

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 12, 2008
Tuesday, 9:05 A.M.

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

Ed Flentje, Interim City Manager; Gary Rebenstorf, Director of Law; Janis Edwards, Deputy City Clerk; present.

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

Ashok Aurora, Hindu Faith, gave the invocation.

The Minutes of the regular meeting of February 5, 2008 were approved 6 to 0, (Fearey absent).

AWARDS AND PROCLAMATIONS

PROCLAMATION

PROCLAMATION:

Mayor Brewer read aloud the following Proclamation:

- Black Colleges and Universities

AWARD

SPECIAL AWARD, CARLA SHULL.

Mayor Brewer presented Carla Shull with a Key to the City for her 35 years of service with the City of Wichita, of which 21 years of dedicated service was with the City of Wichita Mayors and City Council Members since 1986.

PUBLIC AGENDA

Elizabeth Stevenson-Clean Indoor Air Ordinance.

Elizabeth Stevenson

Ms. Stevenson stated that she represents Fishhouse Studios in the Commerce Street Art District at 524 South Commerce. She stated that Wichita is spending a great deal of time, energy, and resources in rejuvenating our city and appearing progressive and contemporary and trying to pass a lot of socially aware legislation and she thinks it would be counter productive to keep an issue that is not accepted by the rest of the country as being an issue of importance. She stated that there are a couple of cities that we have been trying to emulate, such as Oklahoma City, Dallas and Omaha which have already passed smoking ordinances. We are trying to lure people, tourists and businesses, along with a wider demographic to our city. She feels strongly that these people would like to see the same strong contemporary legislation passed in a city like Wichita if they are going spend there time, energy and resources to come here whether as tourist, businesses, or new citizens.

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CONSENT AGENDA

Council Member Skelton Council Member Skelton requested that item 17 be pulled for discussion.

Motion-- Brewer moved that Consent Items 4 through 21k, be approved in accordance with the recommended
--carried action shown thereon excluding item 17. Motion carried 6 to 0, (Fearey absent).

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 11, 2008.

Bids were opened February 8, 2008, pursuant to advertisements published on:

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

Veranda from the north line of 13th Street North to 446 feet north of the north line of 13th Street North to serve Waterfront Residential, Waterfront 6th and Greenwich Office Park Additions north of 13th Street North, west of Greenwich (472-84598/766181/490199) Berkeley Square Parkway from the west line of Lot 1, Block 1, to the east line of Lot 3, Block 1 to serve Greenwich Office Park Addition north of 13th Street North, west of Greenwich (472-84644/766189/490207) Storm Water Drain #334 to serve Waterfront Residential and Greenwich Office Park Additions north of 13th Street North, west of Greenwich (468-84409/751460/485351) Storm Water Drain #335 to serve Waterfront Residential and Greenwich Office Park Additions north of 13th Street North, west of Greenwich (468-84410/751461/485352) Does not affect existing traffic. (District II)

APAC – Kansas - \$136,749.40 Group 1
162,067.40 Group 2
187,804.75 Group 3
79,606.00 Group 4
\$566,227.65 Total Aggregate Bid

2008 Condemned Sidewalk and Wheelchair Ramps north of 63rd Street South, east of 151st Street West (472-84658/132100/) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, V, VI)

Barkley Construction* - \$161,380.00
*Engineers' Estimate

Motion-- Brewer moved that the contracts be awarded as outlined above, subject to check, same being the lowest
--carried and best bids within the Engineer's construction estimate, and the necessary signatures be authorized. Motion carried 6 to 0, (Fearey absent).

CARPET INSTALLATION AND REPAIR: Housing and Community Services Department/Public Housing Division.

Sherwin Williams Co.* - \$40.89
*Estimate – Contract approved on unit cost basis;
refer to attachments.

PAINT EXTERIOR AND INTERIOR: Public Works Department/Building Services Division.

PPG Architectural Finishes Inc dba Porter Paints* - \$12,540.25
*Estimate – Contract approved on unit cost basis.

INTERIOR AND EXTERIOR MODIFICATIONS ONE HOUSE: Housing and Community Services Department/Public Housing Division.

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Arambula Construction Co Inc – \$26,950.00

CONSTRUCTION WASTEWATER DISPOSAL SYSTEM: Water Utilities Department/Production and Pump Division.

Becker Building Inc.* - \$40,000 Group 1 Alternate A
*Negotiated to Engineers' Estimate

33,000 LB CRAWLER LOADER: Public Works Department/Street Maintenance Division.

Foley Equipment Co Inc. - \$210,000.00 Base Bid
 5,885.00 Group one Option 1
 \$215,885.00* Total net bid
 *one (1) additional unit at same unit cost

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 6 to 0, (Fearey absent).

LICENSES

APPLICATIONS FOR LICENSES:

Renewals

Robert Floyd	Kellogg Gift Shop Inc. dba Priscilla's	6143 West Kellogg
Robert Floyd	Armour Gift Shop Inc. dba Priscilla's	2606 South Rock Road SU 100

Motion--carried

Brewer moved that the licenses be approved. Motion carried 6 to 0, (Fearey absent).

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Michelle McCall	Wal-Mart Supercenter #1099	501 East Pawnee Street
Michelle McCall	Wal-Mart Supercenter #1221	6110 West Kellogg
Michelle McCall	Wal-Mart Supercenter #3492	11411 East Kellogg
Hau Ma	K & T Store	4001 Seneca
<u>Renewal</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Matthew J. Ryan	Ryan Boys North, Inc. dba Two Brothers BBQ*	3750 North Woodlawn U102
<u>New Operator</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Navid Haerl	Azalia, LLC dba Pawnee Shell	1535 East Pawnee
Kashif A. Khan	Zee Enterprises Inc.	2602 North Arkansas Avenue
Stephen Diehl	Dillon Store #89	1910 West 21st Street North
Stephen Diehl	Dillon Store #91	3020 East Douglas Avenue
Stephen Diehl	Dillon Store #92	640 North West Street
Kamran Eshghi	KosKesh LLC/dba Phillips 66	3810 North Woodlawn SU 1

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*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 6 to 0, (Fearey absent).

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. 2008 Sanitary Sewer Reconstruction, Phase 1 (various locations east of Hillside, south of 21st Street North) (468-84482/620499/668618) Traffic to be maintained during construction using flagpersons and barricades. (District I, III) - \$244,000.00
- b. Logan Water Main Replacement (north of 13th Street North, east of Hillside) (448-90210/636157/776550) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$2,202,597.00
- c. Left Turn Lane on 13th Street North for eastbound traffic into Veranda to serve Waterfront Residential Addition and Greenwich Office Park Addition (north of 13th Street North, west of Greenwich) (472-84645/766190/490208) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$154,000.00
- d. Left Turn Lane and Right Turn Lane on 13th Street North at Lindberg to serve Waterfront 6th Addition (north of 13th Street North, west of Greenwich) (472-84627/766191/490209) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$142,000.00
- e. 55th Street South from the east line of the plat, west to the west line of Meadowview; Meadowview from the north line of 55th Street South, north to the west line of Maywood; Maywood from the west line of Meadowview, east to the east line of Elmhurst Circle; Shoffner from the west line of Meadowview, west to the west line of Lot 14, Block B; Elmhurst Circle from the south line of Maywood, south to and including the cul-de-sac; Meadowview Court (Lots 33 thru 40, Block C) from the east line of Meadowview, east to and including the cul-de-sac; Meadowview Court (Lots 83 thru 91, Block A) from the west line of Meadowview, west to and including the cul-de-sac; Meadowview Court (Lots 16 thru 21, Block B) from the west line of Meadowview, west to and including the cul-de-sac; Sidewalk on 55th Street South, Meadowview and Shoffner to serve Meadowlake Beach Addition (north of 55th Street South, west of Clifton) (472-84540/766154/490172) Does not affect existing traffic. (District III) - \$784,000.00

Motion--carried

Brewer moved to receive and file. Motion carried 6 to 0, (Fearey absent).

STREET CLOSURE

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Item No. 8a.

In accordance with the Community Events Procedure, the event promoter Voornaam Pyrotechnics is coordinating with City of Wichita Staff, to launch a fireworks display for guest of the Castle Inn Riverside during a private reception on the evening of February 14, 2008 subject to final approval by the City Council.

The following street closure request has been submitted:

Voornaam Pyrotechnics Fireworks Display, February 14, 2008 9:00 – 9:30 pm

- 11th Street, North River Blvd to Forrest Street.
- North River Drive, Forest Street to entrance of Oak Park Disk Golf.

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

The event sponsor is responsible for all costs associated with special events.

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Enhance the Quality of Life

Motion--

Brewer moved that the request be approved subject to hiring off-duty certified law enforcement officers as required; obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department and Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 6 to 0, (Fearey absent).

--carried

CHANGE ORDER

SANITARY SEWER MAIN TO SERVE AN AREA ALONG MACARTHUR, BETWEEN 1/2 MILE EAST OF WEST STREET AND THE WICHITA-VALLEY CENTER FLOOD CONTROL DITCH. (DISTRICT IV)

Agenda Item No. 9a.

On August 15, 2006, the City Council approved a project to construct a sanitary sewer main to be located along MacArthur, from ½ mile east of West Street to the Wichita-Valley Center Flood Control Ditch. On October 17, 2006, the City Council approved a construction contract with Wildcat Construction Company. Due to the number and location of existing utilities found to be within close proximity of the proposed alignment, it was necessary to revise the route for a majority of the sewer pipeline from along MacArthur to an alignment approximately ¼ mile south of MacArthur. By re-routing the sanitary sewer main along the new alignment, it will eventually be able to provide service to a much larger benefit area. This change has already been approved by change order. Staff has now determined that the western portion of the route should be relocated farther south and west to avoid a potential conflict with future development. This change order covers that relocation.

A Change Order has been prepared for the additional work. Sufficient funding is available within the existing budget.

The total cost of the additional work is \$31,733. The original contract amount is \$1,775,888. This Change Order plus previous change orders represents 12.80% of the original contract amount.

This project addresses the Efficient Infrastructure goal by extending sanitary sewer main service to homes with septic tank systems and a new residential subdivision.

The Department of Law has approved the Change Order as to legal form.

Motion--

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

--carried

CHANGE ORDER

DOUGLAS STREET DRAINAGE OUTFALL. (DISTRICTS I AND VI)

Agenda Item No. 9b.

On September 11, 2007, the City Council approved a construction contract with Wildcat Construction Company for a storm water drain along Douglas from the drainage canal to Old Town. After the work began, an abandoned trolley track was discovered along the edge of a shared waterline/stormwater trench in Douglas, between I-135 and Hydraulic. The track removal

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 \$42,761 with \$28,521 paid by the Storm Water Utility and \$14,240 paid by the Water Utility. The original contract amount is \$5,081,022. This Change Order plus previous change orders represents 1.4% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving drainage in Old Town.

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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.

Motion--
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

CHANGE ORDER

WATERMAN IMPROVEMENT, BETWEEN MAIN AND WASHINGTON. (DISTRICT I)

Agenda Item No. 9c.

On March 27, 2007, the City Council approved a construction contract with Dondlinger & Sons Construction for improvements to Waterman, between Main Street and Washington. After the work began, it was determined that the south approach of the St. Francis/Waterman intersection should be concrete pavement rather than asphalt. The concrete pavement is needed to support the existing adjacent brick pavers in St. Francis. In addition, concrete pavement is needed at the approaches to the railroad overpass at Waterman to improve

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 \$20,784 with the \$12,279 paid by the Storm Water Utility and \$8,505 paid by Weststar. The original contract amount is \$6,776,498. This Change Order plus previous change orders represents 1.26% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving water supply and reducing future maintenance costs.

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.

Motion--
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

PROP. ACQUIS.

PARTIAL ACQUISITION OF 4020 SOUTH MERIDIAN FOR THE MACARTHUR; MERIDIAN TO SENECA IMPROVEMENT PROJECT. (DISTRICT IV)

Agenda Item No. 10a.

On February 7, 2006, City Council approved the reconstruction of MacArthur to provide four lanes, with left turn lanes and landscaped medians. The intersection of MacArthur and Meridian will be signaled and storm water sewer will be built. There are sixteen parcels that are affected by the project. All of the acquisitions involve partial, strip takings along the existing roadway. No improvements are impacted by the proposed project. The City requires a 1,625 square foot parcel from the east part of the property. The area is part of the drive approach for the convenience store on site and has no improvements except paving.

The acquisition was valued at \$8,125 (\$5.00 per square foot). This amount was offered to the owner and was accepted.

A budget of \$8,500 is requested. This includes \$8,125 for the acquisition and \$375 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

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

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The Law Department has approved the agreement as to form.

Motion--
--carried

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

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CONTS/AGRMNTS **JANUARY 2008 MONTHLY CONTRACTS & AGREEMENTS REPORT TO COUNCIL.**

Motion--carried Brewer moved that the report be received and filed. Motion carried 6 to 0, (Fearey absent).

BOARDS/COMMISS. **MINUTES OF ADVISORY BOARDS/COMMISSIONS, FEBRUARY 12, 2008.**

Police and Fire Retirement System, November 28, 2007
Police and Fire Retirement System, December 19, 2007

Motion--carried Brewer moved to receive and file. Motion carried 6 to 0, (Fearey absent).

ASSESS. ROLLS **PROPOSED ASSESSMENT ROLLS.**

Proposed Assessment Rolls have been prepared for twenty (20) water projects, twenty one (21) sewer projects and eight (8) storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held March 3, 2008 at 11:00 a.m. Notification of both the informal and formal public hearings regarding the proposed special assessments will be mailed to affected property owners on February 15, 2008.

Motion--
--carried Brewer moved to set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, March 18, 2008. Motion carried 6 to 0, (Fearey absent).

GRANT AWARD **ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM GRANT AWARD.**

Agenda Item No.14.

On May 8, 2007, the City Council approved the submission of a grant application in the amount of \$678,044. The Federal Fire Protection and Control Act of 1974 has reauthorized the Assistance to Firefighter Grant and appropriated a total of \$547 million for the FY 2007 Assistance to Firefighter Grant. The programs and activities that were eligible for the 2007 grant programs were as follows: Operations and Firefighter Safety and Firefighting Vehicle Acquisition programs. Applicants could only apply for one of the two programmatic areas, however within the selected programmatic area, applicants could apply for a number of activities.

The City applied for \$678,044 in grant funds for the Operations and Firefighter Safety program category. On January 4, 2008 the Emergency Preparedness and Response Directorate's FY 07 Assistance to Firefighters Grant program announced the award of the grant for Fire Operations and Firefighter Safety Program to the Wichita Fire Department in the amount of \$678,041. This grant will be used to establish a comprehensive Health and Wellness program for the Wichita Fire Department. This Health and Wellness program would be designed to do the following: reduce associated health and injury cost from firefighters to the City of Wichita; reduce the number of cardiac related issues to firefighters; reduce lost/time injuries to firefighters due to physical limitations; improve recovery time from injuries that do occur; provide firefighters with a standard for a healthier lifestyle; and provide and promote mental health and stability. This will be accomplished by providing members a health baseline with physicals, certified personal trainers, and appropriate fitness equipment at every fire station. The program also promotes a healthier lifestyle by providing firefighters with fitness, nutrition, cholesterol screening and other pertinent information to assist firefighters in becoming heart-healthy. The program consists of six components: Medical evaluations; fitness and immunization assessments; certified personal trainers; health and wellness education; exercise equipment; and program evaluation. This program would extend well beyond the City's existing Wellness Program.

The Emergency Preparedness and Response Directorate's FY 07 Assistance to Firefighters grant award is for the amount of \$678,041. The Federal share is 80 percent of the \$678,041 or \$542,433. The

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City's required share is 20 percent of the \$678,041 or \$135,608. Past practices has allowed the use of capital project funds as the match for this type of project.

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Motion--
--carried

Brewer moved that the FY 2007 Assistance to Firefighters Grant award be approved; the appropriate signatures authorized; and the necessary budget transfers approved. Motion carried 6 to 0, (Fearey absent).

