- Motion-- Vice-Mayor Fearey moved that the City Council approve the funding designations for the City's 2008-2009 HUD Consolidated Plan Combined Application, as recommended by Staff on the sheet that they received this morning except for the Summer Youth Employment where we would allocate \$81,593 to Family Services Institute and \$51,846 to the Wichita Indochinese Center and authorize Staff to prepare an RFP for additional summer employment for the remainder of the money and to reduce the Women's Services by the same amount: CDBG Housing funds in the amount of \$1,179,171; CDBG New Communities Imitative/Stop Blight/START funds in the amount of \$390,000; CDBG Neighborhood Stabilization funds in the amount of \$400.00; CDBG Public Services funds for Neighborhood Assistance in the amount of \$325,108; CDBG Public Services funds for Permanent Supportive Housing Project Coordinator, \$60,000; Grants Review Committee recommendations for CDBG Public Services funds in the amount of \$532,219; CDBG Planning and Administration funds in the amount of \$27,001; HOME project funds, including ADDI, in the amount of \$1,398,783; Grants Review Committee

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recommendations for HOME CHDO Set-Aside funding in the amount of \$266,914; Grants Review Committee recommendations for Emergency Shelter Grant funding in the amount of \$125,779; authorize preparation of the One-Year Action Plan; authorize the 30-day public review/comment period; and.

Council Member Longwell Council Member Longwell stated he needs to explain why he cannot support this today. Stated he wants to have discussions before he starts tying up these funds and is not ready to move forward until he has had those discussions and feels more comfortable.

--carried Motion carried 6 to 1, (Nay-Longwell).

Ed Flentje Interim City Manager stated that these funds offer great flexibility to the City and feels that he was a little delayed in getting them to the Council and it deserves careful discussion by the Council and ideally should have had a workshop on this so that the options available could have been looked at. Stated Council Member Longwell's point is well taken and this is one of those areas that the City has great flexibility in and not complete but compared to almost all other federal grants, there is substantial flexibility and that is why the federal government is reducing the funding.

NCI RFP

NEW COMMUNITIES INITIATIVE REQUEST FOR PROPOSAL.

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

Agenda Item No. 39.

On November 20, 2007 the City Council approved an allocation of \$250,000 to help fund the development of a strategic master plan. Since that time staff of the Housing and Community Services Department and the Metropolitan Area Planning Department, have created a request for proposal for the plan.

The New Communities Initiative area boundaries are Central, Hillside, 21st Street and Topeka/Mosley. Over the course of many years, this area has experienced physical, economic and social decline which has created a community of heavy consumers of public services. Staff from local and state government are currently partnering with community resources, to create and implement strategies to reverse the negative trends and replace them with productive alternatives. The initiative has also gained national attention, and is being considered as a model for redevelopment. New Communities Initiative participants and supporters are interested in the creation of a strategic master plan which will provide a comprehensive blueprint for change.

The cost of the development of a strategic master plan is unknown however there is a strong commitment from national foundations to match or exceed the City's allocation of \$250,000 to fund the total cost.

Development of the plan will impact the Core Area and Neighborhood, Safe and Secure Community, Economic Vitality, and Quality of Life goals.

Council Member Schlapp Council Member Schlapp asked if anyone has committed to any money yet.

Mary K. Vaughn Director of Housing and Community Services stated no, there has not been strong commitments of money but there have been strong commitments to raise money and that is the basis upon which the RFP would be issued. Stated if we issue the RFP and are unable to get the money, we will not be able to fund the master plan. Stated there is a strong commitment to match or exceed what the City has designated.

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- Council Member Schlapp Council Member Schlapp stated the last time this item was discussed it was her feeling of not being supportive was that she felt it needed to be public/private not governmental and at that time she thought the private sector should come forward first before we authorize the \$250,000 and then she would be happy to share in the matching.
- Mayor Brewer Mayor Brewer stated there have been several groups and non –profits that are working to get the money and explained the process of the RFP. Stated he has met with them and they are going out and work on trying to get commitments for their funding.
- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.
- Motion-- Brewer moved that the issuance of the Request for Proposal for a strategic master plan for the New
--carried Communities Initiative area is authorized. Motion carried 7 to 0.

COUNCIL RULES

COUNCIL RULES AMENDMENTS.

