

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 288

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 1, 2008
Tuesday, 9:04 A.M.

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

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

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

David Kimble, BAha'i faith, gave the invocation.

The Minutes of the regular meeting of March 25, 2008, approved 7 to 0.

AWARDS AND PROCLAMATIONS

--Proclamations

Proclamations:

Mayor Brewer read aloud the following proclamations:

- Gretchen Zuperku Day
- Week of the Dog Show
- Lions Pancake Day
- School Volunteer and Partner Recognition Month

--Service Citation

Distinguished Service Citation: Douglas Howell

Mayor Brewer thanked Mr. Howell for his 14 years and six months with the City of Wichita in the Public Works Department.

UNFINISHED BUSINESS

C.O.R.E.

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

Allen Bell

Urban Development Director reviewed the item.

Agenda Item 1.

On February 12, 2008, the City Council adopted a resolution stating its intent to consider the establishment of a redevelopment district in the downtown area, to be known as the C.O.R.E. Redevelopment District, for the purpose of facilitating the use of tax increment financing. The resolution set 9:30 a.m. on March 18, 2008, or as soon thereafter as possible, as the time for a public hearing before the City Council on this matter. Copies of the resolution were mailed, by certified mail,

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 289

to all owners and occupants of property in the proposed district, and to the Board of Sedgwick County Commissioners and the U.S.D. 259 Board of Education, according to state law.

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

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

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

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

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

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

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

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

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 290

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

Mayor Brewer

Mayor Brewer inquired whether anyone from the audience wished to speak.

Bob Weeks

Mr. Weeks resides at 2451 Regency Lakes Court, stated he is asking the Council not to approve this TIF financing request and to seize this practice all together in the future. Stated we need to allow markets to channel capital and investment to where people value its application the greatest and the profit and loss system in America does provide that guidance for us. Stated by asking for the TIF financing, developers send us a signal that without this special tax favor their project would not be economically feasible. Stated if these developers want to build something in this area, they need to figure out what will appeal to people and what will fill enough of the need that the project will be profitable on its own and that is how we will know that this investment is wise and then they will not have to appear before governmental bodies seeking approval for their plans, they can just do it. Stated that is market entrepreneurship. Stated these developers are practicing political entrepreneurship where they seek to please various governmental bodies rather any satisfying consumers who express their desires through the mechanisms of markets. Stated the supporters of TIF districts explained this in a way that makes it seem as though there is no cost involved in granting these subsidies but there is, otherwise why would these developers want them and why would the Council not grant them to everyone if there were no costs involved with them. Stated he proposes a pledge that this Council could take that will help our community become aware of the cost of these subsidies and will also and will also alleviate some of the iniquity, which is when the City of Wichita grants special tax treatment to anybody, they must then reduce its spending by the same amount and by following this simple rule the City can be reminded of the cost of granting these special tax favors and the rest of us will not have to pay for them.

Mayor Brewer

Mayor Brewer explained how TIF districts work.

Kris Simms

Ms. Simms stated when she returned to her apartment building after the March 18th Council Meeting, all of her tenants kept asking her when they would be kicked out and when would the building be torn down. Stated the letter that was sent out to all of the residents was a little misleading and made it sound like it was already approved. Stated she has one disabled and four mentally ill tenants in her building and it will be an extreme hardship on them if they are forced to move and especially hard on the mentally ill. Stated moving even short distances is very upsetting to them and the lower income people of our City live mostly around the downtown area where the rents are affordable for them and they do not believe in the promises of these developers. Asked if the Council has checked on their track record for the past 10 years and have these developers done a project of this magnitude. Stated on the C.O.R.E. Project map, asked where the Nifty Nut House is in their plan. Asked if they have any successes or did their deals fall through. Stated she knows for a fact that they had options to buy some of the properties in the proposed area but could not come up with the money or financing when the deadline of February 1st came and went. Stated another buyer bought them after the options expired and these developers depend and almost expect her tax money to finance their development ideas and asked where their financial backing and investors are and where their accountability is and who do they report back to where the funds were used after they were done. Stated they have planned for 140 to 150 total units in this development but there is a need of at least of that many units just for the low income tenants. Stated she has 24 units just in her building and there are not enough potential apartments for the low income people getting displaced by this project. Stated there are plans to build 30 brownstones selling for up to \$295,000 each unit and people that can afford this kind of housing are not going to live in the same area as the lower income or the poor. Stated these kinds of units will not work in this area and thinks the only reason they are included in the plans is so that they can help pay the higher taxes after the five years are up. Stated all of these developers want to do is put money in their own pockets and leave and they do not really care about the people in this area.

Tony Rangle

Mr. Rangle resides at 1047 Coolidge and stated that he is Chairman of C.O.R.E. Community Development Corporation and is here today to continue hearing public comments on the C.O.R.E. project. Stated this is a non-profit agency and is a faith-based organization focused on helping people

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 291

in the community and specifically in a downtown area that is blighted and that needs some support and would not be otherwise improved without support from the community, churches, and the downtown area. Stated this project will provide direction and examples for how we can improve other blighted areas in the community and provide housing for as many residents in the downtown area and throughout the community as possible. Stated that C.O.R.E.'s mission is based in providing housing for everyone in a neighborhood that would be inclusive, diverse, and cosmopolitan, which allows them to provide housing for everyone including existing residents and that will be done in a phased program so that no one would be without housing and any point in time. Stated this will allow those residents to make transitions and hope to keep those residents in the neighborhood but if they wish to move to other places, they will help them do that and provide them with relocation funds as well. Stated there are a number of other opportunities for local businesses in the area that they also hope to retain and keep in the neighborhood and have had numerous conversations with providing phase transition for those businesses as well including the Nifty Nut House. Stated they look forward to the Council's approval in pursuit of the tax increment finance district, which will greatly help them move forward on this project.

Lonny Wright

Mr. Wright resides at 1721 South Lulu and stated that these are right investments for us to make in our community and it does not cost us money but allows us to bring in revenue for our budget. Stated it helps us restrict having to raise taxes on our people and maintain our infrastructure and our business core base is a responsibility we have to the community for us to join together to make decisions on this project and others that help us join with businesses that bring jobs and improve our community, directly relate to more revenue for our budget. Stated he supports this project.

Vice-Mayor Fearey

Vice-Mayor Fearey addressed a couple of the concerns that were brought up and explained what C.O.R.E is about.

Motion--

Vice-Mayor Fearey moved that the public hearing be closed and place on first reading the ordinance establishing a redevelopment district for the C.O.R.E. area.

Ed Flentje

Interim City Manager stated that Staff is working on a report of all the TIF districts that have been authorized by the City and a review of their performance, which they expect to bring back to the Council an overall report on this within four to six weeks in a workshop setting so that any policy questions relative to the use of TIF financing can be looked at in a broad way. Stated county officials have also been asked to be involved earlier in TIF discussions and they have a statutory obligation to review these.

Council Member Gray

Council Member Gray stated he does not support this project and thinks TIF financing has a place but does not think this is that place because the threshold in which we decided that this project qualifies for TIF financing, is the same threshold that most of downtown would qualify for. Stated if the Council continues to set the precedent that the only way downtown is going to be developed is to public finance it through TIF projects, then that is all that is every going to happen.

--carried

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

ORDINANCE

An ordinance of the city of Wichita establishing the C.O.R.E. redevelopment district.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 292

NEW BUSINESS

HARRISON APTS.

PUBLIC HEARING, REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR HOUSING TAX CREDITS, HARRISON APARTMENTS. (DISTRICT IV)

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Item No. 1a.

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

The City has received a request from Inner City Development Company (ICDC) on behalf of H.O.P.E., Inc., (HOPE), for a City Council resolution of support for an application for Housing Tax Credits in connection with the acquisition and renovation of the Harrison Apartments, located at 125 S. Seneca. The State of Kansas

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

The project proposed by ICDC involves acquisition/rehabilitation of the Harrison Apartments, located at 125 S. Seneca. ICDC will serve as the project developer. H.O.P.E., Inc., a local non-profit organization, will be the applicant/sponsor, and will eventually become the owner of the apartment project. HOPE will refer potential clients for housing and will provide services to apartment residents on an "as needed" basis. The project will involve renovation of the existing apartment building in order to provide for 18 studio apartments of approximately 500 square feet in size. Amenities will include an exercise room and an on-site laundry facility. Preliminary rent amounts are expected to be \$325.00 per month, net of utility allowances. The proposed renovations will be carried out in such a manner so as to retain the historic character of the building.