EUDL GRANT

ENFORCING UNDERAGE DRINKING LAWS (EUDL) GRANT.

Agenda Item No. 16.

For the past five years, the Wichita Police Department has placed an emphasis on eliminating underage alcohol consumption in our community. In an effort to address this problem, the Wichita Police Department, in collaboration with community agencies and citizens, developed and implemented the JUDGE (Juvenile Underage Drinking Group Education/Enforcement) program. The goals of the JUDGE program are to educate the public on underage alcohol consumption issues and enhance proactive enforcement of laws applicable to underage alcohol consumption. In an effort to assist with this effort, the Police Department is applying for a grant funded by the Kansas Department of Transportation, Bureau of Traffic Safety. The Enforcing Underage Drinking Laws (EUDL) grant is being made available to communities to support their enforcement activities in the area of preventing underage alcohol consumption. The Wichita Police Department received EUDL funding 2007 and is applying for funding again in 2008.

The Kansas Department of Transportation is providing financial support in the form of a three-month mini-grant. Funds would be made available from March 1 through May 31, for overtime to support enforcement activities during Spring break, proms and graduations.

The Wichita Police Department grant application requests funding for the JUDGE program in the amount of \$30,746.44 for overtime to support enforcement activities. There is no local match.

Provide a safe and secure community by placing an emphasis on eliminating underage alcohol consumption in our community.

Motion--
--carried

Brewer moved that the application be approved and the appropriate signatures authorized. Motion carried 6 to 0, (Fearey absent).

(Item 17) GWCVB

CONTINGENCY FUND USE TO PROMOTE CONVENTIONS AND EVENTS BY GREATER WICHITA CONVENTION & VISITOR'S BUREAU.

Agenda Item No. 17.

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

2008 Sponsorships:

PROGRAM	AMOUNT	SPONSORSHIPS
Ad Valorem Taxation Conference	\$ 1,500	Convention
Business Retention and Expansion International	\$ 7,000	Convention

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Drums Across Kansas	\$ 200	Event
Jehovah's Witnesses	\$ 1,125	Convention
Kansas Farm Bureau	\$ 200	Convention
KS Association of School Principals	\$ 500	Convention
KS High School Athletic Associations, Tracks & Fields	\$ 8,000	Event
KS Motor Carriers Association	\$ 1,000	Convention
Midwest Catholic Family Conference	\$ 2,000	Convention
National Square Dance Convention, 57th	\$ 37,095	Convention
North American Association for Environmental Education	\$ 5,000	Convention
Preferred Health Systems Wichita Open	\$ 3,000	Event
Professional Bowling Association Southwest Tournament	\$ 200	Event
Region VI Sports	\$ 4,000	Event
Shrine Bowl Hall of Fame	\$ 1,000	Event
U.S. Bowling Congress Inter-Collegiate Team	\$ 5,000	Event
New Requests	\$ 50,000	
Total 2008 Request	\$ 126,820	

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

The 2008 Adopted Budget has \$150,000 allocated for "Convention Promotion Contingency" in the Tourism and Convention Fund. There is sufficient funding to grant these requests.

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

There are no legal considerations.

- Council Member Skelton Council Member Skelton asked for a brief overview of the Contingency Fund.
- John D'Angelo Arts and Cultural Services Manager stated that the Contingency Fund is in the budget on an annual basis that is designated for specific projects that come in front of the manager for review and internal reviews as to those types of projects and opportunities that are coming up.
- John Rolfe Mr. Rolfe President and CEO of Greater Wichita Convention and Visitors Bureau stated that the new requests are various requests that may come in throughout the year. For instance the Keeper of the Plains and things of that nature that occur that were not originally planned throughout the year and allows us to assist those types of events that come to our city. Stated that these funds are used for various sponsorships or expenses that a group might incur.
- Kelly Carpenter Director of Finance stated that the Finance Department reviews these funds throughout the year.
- Motion-- Skelton moved that GWCVB's 2008 Sponsorships request be approved and fund it from budget allocations included in the 2008 Adopted Budget within Tourism and Convention Fund. Motion carried 6 to 0, (Fearey absent).
- carried

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HOME PROGRAM

HOME PROGRAM; HOUSING DEVELOPMENT LOAN PROGRAM FUNDING. (DISTRICTS I AND VI)

Agenda Item No. 18.

During the 2007-2008 Consolidated Plan funding process, a total of \$225,000 in HOME funding was allocated for the Housing Development Loan Program (HDLP). The HDLP is designed to provide subsidies for infill housing projects, to support the development of real estate that is idle or underutilized, and to provide needed housing for underserved populations. Funding may be provided to non-profit or for-profit organizations. The loan structure is dependent upon the type of project to be financed. The program funding may be utilized within the boundaries of the City's Redevelopment Incentives Area (RIA), as well as Local Investment Areas (LIA). Requests for funding under the program are received on an open application basis.

The Housing and Community Services Department has received an HDLP application from Mennonite Housing Rehabilitation Services, Inc. (MHRS), in the amount of \$200,000, for development of homes in a newly platted housing development near 29th and Woodland. Completed homes will be sold to income-eligible owner-occupant homebuyers receiving down payment and closing costs assistance through the City's HOMEownership 80 Program. Power CDC has also submitted an application for funding in the amount of \$150,000, in order to subsidize the development of single-family homes in its Millair Creek subdivision, near 27th and Minnesota. The Millair Creek site was donated to Power CDC by the City in 2001.

The homes to be constructed under the applications will require HOME program subsidy. HOME funds are usually provided as development subsidy in order to offset acquisition, construction and site improvement expenses, as well as selling expenses and developer fees. The total of these costs cannot be entirely recovered from sale proceeds due to market constraints and the need to keep the homes affordable for low-income families. Typically, the development subsidy for homes constructed with HOME program funding is between \$25,000 and \$40,000, depending on acquisition costs and the cost of building materials and construction. Currently, the maximum selling price for a home constructed with HOME Program funding is \$85,700.

Housing and Community Services has determined that both applications meet the criteria of the HDLP, and that the proposed projects will assist the City in achieving its neighborhood revitalization and consolidated plan goals. Therefore, staff recommends funding the MHRS application, in the amount of \$200,000, in order to subsidize the construction of at least seven homes. Staff also recommends funding the Power CDC application in the amount of \$120,000, in order to subsidize the construction of at least three new homes in the Millair Creek subdivision.

The additional \$95,000 required to complete the proposed funding is available from unallocated HOME program funding available due to loan repayments. Housing and Community Services proposes to amend the City's 2007-2008 HUD Consolidated Plan in order to provide this funding as CHDO set-aside funding for MHRS and Power CDC. The amendment does not qualify as a substantial amendment, as the proposed funding does not exceed 20% of the City's 2007-2008 HOME funding allocation, and does not involve the creation of new activities, as MHRS and Power CDC have already received CHDO set-aside funding for the construction of single-family homes.

As part of this action, Housing and Community Services is also requesting an additional allocation of \$24,672.40 for HOME Program Administration. HOME regulations permit the retention of 10% of program income receipts for HOME administration expenses. The additional funding for HOME Program Administration is also available from loan repayments previously allocated for eligible HOME projects, and is needed to ensure proper staff administration of the HOME program.

HOME funding for the proposed HDLP projects will be provided in the form of zero-interest, forgivable participation construction loans. Typically, local banks provide construction loans equivalent to 75% of the appraised value of a home to be constructed under the HDLP. Allocated funding will provide for construction of a minimum of 10 homes.

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

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

Motion--
--carried

Brewer moved that the amendment to the 2007-2008 Consolidated Plan and the recommended funding allocations approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

STAR BONDS

SELECTION OF AN UNDERWRITER, STAR BONDS.

Agenda Item No. 19.

On December 12, 1995, the City of Wichita adopted Ordinance No. 42-966 establishing the East Bank Redevelopment District ("the District"). On June 25, 2002, the City of Wichita adopted Ordinance No. 45-339 amending reduced boundaries of the District. On November 27, 2004, the City of Wichita adopted Ordinance No. 46-407 expanding the boundaries of the District to include extended areas along the river bank. The general comprehensive plan for the District identifies the potential redevelopment project areas located within the District and the suitability of each such area for redevelopment.

On January 27, 2004, the governing body of the City adopted Ordinance No. 45-983 establishing a redevelopment plan for the WaterWalk Project Area within the East Bank Redevelopment District. On July 17, 2007, the City established the River District Project ("River District Project") within the District qualifying the project as a special bond project, through special designation by the State Secretary of Commerce. A "Special Bond Project" means a redevelopment project with at least a \$50,000,000 capital investment and \$50,000,000 in projected gross annual sales revenues.

On October 26, 2007 the City received approval from the Secretary for designation of the River District Project as a "Special Bond Project", as defined under Chapter 179 of the 2007 Session Laws of Kansas (the "Act"). The Secretary's approval was for a STAR Bond issuance of up to a maximum principal amount of \$14,720,000.

On December 4, 2007 the City Council authorized staff to work with Springsted financial consultants to solicit underwriter services to assist in the marketing of these bonds, through a negotiated sale.

The City will offer special obligation bonds in an amount not to exceed \$14,720,000. The bond proceeds will be used to provide permanent financing for the City's River Corridor project providing pedestrian bridges, bike path improvements, and the Keeper of the Plains Plaza. The City's objective is to obtain the most efficient bond financing program within the constraints of the STAR Bond's statutory requirements and security provisions.

It is anticipated the STAR Bonds will be tax-exempt securities. The City intends to issue STAR Bonds with a 15-year term yielding relatively constant annual debt service coverage. As the amount of STAR Bond issuance from the District has been limited, it is not anticipated that additional STAR Bonds will be issued. As the Secretary and the City share the objective of retiring the STAR Bonds as soon as possible it is anticipated the STAR Bonds will have accelerated prepayment provisions. The STAR Bonds will be secured by the incremental State and City sales taxes collected within the District. The City will use the services of a single underwriting firm to serve as Senior Underwriter for the issuance of the STAR Bonds. The services required of the Senior Underwriter are generally defined as follows:

- Work with members of the City's financing team;
- Assist in the structuring of the transaction and the terms of sale;

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- Assist in development of the security provisions and any final decision on credit rating(s) and/or enhancement, though it is anticipated that the STAR Bonds will be sold on a non-rated basis;
- Assist in the development of all sale related documentation;
- Lead the marketing and underwriting of the STAR Bonds, performing those functions customary to the position of senior managing underwriter;
- Assist in the coordination of services provided by other agents in the sale process; and
- Assist in the closing and bond settlement process.

Springsted Public Financial Advisors have been the City's financial consultant throughout the STAR bond financing application process and have assisted the City in selecting an Underwriter for this complex and unique bond issue. An RFP was prepared and distributed. Five firms provided responses: George K. Baum & Company, Wachovia Securities, Oppenheimer, Stern Brothers & Co., and Piper Jaffray. Proposals were first evaluated based upon professional credentials to identify the firm with the highest probability of achieving the overall objectives of the financing. Compensation proposals were submitted separately and were evaluated only after firms were ranked by their capacity to achieve the overall financing objectives. The City seeks permission to designate George K. Baum as underwriter for the STAR Bond issue.

The estimated cost of the underwriter's fees will not exceed \$14 per \$1,000 of bond amount. These costs, as well as the cost of the financial advisory services, and other expenses such as rating fees, escrow agent fees, paying agent fees, Bond Counsel fees and other expenses associated with the issuance of bonds are all anticipated and are included in the principal amount of the bonds as issuance costs.

The City Council's goal for Economic Vitality and Affordable Living is advanced through the use of STAR bonds to partner with and leverage investment from local developers to create a commercial, residential, tourist and recreational site that will add jobs and other economic value to the City. The Quality of Life goal is also served by providing new and unique entertainment and retail venues that will enhance the satisfaction of residents and improve Wichita's competitive position as a desirable place to live and work.

Solicitation of underwriting services was accomplished by the issuance of a formal Request for Proposals (RFP). Proposals were evaluated by the City's financial advisor and by City staff.

Motion--
--carried

Brewer moved that George K. Baum & Company be designated as underwriter for the purpose of assisting in a negotiated sale of special obligation STAR Bonds. Motion carried 6 to 0, (Fearey absent).

LITIGATION

RESULTS OF LITIGATION.

Agenda Item No. 20.

Beginning in the 1920s, and for decades thereafter, the Old Mission Mausoleum at 21st and Hillside served as a final resting place for many Wichita families, including several prominent in the City's history. The conservative investment requirements of its perpetual trust fund, coupled with escalating maintenance costs, has depleted the funds available for continued maintenance. Kansas state statute requires that a cemetery or mausoleum which can no longer be self-sufficient reverts for control and maintenance to the municipality in which it is found. Therefore, a District Court order dissolving the perpetual care trust of Old Mission Mausoleum has directed a reversion of the property to the City of Wichita.

Public policy and explicit state statute require that locations used for public internment shall not be abandoned, and shall, by default, be maintained by the municipalities in which they are found. By accepting this inevitable transfer at this stage, the City can benefit from receiving the closing balance of the existing trust fund. The current trustee, Bank of America, appears to have maintained the building in good repair, and leaves the City with minimal initial maintenance requirements.

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The City's participation in appropriate care and operation of Old Mission Mausoleum positively impacts the city's quality of life.

The final accounting to be approved by the court will show approximately \$20,500 available for transfer to the City for maintenance of this property. These funds can be deposited to and ultimately expended from the City trust fund used to operate the two other cemeteries which the City has acquired under an identical process. The ongoing costs may be trimmed by operational efficiencies the City may be able to employ, reliance in at least some measure on the City's ability to self insure, and using the protections of the Kansas Tort Claims Act.

The Law Department has reviewed all court documentation and has found it to be in order. City legal staff participated in the court proceedings to insure that the specific tort claims protection for the City allowed by statute was retained.

Motion--

Brewer moved that the court acknowledge transfer of the Old Mission Mausoleum property to City ownership, and direct City staff to evaluate and appropriately assign internally the maintenance obligations. Motion carried 6 to 0, (Fearey absent).

--carried

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 5, 2008)

- a. Public Hearing and Tax Exemption Request, Custom Cupboards, Inc. (District IV)

ORDINANCE NO. 47-754

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 custom cupboards, inc. so exempted. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, Gray, Longwell, Schlapp, Skelton, Williams and Brewer, (Fearey absent).

- b. Public Hearing and Tax Exemption Request, Cox Machine, Inc. (District V)

ORDINANCE NO. 47-756

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 Cox machine, inc, so exempted. . Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, Gray, Longwell, Schlapp, Skelton, Williams and Brewer, (Fearey absent).

- c. Public Hearing and Tax Exemption Request Diversified Services, Inc. (District VI)

ORDINANCE NO. 47-757

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 diversified services, inc., so exempted. . Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, Gray, Longwell, Schlapp, Skelton, Williams and Brewer, (Fearey absent).

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- d. Non-Exempt Employee Salary and Classification Ordinances for Airport Teamsters Agreement.

ORDINANCE NO. 47-758

An ordinance providing for a uniform schedule of standard pay ranges for non-exempt employees of the City of Wichita, repealing ordinance no. 47-700. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, Gray, Longwell, Schlapp, Skelton, Williams and Brewer, (Fearey absent).

ORDINANCE NO. 47-759

An ordinance establishing position classifications for non-exempt employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges repealing ordinance no. 47-699. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, Gray, Longwell, Schlapp, Skelton, Williams and Brewer, (Fearey absent).

- e. ZON2007-00043 – Zone change from “B” Multi-Family Residential to “GO” General Office. Generally located east of Woodlawn Avenue, west of Armour Avenue, on the south side of Central Avenue. (District II.)

ORDINANCE NO. 47-762

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 6 to 0, Gray, Longwell, Schlapp, Skelton, Williams and Brewer, (Fearey absent).