- Gary Rebenstorf Director of Law reviewed the item.
- Agenda Item No. 40.
- Rules of procedure for the City Council are contained in Chapter 2.04 of the Code of the City of Wichita. These rules have been in place for a number of years and have been amended piecemeal as Council membership, elections, and policies have changed. Some of the rules are out-of-date or inconsistent as to current practice and terminology. Council members Longwell and Skelton worked as a subcommittee with the City Attorney and the City Manager to recommend changes to the Council rules.
- The proposed ordinance contains revisions to the entire Chapter 2.04 on Council rules and procedures. The major changes are to update the order of business of Council meetings and to reflect a more efficient conduct of the meetings. Many sections are amended because of changed terminology even though the substantive provisions do not change. The sections on recall of Council members were amended to reflect State law.
- There is no direct financial impact of the amendments.
- Promote Economic Vitality by providing a more efficient City operation; and Internal Perspective.
- The ordinance has been prepared and approved as to form by the Law Department.
- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.
- Motion--carried Skelton moved that first reading of the ordinance be approved. Motion carried 7 to 0.

ORDINANCE

An ordinance of the city of Wichita pertaining to changes to the rules of procedure of the city council; amending chapter 2.04 of the city code; and repealing the original of said chapter. Introduced and under the rules laid over.

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FIRE STATIONS

FIRE STATIONS 20, 21, AND 22. (DISTRICTS II, III AND V)

Chris Carrier

Public Works Director reviewed the item.

(Council Member Williams momentarily absent)

Agenda Item No. 40a.

In August of 2000, the City Council adopted the Fire Station Construction and Relocation Study. The Study, performed by the TriData Company, recommended a multi-year plan to construct ten Fire Stations. Under the plan, some stations would be relocated and some would be new stations. To date, six stations have been relocated.

On September 12, 2006, the City Council approved the construction of Stations 20, 21 and 22, adopted the Resolution and authorized staff to begin land acquisition activities.

On January 9, 2007, the City Council approved the acquisition of land at Kinkaid and Greenwich for Station 20.

On February 6, 2007, the City Council approved a Contract with Hanney & Associates to perform the Design Services for Stations 20, 21 and 22.

On December 4, 2007, the City Council approved the acquisition of land at Hydraulic and Denker for Station 22.

On Friday, March 7, 2008 bids were received for Stations 20 and 21 (FB800051). National Contractors, Inc. was low bidder for Station 20 at \$2,337,400 or \$202.62 per square foot. Alcon & Associates was low bidder for Station 20 at \$2,325,000 or \$201.54 per square foot. These costs are in excess of the original construction budget for several reasons.

First the cost per square foot has increased from the last station built which was Station 10. Station 10 was constructed at \$1,458,501 or \$161.27 per square foot. Since Station 10 was constructed in 2005, the cost per square foot has increased by \$.4135. At today's construction costs Station 10 would cost \$373,969 more to construct.

Secondly Stations 20 and 21 as part of their design include a meeting room which is to be utilized to serve a dual function as a meeting room for the community and Department Operations Center (DOC). The DOC/meeting rooms were not included in the original CIP budgets hoping that bids for the station projects would fall within project funding limits. The rooms add an additional \$263,406 to Station 20 and \$262,002 to Station 21 for a budget impact of \$525,408.

As construction costs have increased at a rate higher than inflation due to increased fuel prices as well as significant commodity increases for materials such as copper and steel, plus the cost of additional square footage for the DOC/meeting rooms staff is recommending funding to support these increases come from the 2009 CIP \$2.5 million Fire Station construction/relocation project.

The Adopted 2007 – 2016 Capital Improvement Program (CIP) includes \$2.5 million in 2009 for Fire Station Construction/Relocation (originally planned as a relocation of Station 11). It is recommended that \$750,000 of this funding be used to for Stations 20, 21 and 22. This CIP budget can be adjusted during the next budget process to replace the borrowed funding as that station project location and timeline becomes more defined.

Construction and staffing of these Fire Stations will impact the Provide a Safe and Secure Community Goal. Specifically, the stations will address the maintained and/or improved response time's indicator.

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

Mayor Brewer

Mayor Brewer asked why a meeting room was not included in Fire Station 22.