The City's Housing Tax Credit Policy requires a set-aside of 20% of the units for market-rate tenants. ICDC is seeking a waiver of this requirement, due to extenuating circumstances, as the project will only offer studio apartments, and will not offer amenities or other features typically found in market-rate apartment complexes. Staff is supportive of the waiver, for these reasons.

OCI and the Planning Department have provided comment regarding the proposed project, with respect to zoning compliance and consistency with the Delano neighborhood design guidelines. The developer is aware that on-site parking availability falls short of current City requirements, which call for 1.25 spaces per one-bedroom or studio apartment. The developer plans to request a variance or zoning adjustment for parking, as the building will offer only six on-site parking spaces. Provided the variance/adjustment is approved, it will be necessary for most of the tenants to park vehicles on the street to the south of the building. OCI will also review the project for ADA upgrades upon submission of plans for formal review. The structure may be exempt from these upgrades, due to its age. Fire sprinkler and alarm systems will be required, due to the extent of the proposed remodeling. Compliance with the landscape ordinance will also be required. However, a partial waiver or partial reduction of the requirements could be warranted, given the configuration of the building, with respect to the site.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 293

Planning noted that the project would be consistent with the future land use concept of the Delano Neighborhood Revitalization Plan. The project falls within the Delano Neighborhood Overlay District, so the Delano Neighborhood Design Guidelines would apply to any proposed exterior modifications. The DCC voted to recommend adoption of the resolution of support. DAB IV also voted (7-1) to recommend adoption of the resolution of support.

The total project cost is estimated to be approximately \$2,307,084. Financing includes proceeds from the sale of the HTCs in the amount of \$1,354,575, proceeds from the sale of State Historic Tax Credits in the amount of \$430,377, proceeds from the sale of Federal Historic Tax Credits in the amount of \$360,132, and a grant from the Federal Home Loan Bank's Affordable Housing Program in the amount of \$162,000. The City will not participate in the financing of the project.

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

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

- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard.
- Council Member Longwell Council Member Longwell stated he has some concern with the waiver of the 20% for the market rate and asked if Staff is suggesting that there is not a market out there for studio apartments.
- Mary K. Vaughn Director of Housing and Community Services stated she is suggesting that the market rent that a studio apartment could get would probably not apply in this case because of the size of the units and the parking difficulties and the fact that there are very few amenities offered on the property that normally would attract market rent.
- Grant Gaudreau Mr. Gaudreau stated the market rate for those apartments would not be much more than the tax credit rents, maybe another \$25.00 and deals this size need all of the equity that they can get and it is a real tough thing to put much debt if any on a 18 unit especially in light of the level of rents they are going to be charging and that is why they asked for the waiver.
- Vice-Mayor Fearey Vice-Mayor Fearey stated she thinks that the City has put this 80/20 requirement in for very good reasons and feels that if market rate rent would not be much more, then it might allow someone who does not qualify for the low income but still needs help to live in a place such as this, the financial deals are hard to put together. Stated after she did one in her neighborhood and did the 100% she said she would never support deviating from the 80/20 again will probably vote no on this.
- Motion-- Gray moved that the public hearing be closed; the resolution of support for the application for Housing Tax Credits, with waiver of the 20% market-rate requirement, subject to all local building and zoning codes be adopted; ordinances and any additional design review requirements adopted; and the necessary signatures authorized. Motion failed 3 to 4, (Nays: Fearey, Longwell, Skelton and Williams).
--failed
- Council Member Gray Council Member Gray stated he is assuming this failed because of the waiver of the 20% and if so, the Council has done that several times and this is not the first time and it has never failed before. Stated he is curious as to what has prompted everyone all of a sudden to say no not today.
- Motion-- Gray moved to direct Staff to go back and have discussions with the developer to see if they can work something out. Motion carried 7 to 0.
--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 294

HOMELESSNESS

TASK FORCE ON ENDING CHRONIC HOMELESSNESS.

Ed Flentje

Interim City Manager reviewed the item.

Agenda Item No. 2.

In 2006, the City of Wichita and Sedgwick County appointed a Task Force to End Chronic Homelessness. The resolution charged the Task Force with identifying the issues related to ending chronic homelessness and making recommendations to both executive and elected officials of both governing bodies for a plan to end chronic homelessness in Wichita/Sedgwick County.

On March 12, 2008, the Task Force presented its report and recommendations to the Sedgwick County Commission, which endorsed the plan at that time. On March 18, 2008, the Task Force presented its report and recommendations to the Wichita City Council. The Council agreed that the plan should come before them for formal endorsement, on April 1, 2008.

Endorsement of the plan does not commit the City to a specific financial obligation but instead directs the City Manager to work with the County Manager in order to provide funding recommendations for City Council consideration at a later time.

This will impact the Economic Vitality and Affordable Living goal.

Council Member Skelton

Council Member Skelton inquired about the timeline.

Ed Flentje

Interim City Manager explained that he sees the rent piece of this dealt with in the upcoming budget process. Stated a budget for 2009 for implementation and it is possible that they could get started before then possibly the position should be authorized and that funding is available July 1st and thinks this process can move forward with some haste.

Council Member Schlapp

Council Member Schlapp recommended that the Council is totally aware of what the recommendations are and keep it out there and up front.

Mayor Brewer

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

Council Member Longwell

Council Member Longwell stated he feels the Council needs to move forward conceptually with this plan and then try and work out those funding issues at some point in time. Stated he endorses this plan and thinks it is a start and there are opportunities to do more and still questions that maybe they need to step up the hours for that one-stop resource center and can eventually see that as being maybe a 24/7 operation. Stated that he thinks the community has an obligation and in the long run we are going to see a real cost benefit to tackling these issues in the community. Stated he supports this and hopes they can figure out a way creatively to come up with the financing and he will continue next year to look at more of those CDBG funds to help us on an on-going basis to slide over and tackle this issue.

Council Member Gray

Council Member Gray stated he supports doing something and thinks that this plan identifies a lot of possibilities and can support it today because it does not define any funding from us directly because he thinks that there is a role that government has and there is a role that the private community and non-profit have and they typically do those roles better than us when it comes to things such as this. Stated he is going to be strongly in support of more private financing of this plan than public financing because he feels that they will do a better job than we will.

(Council Member Longwell momentarily absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 295

Council Member Williams Council Member Williams stated she supports this project and thinks the Council needs to approach it from the pro-active method of looking at it in the aspects that there could be more people that are put in this situation and by addressing the problems that we have now and looking at our support and the support funding stream, is very important as we look towards the future. Stated she agrees with the monetary amount that has been put in from the CDBG but also would like to look for support coming from the private sector as well.

Mayor Brewer Mayor Brewer stated that he feels this is a good, solid, and firm step in the right direction and a true commitment. Stated the Council has stepped up and made a commitment in working to try and help those who cannot help themselves and is proud of the Council for stepping up on this commitment.

Motion-- Brewer moved that the recommendation of the Task Force on Ending Chronic Homelessness be endorsed and the City Manager directed to work with the County Manager to prepare an implementation schedule to include financing recommendations. Motion carried 7 to 0.
--carried

HOUSING GRANT

VETERANS AFFAIRS SUPPORTIVE HOUSING GRANT APPLICATION.

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

Agenda Item No. 3.

The United States Department of Housing and Urban Development (HUD) contacted the Wichita Housing Authority (WHA) to determine interest in applying for vouchers to assist homeless veterans. The WHA expressed in securing the vouchers, and on March 13, 2008, received a formal invitation to apply for the HUD- Veterans Affairs Supportive Housing (VASH) program, which will operate in partnership with the Wichita Veterans Administration Medical Center.