- h. ZON2005-00025 – Zone change from “SF-5” Single-family Residential to “LI” Limited Industrial. Generally located north of Merton Circle and west of Baehr Street. (District IV)

ORDINANCE NO. 47-763

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 he Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, Gray, Longwell, Schlapp, Skelton, Williams and Brewer, (Fearey absent).

- i. ZON2007-58 – Zone change from “B” Multi-family Residential to “LC” Limited Commercial with a Protective Overlay. Generally located northeast of the Central and Oliver intersection. (District I)

ORDINANCE NO. 47-764

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 6 to 0, Gray, Longwell, Schlapp, Skelton, Williams and Brewer, (Fearey absent).

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- j. ZON2007-00059 – Amendment to Protective Overlay #4 (SCZ-0721) to allow placement of one (1) off-site sign. Generally located northeast of the intersection of Zoo Blvd. and North Lakeway Cir., 5936 West 21st Street North. (District V)

ORDINANCE NO. 47-765

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 6 to 0, Gray, Longwell, Schlapp, Skelton, Williams and Brewer, (Fearey absent).

- k. ZON2007-62 - City zone change from "GC" General Commercial and "SF-5" Single-Family Residential to "LI" Limited Industrial. Generally located on the northwest corner of 13th Street North & Wabash Avenue. (District I)

ORDINANCE NO. 47-767

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 6 to 0, Gray, Longwell, Schlapp, Skelton, Williams and Brewer, (Fearey absent).

UNFINISHED BUSINESS

ZTM, INC.

TAX EXEMPTION REQUEST, ZTM, INC. (DISTRICT III) (DEFERRED FEBRUARY 5, 2008)

Allen Bell

Urban Development Director reviewed the item.

Agenda Item No. 22.

On December 19, 2000, City Council approved a five-plus-five year 98% ad valorem tax exemption to ZTM, Inc. (ZTM) for an expansion that included acquisition of an existing facility and purchase of new manufacturing equipment. On November 20, 2001, City Council also approved a 74.5% five-year tax exemption on acquisition of new manufacturing equipment, February 3, 2004, approved a 61% tax exemption on new manufacturing equipment, and on May 3, 2005, City Council approved a 62.5% tax exemption on new manufacturing equipment. On April 18, 2006, City Council approved a 50% tax exemption on new manufacturing equipment.

Since establishment, ZTM has sustained consistent growth in manufacturing parts for the aerospace industry. ZTM has once again expanded its manufacturing capacity, to include construction of a 26,000 s.f. building addition and acquisition of new manufacturing equipment in the amount of \$3,010,838. ZTM is now requesting approval of an Economic Development Tax Exemption on the construction of a building addition and acquisition of new manufacturing equipment in conjunction with the expansion project. This item was deferred from the February 5 City Council meeting to allow for certain technical adjustments.

ZTM located at 4011 E. 31st S. in southeast Wichita, was locally formed in 1996. ZTM is a manufacturer of large, complex precision machine parts and assemblies for the aerospace industry. ZTM mills close-tolerance component aircraft parts in support of Wichita's major aircraft manufacturers. ZTM has assembled an impressive and efficient array of equipment, including 3-axis and 4-axis machines. ZTM also performs tooling and prototype work for the aircraft industry. ZTM

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utilizes sophisticated computer-controlled manufacturing equipment for their precise milling work. ZTM uses state of the art computer automated part loading, high-speed tool changer and chip removal, for speed and efficiency. Their capabilities include manufacturing parts from aluminum, steel, titanium and inconell.

Staff conducted a site-monitoring visit on September 11, 2007; ZTM is in compliance with all the terms and conditions under which the City granted the 2006 exemption. ZTM currently employs 59 employees, which the company has added 12 new employees since 2004. ZTM projects to add an additional 22 new jobs over the next four years, at an average annual salary of \$39,341.

ZTM's major customers include Spirit Aerosystems/Boeing Wichita and Boeing Seattle. ZTM exports 100% of all production of out Kansas.

The expansion project is itemized in Exhibits I attached hereto. Under the Economic Development Incentive Policy, ZTM is eligible for the following property tax abatement:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
67.0%	New Job Creation:	ZTM will create at least 22 new jobs.
32.5%	Capital Investments:	ZTM will invest at least \$3,010,838.
99.5%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.0%	Location Premium:	ZTM is not located in the central redevelopment area.
99.5%	TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY	

Under the Economic Development Incentive Policy, ZTM is eligible for a 100% tax exemption for a five-year term on the identified real and personal property, plus a 100% tax exemption for a second five-year term on real and personal property, subject to City Council approval. A notice of public hearing has been published. ZTM has agreed to comply with the conditions set forth in the Economic Development Incentive Agreement.

The estimated first year taxes on the proposed \$3,010,838 expansion would be \$85,035 on real and personal property, based on the 2007 mill levy. ZTM made \$740,742 worth of equipment purchases after June 30, 2006, which makes it automatically exempt from personal property taxes. The estimated first year taxes on that personal property would be \$21,861. The estimated first year real and personal property taxes on the expansion that requires City Council approval would be \$63,173. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$63,173 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$17,113; County/State - \$17,570; and USD 259 - \$28,490.

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

City of Wichita	2.28 to one
Sedgwick County	1.78 to one
USD 259	1.25 to one
State of Kansas	6.21 to one

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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 approved the Ordinance as to form. Kansas Board of Tax Appeals requires that the exempt periods for leased and non-leased property be the same. The company has agreed to sign a Payment in Lieu of Taxes (PILOT) agreement on the second five years of personal property to be in compliance with the City's Economic Development Incentive Policy.

Mayor Brewer

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

Motion--

Skelton moved that the first reading of the Ordinance, granting a 100% tax exemption on the identified real and personal property improvements for a five-year term, plus a 100% tax exemption for a second five-year term on real and personal property, subject to City Council approval and PILOT payments on personal property be approved. Motion carried 6 to 0, (Fearey absent).

--carried

ORDINANCE

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to article 11, section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Julius Properties, LP and ZTM, inc., so exempted. Introduced and under the rules laid over.

CENTRAL/TYLER

IMPROVEMENT TO THE INTERSECTION OF CENTRAL AND TYLER. (DISTRICT V) **(DEFERRED FEBRUARY 5, 2008)**

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 23.

The proposed 2007-2016 Capital Improvement Program (CIP) includes a project to improve the intersection of Central and Tyler. District V Advisory Board sponsored a January 10, 2006, neighborhood hearing on the project. The Board voted 5-0 to recommend approval of the project. This agenda item has been deferred from the February 5th City Council Meeting. Engineering staff has met with adjacent business owners who had concerns with parking and parking lot circulation.

The project will reconstruct the intersection to provide dual left turn lanes at all four approaches and improved drainage. New traffic signals will be installed. Construction is planned to begin this spring and be completed this fall.

The CIP budget is \$2,800,000, with \$2,000,000 paid by the City and \$800,000 paid by Federal Grants administered by KDOT. The funding source for the City share is General Obligation Bonds. The current construction estimate is \$3,000,000 with \$2,200,000 paid by the City and \$800,000 by Federal Grants. The increased local share is due to the cost of the improved drainage system and less than anticipated Federal funding. Funding for the increased cost is available from savings from other CIP projects.

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

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

Mayor Brewer

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

Motion--

Longwell moved that the project be approved; the Ordinance placed on First Reading; and the signing of State/Federal agreements as required authorized. Motion carried 6 to 0, (Fearey absent).

--carried

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ORDINANCE

An ordinance declaring the intersection of Central and Tyler (472-84655) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same. Introduced and under the rules laid over.

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NEW BUSINESS

QTRLY REPORT

QUARTERLY FINANCIAL REPORT FOR QUARTER ENDING DECEMBER 31, 2007.

Kelly Carpenter

Finance Director reviewed the item.

Agenda Report Item No. 24.

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

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

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

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

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

No consideration necessary.

Mayor Brewer

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

Motion--
--carried

Brewer moved that the Quarterly Financial Report for the quarter ended December 31, 2007 be received and filed. Motion carried 6 to 0, (Fearey absent).

LIBRARY PROJECT

LIBRARY COMPUTER MIGRATION PROJECT.

Cynthia Berner-Harris

Library Director reviewed the item.

Agenda Item No. 25.

Since 1992, the Library has used integrated library automation systems from the Dynix Company to manage its materials inventory, customer accounts, library catalog and several corresponding technology features such as the TeleCirc automated calling and renewal system and HIP, the remote version of the library catalog. This system ceased ongoing development in 2002. On November 1, 2005, the City Council authorized staff to proceed with a migration to the Horizon system, designated by the SirsiDynix Company as the upgrade path for the Dynix system. The Library was in process of completing the migration when the company announced plans to suspend release of Horizon. Finding the vendor's proposed replacement product an unacceptable fit for the Library's needs, a request for proposals was released to all vendors in the library automation market. On November 8, 2007, the Staff

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Screening and Selection Committee selected Polaris as the company and system best able to provide integrated library automation services for the Wichita Public Library customers and staff.

As technologies and information formats have changed, the Library has become increasingly dependent upon its integrated automation system as a foundation for providing customers with reliable and convenient access to library materials and services. The current Dynix system is based on outdated architecture with limited compliance to state of the art standards for database design and information exchange. The product has not been enhanced for nearly eight years and the quality and availability of technical support has diminished as libraries have moved away from this product to other systems. As a result, the Library has been limited in its ability to make complete use of a variety of technology efficiencies such as electronic ordering, full self-service access to public computers and materials checkout, multilingual catalogs, built-in remote patron authentication to enable out of library use of subscription databases by library customers, the ability to provide email notifications to customers when the library receives new materials in their author, subject or genre interests, etc. In contrast, the selected Polaris system is a third generation of automation technology that will enable the library to make use for all of the technologies the library desires but finds unavailable from Dynix as well as other enhancements to improve customer service and effectiveness. Because the company ensures compliance with all current information exchange protocols, the system will afford the Library expanded opportunities for interconnectivity with automations in use by other public, school and academic libraries. A recently released survey by Marshall Breeding, an expert in library automation systems, reported Polaris as the highest-rated integrated library system in terms of customer satisfaction with the product, the company, and the company's customer support.

\$117,400 of the original \$230,000 project budget was expended to replace workstations and servers as work began on the Horizon migration. All of these pieces of equipment are compatible and can be used in an installation of the Polaris system. An additional \$99,990 will be required to complete the project. Library grants will fund 60% of the project. The remaining balance will be funded by a loan from the IT Equipment Replacement Fund to be repaid by the Library over no more than a five-year period. Ongoing maintenance costs for the Polaris system are nearly identical to the current fees being paid for the Dynix system, so no additional general fund support for ongoing use of the system is needed.

Completing migration to an integrated library system allows the Wichita Public Library to more effectively and efficiently conduct business, manage its print and electronic collections, streamline processes relating to customer use of technology and resource sharing with citizens and other libraries in the Sedgwick County as well as throughout Kansas, and to better integrate the ways changing formats and technologies are used to deliver library service. The outcomes from these changes impact the Quality of Life goal through ensuring a positive return on the City's quality of life investments in its library system and the Internal Perspectives goal through increased productivity and improved technology efficiencies.

The Internal Auditor has reviewed the work of the staff screening committee and confirms compliance with the City's vendor selection process. The proposed contract has been reviewed by the Department of Law and approved as to form.

Mayor Brewer

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

Motion--
--carried

Brewer moved that staff be authorized to initiate the project; the necessary signatures authorized; and the necessary budget adjustments. Motion carried 6 to 0, (Fearey absent).

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TRAFFIC SIGNAL.

2006 AND 2007 TRAFFIC SIGNALIZATION PROGRAM. (DISTRICT IV)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 26.

On July 11, 2006, the City Council approved the 2006 and 2007 funding for the CIP Traffic Signalization Program. A priority list was established with the understanding that funding was not sufficient for all proposed project locations. The top four intersections were: 34th St. North at Woodlawn, Gatewood at 13th, and Hoover at MacArthur and I-235 at north Meridian. Construction contracts have been awarded on 3 of the 4 intersections. Based on the 2007 bid prices, there was not sufficient funding for Hoover/MacArthur location. The Adopted 2007-2016 CIP provided an additional \$350,000 for the 2006-07 signalization program, which will cover the needed improvements to the intersection of Hoover and MacArthur.

The Hoover/MacArthur location improvement will consist of constructing left turn lanes at all four approaches to the intersection, which work is planned to begin this spring. The traffic signals will be installed in conjunction with the turning lane improvements. The project is being expedited so that a three-week street closure can occur with one week during spring break to minimize the impact on Oatville Elementary School morning and afternoon traffic.

The 2006 traffic signalization budget was \$700,000. 34th Street North & Woodlawn and Gatewood & 13th were bid as one project for a total of \$307,760. Signalization costs for I-235 & Meridian totaled \$270,037. The two projects totaled \$577,797 leaving \$122,203 in the budget. Estimated project cost for Hoover & MacArthur is \$400,000. The additional \$350,000 is included in the 2007-2016 CIP, which will increase traffic signalization budget to a total of \$1,050,000. The funding source for these improvements will be funded with General Obligation Bonds.

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

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

Mayor Brewer

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

Motion--
--carried

Gray moved that the City Council approve the revised budget, adopt the amending Resolution and authorize the necessary signatures. Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 08-080

A Resolution amending Resolution No. 06-389 authorizing issuance of bonds by the City of Wichita at Large to construct traffic signal systems at the intersections of 34th St. North at Woodlawn, Hoover at MacArthur, Gatewood at 13th, 21st at Greenleaf, I 235 at South Meridian, 135th St. West at Kellogg, Pawnee at Webb and K-96 at Oliver 472-84424, presented. Grey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Gray, Longwell, Schlapp, Skelton, Williams, and Brewer. (Fearey absent)

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MARTIAL ARTS.

MIXED MARTIAL ARTS EVENT AT CENTURY II.

Doug Kupper

Parks and Recreation Director reviewed the item.

Agenda Item No. 27.

Promoter Sean Carpenter has requested usage of Century II for a Mixed Martial Arts event on May 10, 2008. State statute 74-50,189 requires a license from the Kansas Athletic Commission and the governing body of the city to adopt a resolution approving professional and amateur boxing, kickboxing, full-contact karate, and mixed martial arts.

Event staff investigated Mixed Martial Arts events that were held in Tulsa and Oklahoma City and received positive reports from the facilities where these events took place. In addition, Century II event staff inquired into the business references of Mr. Carpenter. Both references gave positive statements regarding Mr. Carpenter's business professionalism.

Mr. Carpenter has successfully obtained a promoters license with the Kansas Athletic Commission to conduct professional and amateur Mixed Martial Arts. Mr. Carpenter has requested to lease Convention Hall at Century II to conduct this event on May 10, 2008.

Mr. Carpenter is expecting 2,000 attendees and will sign a facility use lease. Mr. Carpenter assured Century II that they would have a \$1,000,000 liability insurance policy on file for the event. Event security will consist of six (6) uniformed police officers and six (6) t-shirt security personnel.

After Council action, Century II staff will finalize all other agreements and contracts for this event, to include not limited to the concessions and ticketing of this event.

Century II could expect approximately \$3,000 in hall rental revenue from this event, plus additional revenues from concession, merchandise and ticketing sales.

This project will impact the Quality of Life goal by providing a variety of entertainment options to citizens.

The City Attorney has approved the resolution as to form.

Mayor Brewer

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

Motion--
--carried

Brewer moved that the City Council adopt the resolution for Mr. Sean Carpenter to hold the Mixed Martial Arts Event on May 10, 2008 at Century II. Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 08-082

A Resolution by the governing body of the City of Wichita, Kansas approving mixed martial arts event and Century II Convention Hall. Brewer moved that the Resolution be adopted, presented. Motion carried 6 to 0. Yeas: Gray, Longwell, Schlapp, Skelton, Williams, and Brewer. (Fearey absent)

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PROF. BOXING

PROFESSIONAL BOXING / MIXED MARTIAL ARTS EVENT AT CENTURY II.