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- Chris Carrier Public Works Director explained that on the other two stations where the meeting rooms were added, those discussions were held with the former City Manager and understood that he approved what was bid and was not privy to those discussions and was something that was worked in the design at that point. Stated a room could be added but would cost some more if it is the desire of the Council. Stated part of the reason for that is that the Neighborhood City Hall situations, where District II and V do not have city halls and this provides them a place to have their meetings.
- Council Member Skelton Council Member Skelton stated his DAB does not meet at his Neighborhood City Hall because there is no meeting space there and disagrees with that concept. Stated to use that argument that they need meeting space, his south city people need more meeting space and the only place they have to meet is when they can get it. Stated when you quantify meeting space, he can also make arguments and was surprised to find out that the south side was not going to get the amenities that the other two had. Stated he would appreciate to have the opportunity to be considered for a meeting room.
- Council Member Schlapp Council Member Schlapp stated the reason for those room as presented to her was that her meeting area if anyone shows up for her DAB cannot fit. Stated they are currently meeting at Rockwell Library and if on rare occasions when they have had large crowds they cannot even get in the building and cannot go back through the main doors after 9:00 p.m. Stated it is a very insufficient place to have a meeting and it would be welcome for them without spending money to have a nice room and it is a necessary thing for them to have a meeting space, which was a welcome addition to District II. Stated she feels it is critical that District II and V have a place where they can meet.
- Council Member Longwell Council Member Longwell stated they have the same problem in District V and there is currently not a community police substation anywhere and the library is too small and does not have sufficient meeting space so there is not a meeting room in District V of any kind and this is an opportunity to have a meeting place in District V and currently they utilize a meeting room in one of the golf course club houses.
- Chris Carrier Public Works Director stated that they would be glad to work with Council Member Skelton on this and will discuss station 22 with him this week. Stated he is concerned about the amount of land available as to whether or not they can make that fit but will discuss it and make the recommendations accordingly.
- Council Member Gray Council Member Gray stated he had a little bit of a problem when he first saw the lay out of these fire stations because he does not feel that a fire station is where a bunch of people meeting at because you have to create a parking lot for all of these people to park their cars in and understands that there are areas where meeting places are more necessitated than others and there maybe cases where someone needs it and someone just wants it. Stated he does not want to get into a "me too" situation and should understand that to add these meeting rooms is going to cost some money for a room that is going to be empty maybe 95% of the time, makes expensive utilization of space. Stated he would like to caution people in thinking we need to do this. Stated he has his DAB meeting in a library and sometimes they stay late and have moved their meetings back to start at 6:30 p.m. so that they can get out earlier.
- 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. 08-150

A Resolution amending Resolution No. R-06-460 of the City of Wichita, Kansas determining the advisability of making certain public improvements in the City of Wichita, Kansas; setting forth the general nature and the estimated cost of such improvements; and authorizing the issuance of bonds of the City of Wichita, Kansas to pay all or a portion of the cost thereof, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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PLANNING AGENDA

Motion--
--carried

Brewer moved that Planning Consent items 41 through 44 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

VAC2007-00043

VAC2007-00043-REQUEST TO VACATE THE RESTRICTION OF USES, AS LISTED IN THE PLATTOR'S TEXT, IN A PLATTED RESERVE. GENERALLY LOCATED MIDWAY BETWEEN 29TH STREET NORTH AND 37TH STREET NORTH, WEST OF RIDGE ROAD AND SOUTH OF WILD ROSE CIRCLE, A PRIVATE STREET. (DISTRICT V)

Agenda Item No. 41.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting consideration for the vacation of the restriction of uses, as listed in the plattor's text, in platted Reserve "C," Pier 37 Addition. The amended plattor's text will allow storage buildings, as defined and permitted in the Unified Zoning Code's "LI" Limited Industrial zoning district. Currently, the uses in Reserve "C" are restricted to private streets confined to easements, open space, drainage purposes, landscaping, parking, berms and utilities as confined to easements. Per the plattor's text, Reserve "C" shall be owned and maintained by the homeowners association for the addition. This condition will not be changed by the vacation request. The applicant owns all of the Pier 37 Addition. Utilities, manholes, water and sewer lines are located in easements within the platted reserve. The Pier 37 Addition was recorded with the Register of Deeds on February 28, 2007.

The MAPC voted (12-0) 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 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.