The 2008 Consolidated Appropriations Act provided \$75 million to fund the HUD-Veterans Affairs Supportive Housing (VASH) program. The WHA will be responsible for administering the rental assistance, while the Veterans Administration will provide case management, health and other supportive services. The Wichita Veterans Administration Medical Center will refer eligible HUD-VASH families to the Wichita Housing Authority. HUD-VASH voucher participants must comply with the VA case management requirements to remain eligible for the program.

The Wichita Task Force on Ending Chronic Homelessness has issued a report which includes recommendations for permanent housing for the chronic homeless population. Statistics gathered in recent homeless counts, reflect over 25% of the homeless in Wichita self-report as being veterans. A slightly higher percentage of the chronic population has served in the military.

The application is due no later than April 4, 2008.

This will impact the Economic Vitality and Affordable Living goal.

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

Motion-- Brewer moved that submission of an application for 35 Housing Choice Vouchers for rental assistance for homeless veterans be authorized and the necessary signatures authorized. Motion carried 7 to 0.
--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 296

REVENUE BONDS

WATER AND SEWER UTILITY REVENUE BONDS, SERIES 2008A.

Kelly Carpenter

Director of Finance reviewed the item.

(Council Member Williams momentarily absent)

Agenda Item No. 4.

The City is offering for sale one series of Water and Sewer Utility Revenue Bonds (Series 2008A) in an amount not to exceed \$29,460,000 for the purpose of providing permanent financing for duly authorized capital improvement projects of the Utility. Sealed bids for the aforementioned Bonds will be received by the City in the Finance Conference Room until 10:00 a.m. CST on April 1, 2008.

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

Sealed bids will be accepted electronically through Ipreo/PARITY Electronic Bid Submission System until 10:00 a.m. CST in the Finance Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:00 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 2008A Bonds will mature serially over twenty-five years and will be paid from revenues collected by the Utility. The Series 2008A Bonds will be callable in 2018 with a 1% call premium, in accordance with the City's debt management policy.

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

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

Mayor Brewer

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

Motion--

Brewer moved that to direct the opening and reading of the bids; award the sale of the Bonds; and find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond Ordinance on the date of its introduction, adopt the Bond Ordinance and Resolution and authorize the publication thereof. Motion carried 6 to 0, (Williams absent).

--carried

RESOLUTION NO. 08-170

A Resolution of the City of Wichita, Kansas, authorizing and providing for constructing, reconstructing, altering repairing, improving, extending or enlarging of the municipal water and sewer utility; authorizing and providing for the sale and issuance of \$29,460,000 aggregate principal amount of Water and Sewer Utility Revenue Bonds, Series 2008A, of the City of Wichita, Kansas, for the purpose of paying the costs thereof, prescribing the form and details of the bonds; providing for the collection, segregation and application of the revenues of the utility for the purposes authorized by law, and making certain covenants and agreements with respect thereto; and authorizing and providing for the execution and delivery of certain agreements and supporting documents, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer, (Williams absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 297

ORDINANCE NO. 47-866

An ordinance of the city of Wichita, Kansas, authorizing and providing for constructing, reconstructing, altering, repairing, improving, extending or enlarging of the municipal water and sewer utility; authorizing and providing for the issuance of \$29,460,000 aggregate principal amount of water and sewer utility revenue bonds, series 2008a, of the city of Wichita, Kansas, for the purpose of paying the costs thereof; making certain covenants and agreements with respect thereto; and authorizing and providing for the execution and delivery of certain agreements and supporting documents. Brewer moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp; Skelton, and Brewer, (Longwell absent).

GREAT-WEST

CITY OF WICHITA EMPLOYEES' DEFERRED COMPENSATION PLAN GREAT-WEST AGREEMENTS FOR RECORDKEEPING AND COMMUNICATION SERVICES.

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Item No. 5.

In 1991, as the result of a Request for Proposal, the City of Wichita hired Great-West to administer the City of Wichita Employees' Deferred Compensation Plan. Two subsequent RFPs were issued in 1996 and again in 2001. Great-West was selected both times as the provider for additional five year periods.

On October 3, 2006, a one-year contract extension through September 30, 2007 was approved by the City Council to provide sufficient time for the Deferred Compensation Board to complete a Request for Proposal process. The City Council also approved the hiring of a consultant, Arnerich Massena & Associates, Inc., on November 7, 2006, to assist the Deferred Compensation Board in the preparation of a Request for Proposal (RFP), evaluation of all responses, and transition to a new provider, if necessary.

The RFP was issued on February 20, 2007 and was sent directly to twenty-two providers with responses due by March 30, 2007. Six proposals were received and three providers were selected as finalist firms based upon analysis provided by the outside consultant and evaluation by the Deferred Compensation Board. The Board interviewed the three firms, Great-West, ICMA, and CitiStreet, on July 26, 2007. The interviews were ranked and on August 16, 2007 the Board selected Great-West as the provider. On September 25, 2007, the City Council approved an additional contract extension with Great-West through March 31, 2008 to allow sufficient time for the Board to select investment products to be offered to participants and finalize the terms of a new agreement.

The Board and staff worked diligently with the consultant and Great-West to enhance the plan during this RFP process. Enhancements include the elimination of the \$2 quarterly administrative fee charged to participant accounts, a new investment menu with overall lower investment management fees and comparable investment returns, target retirement date funds and a self-directed brokerage option, three levels of investment advisory tools offered through Reality Investing, and, for the first time, participant loans will be available in the plan. Additionally, performance guarantees related to services, reporting, and Great-West's goal to increase participation in the plan have been included in the contract.

Overall, the new investment menu will save participants approximately \$150,000 per year in investment management fees based on the current size of the plan. All costs associated with the administration of the program are borne by the participants of the program through investment management fees. The non-self directed brokerage account investment providers rebate a portion of the fees, via distribution and administrative revenue, to the record keeper. Great-West will retain revenue in the amount of 0.24% per annum of Plan assets and all revenue received in excess of this amount will be redirected to cover administrative expenses of the Plan, which has allowed the elimination of the \$2 quarterly fee previously charged to all participant accounts.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 298

The City of Wichita, by offering this supplemental retirement savings program, impacts the Internal Perspective goal by increasing employee motivation and satisfaction. Also, the City's practice of going through a periodic Request for Proposal process is done to reduce/avoid costs, which is another indicator of the Internal Perspective goal.

The Law Department has approved the Agreements as to form.

Mayor Brewer

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

Motion--
--carried

Brewer moved that the Agreements be approved and the Mayor authorized to sign. Motion carried 7 to 0.

CARGILL

ECONOMIC DEVELOPMENT INCENTIVE FOR CARGILL MEAT SOLUTIONS. (DISTRICT VI)

Allen Bell

Director of Urban Development reviewed the item.

Agenda Item No. 6.

Cargill Meat Solutions, Inc. ("Cargill") corporate headquarters is currently located at 155 North Main Street. The proposed expansion project and future growth as well as expiring parking agreements have created a need for the company to identify sufficient parking inventory for employees. Sufficient parking inventory is integral to Cargill's future growth in Wichita, especially in the downtown area.

The company sought economic development assistance through The Greater Wichita Economic Development Coalition (GWEDC) to assist in expansion plans. The GWEDC has coordinated the development of an incentives package with City and State officials, which are presented herewith for approval of the City's portion.

Cargill has recently purchased the former IMA Building located at 250 North Water to expand operations located in Wichita. The company plans to renovate the former IMA Building to house additional positions, a majority of which are in information technology. The project includes a capital investment of approximately \$8,000,000 and 100 additional jobs at a \$70,000 average annual salary.

Cargill has identified property in the area of their current and expanded operations that will accommodate parking needs. One of the parcels identified is a City-owned property at the northeast corner of First Street and Water, north of the current headquarters and south of the proposed expansion location. Current use of the City-owned property is a surface parking lot. The company plans to construct a parking structure on the property in the future.

Conveyance of the proposed City property allows Cargill to address parking needs for their existing and proposed locations. The City has offered Cargill a purchase price of One Dollar for the needed parcel subject to City Council approval. The purchase contract includes reversionary rights of the City based on intended and actual use of the property. The purchase contract also includes a provision requiring use of the Property as free public parking lot and/or structure during the weekdays (during the hours of 6:00 p.m. until 6:00 a.m.) and on weekends.