Doug Kupper

Parks and Recreation Director reviewed the item.

Agenda Item No. 28.

Promoter Justin Willms of Havic Prizefighting Promotions, Wichita, Kansas, has requested usage of Century II for a Professional Boxing / Mixed Martial Arts event on March 29, 2008. State statute 74-50,189 requires a license from the Kansas Athletic Commission and the governing body of the city to adopt a resolution approving professional and amateur boxing, kickboxing, full-contact karate, and mixed martial arts.

Century II event staff inquired into the business references of Mr. Willms. Three individuals gave positive statements regarding Mr. Willms' business professionalism.

Mr. Willms has successfully obtained a promoters license with the Kansas Athletic Commission to conduct professional and amateur Boxing and Mixed Martial Arts events. Mr. Willms has requested to lease Convention Hall at Century II to conduct this event on March 29, 2008.

Havic Prizefighting Promotions is expecting 5,000 attendees and will sign a facility-use lease. Havic Prizefighting Promotions assured Century II that they would have a \$1,000,000 liability insurance policy on file for the event. Event security will consist of six (6) uniformed police officers and six (6) t-shirt security personnel.

After Council action, Century II staff will finalize all other agreements and contracts for this event, to include not limited to the concessions and ticketing of this event.

Century II could expect approximately \$3,500 in hall rental revenue from this event, plus additional revenues from concession, merchandise and ticketing sales.

This project will impact the Quality of Life goal by providing a variety of entertainment options to citizens.

The City Attorney has approved this resolution as to form.

Mayor Brewer

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

Motion--

Brewer moved that the City Council adopt the resolution for Mr. Justin Willms and Havic Prizefighting Promotions to hold their Professional Boxing / Mixed Martial Arts Event on March 29, 2008 at Century II. Motion carried 6 to 0, (Fearey absent).

--carried

RESOLUTION NO. 08-082

A Resolution by the governing body of the City of Wichita, Kansas approving mixed martial arts event and Century II Convention Hall, presented. Brewer moved that the Resolution be adopted, presented. Motion carried 6 to 0. Yeas: Gray, Longwell, Schlapp, Skelton, Williams, and Brewer. (Fearey absent)

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IATSE AGREEMENT **AMEND LOCAL 190 OF THE INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES (IATSE) AGREEMENT.**

Doug Kupper Parks and Recreation Director reviewed the item.

Agenda Item No. 29.

Local 190 of the International Alliance of Theatrical Stage Employees (IATSE) provides the skilled labor required for the Century II stages. This Local 190 has provided the skilled labor for the City of Wichita for over 75 years. The labor cost for these stagehands is paid directly by Century II clients and does not represent an operating cost for Century II.

In December 2007, Local 190 of the International Alliance of Theatrical Stage Employees (IATSE) was notified that their workers compensation insurance was doubling for 2008. In addition, Local 190 is experiencing increases in liability and unemployment insurance. These factors are causing an increase in its hourly rate fees by 5.9626%. They will need to pass this increase on to the clients.

On February 5, 2008, Century II management staff and their tenant groups, Wichita Music Theater, Wichita Grand Opera and the Wichita Symphony Orchestra discussed Local 190 IATSE's request for a rate increase. The tenants were in accordance with this request.

This increase will not affect Century II's operating budget, as stagehands are paid directly by clients of Century II who use the four main stages in the facility. Bad debts are the responsibility of the Local 190 payroll company. The Local 190 also maintains personal liability insurance.

This project will impact the Quality of Life by ensuring that citizens receive a positive return on their investments.

This amendment to the Local 190 of the International Alliance of Theatrical Stage Employees (IATSE) agreement has been approved as to form by the City Attorney.

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

Motion--
--carried Brewer moved that the City Council approve the amendment to the Local 190 of the International Alliance of Theatrical Stage Employees (IATSE) Agreement. Motion carried 6 to 0, (Fearey absent).

CARLSON HYDR. **PUBLIC HEARING AND TAX EXEMPTION, CARLSON HYDRAULICS. (DISTRICT IV)**

Allen Bell Urban Development Director reviewed the item.

Agenda Item No. 30.

Carlson Hydraulics, located at 3525 W Esthner in southwest Wichita, was purchased by the current owners in 1998. Carlson Hydraulics is a manufacturer of welded hydraulic cylinders for many different types of industries. Carlson Hydraulics has experienced rapid growth in sales since the acquisition and as a result has expanded its manufacturing capacity to include additional manufacturing space and acquisition of new manufacturing equipment in the amount of \$861,176. Carlson Hydraulics is now requesting approval of an Economic Development Tax Exemption on the construction of a building addition.

Carlson Hydraulics manufactures welded hydraulic cylinders for many different types of industries. The cylinders are used nationwide in mobile equipment, industrial applications, mining, and agricultural markets. Carlson Hydraulics exports 80% of its business out of the State of Kansas. The expansion project will result in new construction owned by MC Properties and will be leased to Carlson Hydraulics. Both companies are owned 100% by Chris and Cynthia Squires.

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Carlson Hydraulics currently has 27 employees and plans to add at least 16 new jobs over the next five years. The expansion project includes construction of a 6,000 s.f. building addition with a cost of \$252,580, and purchase of additional manufacturing equipment at \$609,136. The machinery is statutorily exempt since it was purchased after June 30, 2006.

The expansion project is itemized in Exhibits I attached hereto. Under the Economic Development Incentive Policy, Carlson Hydraulics is eligible for the following property tax abatement:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
31.3%	New Job Creation:	Carlson will create at least 16 new jobs.
15.3%	Capital Investment:	Carlson will invest at least \$861,716.
46.6%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.0%	Location Premium:	Carlson is not located in the central redevelopment area.
47%	TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY	

Under the Economic Development Incentive Policy, Carlson Hydraulics is eligible for a 47% tax exemption for a five-year term on the identified real property, plus a 47% tax exemption for a second five-year term, subject to City Council approval. A notice of public hearing has been published. Carlson Hydraulics has agreed to comply with the conditions set forth in the Economic Development Incentive Agreement.

The estimated first year taxes on the \$252,580 building expansion would be \$22,594 on real and personal property, based on the 2007 mill levy. Using the allowable tax exemption of 47 percent, the City would be exempting (for the first year) \$3,503 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$949; County/State - \$974; and USD 259 - \$1,580.

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

City of Wichita	3.04 to one
Sedgwick County	2.12 to one
USD 259	1.23 to one
State of Kansas	7.62 to one

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

The City Attorney's Office has approved the Ordinance and Economic Development Incentive Agreement as to form.

Mayor Brewer

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

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Motion--

Gray moved that the City Council close the public hearing, and approve first reading of the Ordinance, granting Carlson Hydraulics a 47% tax exemption on the identified real property improvements for a five-year term, plus a 47% tax exemption for a second five-year term, subject to City Council approval. Motion carried 6 to 0, (Fearey absent).

--carried

ORDINANCE

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Carlson Hydraulics, so exempted. Introduced and under the rules laid over.

TRIUMPH 2005

PUBLIC HEARING AND TAX EXEMPTION REQUEST, TRIUMPH STRUCTURES 2005 EXPANSION. (DISTRICT IV)

Allen Bell

Urban Development Director reviewed the item.

Agenda Item No. 31.

Excel Manufacturing located at 3258 S. Hoover Road in southwest Wichita, was locally formed in 1971. Since its establishment, Excel Manufacturing, Inc. has maintained consistent growth in its manufacturing of parts for the aerospace industry. In 2002, the City Council approved a five-plus-five year 100% Economic Development tax exemption to Excel Manufacturing, Inc. ("Excel") for an expansion project that resulted in the construction of a building addition and acquisition of new machinery and equipment. In 2004, City Council approved an 83% property tax exemption on personal property for a five-year term. In 2005, City Council also approved a 100% property tax exemption on personal property for a five-year term.

In 2005, Excel Manufacturing again expanded its manufacturing capacity, through acquisition of new machinery and equipment. In 2006, prior to City Council approval of the tax exemption for the 2005 expansion, Excel was purchased by Triumph Structures –Wichita, Inc. ("Triumph"), a subsidiary of The Triumph Group, an aerospace conglomerate with headquarters in Wayne, Pennsylvania. At the request of the Sedgwick County Appraiser's Office, Triumph (formerly Excel) withdrew its application for an Economic Development Tax Exemption on the 2005 expansion project (which was originally submitted by Excel) and has now resubmitted it under the name of the new company (Triumph).

Triumph Structures is a precision manufacturer of high quality machining, fabricated components and assemblies for aerospace and commercial industries. Excel was purchased by Triumph Structures – Wichita in 2006. Triumph specializes in 3, 4, and 5 axis machining of complex parts, such as bulkheads, wing ribs, floor sections and large monolithic parts. In 1985, Triumph began an aggressive move into the development of advanced metal cutting capability, utilizing features such as measuring probes and palletized machining. Triumph is a leader of aircraft components and parts with thin walls and cross sections. At Triumph, these parts are machined from one piece rather than the conventional metal assemblies. Triumph also has sheet metal and assembly capabilities to enhance their presence in the aerospace market. Triumph exports its products out of the State of Kansas via customers such as Spirit Aerosystems, Boeing, Cessna, Raytheon, Bombardier, Sikorsky and AeroFlex.

Triumph employed, at the time of the 2005 expansion, 132 employees and plans to add at least 38 new jobs over a five-year period from the start of the expansion. The expansion project includes purchase of machinery and equipment at a cost of \$1,970,418.

The expansion project is itemized in Exhibit I attached hereto. Under the Economic Development Incentive Policy, Triumph is eligible for the following property tax abatement:

TAX EXEMPTION ELIGIBILITY

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ELIGIBLE %	INCENTIVE	EXPLANATION
74.0%	New Job Creation:	Triumph will create at least 38 new jobs.
27.0%	Capital Improvements:	Triumph will invest at least \$1,813,585.
101.0%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.0%	Location Premium: Triumph is not located in the central redevelopment area.	

100.0% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the Economic Development Incentive Policy, Triumph Structures – Wichita Inc., is eligible for a 100% tax exemption on the identified personal property for a five-year term. A notice of public hearing has been published. Triumph has agreed to comply with the conditions set forth in the attached Economic Development Incentive Agreement.

The estimated first year taxes on the expansion would be \$50,542, based on the 2006 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$50,542 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$13,489; County/State - \$13,853; and USD 261 - \$23,200.

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

City of Wichita	3.44 to one
Sedgwick County	2.56 to one
USD 261	1.30 to one
State of Kansas	6.78 to one

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

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

Mayor Brewer

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

Motion--

Gray moved that City Council close the public hearing, and approve first reading of the Ordinance granting Triumph Structures – Wichita Inc. a 100% tax exemption on the identified personal property improvements for a five-year term. Motion carried 5 to 0, (Fearey and Skelton absent).

--carried

ORDINANCE

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to article 11, section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Triumph Structures Wichita, Inc. formerly known as Excel Manufacturing, Inc. so exempted. Introduced and under the rules laid over.

TRIUMPH 2006

PUBLIC HEARING AND TAX EXEMPTION REQUEST, TRIUMPH STRUCTURES 2006 EXPANSION. (DISTRICT IV)

Allen Bell

Urban Development Director reviewed the item.

Agenda Item No. 32.

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Triumph Structures – Wichita formerly known as Excel Manufacturing, Inc., located at 3258 S. Hoover Road in southwest Wichita, was locally formed in 1971. Excel was purchased in 2006 by Triumph Structures – Wichita, Inc. (“Triumph”), a subsidiary of The Triumph Group, an aerospace conglomerate with headquarters in Wayne, Pennsylvania. Since its establishment, Excel/Triumph has maintained consistent growth in its manufacturing of parts for the aerospace industry.

In 2002, the City Council approved a five-plus-five year 100% Economic Development tax exemption for an expansion project that resulted in the construction of a building addition and acquisition of new machinery and equipment. In 2004 and 2005, City Council approved property tax exemptions on personal property for five-year terms. Concurrently with this item, the City Council is considering an exemption for personal property acquired in a 2005 expansion, which had to be resubmitted at the request of the County Appraiser’s Office.

In 2006, Excel Manufacturing went through another expansion of its manufacturing capacity, again through acquisition of new machinery and equipment. Triumph (formerly Excel) is now requesting approval of an Economic Development Tax Exemption on the newly acquired manufacturing equipment in connection with the 2006 expansion project.

Triumph Structures – Wichita is a precision manufacturer of high quality machining, fabricated components and assemblies for aerospace and commercial industries. Triumph specializes in 3, 4, and 5 axis machining of complex parts. Triumph is well known for its machining of detail parts such as bulkheads, wing ribs, floor sections and large monolithic parts. In 1985, Triumph began an aggressive move into the development of advanced metal cutting capability, utilizing features such as measuring probes and palletized machining. Triumph is a leader of aircraft components and parts with thin walls and cross sections. At Triumph, these parts are machined from one piece rather than the conventional metal assemblies. Triumph also has sheet metal and assembly capabilities to enhance their presence in the aerospace market. Triumph exports its products out of the State of Kansas via customers such as Spirit Aerosystems/Boeing, Cessna, Raytheon, Bombardier, Sikorsky and AeroFlex.

At the time of the 2006 expansion, Triumph had 136 employees with a promised base employment of 170 based on the 2005 expansion (being considered separately). Triumph plans to add another 32 new jobs over a five-year period from the start of expansion, bringing total employment to 202 by 2011. The expansion project includes purchase of machinery and equipment at a cost of \$2,987,366, as set forth in Exhibit I (attached hereto).

The expansion project is itemized in Exhibit I attached hereto. Under the Economic Development Incentive Policy, Triumph is eligible for the following property tax abatement:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
68.0%	New Job Creation:	Triumph will create at least 32 new jobs.
32.0%	Capital Investment:	Triumph will invest at least \$2,987,366.
100.0%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.0%	Location Premium: Triumph is not located in the central redevelopment area.	

100.0% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the Economic Development Incentive Policy, Triumph, is eligible for a 100% tax exemption on the identified personal property for a five-year term. A notice of public hearing has been published.

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Triumph has agreed to comply with the condition set forth in the attached Economic Development Incentive Agreement.

The estimated first year taxes on the expansion would be \$54,710, based on the 2007 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$54,710 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$14,143; County/State - \$14,520; and USD 261 - \$26,045.

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

City of Wichita	3.02 to one
Sedgwick County	2.28 to one
USD 261	1.30 to one
State of Kansas	8.88 to one

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

The City Attorney's Office has approved the attached Ordinance as to form.

Mayor Brewer

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

Motion--

Gray moved that City Council close the public hearing, and approve first reading of the Ordinance granting a 100% tax exemption on the identified personal property improvements for a five year term. Motion carried 5 to 0, (Fearey and Skelton absent).

--carried

ORDINANCE

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Triumph Structures - Wichita, Inc. formerly known as Excel Manufacturing, Inc. so exempted. Introduced and under the rules laid over.

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GLOBE ENGINEER. PUBLIC HEARING AND TAX EXEMPTION REQUEST, GLOBE ENGINEERING CO. INC. (DISTRICT IV)

Allen Bell

Urban Development Director reviewed the item.

Agenda Item No. 33.

Globe Engineering Company, Inc. ("Globe Engineering"), located at 1539 S. Saint Paul in southwest Wichita, is a manufacturer of aircraft and aerospace components. Globe Engineering has had consistent growth in sales, and as a result, the company has expanded its manufacturing capacity to include construction of a new building addition located at 2924 W. Harry, behind their principal location on Saint Paul, and purchase of new machinery and equipment, for a total project cost of \$2.3 million. The company submitted a letter of intent to the City, stating its intention to request an Economic Development Tax Exemption, prior to the expansion. Globe Engineering is now requesting approval of a 5+5 year exemption on the building addition and a 5-year exemption on the equipment acquired after July 1, 2006 in conjunction with the expansion project.