VAC2007-00044

VAC2007-00044- REQUEST TO VACATE A PORTION OF AN ALLEY DEEDED BY QUIT CLAIM, A PORTION OF A PLATTED ALLEY AND THE RESTRICTION OF USES IN A PLATTED RESERVE. GENERALLY LOCATED NORTH OF KELLOGG STREET AND EAST OF WASHINGTON AVENUE. (DISTRICT I)

Agenda Item No. 42.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting vacation of the east-west alley, acquired by the City with a Quit Claim Deed on November 13, 1922. The applicant will dedicate 20 feet in width of right-of-way to the east (Pattie Avenue) or west (Laura Avenue) at the ROW's point of intersection with the platted, 20 foot wide, north-south alley to prevent the platted north-south from dead ending. The applicant is also vacating a portion of this platted north-south alley, as dedicated in the Hunters 3rd Addition, which was recorded with the Register of Deeds on April 19, 1889. There are utilities, a sewer line and manholes in the east portion of the east-west alley (Quit Claim) and in a portion of the platted north-south alley (Hunter's 3rd Addition), both which will be dedicated as utility easements. The portion of the site platted as a "School Reserve" (also in the Hunter's 3rd Addition) is currently occupied by a vacant elementary

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school and is zoned General Commercial, "GC." The applicant proposes to allow all uses as permitted by Unified Zoning Code for the GC zoning district on the "School Reserve" lot.

The MAPC voted (12-0) 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.

Paving Petition.

Ensure efficient infrastructure.

A certified copy of the Vacation Order, a dedication of right-of-way by separate instrument, and a dedication of a utility easement by separate instrument will be recorded with the Register of Deeds. A Paving Petition and its resolution will be approved by the City Council.

Motion--
--carried

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

VAC2007-00045

VAC2007-00045- REQUEST TO VACATE A PORTION OF A PLATTED SETBACK, GENERALLY LOCATED WEST OF ROCK ROAD MIDWAY BETWEEN 13TH STREET AND 21ST STREET. (DISTRICT II)

Agenda Item No. 43.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the west 40 feet of the platted 75 foot street side setback, making a 35 foot setback. The zoning of the subject site is General Office, "GO," with a Community Unit Plan (CUP) overlay. The Unified Zoning Code (UZC) requires a minimum of a 20 foot street side yard setback for the GO zoning district and a minimum of a 35 foot setback for a CUP. The CUP setback standards override the UZC's minimum standards. There is a platted 20 foot utility easement that crosses the south side of the platted setback; it contains a sewer line and will be retained. There are no other utilities within the described portion of the platted setback that are not protected by easements. The Brad Boone Addition was recorded with the Register of Deeds on April 1, 1981.

The MAPC voted (12-0) 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 and a dedication of a sidewalk-utility easement 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.

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SUB2007-104

SUB 2007-104 - PLAT OF LAMPTON BROTHERS ADDITION LOCATED ON THE NORTH SIDE OF CENTRAL AND EAST OF BROADWAY. (DISTRICT VI)

Agenda Item No. 44.

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 2.96 acres, is a replat of Throckmorton's Addition. This site is located within Wichita's city limits and is zoned "LI" Limited Industrial District.

Sanitary sewer is available. A Petition, 100 percent, and a Certificate of Petition have been submitted for the extension of water to serve this lot. An Access Agreement with the property abutting Washington has been submitted. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the proposed reserves.

The Planning Commission has approved the plat, subject to conditions.

Ensure Efficient Infrastructure.

The Certificate of Petition, Access Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

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

RESOLUTION NO. 08-153

Resolution of findings of advisability and resolution authorizing constructing of Water Distribution System Number 448-90374 (north of Central, east of Broadway) in the City of Wichita, Kansas, pursuant to finds of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

AIRPORT AGENDA

RENOVATIONS

WICHITA MID-CONTINENT AIRPORT, ADMINISTRATION BUILDING RENOVATIONS.

Victor White

Director of Airports reviewed the item.

Agenda Item No. 45.

The approved Capital Improvement Program (CIP) includes this project. Richard B. Kraybill, Architect, was selected to provide professional service and developed a study in 2007.

This project will construct an electronics communications and network data center for the new terminal project as well as renovate portions of the existing facility to better accommodate public meeting space needs, plus improve the building's energy efficiency.

The professional services contract with Richard B. Kraybill, Architect, for design and bid phase services is for \$48,188. The total project budget to remodel the facility is \$465,000, and will be funded with General Obligation Bonds funded entirely with Airport Revenue.

The Airport's contribution to the economic vitality of Wichita is promoted through improvements to allow uninterrupted airport services to be provided to the aviation community.

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

Motion--
--carried

Skelton moved that the project budget be approved; the resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. A08-002

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

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Skelton Council Member Skelton requested that Steve Stanbaugh be appointed to the Wichita Access Advisory Board.