The State of Kansas has made a written offer to the company for incentives with potential value of up to \$1,679,000. This includes a combination of forgivable loans, workforce training assistance, and Enterprise Zone tax benefits.

Real Estate Purchase Contract sets forth a purchase amount of One Dollar (\$1.00). In 2007, the City realized net income of \$23,000 from the property.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 299

Economic Vitality. This economic development incentive will assist in growth and retention of a major employer in the downtown area and stimulate the economy through the creation of new jobs.

The incentive requires a real estate purchase contract; this has been reviewed and approved by the City Attorney's Office.

Mayor Brewer

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

Motion--
--carried

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

OLD COWTOWN

CONTRACT FOR MARKETING AND IMAGE CAMPAIGN AT OLD COWTOWN MUSEUM. (DISTRICT VI)

John DAngelo

Arts and Cultural Services Manager reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Item No. 7.

In August 2007, City Council approved the assumption of operations and maintenance of the Old Cowtown Museum by the Division of Arts & Cultural Services. During this time, the Division of Arts & Cultural Services has worked with Public Works to improve and address safety, structural and maintenance issues in order to bring the museum up to compliance standards.

With the completion of some improvements and with the hiring of employees, Old Cowtown Museum will be ready to re-open May 9, 2008. To ensure success for the re-opening of the museum, the Division of Arts & Cultural Services submitted a Request for Proposals from local advertising firms for the implementation and completion of a one (1) year marketing and image campaign for the museum. After the review of proposals and the presentations by three local advertising firms, the selection committee agreed Jajo, Inc. had the qualifications to complete the campaign as directed in the contract.

The Scope of Services in the contract includes:

- Development of a marketing campaign from concept to completion
- A media campaign to raise awareness of and to improve the image of the museum.
- Creation of a launch event to kick-off the re-opening of the museum.
- Collaborative and cooperative partnerships with other local organizations and attractions to stretch advertising dollars as far as possible.

The City of Wichita agrees to pay Jajo, Inc. not to exceed the sum of \$54,000 upon completion of the tasks and upon submittal of invoices for services rendered as assigned in the Scope of Services which is included in the attached contract.

To increase attendance, visibility, and revenue generated by the Old Cowtown Museum and to promote the image of a safer, cleaner, and more interesting facility.

Approved to form

Council Member Skelton

Council Member Skelton stated he is not going to support this today because he is not sure of the direction yet of the opera house and has not had a lot of information about it and hopes that before the opera house comes to Council, that there be a workshop on it so that he can learn more about it. Stated he is not sold on the opera house and if anything the Council is going to be doing is going to be related to it at this point is not going to be his preference to vote for it.

Ed Flentje

Interim City Manager stated an RFP was issued once the Council approved this and they have received responses to that RFP and have narrowed it down to five that are going to be reviewed in more detail beginning at 8:00 a.m. tomorrow morning. Stated it will take the committee working on that awhile to

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 300

come to closure and this is moving forward and Staff will be back to the Council at a time uncertain that will be in the upcoming weeks.

- Council Member Gray Council Member Gray stated that he will support this today because it is necessary to advertize something that is not doing well in performance but as we go forward with this, we need to start assessing before we keep putting millions of dollars into this facility. Stated we keep talking about it being our history but it is only a narrow perspective of our history. Stated he is very involved in the opera house and trying to get it done and trying to make it work but it might be a point of no return for this facility and will also have those old buildings and need to make sure that they are in good shape.
- Council Member Williams Council Member Williams stated she would like to know by the end of summer or early fall is looking at our attendance, possibly a comparison of the attendance to see if this made the impact that we are hoping that it makes and it is very important to her to see the process as we move forward.
- Council Member Longwell Council Member Longwell stated if we are ever going to try and make Cowtown any closer to self-sufficient we have to support initiatives like this or we can keep dumping 1.6 million dollars into Cowtown along with the county every year. Stated his goal is that some point in time to see if we cannot make this more self-sufficient and this is one small step in that direction and thinks it is important to support it just for that reason alone. Stated he is very familiar with Jajo Inc and they are a very good firm and thinks they will bring a lot to the table and he has a lot of confidence in them and thinks they are a good group to team up with on this type of project.
- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.
- Motion--carried Fearey moved that the contract with Jajo, Inc be approved. Motion carried 6 to 1, (Nay-Skelton).

RESOLUTION

RESOLUTION SUPPORTING EXTENSION OF AMTRAK PASSENGER RAIL SERVICE THROUGH WICHITA.

Ed Flentje Interim City Manager reviewed the item.

Agenda Item No. 8.

Although Wichita is the State's largest city of the first class, it has not had direct access to passenger rail service since 1979. Citizens of Wichita who wish to use Amtrak's passenger rail service must currently travel to other localities, such as Newton or Hutchinson, to access the service. The Northern Flyer Alliance is advocating extension of rail service currently operating as the Heartland Flyer from Fort Worth to Oklahoma City, such that the expanded route would extend on from Oklahoma City, through Edmond, Guthrie, Perry and Ponca City, Oklahoma, and then through Arkansas City, Wichita and Newton, Kansas, to merge with the existing route of Amtrak's Southwest Chief, along a rail segment from Newton to Kansas City. The proposed route expansion has thus far received support in the form of local resolutions or letters of support from Ponca City, Newton, Emporia, Strong City, Sedgwick, Arkansas City, Mulvane, Lawrence, Peabody, Sumner County and Winfield. The Northern Flyer Alliance has requested that the City of Wichita also approve a Resolution of support for the proposed route extension and for the Northern Flyer Alliance's efforts to advance the proposal.

Passenger rail service has become a subject of renewed interest in the United States as fuel and energy prices escalate, and as the federal government continues to tighten environmental and air quality standards impacted by motor vehicle emissions. It is somewhat incongruous that a city of the area, population and economic significance of Wichita is currently without passenger rail service, while smaller communities such as Newton, Hutchinson and Lawrence have such service. Restoration of passenger rail service to Wichita in connection with the proposed route extension would remedy this situation, and would provide a direct rail route south to Oklahoma City and Fort Worth, as well as a direct route northeast to Kansas City. It would also connect (at Newton) to existing Amtrak routes, west to Los Angeles and east to Chicago (with further service connections from Chicago to passenger rail routes that serve major eastern population centers).

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 301

The City has not yet been asked for (and the Resolution does not include) a statement of any specific form or amount of financial support. The Kansas Department of Transportation has only recently agreed to underwrite the cost of an Amtrak study concerning the feasibility and cost of the proposed route extension. The Northern Flyer Alliance has indicated that in the six years immediately following commencement of service on the Heartland Flyer route between Fort Worth and Oklahoma City, local economies realized approximately \$23 million in benefits as a result of such service.

The Law Department has reviewed the request submitted by the Northern Flyer Alliance, as well as resolutions passed by several other localities, and has prepared the form of the attached Resolution for consideration by the Governing Body.

Efficient Infrastructure, Economic Vitality and Affordable Living and Quality of Life.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Autumn Heithaus

Ms. Heithaus stated she is the volunteer director of the Northern Flyer Alliance Passenger Rail Kansas and they just met with KDOT two weeks ago and they did approve a feasible study to study this and they have support along the route and have three more cities for their approval and Wichita is one of the three and they will be working diligently with Oklahoma in the next month. Stated she would appreciate the Council's support on this.

Motion--carried

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

RESOLUTION NO. 08-171

A Resolution supporting extension of Amtrak passenger rail service between Oklahoma City and Kansas City, with a stop in Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

PLANNING AGENDA

Motion--
--carried

Skelton moved that Planning Consent items 11 and 12 be approved in accordance with the recommended action shown thereon.

ZON2007-69

ZON2007-69/CON2008-03 – ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL ZONING WITH A CONDITIONAL USE FOR A NURSERY AND GARDEN CENTER; GENERALLY LOCATED EAST OF HOOVER ROAD AND SOUTH OF 25TH STREET NORTH, 2530 NORTH HOOVER ROAD. (DISTRICT V)

John Schlegel

Planning Director reviewed the item.