Globe Engineering began in 1947 by making high chairs and booster seats, which later evolved into bending tubes for the aircraft industry. Globe Engineering has grown into a state of the art company manufacturing complex aircraft and aerospace components. Their capabilities include tube-bending, hydro-forming, spinning, laser cutting, welding and heat treating. More than 67% of the company's production is exported outside of the State of Kansas.

Globe Engineering currently has 173 employees and plans to add at least 9 new jobs over the next five years, bringing total employment to 182 by 2012. The expansion project includes construction of a 13,500 s.f. building addition at a cost of \$1,137,045 and purchase of additional machinery and equipment at \$1,161,558.

The expansion project is itemized in Exhibit I attached hereto. Under the Economic Development Incentive Policy, Globe Engineering is eligible for the following property tax abatement:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
28.0%	New Job Creation:	Globe Engineering will create at least 9 new jobs.
28.75%	Capital Improvements:	Globe Engineering will invest at least \$2,298,603
56.75%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.0%	Location Premium:	Globe Engineering is not located in the central redevelopment area.
57.0%	TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY	

Under the Economic Development Incentive Policy, Globe Engineering Co., Inc., is eligible for an 57% tax exemption on the identified real and personal property for a five-year term, plus an 57% tax exemption for a second five-year term on real property only, subject to City Council approval. A notice of public hearing has been published. Globe has agreed to comply with the condition set forth in the Economic Development Incentive Agreement.

The estimated first year real and personal property taxes on the total expansion would be \$65,926, based on the 2007 mill levy. A portion of the personal property was purchased after June 30, 2006; \$21,937 of personal property tax is statutorily exempt. The estimated real and personal property tax

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that requires City Council approval would be \$43,989. Using the allowable tax exemption of 57 percent, the City would be exempting (for the first year) \$25,073 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$6,792; County/State - \$6,974; and USD 259 - \$11,305.

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

City of Wichita	2.89 to one
Sedgwick County	2.32 to one
USD 259	1.75 to one
State of Kansas	8.14 to one

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

The City Attorney's Office has approved the Ordinance and Economic Development Incentive Agreement as to form.

Mayor Brewer

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

Motion--

Gray moved that City Council close the public hearing, and approve first reading of the Ordinance granting Globe Engineering a 57% tax exemption on the identified real and personal property improvements for a five year term, plus a 57% tax exemption for a second five-year term on real property only, subject to City Council review. Motion carried 6 to 0, (Fearey absent).

--carried

ORDINANCE

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Globe Engineering Company, Inc. so exempted. Introduced and under the rules laid over.

FIBER DYNAMICS

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

Allen Bell

Urban Development Director reviewed the item.

Agenda Item No.34.

Fiber Dynamics, Inc. ("Fiber Dynamics"), located at 3730 Midco Street in southwest Wichita, was locally formed in 1990. Fiber Dynamics produces high-quality composite parts for aerospace and other OEM manufacturers. Fiber Dynamics has had consistent growth in sales, and as a result, the company has expanded its manufacturing capacity to include construction of a new building and purchase of new machinery and equipment, pursuant to a letter of intent submitted prior to the expansion. Fiber Dynamics is now requesting approval of an Economic Development Tax Exemption on the construction of a new facility and newly acquired equipment in conjunction with the expansion project.

Fiber Dynamics produces high-quality composite parts for aerospace and other OEM manufacturers. The owners sought to commercialize the composites manufacturing technologies developed in the Composites Research Laboratory of the National Institute for Aviation Research. Fiber Dynamics has developed a competence in "one-shot" complex structures with molded in fittings, creating cost savings and eliminating secondary operations. Fiber Dynamics has grown from small projects like sporting goods and small aircraft into higher volume products. The company has grown into producing products

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for the aerospace, biomedical, transportation, military industries. Fiber Dynamics exports 95% of its business out of the State of Kansas.

The expansion project will result in new facilities owned by TTR, LLC and will be leased to Fiber Dynamics, Inc. Both companies are owned 100% by Darrin and Lori Teeter.

Fiber Dynamics currently has 55 employees and plans to add at least 67 new jobs over the next five years, for a total employment of 112 by 2012. The expansion project includes construction of a 35,000 s.f. facility with a cost of \$2,845,218, and purchase of additional machinery at \$332,960, as set forth in Exhibit I hereto. Fiber Dynamics plans to grow its facilities to over 100,000 s.f. in the next five years.

The expansion project is itemized in Exhibit I attached hereto. Under the Economic Development Incentive Policy, Fiber Dynamics is eligible for the following property tax abatement:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
89.0%	New Job Creation:	Fiber Dynamics will create at least 67 new jobs.
33.5%	Capital Investment:	Fiber Dynamics will invest at least \$3,178,178.
122.5.0%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.0%	Location Premium:	Fiber Dynamics is not located in the central redevelopment area.

100.0% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the Economic Development Incentive Policy, Fiber Dynamics, Inc., is eligible for a 100% tax exemption on the identified real and personal property for a five-year term, plus a 100% tax exemption for a second five-year term on real and personal property, subject to City Council approval. A notice of public hearing has been published. Fiber Dynamics has agreed to comply with the conditions set forth in the attached Economic Development Incentive Agreement.

The estimated first year real and personal property taxes on the \$3,178,178 expansion would be \$93,175, based on the 2007 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$93,175 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$25,240; County/State - \$25,914; and USD 265 - \$42,020.

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

City of Wichita	2.34 to one
Sedgwick County	1.66 to one
USD 265 Goddard	1.00 to one
State of Kansas	8.18 to one

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

The City Attorney's Office has approved the attached Ordinance and Economic Development Incentive Agreement as to form. Kansas Board of Tax Appeals requires that the exempt periods for leased and

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non-leased property be the same. The company has agreed to sign a Payment in Lieu of Taxes (PILOT) agreement on the second five years of personal property to be in compliance with the City's Economic Development Incentive Policy.

Mayor Brewer

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

Motion--

Gray moved that City Council close the public hearing, and approve first reading of the Ordinance granting Fiber Dynamics a 100% tax exemption on the identified real and personal property improvements for a five year term, plus a 100% tax exemption for a second five-year term on real and personal property, subject to City Council review and PILOT payments on personal property.

--carried

Motion carried 6 to 0, (Fearey absent).

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. Introduced and under the rules laid over.

TIF

RESOLUTION CONSIDERING THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT, TAX INCREMENT FINANCING. (DISTRICT VI)

Allen Bell

Urban Development Director reviewed the item.

Agenda Item No. 35.

Centercity Organized Revitalization Effort ("C.O.R.E.") was formed in 1996 by downtown civic leaders concerned with the decline of the center city and its neighborhoods. Many steps have been taken over the years to form partnerships and create a sustainable plan for the revitalization of the C.O.R.E. area. More recently New Communities Initiative (NCI) has been working with local governments to address blight and crime in the city's core areas. The C.O.R.E. area is also contained in the NCI defined area. The successful redevelopment by the C.O.R.E. team is considered a catalyst for more projects in the surrounding area. C.O.R.E. has recently teamed with Wichita-based InnerCity Development Company (ICDC) to redevelop the area. The developer has requested financial assistance from the City of Wichita in the form of tax increment financing ("TIF"). As a first step in the process of authorizing TIF funding for this project, the City Council must set the date for a public hearing on the establishment of a redevelopment district for the project.

A map of the area proposed for the C.O.R.E. Redevelopment District is shown on Exhibit 'A' to the attached resolution. The proposed boundaries are Murdock on the north, Santa Fe on the east, Central Avenue on the south and the alley ½ blocks west of Topeka on the west. This is an area that qualifies as a "conservation area" under the state TIF statutes. This area contains various property uses including single and multi-family residential, office, retail, medical, warehouse, light-industrial. Over 75% of the buildings in the area are over 50 years old and a large number of buildings in the area are dilapidated and/or vacant.

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 allows the increased tax revenue resulting from the redevelopment of an area to be used to finance eligible costs in the redevelopment project. The base year for calculating the

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increment of increased property tax revenue is the year in which the redevelopment district is first established.

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

The first step in establishing a redevelopment district is the adoption of a resolution which states that the City Council is considering the establishment of the district and sets the date for a public hearing on the matter. The public hearing must be held not less than 30 days or more than 70 days from the date the resolution is passed. The date proposed for the public hearing is March 18, 2008. After closing the public hearing, the City Council may adopt an ordinance establishing the redevelopment district.

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

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

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

During a 30-day period following the public hearing, the Sedgwick County Board of County Commissioners and the USD 259 Board of Education will have the right to veto the establishment of the redevelopment district. State law allows the proposed redevelopment district to be reduced in size after the public hearing, but not enlarged. The redevelopment can be expanded in the future, without changing the base year, by ordinance, following proper notice and public hearing.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Council Member Longwell

Council Member Longwell stated that he had some people address him that were a little bit concerned over this project because they did not know what the scope of it was going to be and we do not know yet. Stated all were doing today is just setting the hearing.

Chris Simms

Ms. Simms stated her family owns a property at 520 East Central which is right in the middle of the area the core group is interested in and they are talking about all the run down properties in this area but that is not true. Stated she has kept her building up for the last 25 years and it is not run down and she has tenants in her building that are disabled and he has lived there for 12 years and a lot of her tenants are long term tenants. Stated her questions are if the core development project is going to help the residents in her building where are they going to go. Stated they are trying to buy her building and tear it down. Stated they are talking about putting a store there and numerous other things but asked how are they going to make the area better. Stated she has managed the property for 25 years and she is not afraid to go in the area at night. Stated she has had a chance to get to know the people and they are lower income people that live in the building. Stated a lot of the downtown properties that have been torn down for developments have caused these people to be displaced. Stated she feels that this is what is going to happen with her building if she sells to the development. Stated she is really concerned that these people are going to be homeless and her question to the Council is how is this going to help

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downtown. Stated she does not feel that there is anything in the C.O.R.E. project that is even considered for the homeless and they will not be able to afford something brand new.

Mayor Brewer

Mayor Brewer asked Ms. Simms if someone has told her they are going to take her property if she did not sell.

Chris Simms

Ms. Simms stated that they have not said they would take it but that they are trying to buy it from them. Stated she is concerned about what is going to happen and does not want her tenants to be homeless.

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- Mayor Brewer Mayor Brewer stated that the only way her tenants would be homeless is if she sells her property. Stated if she chooses not to sell her property then her tenants will not be homeless. Stated that he does not feel that there is a problem there and the C.O.R.E. is just going in and trying to improve this area. Stated they are just going in and trying to improve the quality of life in these neighborhoods and he feels that there are some things being done to address issues and that their intent is not to displace anyone or move anyone out but that the intent is to enhance and to continue to make it better and to improve the quality of life for the citizens that reside with you. Stated the intent is not to create addition homelessness.
- Allen Bell Urban Development Director stated that the issue of whether the city could take the property, the state law has recently been changed a couple of years ago that eliminates the city's ability to use its power of eminent domain to acquire property for this purpose. Stated it is not an option for the developers and it is entirely up to the property owner to decide to sell or not. Stated the developer is required by the Tax Increment Financing under the statues to provide a relocation plan. Stated any residents or businesses in the area that are required to move that there is a plan and assistance provided for that purpose.
- Chris Simms Ms. Simms stated that this project was brought up 11 years ago and asked why is it better now than what was 11 years ago. Stated it is the same project that they brought up 11 years ago.
- Mayor Brewer Mayor Brewer stated that a project of the magnitude requires some time to get all the partners on board. Stated the Hospital itself has been through some management changes in that particular area and they had to identify plans. Stated they had to put together a plan where all the dots connected and the dollars all made sense.
- Tony Rangle Mr. Rangle Chairman of the C.O.R.E. Community Development Corporation stated C.O.R.E. is a non-profit agency that has been around for a number of years. Stated that they are very sensitive to the needs of existing residents in the neighborhood and in fact the reason for the development of C.O.R.E. is exactly to support and help those residents. Stated ten churches got together more than a decade ago it was focus to help the people in the neighborhood, focusing on this particular neighborhood was driven by the fact that it is currently in a blighted state. Stated it is their intent to provide the existing residents for their needs in staying in the neighborhood and they will be providing up to 100 units of subsidized housing within the development, with at least 36 being for those with disabilities. Stated they are working with a local entity that deals with folks who are not only homeless but also have mental disabilities and need services. Stated they are currently negotiating with that entity to bring them into the neighborhood and in support of folks who have those needs. Stated they are also negotiating with commercial properties to stay in the neighborhood because they want them to be a part of the neighborhood. Stated they are looking to provide for the current employment that is there and add employment for those residents that currently live there and those who would also join in the neighborhood development. Stated it is the focus of C.O.R.E. to help those residents that currently live there.
- Council Member Williams Williams asked if the people that currently live in this area have been involved in the planning?
- Tony Rangle Mr. Rangle stated that in the past they have had residents involved with their programming. Currently residents in the neighborhood tend to move in and out of the neighborhood so it has been difficult to maintain that continuity from that prospective. It is their intent to continue to engage those residents in the community and the property owners that they have been having discussions with.
- Motion-- Williams moved that the City Council adopt the resolution providing notice of consideration for the establishment of the C.O.R.E. Redevelopment District and setting a public hearing for March 18, 2008.
--carried Motion carried 6 to 0, (Fearey absent).

Resolution No. 08-083

A Resolution stating the City of Wichita is considering the establishment of a redevelopment district for the C.O.R.E. redevelopment district under authority of K.S.A. 12-1770 et seq, presented. Williams

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moved that the Resolution be adopted, presented. Motion carried 6 to 0. Yeas: Gray, Longwell, Schlapp, Skelton, Williams, and Brewer. (Fearey absent)

SSMID

AMENDMENTS TO THE SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT (SSMID) ORDINANCE. (DISTRICTS I AND VI)

Allen Bell

Urban Development Director reviewed the item.

Agenda Item No. 37.

On March 20, 2001, the City Council adopted an ordinance establishing a self-supported municipal improvement district (SSMID) for downtown Wichita (the "SSMID Ordinance"). The ordinance provides for the levying of an additional ad valorem tax, up to 10 mills, on all taxable real and personal property located within the boundaries set forth in the SSMID Ordinance. The SSMID boundaries generally describe the area from the Arkansas River to Washington and Kellogg to Central. The term of the SSMID Ordinance is 10 years, until December 31, 2011.

On December 18, 2001, the City Council approved a contract with the Wichita Downtown Development Corporation (WDDC) to provide economic development services to the City for the revitalization of the SSMID area described above. The contract for downtown development services with the WDDC provides for payments of SSMID assessment revenues to the WDDC in consideration of the implementation of the scope of services set forth in the contract. The WDDC Board of Directors has requested an amendment to the SSMID Ordinance that would extend the term of the Ordinance. A resolution adopted by the City Council on December 18, 2007 set February 12, 2008 as the date for a public hearing to consider the proposed amendments.

The Wichita Downtown Development Corporation, with an estimated annual budget of \$500,000 funded by SSMID assessments, focuses its efforts in four major program areas:

1. Image enhancement and marketing programs to attract consumer's visitors and residents and promote a positive downtown image.
2. Business retention and recruitment initiatives to retain grow and attract jobs, businesses and investment.
3. Urban vitality improvements to make downtown more attractive and vital.
4. SSMID operations to support program activities

The WDDC Board is in the process of a national search for a new president to lead the organization and believe that the extension of the term of the SSMID Ordinance will assist in that effort by addressing any concern about how long the job might last.

The WDDC Board is asking for an amendment that would extend the term of the SSMID Ordinance by one year, to 2012, and then automatically extend it by one year each year that the City Council adopts the annual SSMID budget, starting with the budget adoption in August 2008, unless the City Council affirmatively disapproves the extension. This will provide the WDDC and SSMID Advisory Board with a 5-year rolling budget horizon within which to plan future activities.

SSMID assessments are billed to property owners by the County Treasurer as part of each year's property tax statement. Assessments are collected by the County Treasurer and distributed to the City along with property taxes. A detailed budget for the use of SSMID revenues is recommended each year by a City-appointed SSMID Advisory Board and submitted to the City Council for approval as part of the normal budget process. The annual tax levy that results has been around 5 mills in past years.