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

CITY MANAGER

COUNCIL APPOINTMENTS FOR CITIZENS COMMITTEE FOR SCREENING OF APPLICATION FOR CITY MANAGER.

Council Member Williams Council Member Williams recommended Kevin Myles and Greg Ferris.

Mayor Brewer Mayor Brewer recommended George Laham and John Rolf of Young Professionals.

Council Member Schlapp Council Member Schlapp recommended Susan Pompeo

Council Member Gray Council Member Gray recommended Bill Warren and Wess Galyon.

Motion--carried Brewer moved to approve the appointments. Motion carried 7 to 0.

TRAVEL EXPEND.

TRAVEL APPROVAL FOR COUNCIL MEMBER LONGWELL, TO ATTEND KDOT ECONOMIC IMPACT ANALYSIS MEETING, TOPEKA, KANSAS ON MARCH 27, 2008.

Motion--carried Vice-Mayor Fearey moved that the travel expenditures be approved. Motion carried 7 to 0.

RECESS

EXECUTIVE SESSION.

Motion-- Brewer moved that the City Council recess at 1:06 p.m. into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice, contract negotiations, personnel matters of non-elected personnel and matters relating to employer-employee negotiations and that the Council return from Executive Session no earlier than 2:00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall.
--carried Motion carried 7 to 0.

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RECONVENE

The City Council reconvened in the Council Chambers at 2:12 p.m. Mayor Brewer announced that no action was needed or taken.

Motion--carried

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

ITEM 36.

LAWRENCE-DUMONT LEASE AGREEMENT FOR LAWRENCE-DUMONT STADIUM. (DISTRICT IV)

Joe Pajor

Assistant Director of Public Works reviewed the item.

Agenda Item No. 36.

Staff has negotiated a lease agreement for Lawrence-Dumont Stadium and the National Baseball Congress (NBC) with WB LLC. The fifteen year lease provides for a professional baseball team that will be a member of the American Association of Independent Baseball. In addition, under the terms of the lease agreement WB, LLC will operate the National Baseball Congress for the City. This arrangement for the NBC ensures operational consistency as WB, LLC has retained the key NBC tournament management staff that has operated this premier national tournament for a number of years.

The lease provides that the revenues received from the operation of Lawrence-Dumont Stadium for professional baseball will be divided in two portions. The first is that required to fund an annual Stadium Operations Budget. The second is that which will go to WB, LLC. to fund the other professional baseball related budgets of the team including: Game Day Expenses, General and Administration Expenses, Sales Expenses, Team Expenses, Advertising Expenses, Game Broadcast Expenses, and Skybox Expenses.

The revenues to be set aside to fund the annual Stadium Operations Budget are identified as follows:

Revenue Source	Percentage to Fund Operations Budget
Skybox Rentals	50%
Parking Charges	50%
Concessions Sales	4.5%
Picnic Area (Group) Sales	1.6%
Novelties Sales	10%
Advertising	10%

The annual Stadium Operations Budget for the 2008 season has been established at \$256,800. Revenues in excess of that amount in the Stadium Operations Budget will come to the City. WB, LLC will submit its proposed annual Stadium Operations Budget to the City for approval each spring. In addition, the City will receive an annual lease payment of \$25,000 in consideration of WB, LLC's right to operate the NBC. Revenues received by WB, LLC in conjunction with the NBC are retained by WB, LLC.

The lease agreement obligates the City to provide and maintain certain equipment required to properly operate the stadium for baseball operations and other events. Schedule A to the Lease Agreement provides the equipment schedule for the first five years of the agreement. During the first five years the annual equipment budget total is \$65,700.00, \$58,400.00, \$30,300.00, \$23,100.00, and \$22,100.00 for 2008, 2009, 2010, 2011, and 2012 respectively.

Continuing the presence of professional baseball and the National Baseball Congress World Series at Lawrence-Dumont Stadium will help the City ensure that the goal "Citizens are satisfied with the quality of life" is realized and supports the goal of "Continued revitalization of the core area".

The Lease Agreement has been approved as to form by the City's Law Department.

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Motion--

Brewer moved that the lease agreement be approved; the necessary signatures authorized; and direct staff to incorporate any budget adjustments necessary to implement the equipment schedule that is Attachment A of the lease agreement in the 2007 revised budget. Motion carried 7 to 0.

--carried

Motion--carried

Brewer moved that the meeting be adjourned. Motion carried 7 to 0.

ADJOURNMENT

The meeting was adjourned at 2:15 p.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

workshop followed in the first floor board room