(Council Member Fearey momentarily absent)

Agenda Item No. 9.

MAPC Recommendations: Approve, subject to staff recommendations (12-0).

MAPD Staff Recommendations: Approve the zone change and Conditional Use, subject to platting within one year, a zoning Protective Overlay, and Conditional Use conditions.

DAB Recommendations: Approve the zone change and Conditional Use, subject to staff recommendations with additional Conditional Use and Protective Overlay conditions (6-1).

The applicant requests a zone change from “SF-5” Single-family Residential to “LC” Limited Commercial with a Conditional Use for a nursery and garden center on 13.26 acres. The site is located

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 302

east of Hoover road and south of 25th Street. The unplatted site is developed with a single-family house (built in 1969) and accessory structures; the tax assessor's database classifies the property as a farmstead. The applicant intends to develop a nursery and garden center on the site. Proposed outdoor storage and display exceeds that permitted by right in LC zoning (see the attached site plan), therefore a Conditional Use request is required.

Because the site is greater than 6 acres in size, the Unified Zoning Code (UZC) requires a Community Unit Plan (CUP) for developments in LC zoning. The UZC provides the option of a Protective Overlay (PO) in place of the CUP; the applicant has chosen to file for a PO which would restrict uses on the site to: nursery and garden center, outdoor storage, commercial parking area and ancillary accessory drive. The PO would also restrict signage within Sign Code regulations for "NR" Neighborhood Retail zoning.

North and east of this site is "SF-20" Single-family Residential zoned property in the county. The property north of the site is agricultural, but is approved for a sand extraction Conditional Use. Property east of the site is a former sandpit with a sandpit lake and manufactured home land use. Northwest of the site is the SF-5 zoned Barefoot Bay lake and residential development. South of the site is an SF-5 zoned farmstead on five acres. Over 800 feet south of the site is "LI" Limited Industrial and "IP" Industrial Park zoning, with warehousing, office and manufacturing land uses. West of the site are SF-5 zoned single-family residences and a legal non-conforming manufactured home.

DAB V heard this request on March 3, 2008. Area residents and the DAB spoke about commercial development concerns. DAB V voted (6-1) to approve the request, subject to staff recommendations, with the additional Protective Overlay and Conditional Use conditions of:

1. No commercial activity on Sunday.
2. Limit hours to 7:00 a.m.-6:00 p.m. Monday-Friday, 7:00 a.m.-1:00 p.m. Saturday.
3. No lighted signage.
4. Use natural limestone material for signage.

MAPC heard this request on February 21, 2008 and approved, subject to staff recommendations (12-0). One neighboring property owner spoke in opposition to the request with commercial development concerns.

Promote Economic Vitality.

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

(Council Member Schlapp momentarily absent)

John Schlegel

Director of Planning stated that DAB V did vote to recommend approval of the request subject to the Staff recommendations but also four additional conditions. Stated those four additional conditions would prohibit commercial activity on Sundays; limit hours on Monday through Friday to 7:00 a.m. to 6:00 p.m. and on Saturday from 7:00 a.m. to 1:00 p.m.; prohibit any lighted signage; and would require that the signage used natural lime stone materials.

Motion--

Longwell moved that the findings of the MAPC be adopted; approve the zone change and Conditional Use subject to platting within one year and Protective Overlay #206 with changes recommended by DAB V; withhold publishing the ordinance and implementation of the resolution until the plat is recorded. Motion carried 7 to 0.

--carried

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.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 303

DR2007-05

DR2007-05-PROPOSED AMENDMENTS TO THE UNIFIED ZONING CODE PERTAINING TO THE REGULATION OF WIRELESS COMMUNICATION FACILITIES.

John Schlegel

Planning Director reviewed the item.

(Council Member Skelton momentarily absent)

(Council Member Longwell momentarily absent)

(Mayor Brewer momentarily absent, Vice-Mayor Fearey in the chair)

Agenda Item No. 10.

On June 5, 2007, the City Council voted to initiate an amendment of the Unified Zoning Code regulations pertaining to wireless communication facilities. Initiating the amendment indicated a City Council desire to consider changes to the regulation of wireless communication facilities and commenced a public input and review process to consider the proposed changes. The public input and review process consisted of:

Activity	Date(s)
City Council authorization of zoning code text amendments	June 5, 2007
Review of proposed amendments with wireless industry	July 10, 2007
Review of proposed amendments with District Advisory Boards	August 1 & 6 and September 10 & 19, 2007
Review of proposed amendments with Park Board	October 8, 2007, February 11, 2008 and March 10, 2008
Planning commission review of proposed amendments	October 18, 2007

The proposed amendments are shown in detail in an attached document entitled "Proposed Amendments to Wireless Communication Facility Regulations." In summary, the proposed amendments address:

1. Presently, all properties are eligible for an administratively-approved tower, depending upon the height of the proposed tower and the zoning of the property. If the proposed amendments are adopted, a tower would have to be located on a designated property in order to be administratively approved. The proposed amendments significantly reduce the number of properties where a tower could be administratively approved and make a map available for public information that designates all the properties that are eligible for administrative approval of a tower.
2. Adjustments to the height and setback criteria for administratively-approved towers are proposed. Taller towers could be approved administratively in the "NO" Neighborhood Office; "GO" General Office; "NR" Neighborhood Retail, and "LC" Limited Commercial zoning districts. Administratively-approved towers would be required to comply with a setback requirement from low-density residential properties equal to one foot of setback per foot of tower height.
3. Presently, a new tower must be permitted if it is less expensive than locating antennas on existing towers. The proposed amendments eliminate this "economic feasibility" requirement, meaning that a new tower need not be approved simply because it is less expensive than locating antennas on existing towers.
4. The proposed amendments clarify that the regulations also apply to properties governed by a Protective Overlay District or a Community Unit Plan.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 304

5. The proposed amendments include updates to the aircraft warning light regulations to comply with changes in Federal regulations.
6. The proposed amendments clarify the parties responsible for the removal of unused towers.

Each of the District Advisory Boards voted to recommend approval of the proposed amendments. With the exception of DAB II, each of the DABs recommended approval of the proposed amendments as recommended by staff. DAB II recommended changing the proposed amendments to require notification of adjacent property owners of tower requests even for applications for an administratively-approved tower. A summary of the DAB comments and recommendations is attached.

The Wichita Board of Park Commissioners voted to oppose the proposed amendments based on a perception that the amendments would allow towers in parks by administrative approval with no review by the Park Board. However, the proposed amendments do not preclude Park Board review of a request for an administratively-approved tower in a park. Additionally, a request for an administratively-approved tower in a park would first require approval of a lease by the City Council or Park Board (depending upon land ownership). The City Council could adopt a policy requiring Park Board review of a lease for a tower on parkland. A summary of the Park Board comments at the October 8, 2007, meeting is attached.

The Metropolitan Area Planning Commission considered the proposed amendments and voted (6-2 with one abstention) to recommend adoption of the proposed amendments as recommended by staff. However, there is a statutory requirement that a majority of the membership of the MAPC vote affirmatively to recommend adoption of amendments to the zoning code. Since the MAPC vote was two votes short of the statutorily-required minimum, a two-thirds majority vote of the City Council is required in order to adopt the proposed amendments. The minutes of the MAPC hearing are attached.

Subsequent to the MAPC hearing the Director of Park and Recreation directed department staff to review the recommendation of the MAPC and provide an alternative recommendation to the Wichita Board of Park Commissioners. Park and Recreation Department staff reviewed the parks included on the map of properties eligible for an administratively-approved tower to determine if any parks should be removed from the map. The criteria used by staff to evaluate the appropriateness of parks for the construction of a tower include: the size of the park; the impact of a tower on future park development; the ability to screen the tower; the extent to which a tower would detract from the use or appearance of the park; and the ease of vehicular access to a tower site. On February 11, 2008, the Wichita Board of Park Commissioners considered the staff recommendation and voted to direct staff to evaluate the appropriateness of using athletic field light poles as wireless communication facilities and return with an updated recommendation on March 10, 2008. On March 10, 2008, the Wichita Board of Park Commissioners voted to include several large parks and several parks with athletic field light poles but recommended removal of the remainder of the parks from the map of properties eligible for an administratively-approved tower. A map entitled "Modifications Recommended by the Park Board" illustrates the recommendation of the Park Board.