Core Area and Neighborhoods, Quality of Life, Economic Vitality and Affordable Living, Safe and Secure Neighborhoods, Efficient Infrastructure: Downtown revitalization is crucial to all aspects of community betterment.

K.S.A. 12-1794 et seq. provides the authority and procedures for establishing and operating self-supported municipal improvement districts, including amendments to the SSMID Ordinance. To

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amend provisions to the SSMID Ordinance, the City Council must first adopt a resolution setting a public hearing to consider the amendments. The public hearing must be held not-less-than 30 days or more than 60 days following the adoption of the resolution. The resolution must be mailed to all property owners in the District and published three times with the last publication not less than one week prior to the date set for the public hearing. Following the public hearing, the City Council must wait at least 30 days before final adoption of an ordinance amending the SSMID Ordinance. The City Council shall not take final action to amend the SSMID Ordinance if the City Clerk receives a petition opposing the amendment within 30 days of the public hearing, signed by 40% of all owners of property located within the SSMID boundaries who also own 40% of the total assessed valuation of the SSMID.

Larry Weber

Mr. Weber, Wichita Chapter of Building Owners and Managers Association. Stated that they represent over 10 million square feet of commercial space here in Wichita with the majority of that space being located in the SSMID district. Since the creation of the SSMID and the Wichita Downtown Development Corporation they have seen continued improvement in the overall occupancy of downtown. He supports proposed amendment to the SSMID ordinance and hopes the City Council will adopt it.

Darrel Brand

Mr. Brand resides at 212 South Mosley. He stated that he had received a schedule from the Downtown Development people and it seems to him that it is a little bit incomplete but, there seemed to be some things on the schedule that were formally funded by the city at large and have now been moved over and the Downtown Corporation is paying for them. He stated that he can understand that the political climate might be better now than it might be in 2011 to get this extended but he feels we should wait until it is necessary. If everyone is still working well there should not be any problem to extend it. He stated they have recently rezoned a large area and increased the downtown zoning by 30 percent, but they are not included in this taxing district. He feels it is being paid for by the people that were in the old boundaries rather than the new boundaries and that if it is zoned them and or their benefit then they should be paying for it.

Joe Johnson

Mr. Johnson resides at 8410 Stoneridge and his business address is 257 North Broadway. He stated that he is the chair of the Downtown Development Corporation and they asked for this item to be brought before the Council and are in full support and he stated that he will be available for any questions.

Motion--
--carried

Williams moved that the City Council close the public hearing and approve the first reading of the amended SSMID Ordinance. Motion carried 6 to 0, (Fearey absent).

ORDINANCE

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. Introduced and under the rules laid over.

PLANNING AGENDA

Motion--
--carried

Brewer moved that Planning Consent items 41-44 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Fearey absent).

(Item 38)
ZON2007-00036

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)

Agenda Item No. 38.

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DAB III Recommendation: (September 5, 2007) Approve, subject to Protective Overlay #193, Vote 6-5.

MAPC Recommendation: Approve, subject to Protective Overlay #193, vote 10-1.

MAPD Staff Recommendation: Approve, subject to Protect Overlay #193

The application area is approximately 3.41 acres of platted land zoned LC, TF-3 and SF-5, located west of Broadway Avenue and south of 31st Street South. The application area is undeveloped, but has been platted with single-family lots. The applicant is seeking "MF-29" zoning in order to develop an apartment/multi-family development. The current 32nd Street South Circle right-of-way, running through the southern one-third of the application area, will have to be vacated to ultimately be a part of the application. The street is platted, but has not been installed.

Property zoned LC and SF-5 abuts the subject site on the east and is partially developed with an American Legion Post. Farther to the east is property zoned SF-5 and "GC" General Commercial and is developed as a salvage yard. To the west is property zoned LC, "B" Multi-family Residential, and SF-5, which is developed with a group quarters, single-family residences and contains vacant lots. To the south of the subject site is SF-5 zoning developed with single-family residences. The property to the north of the subject site is zoned GC and SF-5, which is developed with a car sales lot, construction services, offices, apartments and a couple of single-family residences.

In this particular area, there is a mix of uses and zones. Just within a four square block area, there are properties zoned LC, GC, "LI" Limited Industrial, SF-5, B and TF-3. This rezone would eliminate the TF-3 and LC zoned property within the application area. MF-29 zoning permits up to 29 dwelling units (DU's) per acre, while TF-3 allows 14.5 DU's (with a conditional use) and LC allows 75.1 DU's per acre. As currently zoned, the subject site could potentially allow up to a total of 119 dwelling units. With the rezone to MF-29, the site would be allowed 99 dwelling units, a reduction of 20 dwelling units when compared to the sites current zoning. Also, the MF-29 zone permits building heights up to 45 feet while the LC zone permits building heights up to 80 feet. The proposed rezoning of the subject site to MF-29 would also buffer the single-family residences on the south and west from the salvage yard / car dealership, which fronts Broadway, but is currently visible due to the undeveloped subject site.

The UZC has "compatibility development standards" dealing with increased setback and height limitations that may come into play depending on the development plan. A zone change request does not require submission of a site plan like a "conditional use" application does. The landscape code requires a landscape buffer of one shade tree or two ornamental trees, without a fence, per 40 lineal feet of the multi-family property line abutting SF-5 or TF-3 zoning, or 50 lineal feet, with a fence. The trees must be planted within 15 feet of the platted property line.

This case was heard at the District III Advisory Board meeting held on September 5, 2007, and they voted (6-5) to recommend approval of the request for MF-29 zoning with Protective Overlay #193. At the DAB III meeting, there were a number of citizens present, along with a few DAB members that stated their opposition to the zone change.

At the MAPC meeting held September 7, 2007, the MAPC voted (10-1) to recommend approval of the request for MF-29 zoning with Protective Overlay #193. At the MAPC meeting, there were a number of citizens present to discuss their opposition to the zone change.

At the Wichita City Council meeting held October 16, 2007, the council voted to return the case back to the MAPC with the addition of a traffic analysis. The MAPC then re-heard the zoning request on January 10, 2008, with the additional traffic analysis. The MAPC voted (12-1) to recommend approval of the request for MF-29 zoning with Protective Overlay #193.

Another District Advisory Board meeting was held on February 6, 2008, but that date is after the deadline for this report.

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At this time, there have been 31 protest petitions received and stamped by the city clerk. Fifteen of those 31 petitions are located within the formal notification area, equating to 34.7% of the total real property within the area required to be notified by state statute. With the protest being more than 20% of the total real property within the area required to be notified by state statute of the proposed zoning map amendment, excluding streets and public ways and property excluded pursuant to Section V-C.10.b, such amendment may be approved by the Governing Body only by a vote of approval by at least three-fourths of all members of the Governing Body. (Article V, Section C.10(a) of the Unified Zoning Code)

Promote Economic Vitality and Improve Housing Variety

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

Motion--
--carried

Skelton moved that this item be deferred to the next regularly scheduled council meeting in order for him to address some outstanding issues. Motion carried 6 to 0, (Fearey absent).

(Item 39)
CON2007-48

CON2007-48 – CONDITIONAL USE TO PERMIT “PARKING AREA, ANCILLARY,” (PARKING ONLY) ON PROPERTY ZONED “SF-5,” SINGLE-FAMILY RESIDENTIAL LOCATED SOUTHEAST OF THE INTERSECTION OF HEATHER ROAD AND PEACH TREE LANE 8201 EAST PEACH TREE LANE. (District II)

Dale Miller

Current Plans Manager reviewed the item.

Agenda Item No. 39.

MAPC Recommendations: Approve, subject to recommended conditions, including limiting the use of the property to a driveway (parking is prohibited). (12-1).

MAPD Staff Recommendations: Approve the Conditional Use.

DAB Recommendations: On January 9, 2007, DAB I deferred action until after the MAPC hearing; rescheduled for February 4, 2008.

The applicant owns a 90 foot wide by 140 foot deep platted lot (the west 90 feet of Lot 1, Block 7, Bonnie Brae Addition) that contains 12,600 square feet, is zoned “SF-5,” Single-family Residential and is developed with a single-family residence. The applicant is seeking a Conditional Use to permit “parking area, ancillary.” See the attached site plan. Staff is advised the residence is a rental. The lot is located at 8201 East Peachtree, which is the southeast corner of Peachtree Lane and South Heather Road, and adjoins land to the south and east (Lot 6, Ruth Addition and Lot 4, Higgins-Andeel 2nd Addition) that has frontage on East Kellogg’s north frontage road. These two lots (Lot 6 and Lot 4) located to the south and east are zoned “LC,” Limited Commercial and are developed with the Wichita Inn East, and parking that supports the inn. The applicant proposes to lease the southern 30 feet, 2,700 square feet, of the subject lot to the adjoining property owner to the south, CAP Partnership, which operates the Wichita Inn East.

Lot 6, Ruth Addition, the western end of the Wichita Inn’s site, is located immediately south of the subject property, and is partially developed with parking that supports the motel. Lot 6 was originally much deeper, but with improvements to East Kellogg the lot is now approximately 118 feet deep. Adding 30 feet from Lot 1 to the Inn’s land area would provide an approximately 148 foot deep lot that would be more useable. The applicant’s site plan indicates the area is to be used for parking and a driveway.

The lease of a portion of a residential lot developed with a single-family home is somewhat unusual; however, the configuration of the applicant’s lot and the lots adjacent to the subject site has contributed to this unusual situation. The applicant’s lot was originally part of an “Oklahoma” shaped lot with a

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“panhandle” that extended east from the applicant’s current rectangle shaped lot. As mentioned above, the applicant’s lot is currently 140 feet deep, north to south. The “panhandle” portion of the original lot was only 67 feet deep (north to south) by 99 feet wide (east to west). At some point, Lot 1 was split to create the two portions of Lot 1 that we have today. Because of this somewhat unusual lot configuration, the land to the south (Lots 2 and 3 of the Higgins-Andeel 2nd Addition) extends further north than the lots located east and west of these two lots, creating an irregular boundary where “LC” zoning projects further north on these two lots than on the lots located to the east and west.

If the request is approved, the home site would still retain approximately 9,900 square feet of lot area, which is well within the minimum lot area requirement for this zoning district, and there would be approximately 25 feet from the house to the new lot line. There is an eight-foot platted utility easement located along the existing south property line that has a sewer line located within the easement. In addition to the utility easement, construction on the site will trigger applicable code required setbacks, landscaping and screening.

The land north, east and west of the site are part of the Bonnie Brae neighborhood, zoned “SF-5,” Single Family Residential and are developed with single-family homes. The lot to the east of the application area is only 67 feet deep so the applicant’s lot already has “LC” zoning along its eastern boundary for a distance of 72 feet. Heather Road separates the applicant’s property from the property located to the west. Currently both the applicant’s lot and the neighboring lot to the west (across Heather) rear property lines terminate at the same depth from Peach Tree Lane, where Heather is fenced and closed to through traffic.

District Advisory Board II reviewed this application on January 9, 2008 and deferred taking any action until after the MAPC meeting of January 10, 2008. On January 10, 2008, the MAPC recommended approval of the request subject to the following conditions:

1. Uses permitted on the site are restricted to a “driveway only” (parking is prohibited).
2. The site shall be developed in general conformance with the approved site plan.
3. The site shall be developed in compliance with all applicable code requirements, including, but not limited to: setbacks, landscaping, screening, noise and lighting. Parking lot lighting standards shall not exceed 15 feet including the base.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of approval for this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Three neighborhood residents spoke in opposition to the request. They felt approval of this request represents a commercial intrusion into the neighborhood, which may lead to additional nonresidential requests that will whittle away the southern side of the remaining residential lots. One of the speakers referred commissioners to a letter from the Bonnie Brae Homeowners Association outlining the association’s concerns (attached). As far as staff can determine, the Bonnie Brae Homeowners Association does not own any land within the statutory protest area, and one of the speakers withdrew his protest petition. Staff received an email (attached) expressing opposition to the request. (Unsigned emails do not count towards a legal protest.) The association’s letter plus the individual protest petition represent a valid appeal of the conditional use, requiring City Council consideration.

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

Motion--
--carried

Schlapp moved to adopt the findings of the MAPC and approve the Conditional Use, subject to the recommended conditions. Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 08-091

A Resolution authorizing a conditional use to permit “Parking Area, Ancillary” (Driveway Only) on 2,700 square feet zoned “SF-5” single-family residential, generally located southeast of the intersection of Heather road and Peach Tree Lane (8201 East Peach Tree Lane), in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Schlapp moved that the Resolution be

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adopted. Motion carried 6 to 0. Yeas: Gray, Longwell, Schlapp, Skelton, Williams, and Brewer. (Fearey absent)

DER2007-00013

DER2007-00013 – AMENDMENT TO ARTICLE III, SECTION III-C.2(1)(B) OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (UZC) DEALING WITH OFF-SITE SIGNAGE IN NON-RESIDENTIAL COMMUNITY UNIT PLANS.

Dale Miller

Current Plans Manager reviewed the item.

Agenda Item No. 40.

DAB Recommendation: I, III, IV and VI recommended approval; V recommended denial and II recommended that the City Council hold a workshop.

MAPC Recommendation: Approve, 12-1

MAPD Staff Recommendation: Deny

On October 4, 2007, Greg Ferris, Ferris Consulting, appeared before the Metropolitan Area Planning Commission (MAPC), and asked the MAPC to hold a hearing regarding Article III, Section III-C.2.b(1)(b) of the UZC that prohibits the installation of off-site signage on property with community unit plan (CUP) zoning.

The current language in the UZC regarding off-site signage in CUP's is as follows:

- (1) Permitted uses and structures. The following uses and structures may be allowed as part of a nonresidential CUP:
 - (a) All permitted and Conditional Uses in the zoning classification in which the development is proposed, subject to all applicable site development regulations such as, but not limited to, Supplementary Use Regulations and Special District Regulations.
 - (b) Signs, provided that no off-site or portable signs shall be permitted.
 - (c) Uses and structures that are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures and that do not involve operations or structures that are incompatible with the district.
 - (d) In cases where a nonresidential CUP development proposes a mixture of nonresidential and residential uses, the CUP development plan shall indicate the proposed location and general types of such uses and the method of screening and buffering.

The applicant proposes to amend subparagraph (b) as follows (annotated version):

“Signs, provided that no off-site or portable signs shall be permitted. Off-site signs in any community unit plan approved prior to the effective date of this amendment may be permitted only after an amendment has been reviewed by the MAPC and approved by the appropriate governing body.”

The non-annotated version is:

“Signs, provided that no portable signs shall be permitted. Off-site signs in any community unit plan approved prior to February 6, 2008, may be permitted only after an amendment has been reviewed by the MAPC and approved by the appropriate governing body.”

The intent of the community unit plan district is to provide well planned and well organized development, and to protect the public safety, convenience, health and general welfare through standards and provisions that establish proper development requirements, including signage. The character of the development should be appropriate to the neighborhood and conditions, and safeguards should be provided to ensure that the development will minimize any diminution, if any, in the value of surrounding property.

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By definition, off-site signage includes billboards. (24.04.185.1.q) The UZC's prohibition against off-site signs in CUP districts has been part of the code since at least 1964. MAPC minutes from March 19, 1964 contain the following language relating to advertising signs in CUP zones: "Advertising signs, relating to the proposed development, the stores and shops and products sold therein are permitted. No billboards shall be permitted."