The proposed zoning code text amendments address the Economic Vitality and Affordable Living Goal by establishing reasonable regulations that balance the need for wireless communication services in the community with the need to mitigate negative impacts of wireless communication facilities on adjacent properties and overall community aesthetics.

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

Council Member Schlapp Council Member Schlapp stated this is a difficulty in her district for a lot of reasons and is a great concern for her. Stated she thinks we need to find a way to put up the towers and would like to be aware and involved and notified when a tower is coming to her district.

John Schlegel Director of Planning stated he could continue his current practice of informing Council Member Schlapp when an application is made for administrative approval of a cell tower in her district. Stated the intent of this is to identify areas where they would be expected by the industry to make that approval

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 305

at a Staff level rather than moving it up to a conditional use approval. Stated they are trying to put everybody on notice with this map that these are the areas that it would be deemed appropriate for Staff to make those approvals.

- Council Member Skelton Council Member Skelton stated he has concerns with one area, which is in Spencer Gardens along Pawnee, which are the most northern parcels. Stated there are already two towers in that vicinity and he would like to protect the neighborhood a little bit. Stated he would like to have those parcels eliminated from the area that would be eligible for administrative approval. Stated that is the three parcels along the northern boundary of Spencer Gardens that front Pawnee and he would not support those being in this plan.
- Council Member Williams Council Member Williams stated she would be informed when a tower is being considered within her district.
- John Schlegel Director of Planning stated he will do that for all the Council Members.
- Vice-Mayor Fearey Vice-Mayor Fearey stated she is extremely supportive of the Park Board recommendation but is worried if each Council Member start taking little pieces out, which we cause them to be right back where they were with nothing for administrative approval but gets the sense that the Council is not ready to move forward with this today.
- Council Member Schlapp Council Member Schlapp stated she could point out in District II, things that make her very nervous if they would be done with the approval of a lot of other people and agrees with the Vice-Mayor and
- Motion-- Vice-Mayor Fearey moved to defer DR2007-05 to give Staff time to again meet with individual Council Members and get their input on this but go ahead and take the recommendation of the Park Board and work at this point forward from the green map.
- Council Member Longwell Council Member Longwell asked Vice-Mayor Fearey if she would attach a timeline to her recommendation of when this will come back.
- Amended Motion-- Vice-Mayor Fearey amended her motion to include, to bring this item back to the Council at the --carried April 8th meeting. Motion carried 7 to 0.

(Item 11) SUB2007-101

SUB 2007-101-PLAT OF HIGH POINT WEST ADDITION LOCATED ON THE EAST SIDE OF 151ST STREET WEST AND SOUTH OF MAPLE. (DISTRICT V)

Agenda Item No. 11.

Staff Recommendation: Approve the plat.

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

This site, consisting of 20 lots on 6.38 acres, is located within Wichita's city limits and is zoned SF-5 Single-family Residential.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water and paving and drainage improvements. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the proposed reserves and to provide four off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements, the Restrictive Covenant also outlines restrictions for lot-owner use of these easements. An off-site Utility Easement has also been submitted.

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

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 306

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenant and off-site Utility Easement will be recorded with the Register of Deeds.

Motion--
--carried

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

RESOLUTION NO. 08-172

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90377 (east of 151st St. West, south of Maple) in the City of Wichita, Kansas, pursuant to finds of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-173

Resolution of findings of advisability and resolution authorizing construction of Lateral 58, Cowskin interceptor Sewer, (east of 151st St. West, south of Maple) 468-84500 in the City of Wichita, Kansas, pursuant to finds of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-174

Resolution of findings of advisability and resolution authorizing constructing pavement on Ridge Line, Ridge Line Circle and Slope in High Point West Addition (east of 151st St. West, south of Maple) 472-84705 in the City of Wichita, Kansas, pursuant to finds of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

(Item 12)
SUB2008-09

SUB 2008-09-PLAT OF FIRE STATION 22 ADDITION LOCATED ON THE WEST SIDE OF HYDRAULIC AND SOUTH OF PAWNEE. (DISTRICT III)

Agenda Item No. 12.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of one lot on .82 acres, is a replat of a portion of the Este Cate 2nd Addition. It is located within Wichita's city limits and is zoned SF-5 Single-family Residential. A request has been made for approval of a Conditional Use (CON 2008-18) for a safety service.

Municipal services are available to serve the site.

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

Ensure Efficient Infrastructure.

Motion--carried

Skelton moved that the plat be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 307

AIRPORT AGENDA

Motion-- Brewer moved that Airport Consent items 13 through 16 be approved in accordance with the
--carried recommended action shown thereon. Motion carried 7 to 0.

AIR MIDWEST

AIR MIDWEST - USE OF FACILITY - SUPPLEMENTAL AGREEMENT NO. 2.

Agenda Item No. 13.

Air Midwest, Inc. is interested in continuing to lease a hangar/office facility they constructed in 1975 on Wichita Mid-Continent Airport. Effective May 1, 2003, Air Midwest began paying facility rent in addition to land rent through April 30, 2007.

Air Midwest is desirous of continuing its relationship with the WAA by leasing this facility which houses its airline administration, dispatch, flight control and training. The extension allows the lease to continue through December 31, 2010, however, includes an option for Air Midwest to cancel the agreement any time after June 30, 2008 by providing the Airport Authority with a 60-day written notice to cancel the agreement.

The facility has been appraised by the Martens Companies. The fair market rental value is \$132,544 per year. All maintenance associated with the facility will be the responsibility of Air Midwest, with the exception of structural and roof repairs.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which allow the Airport to continue its operation on a self-sustaining basis.

This supplemental agreement has been approved as to form by the Law Department.

Motion-- Brewer moved that Supplemental Agreement No. 2 be approved and the necessary signatures
--carried authorized. Motion carried 7 to 0.

CESSNA AIRCRAFT

CESSNA AIRCRAFT COMPANY - HANGAR 10 - SA NO. 3.

Agenda Item No. 14.

Cessna Aircraft accompany has occupied Hangar 10 located at 1780 Airport Road on Wichita Mid-Continent Airport since it was constructed in 1955. The facility encompasses 23,888 sq.ft. and consists of office and hangar space, and is situated on 3.92 acres of land.

Cessna operates their Employees' Flying Club and Product Safety Division from this facility. Cessna is desirous of extending the lease for one year. The current lease between the WAA and Cessna terminates July 31, 2008. In an earlier appraisal provided by the Martens Companies, a recommended rental rate was provided through 2008. Cessna has indicated that, later this year, a plan will be presented relative to this facility which will result in substantial improvement to the leasehold. That being the case, Cessna is requesting the current rate be extended for one additional year. It is anticipated that if the plan is approved by the WAA, Cessna will then enter into another long-term agreement for use of the facility.

Annual revenue for use of this facility is \$86,985.41. Cessna is responsible for general maintenance and repair of the facility, with the exception of structural repairs and boiler maintenance.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which allow the Airport to continue its operation on a self-sustaining basis.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 308

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

Motion--
--carried

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

EVERGREEN

EVERGREEN AVIATION GROUND LOGISTICS ENTERPRISES, INC. - CARGO BUILDING USE – SUPPLEMENTAL AGREEMENT NO. 3.

Agenda Item No. 15.

The 31,500 sq. ft. cargo building on Wichita Mid-Continent Airport is a multi-tenant building allowing for 15 different leaseholds. Until recently, cargo space located at 2209 Air Cargo Road was occupied by the United States Postal Service (USPS). USPS leases 4,500 sq. ft. of space directly from the WAA, and subcontracts service requirements to another entity. Recent USPS practice dictates that the entity providing the service must also directly lease the space to provide these services. Consequently, the USPS has provided the required 30-day notice to cancel its agreement for use of space in the cargo building, effective April 5, 2008. Evergreen Aviation Ground Logistics Enterprises (EAGLE) has been awarded the contract by the USPS to break down containers of mail flown into Mid-Continent Airport by FedEx and to then deliver the mail to the Post Office also located on Mid-Continent Airport. Additionally, EAGLE picks up mail from the Post Office and builds containers for FedEx to then transport the mail. EAGLE proposes to lease the space currently occupied by the USPS, effective April 6, 2008, and to terminate its current lease, which encompasses 1,500 sq. ft., as of April 5, 2008.

The current rate of \$6.50, which is based upon an earlier appraisal, is a uniform rate assessed to all cargo tenants occupying the building. The building is scheduled for demolition in early 2009, with plans to relocate the current tenants to a newly-constructed cargo facility on the Airport. It is the WAA's practice to appraise facilities as leases are renewed; however, in this instance, the agreements are being continued on a month-to-month basis at the current lease rate until the construction of a new cargo building is completed. Tenants may terminate agreements by providing the WAA with a 30-day notice to terminate.

Revenue for use of the 4,500 sq. ft. area will be \$2,437.50 per month. The space vacated by EAGLE will be available for lease by other prospective tenants.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which allow tenants to operate efficiently on the airport; thereby improving services offered to the public.

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

Motion--
--carried

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

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 309

ACQUISTION

WICHITA MID-CONTINENT AIRPORT ACQUISITION OF 1534 SOUTH RIDGE ROAD.

Agenda Item No. 16.

The Wichita Airport Authority Capital Improvement Program (CIP) includes the purchase of land for aviation related development. The CIP is designed to implement the appropriate parts of the Airport Master Plan while addressing the financial capabilities of the Department of Airports. Land located within the boundaries of Harry Street, Pueblo Street, Ridge Road and Airport Road have been identified as parcels appropriate to acquire to accommodate the long range need for airport property not requiring airfield access. Within the past three years, two parcels in this area were acquired under a willing buyer/seller arrangement.

The property located at 1534 South Ridge Road is available for sale. The site consists of 20,090 square feet and is zoned single family. Improvements consist of a 1954, 1,136 square foot ranch. The Airport had the property appraised in November 2007 for \$78,000 and the owner agreed to sell the property for the appraised offer. The improvements will be razed and the site will be maintained as open space.

A budget of \$104,000 is requested. This amount includes the purchase price, other costs required for title, closing and site cleanup. The cost of this acquisition will be funded with General Obligation Bonds paid for with airport revenue.

The Airport's contribution to the economic vitality of Wichita is promoted through maintaining sufficient developable land to accommodate the long-range demand.

The Law Department approved the agreement as to form.

Motion--
--carried

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

COUNCIL AGENDA

COUNCIL APPTS.

COUNCIL MEMBER APPOINTMENTS.

Council Member Skelton

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

Motion--carried

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

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 310

CONSENT AGENDA

Council Member Skelton Council Member Skelton requested that item 27a be pulled for discussion.

Motion-- Brewer moved that Consent items 18 through 31bc be approved in accordance with the recommended
--carried action shown thereon excluding item 27a. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 31, 2008.

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

Water Main in Rock Road, 53rd Street North to K-254 north of 53rd Street North, west of Rock Road (448-90196/635678/766729) Traffic shall be maintained during construction using flagpersons and barricades. (District Kechi)

Nowak Construction - \$415,369.65

2008 Contract Maintenance Mill & Overlay, north of 47th Street South, east of 135th Street West (472-84661/132721/) Traffic shall be maintained during construction using flagpersons and barricades. (District I, II, III, IV, V, VI)

Kansas Paving Company - \$720,262.00 Engineer's Estimate

Lateral 409 Four Mile Creek Sewer to serve Brentwood South 3rd Addition, north of Pawnee, east of Webb (468-84492/744273/480962) Does not affect existing traffic. Water Distribution System to serve Brentwood South 3rd Addition (north of Pawnee, east of Webb) (448-90368/735407/470080) Does not affect existing traffic. (District II)

Nowak Construction - \$55,279.70 Group 1
\$24,323.50 Group 2
\$79,603.20 Total Aggregate Bid

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

MISCELLANEOUS AIR, FUEL & OIL FILTERS: Various Departments, Boards and Agencies.

Poorman Automotive Warehouse – 63.5% discount

PRIVATE LOT MOWING: Central Inspections Department.

T & G Mowing* - \$79,365.45
*Estimate – Contract approved on unit cost basis; refer to attachments.

RESTRAINED JOINT PIPE WITH ACCESSORIES: Water Utilities Department/Water Distribution Division.

Water Products Inc.* - \$116,720.00
*Estimate – Contract approved on unit cost basis; refer to attachments.

RUBBER TIRED TRACTOR 30 HP WFRONTEND LOADER: Public Works Department/Fleet Maintenance Division.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 311

Price Bros Equipment Co. - \$23,508.00 Base bid
\$1,541.00 Option 2

3,000 GVWR TRUCK WITH AERIAL DEVICE: Public Works Department/Fleet Maintenance Division.

Kansas Truck Center - \$240,594.00 Base bid
(\$23,000.00) Option 1 deduct

SECURITY EQUIPMENT AND INSTALLATION SERVICES FOR CITY HALL GENERATOR AND BOLLARDS PROJECT: Public Works Department/Building Services Division.

Sandifer Engineering and Controls Inc.* - \$36,022.00
*Purchases utilizing High Technology Items Ordinance No. 38-122 Section 2.064.020 (g)

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

LICENSE

APPLICATIONS FOR LICENSES:

Renewals

Lori Johnson A-Absolute 10 2 415 South Glendale

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

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Hussein M. Haeri	Parss USA Diamond Shamrock	851 South Meridian
Thuan T. Ngo	CT-Happy Store	2199 North Woodlawn
Ly Ngoc Thi Nguyen	Thai Bihn Supermarket	1530 West 21st Street
<u>Renewal</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Jose A. Garcia	Garcia's Tacos*	2138 North Market
Lan Thy Ta	Kim Huong Restaurant*	1015 North Broadway

Special Event

Wichita River Festival

Joseph E. Schlimm	May 9, 10, 11, 2008 The Bar's Open	225 West Douglas Food Court Area
Joseph E. Schlimm	May 12, 13, 14, 2008 The Bar's Open	225 West Douglas Food Court Area
Joseph E. Schlimm	May 15, 16, 17 2008 The Bar's Open	225 West Douglas Food Court Area
Joseph E. Schlimm	May 9, 10, 11 2008 The Bar's Open	North McLean Boulevard between Douglas and west First Street

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

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 312

Motion--
--carried

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

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. Lateral 170, Sanitary Sewer #22 to serve Metal-Fab Addition (north of Pawnee, west of Meridian) (468-84405/744263/480952) Traffic is to be maintained during construction using flagpersons and barricades. (District IV) - \$42,800.00
- b. 2008 Contract Maintenance Thermal Crack Repair and Saw & Seal Joints (north of 63rd Street South, east of 135th Street West) (472-84659/132721/) Traffic is to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, V, VI) - \$191,700.00
- c. Water Distribution System to serve Harvest Ridge Addition (south of 31st Street South, west of Maize Road) (448-89851/735389/470062) Does not affect existing traffic. (District V) - \$102,000.00
- d. Water Distribution System to serve Wheatridge Addition (north of Kellogg, west of 119th Street West) (448-90367/735406/470079) Does not affect existing traffic. (District V) - \$113,000.00

Motion--carried

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

PETITION

PAVE BERKLEY SQUARE PARKWAY FOR GREENWICH OFFICE PARK AND HOME BANK & TRUST COMPANY ADDITIONS, NORTH OF 13TH STREET, EAST OF WEBB ROAD. (DISTRICT II)

Agenda Item No. 22a.

On January 8, 2008, the City Council approved a Petition to Pave Berkley Square Parkway for Greenwich Office Park and Home Bank & Trust Company Additions. The developers have submitted a new Petition with a revised assessment district to reflect recent platting activity. The signatures on the new Petition represent 100% of the improvement district.

The project will serve new commercial developments located north of 13th, east of Webb.

The existing Project budget remains unchanged.