In addition to the above-mentioned UZC prohibition against off-site signs, many CUPs also contain language specifically prohibiting off-site and billboard signage. The Sign Code of the City of Wichita also contains the following language:

"No zoning district or zoning shall be considered for linear measurement (for a billboard or off-site sign) if it is included within an approved Community Unit Plan, Planned Unit Development, P-O Protective Overlay or Protective Overlay District except when such district specifically allows off-site billboard signs." (24.04.222.2)

"Except as permitted by Section 24.04.225 (Special Review Approval for Off-site Billboard Sign Permits), no off-site billboard signs shall be erected closer than 300 feet from a platted and residentially-zoned lot on which the primary residential structure can be legally erected or to a residential structure. This distance shall be measured from the nearest lot line of such platted and residentially zoned lot or residential structure to the closest part of the off-site billboard sign. This minimum distance may be reduced to 150 feet when any platted and residentially zoned lot or residential structure is fully screened from view of the proposed off-site billboard sign by a non-residential building. Such view shall be from the closest minimum building setback line (as established for residentially zoned lots in the Wichita-Sedgwick Unified Zoning Code) of the residentially zoned lot or residential structure." (24.04.222.4.d)

With respect to billboards in LC zoning along an arterial, a maximum of two billboards facing the same direction of travel are permitted so long as there is a minimum of 3,000 lineal feet of LC, GC or LI zoning along the designated mile. Billboards must be spaced 330 feet from another billboard facing the same direction of travel along the same street. Maximum billboard height is permitted to be up to 30 feet, but taller signs are permitted in order to maintain eight feet of clearance above a building to the bottom of the sign, but no taller than 26 feet above the roof or parapet wall; or 14 feet above the top of the railing or barrier along the traffic deck of an elevated highway. Billboards in LC zoning are limited to 300 square feet in area. One can count more intense zoning districts - GC, LI or GI - towards the lineal footage requirement.

With respect to billboards in GC, LI and GI zoning, a minimum of 500 linear feet of GC, LI or GI zoning in the designated mile is required per sign, with a maximum of five billboards permitted facing the same direction of travel along the designated mile in GC and LI while up to eight signs may be permitted in the GI. The size of billboards permitted in GC, LI and GI is 672 square feet (14x48 feet), and up to 825 square feet with extensions. Three-hundred-thirty lineal feet of separation is also required between signs. Height is as above. Property zoned LC does not count towards meeting the lineal footage requirement for signs placed in the GC, LI or GI districts.

In addition to the UZC off-site sign prohibition, most CUPs since the early 1990s also specifically prohibit off-site signage. Approval of this request would not change that fact. It would take an amendment to each individual CUP to remove that prohibition.

The sign code does not contain the same UZC prohibition regarding off-site signs; it relies upon the zoning code as the basis for this regulation. The purpose of this review of the Sign Code regulations dealing with off-site signage in CUPs is to show that the zoning code prohibition on off-site signage in CUPs is the key regulation that ties all the other sign code provisions together dealing with off-site signage in CUPs.

The applicant's detailed arguments for the amendment are contained in the attached communications. A summary of his position is: the current code is extremely restrictive and places an unnecessary prohibition against off-site signage; the sign code alone contains enough limitations on the placement of

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off-site signage without the zoning code restriction and the current regulation eliminates flexibility in CUP uses.

The Council initially heard about the proposed amendments in a workshop session in the fall of 2007. At District Advisory Board meetings held in December 2007 and January 2008, District Advisory Boards I, III, IV and VI recommended approval. District Advisory Board V recommended denial; DAB II recommended that the City Council hold a workshop. On December 20, 2007, the Metropolitan Area Planning Commission recommended approval on a vote of 12-1.

Promote Economic Vitality and Improve Housing Variety

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

Motion--

Schlapp moved to adopt the recommendation of the MAPC to amend the Wichita-Sedgwick County Unified Zoning Code to permit off-site signage located within any community unit plan shall be installed within five years of the approval by the governing body so that people would see if no permit authorizing the installation of offsite signage located within the community unit plan shall be issued after the end of the five years unless and it does not cut you off at the end of five years a new request has been reviewed by the MAPC and approved by the governing body, place the ordinance on first reading and authorize the appropriate signatures. Motion carried 6 to 0, (Fearey absent).

--carried

ORDINANCE

An ordinance amending section iii-c.2.b(1) of the Wichita-Sedgwick county unified zoning code (April 19, 2001 edition), as adopted by reference in City of Wichita Code Section 28.04.010, as amended, permitting off-site signage on property located in nonresidential community unit plans. Introduced and under the rules laid over.

ZON2007-00064

ZON2007-00064 – CITY ZONING ON UN-ZONED PROPERTY TO “LC” LIMITED COMMERCIAL. GENERALLY LOCATED ON THE NORTH SIDE OF CENTRAL AVENUE, JUST EAST OF THE BIG DITCH (WICHITA-VALLEY CENTER FLOODWAY). (DISTRICT V)

Agenda Item No. 41.

MAPC Recommendation: Approval, without platting, vote 8-5.

MAPD Staff Recommendation: Approval, subject to platting within one year.

DAB V Recommendation: Approval, subject to platting within one year, vote 7-0-1.

The applicant requests a zone change on un-zoned property to “LC” Limited Commercial on a 0.4 acre site located east of the east bank along the Wichita-Valley Center Floodway and on the north side of Central Ave. The site is about 250 feet east of the crest of the floodway’s levee and was just recently sold to the applicant from the City of Wichita. While the City owned the property, it was not zoned and was utilized as a buffer for the floodway. The applicant proposes to market the property for an unspecified commercial use. The property currently is paved for use as a parking lot.

The property is located within the Flood Hazard Zone “X,” which is described as the flood insurance rate zone that corresponds to areas outside the 100-year floodplain, areas of 100-year sheet flow flooding where average depths are less than 1 foot, areas of 100-year stream flooding where the contributing drainage area is less than 1 square mile or areas protected from the 100-year flood by levees. No Base Flood Elevations or depths are shown within this zone. A Base Flood Elevation (BFE) is the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report or average depth of the base flood, usually in feet, above the ground surface.

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The site's location is abutting commercial development bordering the east property line, extending east along Central Avenue. The LC zoning to the east is approximately 0.9 acres and contains a strip retail center. North of the retail center there is a residential development, which is all zoned "SF-5" Single-family Residential. The 0.58 acre property located south of the site, across Central Avenue, has an automotive repair shop on it is zoned "GC" General Commercial followed by (going east from this site) a 4.96 acre site containing a mini-storage facility, zoned LC and GC, and a 0.6 acre site containing an office building, zoned LC. South of the commercial developments there are single family and duplex developments zoned SF-5 and "TF-3" Two-family Residential. All other properties located west, northwest and southwest of the subject site are undeveloped, and utilized as the Wichita-Valley Center Floodway.

At the District Advisory Board V meeting held January 7, 2008, the DAB V voted (7-0-1) to approve the request, subject to platting within one year. No citizens were present to speak and no protests have been received. At the MAPC meeting held January 10, 2008, the MAPC voted (8-5) to approve the request without the platting requirement. No citizens were present to speak, and no protests have been received.

Promote Economic Vitality.

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

Motions--
--carried

Brewer moved that the findings of the MAPC be approved; the zone change to "LC" Limited Commercial be approved and first reading of the ordinance approved. Motion carried 6 to 0, (Fearey absent).

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. Introduced and under the rules laid over.

VAC2007-00040

VAC2007-00040 REQUEST TO VACATE A PLATTED RESERVE AND THE USES IT IS RESTRICTED TO PER THE PLATTOR'S TEXT. GENERALLY LOCATED ON THE NORTH SIDE OF 13TH STREET NORTH, WEST OF GREENWICH ROAD. (DISTRICT II)

Agenda Item No. 42.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicants are requesting consideration for the vacation of platted Reserve "B" in the Greenwich Office Park Addition. The applicant proposes to dedicate the reserve as public street right-of-way (ROW). As platted, Reserve "B" has been set aside for landscaping, irrigation, berming, monument signs, private drives and utilities confined to easements. The reserve has direct access (west side) onto a public street, which in turn intersects with 13th Street, an arterial street. Reserve "B" dead-ends on its east side. The reserve has an irregular width, 50 foot wide on its west side and 32 feet wide on its east side. There are 10 foot and a 15 foot drainage easements running parallel to the reserve's north and south sides. The Subdivision design standards for a commercial street include a 70 foot wide ROW. There are not any narrow street standards for commercial streets in the Subdivision Regulations. Per the Subdivision Regulations, 10-104 -Modification of Design Criteria, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC. There are no utilities, manholes, water or sewer lines in the reserve. Per the plattor's text, Reserve "B" shall be owned and maintained by the owner of Lot 3, Block 1, Greenwich Office Park Addition. The Greenwich Office Park Addition was recorded on November 13, 2007.

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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 is required.

Ensure efficient infrastructure.

A certified copy of the Vacation Order, dedication by separate instrument for public street right-of-way, dedication by separate instrument for contingent street right-of-way and dedication by separate instrument for street, drainage and utility easement and a restrictive covenant 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 6 to 0, (Fearey absent).

VAC2007-00047

VAC2007-00047 REQUEST TO VACATE PORTIONS OF PLATTED COMPLETE ACCESS CONTROL. GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 21ST STREET NORTH AND 127TH STREET EAST. (DISTRICT II)

Agenda Item No. 43.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant has applied for the vacation of the complete access control along the site's 21st Street and 127th Street East frontages. The platted access control allows one right in-right out driveway onto the site's 127th Street frontage, located 160 feet south of the 21st Street and 127th Street East intersection, while a full movement driveway is allowed 150 feet south of the right in-right out driveway. The applicant proposes one right in-right out driveway along the site's 127th Street frontage, located 83.76 feet south of the intersection and one full movement drive located 349.24 feet south of the intersection. The platted access control allows one right in-right out driveway onto the site's 21st Street frontage, located 160 feet east of the intersection. The applicant proposes one full movement driveway onto 21st Street, located 217.58 feet east of the intersection. There will be a median strip in the 127th Street ROW that will insure that the proposed right in-right out driveway along 127th Street functions as just that, a right in-right out driveway. Per the Subdivision Regulations, 10-104 - Modification of Design Criteria, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC. The Reed Commercial Addition was recorded with the Register of Deeds on January 14, 2003.

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 dedication by separate instrument for access control 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 6 to 0, (Fearey absent).

DED2008-01

DED 2008-01 AND DED 2008-02-DEDICATION OF UTILITY EASEMENTS LOCATED EAST OF MAIZE ROAD AND NORTH OF MACARTHUR ROAD. (DISTRICT IV)

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Agenda Item No. 44.

Staff Recommendation: Accept the Dedication.

The Dedications are associated with Lot Split Case No. SUB 2007-109 (Mid-Continent Industrial Park II Addition). The Dedications are for construction and maintenance of public utilities.

Ensure Efficient Infrastructure.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Brewer moved that the Dedications be accepted. Motion carried 6 to 0, (Fearey absent).

HOUSING AGENDA

Motion--
--carried

Brewer moved that Housing Consent items 45 through 48 be approved in accordance with the recommended action thereon. Motion carried 7 to 0, (Fearey absent).

SECTION 8

SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP).

Agenda Item 45.

Approve the 2007 Section 8 Management Assessment Program (SEMAP) Certification.

On October 6, 1998 the U.S. Department of Housing and Urban Development (HUD) issued final rules for the Section 8 Housing Choice Voucher and Certificate Programs, Section 8 Management Assessment Program (SEMAP). SEMAP is a Management Assessment System that HUD uses to annually measure the performance of all Housing Authorities that administer the Section 8 Tenant Based Rental Assistance Program. Under the SEMAP, HUD assesses Housing Authorities' performance on 14 Key Indicators that show how well eligible families are provided housing assistance at a reasonable subsidy cost.

The Housing Authority (HA) must certify as to their program performance under these 14 standards 60 days after the Housing Authority's fiscal year ends. The Wichita Housing Authority's fiscal year ended on December 31, 2007, so the certification is due on February 29, 2008.

The indicators are:

1. Selection from the Waiting List (15 points): The HA has a written policy for selecting applicants and follows these policies when selecting applicants from the waiting list.
2. Reasonable Rent (20 points): The HA has implemented written methods to determine reasonable rents.
3. Determination of Adjusted Income (20 points): The HA correctly determines adjusted annual income.
4. Utility Allowance Schedule (5 points): The HA maintains up-to-date utility allowance schedules.
5. Housing Quality Standards (HQS) Quality Control Inspections (5 points): A HA supervisor re-inspects a sample of units for Quality Control.
6. HQS Enforcement (10 points): HQS inspection deficiencies are corrected in a timely manner.
7. Expanding Housing Opportunities (5 points): The HA has adopted and implemented a written policy to encourage participation in areas outside poverty or minority concentrations.

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8. Fair Market Rent (FMR) limit and Payment Standards (5 points): The HA's gross rent for 98% of new units leased, is applicable and reasonable.
9. Annual Reexaminations (10 points): The HA completes an annual reexamination for each tenant.
10. Correct Tenant Rent Calculations (5 points): The HA correctly calculates tenant rents.
11. Pre-Contract HQS Inspections (5 points): Newly leased units pass HQS before the beginning date of lease.
12. Annual HQS Inspections (10 points): Each unit is inspected annually and on time.
13. Lease up (20 points): The HA enters Housing Assistance Payment (HAP) contracts for the number of units under budget for at least one year. The standard is 98%.
14. Family Self-Sufficiency (FSS) Enrollment and Escrow Accounts (10 points): The HA maintains at least 80 percent of the number of families required to be enrolled in the FSS program, and ensures that at least 30 percent of them have escrow accounts.

The total number of points to be awarded is 145. Five bonus points are available to Housing Authorities that achieve certain de-concentration goals during the year. A Housing Authority with a SEMAP score of at least 90% shall be rated a High Performer. Housing Authorities with a SEMAP score of 60-80% shall be rated Standard. Housing Authorities with scores of less than 60% shall be rated "troubled" and shall be subject to a HUD onsite review and development of a corrective action plan.

The Wichita Housing Authority Section 8 Housing Choice Voucher program has prepared a self-evaluation, which rates the Authority as a high performer for 2007. The self-evaluation must be submitted to HUD for approval.

Housing Authorities with a "high performer" rating may be given competitive advantage under notices of fund availability.

Promote Economic Vitality and Affordable Living

Motion--
--carried

Brewer moved to approve the 2007 Section 8 Management Assessment Program (SEMAP) Certification. Motion carried 7 to 0, (Fearey absent).

PUBLIC HOUSING

2007 PUBLIC HOUSING ASSESSMENT SYSTEM.

Agenda Item No. 46.

Review and approve the submission of the 2007 Public Housing Assessment System Certification for Management Indicators to the U. S. Department of Housing and Urban Development (HUD); adopt the resolution; and provide the necessary signatures.

On January 11, 2000, HUD published 24 CFR Part 902 in the Federal Register requiring housing authorities to submit The Public Housing Assessment System (PHAS) Certification. The evaluation system designates public housing authorities as High Performers, Standard Performers or Troubled Performers, based on PHAS scores. Housing authorities that score 90 or higher on a 100-point scale are designated as High Performers and are given more operating flexibility; housing authorities that score above 60 and below 90 are designated as Standard Performers. Housing authorities scoring below 60 are designated as Troubled Performers under PHAS and receive help from HUD's Troubled Agency

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Recovery Center to improve their performance and meet HUD's new standards. If a troubled housing authority fails to significantly improve its performance a year after it is referred to the Recovery Center, HUD's Enforcement Center can ask a federal judge to create a receivership to take over management of the authority and remove its board members from office. HUD can also seek civil and criminal sanctions against housing authorities in the most serious cases.

Key elements of the PHAS Certification are:

Physical Inspections – 30% of score – HUD conducts the physical inspection of all public housing developments. Evaluations are based on objective, verifiable and uniform national standards designed to determine if public housing residents receive decent, safe and sanitary housing.

Financial Assessment – 30% of score – HUD will evaluate the financial condition of the WHA, using generally accepted accounting principles. The Wichita Housing Authority (WHA) accountants will electronically submit standardized financial information to HUD prior to March 1, 2008.

Management Certification – 30% of score – HUD measures six management indicators. Components of those indicators include unit turnaround time, Capital Fund expenditures, completion time of maintenance work orders, annual inspections, lease enforcement and resident self-sufficiency. Attached is the management review.

Resident Satisfaction and Services Assessment – 10% of score – HUD surveys public housing residents about their satisfaction with the developments in which they reside. Residents are asked their opinion of the quality of their dwelling units, resident organizations, program activities, safety and other issues. The HUD survey is currently underway.

Wichita Housing Authority staff has completed the 2007 PHAS Management Certification, which will comprise 30% of our PHAS score. The attached Management Certification reflects continued positive performance in modernization and work orders; those scores should continue to be rated high by HUD. The vacancy turnaround time has improved since 2006, however is still short of the desired goal. The Public Housing Division made ready and leased 137 units in 2007 compared to 142 units in 2006. The high level of unit turnaround is attributed to the number of evictions for tenant non-compliance.

The final results of the Financial Assessment and Resident Assessment will not be known until the overall PHAS scores are released. The overall PHAS score is calculated based upon all indicators and graded by HUD's electronic system.

Wichita Housing Authority Final PHAS Scores - 2006

Physical Condition	27 of 30
Financial Condition	24 of 30
Management	26 of 30
Resident Satisfaction	9 of 10
Total	86 of 100

Promote Economic Vitality and Affordable Living

Motion--

Brewer moved that the submission of the 2007 Public Housing Assessment System Certification for Management Indicators to the U.S. Department of Housing and Urban Development (HUD) be approved; the resolution adopted; and the necessary signatures provided.

--carried

Motion carried 7 to 0, (Fearey absent).

FUND GRANTS

REVISIONS OF THE 2006 AND 2007 CAPITAL FUND GRANTS.

Agenda Item No. 47.

Approve the revisions of the 2006 and 2007 Capital Fund Grant Budgets.

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Since 1992, the U.S. Department of Housing and Urban Development (HUD) has awarded modernization funds through the Comprehensive Grant Program and beginning in 2000 the Capital Fund Program (CFP), to the City of Wichita Housing Authority/Public Housing Division. The purpose of the award is to update or rehabilitate rental units and management systems in the Public Housing Division's inventory. Housing authorities share the national allocation, which is determined by a calculation using various characteristics of each housing authority. HUD regulations allow a housing authority to revise its approved annual budget when changes to the budget are required due to construction and administrative cost changes, HUD Notices, disasters, and emergencies outside the control of the housing authority.

The attached proposed revisions are allowable changes by HUD in the present Capital Fund Five-Year Plan. The 2006 Grant funding was allocated in the amount of \$1,010,091. The revision to the 2006 budget is to make line item adjustments to allow the closure of the Grant. The 2007 Grant funding was allocated in the amount of \$997,657. The revision also allows the transfer \$190,000 of funds into the development line item from the 2006 budget. This transfer is necessary to facilitate the construction of three houses to replace houses sold in the homeownership program, which has been delayed by HUD. The construction was a part of the 2007 Annual and 5-year Agency Plan.

The proposed revisions are within the parameters of the original allocations and are allowable by HUD.

Promote Economic Vitality and Affordable Living

Motion--
--carried

Brewer moved that the revisions of the 2006 and 2007 Capital Fund Grant Budgets be approved. Motion carried 7 to 0, (Fearey absent).

ACOP

ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP).

Agenda Item No. 48.

Review and approve the Admissions and Continued Occupancy Policy revision for the administration of the Public Housing Program.

Public housing authorities are required by U.S. Department of Housing and Urban Development (HUD) regulations, to adopt and maintain admission, occupancy and waiting list policies, and to revise them as necessary. The last time that the Wichita Housing Authority (WHA) revised its Admissions & Continued Occupancy Policy (ACOP) was on December 12, 2006.

HUD has issued a final rule regarding the Public Housing Operating Fund Program. The rule represents the transition from the old funding formula to a new funding formula, based upon private sector operating expenses, resulting in reduced HUD subsidies for public housing operations in the future.

Now that HUD is reducing subsidies for public housing operations, it is incumbent upon public housing authorities to increase their rental income to compensate for reduced subsidy. In response to the new funding formula, the Wichita Housing Authority will attempt to increase program income from rental receipts and reduce tenant accounts receivables by enforcing a stricter rent collections policy. This ACOP revision will allow the Wichita Public Housing program to give preference to applicants that are employed, disabled or elderly, which should result in higher rental income.

Additional changes to the ACOP include language to clarify applicant eligibility, and amendments to dwelling assignments policy which will provide uniformity with the WHA Section 8 Administrative Plan.

The new admissions preference should increase rental income.

Promote Economic Vitality and Affordable Living

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HUD regulations require that not less than 40 percent of new admissions shall be by families whose incomes at the time of commencement of occupancy do not exceed 30 percent of the area median income. On average, the WHA Public Housing Division exceeds the 40 percent requirement, by leasing an average of 85 percent of its rental units to households with incomes less than 30 percent of median. The WHA will closely monitor shifts in this ratio as a result of the ACOP change, to ensure compliance with the 40 percent requirement.

Motion--
--carried

Brewer moved that the Admissions and Continued Occupancy Policy revision for the administration of the Public Housing be reviewed and approved. Motion carried 7 to 0, (Fearey absent).

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AIRPORT AGENDA

Motion-- Brewer moved that Airport Consent items 51 and 52 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Fearey absent).
--carried

(Item 49)

ARMSTRONG/SHANK ARMSTRONG/SHANK ADVERTISING AGENCY CONTRACT RENEWAL, SUPPLEMENTAL AGREEMENT NO. 2.

Victor White Airport Director reviewed the item.

Agenda Item No. 49.

Background: It is the policy of the Wichita Airport Authority to fund marketing programs aimed at promoting the use of Wichita Mid-Continent Airport and the Airport System. Several years ago, the Wichita Airport Advisory Board (WAAB) voted in favor of implementing an airport advertising campaign to promote Mid-Continent Airport for use by regional air travelers. The Advisory Board also acknowledged the importance of increased passenger travel because it results in enhanced air service, business expansion, increased tourism, and other economic benefits to the community. It is critical to the success of the Airport System that customers in Mid-Continent Airport's catchments area be aware of these services and continues to utilize them for the betterment of the airports. Effective marketing efforts have been contributing to the growth of airline passengers using Mid-Continent Airport. Passenger traffic in 2007 hit an all-time high of 1,596,229 total passengers, an increase of 9.3% over 2006.

Analysis: In December 2005, a formal request for proposal process was conducted to identify area advertising and marketing firms interested in this project. The recommendation of the nine-member selection committee was to contract with Armstrong & Shank as the agency of record. A one-year contract was developed, with two one-year options for renewal. With the second one-year renewal option, the agency will complete its third year of the contract at the end of February 2009. However, due to the great success of the marketing program and several upcoming commitments, this Supplemental Agreement seeks to add an additional one-year renewal option beyond February 2009. The reasons for the additional term are:

- The Wichita Airport Authority has a marketing agreement with Frontier Airlines through the summer of 2009. Frontier and Armstrong & Shank have developed a good working relationship, and Armstrong & Shank understands the needs and objectives of Frontier. Armstrong & Shank will have media buys and promotions in place for Frontier beyond February 2009. In order to have quick turnaround and be responsive to Frontier's needs, it is in the best interests of Frontier and the Airport to continue those relationships.
- The airport-branding message, which was implemented by Armstrong/Shank two years ago, needs more time to continue in order to be effective.
- This year the advertising firm will coordinate efforts with the Airport's air service consultant to develop effective strategies to market Mid-Continent Airport and the airlines serving this market. It would be detrimental to start this with Armstrong & Shank and not be able to continue the strategies developed with them.

At its meeting on January 14, 2008, the Wichita Airport Advisory Board voted to recommend to the Wichita Airport Authority that the contract with Armstrong & Shank as the Airport's Agency of Record be renewed through February 2009 and with an additional one-year option to renew beyond that period.

The new contract will pay the agency on a retainer basis of \$3,000 per month, plus a billing rate of \$85 per hour beyond the basic services that are covered in the retainer. Media purchases, direct expenses for printing, production, special events, etc., will be at cost. An amount of not to exceed \$450,000 from the approved Department of Airports budget will be allocated to this contract and for the media buys for the first year of the extension period.

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The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which assist the Wichita Airport Authority in developing marketing programs to increase passenger travel; thereby resulting in enhanced air service, business expansion, increased tourism, and other economic benefits to the community.

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

Motion--
--carried

Brewer moved that Supplemental Agreement No. 2 with Armstrong & Shank which includes a one-year renewal with the option to extend for an additional year beyond February 28, 2009 be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

(Item 50) SABRE

AIR SERVICE CONSULTING SERVICES - SABRE, INC, MASTER AGREEMENT.

Victor White

Airport Director reviewed the item.

Agenda Item No. 50.

Approve the Master Agreement with Sabre, Inc. for a term of three years and two additional one-year renewal options.

On October 15, 2007, the Wichita Airport Authority advertised a Request for Qualifications for Airport/Air Service Consulting Services. On December 6, 2007, a Staff Screening and Selection Committee conducted interviews of the four firms that responded to the solicitation. After initial interviews, reference information was obtained. The committee reconvened on January 4, 2008 to discuss the additional information. The committee unanimously selected Sabre, Inc. to provide the services.

High fuel costs and a weakening U.S. economy are forcing airlines to be extremely cautious with expansion plans. Airlines will carefully examine the airports they currently serve to see if adequate revenue is being generated, or if those aircraft can be better utilized elsewhere in their route network. Although air service at Wichita Mid-Continent Airport (ICT) is very good at this point, it will continue to require the expertise of an air service consultant to maintain and develop the air service at ICT. The Wichita Airport Authority has in the past contracted with Sabre, Inc. to conduct market assessment studies and to assist with presentations to airlines. Sabre possesses a unique and comprehensive database of passenger reservation data and employs top airline planning talent to provide interpretations and recommendations related to it. Airport staff has worked closely with Sabre during the past 18 months, resulting in non-stop service to Orlando-Sanford by Allegiant Air, non-stop service to Los Angeles, and the entrance of Frontier Airlines to the Wichita market, with resulting low fares to western destinations. Due to Sabre's excellent relationships with airline representatives, its thorough and credible market assessment studies, and due to the enhanced air service in 2007 as result of Sabre's services, it is recommended that the Wichita Airport Authority enter into a new contract with Sabre for air service consulting work. Because of their satisfaction with the quality of the work previously done by Sabre and the successes they have contributed to, at its meeting on January 14, 2008, the Wichita Airport Advisory Board voted to recommend that Sabre be selected once again for this service.

The contract specifies a three-year term with two additional one-year renewal options. A budget of not-to-exceed \$100,000 is requested for the first year of the contract. Funds are available in the Airport operating budget.

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

Motion--
--carried

Longwell moved that the new Air Service Consulting Master Agreement with Sabre, Inc., for a term of three years and two additional one-year renewal options capped at \$100,000 per year be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

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PRATT & WHITNEY

PRATT AND WHITNEY ENGINE SERVICES, INC. - SUPPLEMENTAL AGREEMENT NO. 2.

Agenda Item No. 51.

In 1983, Pratt & Whitney entered into a lease agreement with the Wichita Airport Authority for construction of a facility at 1955 Midfield Road. For the past five years, Pratt & Whitney has paid facility rent at 50% of fair market rental value in accordance with the 1983 lease agreement. The agreement is scheduled to terminate February 29, 2008. Pratt & Whitney has requested a six-month extension, with three, six-month options to further extend the agreement.

The lease extension will allow Pratt & Whitney additional time to analyze and finalize plans as they relate to the company's future operations on Mid-Continent Airport.

During the extension, Pratt & Whitney will pay full fair market rental for the use of the facility. Facility rent for the six-month period will be \$29,598.60. Land rent is established per Wichita Airport Authority policy, and for the first six-month period will be \$10,477.08. Land rent increases 5% each year. Total revenue for facility and land for the first six months will be \$40,075.68.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is promoted through maintaining agreements that allow the Airport to continue its operation on a self-sustaining basis.

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

Motion--
--carried

Brewer moved that the Supplemental Agreement No. 2 be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

JABARA AIRPORT

COLONEL JAMES JABARA AIRPORT, TAXIWAYS F AND G, RUNWAY MARKINGS

Agenda Item No.52.

On July 24, 2007 the Wichita Airport Authority contracted with Lafarge North America to construct Taxiway G, the extension of Taxiway F, plus remark the runway at Colonel James Jabara Airport.

Analysis: A change order has been prepared to adjust the final quantities that are available at this time.

Financial Considerations: The cost of the change order is \$26,011, and is covered by the existing budget. This represents a 2% addition to the original contract of \$1,352,099. Funding is expected from AIP Federal Grant funds and General Obligation bonds paid for with Airport Revenue.

The Airport's contribution to the economic vitality of Wichita is promoted through construction of airfield pavements to serve the aviation community.

The Law Department has approved the Change Order as to form. FAA approval is pending.

Motion--
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

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CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Gray Council Member Gray requested that Rebecca Gallegos to DAB IV and reappoint Joshua Blick to the Board of Zoning Appeals.

Motion--carried Brewer moved that the appointments be approved. Motion carried 6 to 0, (Fearey absent).

RESOLUTION

RESOLUTION IN HONOR OF THOSE WHO LOST THEIR LIVES IN KIRKWOOD, MISSOURI.

Mayor Brewer Mayor Brewer stated that the following resolution comes from the City Council and the City of Wichita in reference to what happened in Kirkwood, Missouri. Stated there was a tragic incident where a disgruntled citizen came in and took the lives of some individuals, including several Council Members staff and two police officers. Stated the Mayor is still in critical condition.

RESOLUTION NO. 08-084

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS,
EXPRESSING SYMPATHY TO THE CITIZENS OF KIRKWOOD, MISSOURI.

WHEREAS, this resolution of sympathy is being made to honor the memory of City Council Member Michael Lynch, City Council Member Connie Karr, Public Works Director Kenneth Yost, Officer Tom Ballman, and Officer Bill Biggs of Kirkwood, Missouri:

- For their dedication to duty and their love of family and their community;
- For their encouragement, strong leadership and friendship to fellow Council members, City staff members, and fellow officers, as well as the citizens of Kirkwood;
- For their strength of character, abundant energy, personal perseverance, and unrelenting determination to serve as exceptional examples to their peers; and
- For their efforts in helping others through their service to the community;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT:

On behalf of the City Council of the City of Wichita, Carl Brewer, Mayor of the City of Wichita, Kansas, does hereby recognize those who have fallen in the service of their community of Kirkwood, Missouri; and

On behalf of the Citizens of Wichita, Kansas, we do hereby join communities around the world in expressing our sincere condolences on your loss and our sincere sympathy on the tragedy that has so greatly affected your community.

Motion--carried Skelton moved that the resolution be adopted. Motion carried 6 to 0, (Fearey absent).

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RECESS

EXECUTIVE SESSION.

Motion--

Brewer moved that the City Council recess into Executive Session at 11:46 a.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, potential litigation, legal advice, and confidential data relating to the financial affairs or trade secrets of a business and that council return from executive session no earlier than 12:45 p.m. and reconvene in the City Council Chambers on the First floor of City Hall. Motion carried 6 to 0, (Fearey absent).

--carried

RECONVENE

The Council reconvened in the City Council Chambers at 12:54 p.m. Mayor Brewer stated that the following action was taken:

Motion--

Brewer moved that the City terminate the existing management services contract with First Transit, Inc., and that the necessary signatures be authorized to provide the appropriate letter under the 30 - day notice provision of that contract. Motion carried 5 to 0, (Fearey and Gray absent).

--carried

Motion--

Brewer moved at 12:59 p.m. to close the Executive Session. Motion carried 5 to 0, (Fearey and Gray absent).

--carried

ADJOURNMENT

The City Council meeting adjourned at 1:00 p.m.

Respectfully submitted,

Janis Edwards
Deputy City Clerk

Workshop followed in the 10th Floor Training Room