This project addresses the Efficient Infrastructure goal by paving a street required for new commercial development.

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

Motion--
--carried

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

RESOLUTION NO. 08-175

Resolution of findings of advisability and resolution authorizing constructing pavement on Berkley Square parkway, from the west line of Lot 1, Block 1, to the east line of Lot 3, Block 1 (North of 13th, east of Webb) 472-84644 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 313

BOARDS/COMMISS. MINUTES OF ADVISORY BOARDS/COMMISSIONS.

Deferred Compensation Board, November 15, 2007
Deferred Compensation Board, August 16, 2007
Wichita Employees' Retirement/Police and Fire Retirement Board, December 6, 2007
Wichita Employees' Retirement/Police and Fire Retirement Board, January 3, 2008
Wichita Employees' Retirement/Police and Fire Retirement Board, February 7, 2008
Police and Fire Retirement Board, January 23, 2008
Wichita Employees' Retirement Board, January 16, 2008
Wichita Public Library, February 19, 2008
Wichita Historic Preservation Board, February 11, 2008

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

STREET CLOSURE BLOCK PARTY ON BROADWAY MAY 18, 2008 3:30 – 6:30 PM. (DISTRICT VI)

Agenda Item No. 24a.

In accordance with the Community Events Procedure, the event promoter First United Methodist Church is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Block Party on Broadway May 18, 2008 3:30 – 6:30 pm

- 300 Block North Broadway, 2nd Street to 3rd Street, not including intersections.

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 the special event.

Enhance the Quality of Life

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

--carried

STREET CLOSURE FREEDOM '08-WEST BANK STAGE AREA JULY 4, 2008 9:00 AM – 11:00 PM. (DISTRICT IV)

Agenda Item No. 24b.

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

The following street closure request has been submitted:

Freedom '08 West Bank Stage Area July 4, 2008 9:00 am – 11:00 pm

- McLean Boulevard, Douglas Avenue to First Street not including intersections.

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.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 314

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

Enhance the Quality of Life

Motion--

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

--carried

BROOKS LANDFILL

SUPPLEMENTAL AGREEMENT FOR THE PREPARATION OF A SURVEYED PLOT PLAN FOR BROOKS LANDFILL, SCS ENGINEERS, (DISTRICT VI)

Agenda Item No. 25a.

In a letter dated October 3, 2007, the Kansas Department of Health and Environment advised that the agency would now (as provided for in Kansas Administrative Regulation 28-29-12) require submittal of an updated plot plan with subsequent renewals of any solid waste disposal permit. The plot plan must be prepared by a Kansas registered land surveyor and include detailed information concerning property lines, property ownership, historic waste disposal limits, and the like.

To satisfy the requirements of Permit No. 213, and continue successful operations under its authorization, a plot plan must be prepared prior to the next annual permit renewal in May 2008. The proposed supplemental agreement provides for engineering oversight and preparation of the plot plan by a Kansas registered land surveyor. Supplementing the existing agreement will take advantage and ensure the incorporation of significant topographic survey work already undertaken.

Payment to the SCS Engineers will be on the basis of actual accrued costs and fees, not to exceed \$17,500. Sufficient funding is available in the 2008 Brooks Landfill Post-Closure Budget.

By ensuring compliance with the requirements of the general operating permit, this work will support the Core Area and Neighborhood Goal through continued provision of affordable C&D waste disposal for the public and City of Wichita cleanup crews. The continued operation of the C&D Landfill is vital to maintain the cleanliness and vitality of the city.

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

Motion--

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

--carried

AQUIFER STORAGE

SUPPLEMENTAL AGREEMENT – AQUIFER STORAGE AND RECOVERY PROGRAM MANAGEMENT.

Agenda Item No. 25b.

On December 4, 2007, the City Council approved a Contract with the team of R.W. Beck and Professional Engineering Consultants for program management services through the year 2008. The program management is associated with Phase II of the ASR Project.

During development of the Request for Proposals for design services for this project, Staff and the program manager determined that new aerial photography and survey control would be required for the selected design team(s). Timing for the photography and survey work is critical due to the onset of spring, as trees will be leafing and crops will be planted in areas that are to be photographed and surveyed. The optimal time for aerial photography is prior to the growth of vegetation which will obscure the topography. Additionally, design consultants will not be selected until after the prime window for the photography and survey work.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 315

Staff recommends that the City amend the Contract to include aerial photography and survey work at the present time. This will allow critical design information to be available for the design consultants on a timely basis and avoid project delays of six months or more, while waiting for the next window of opportunity to photograph.

The Program Management Services Contract is in the amount of \$1,406,303 with the completed ASR Phase II Project expected to cost over \$125 million. The proposed Supplemental Agreement is for \$108,000. Funding for the Supplemental Agreement will be provided by CIP W-549, Water Supply Projects.

Ensure Efficient Infrastructure. Timely completion of the project will insure that adequate water supply is available to support continued growth and development of the City.

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

Motion--
--carried

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

RESEARCH CORP.

CONTRACT WITH EMPLOYMENT RESEARCH CORPORATION.

Agenda Item No. 25c.

The City of Wichita is currently engaged in litigation concerning vehicle stops in which suspects are alleging racial profiling.

To provide an effective legal defense for the potential trial of these cases, it is beneficial to the city to retain an expert witness to testify concerning police stops as they relate to the ethnic composition of suspects and the general population of the community. Employment Research Corporation has already provided a statistical study on this subject. A previous contract with the firm covered the cost of compiling the data and issuing the required report. Compensation to Employment Research Corporation under the agreement will be in the amount of \$30,000 to cover the witness charges, preparation time and costs of travel and lodging in traveling to Wichita to testify. The charges are reasonable in amount for the quality of services involved.

Funding for this contract is from the Tort Claims Fund.

Internal Perspective. This expense is related to litigation of police related matters.

The Law Department recommends acceptance of the contract. The additional sums are necessary for the representation in city litigation matters and are reasonable in amount. The agreement has been prepared and approved as to form by the Department of Law.

Motion--carried

Brewer moved that the contract be accepted. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 316

**EDGE WATER ADD. EDGE WATER ADDITION, SOUTH OF 45TH STREET NORTH, WEST OF HOOVER.
(DISTRICT V)**

Agenda Item No. 26a.

The City Council approved the water and sewer improvements in Edge Water Addition on November 16, 2007.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water and sewer in Edge Water Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$123,400 and will be paid by special assessments.

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

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

Motion--
--carried

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

WOOD NORTH WOOD NORTH AND GREENWICH BUSINESS CENTER ADDITIONS, SOUTH OF 29TH STREET NORTH, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Item No. 26b.

The City Council approved the water, sewer, drainage and paving improvements in Wood North & Greenwich Business Center Additions on February 5, 2008.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sewer, drainage and paving in Wood North & Greenwich Business Center Additions. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$132,400 and will be paid by special assessments.

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

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

Motion--
--carried

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

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 317

PUEBLO, MARIPOSA **PUEBLO, MARIPOSA AND SIERRA, SOUTH OF KELLOGG, EAST OF RIDGE.**
(DISTRICT V)

Agenda Item No. 26c.

The City Council approved the paving of Pueblo and Mariposa, between Ridge and Sierra, and Sierra, between Mariposa and Kellogg on January 8, 2008.

The proposed Agreement between the City and Ruggles & Bohm, P.A. provides for designing Pueblo and Mariposa, between Ridge and Sierra, and Sierra, between Mariposa and Kellogg. The Staff Screening and Selection Committee selected Ruggles & Bohm for the design on March 3, 2008.

Payment to Ruggles & Bohm will be on a lump sum basis of \$54,600 and will be paid by special assessments.

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

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

Motion--
--carried

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

(Item 27a)
CHANGE ORDER

SIDEWALK AT GROVE, BETWEEN 13TH STREET AND 17TH STREET. (DISTRICT I)

Chris Carrier

Director of Public Works reviewed the item.

Agenda Item No. 27a.

On May 8, 2007, the City Council allocated Community Development Block Grants (CDBG) in the amount of \$15,000 to replace deteriorated sidewalk along Grove, between 13th and 17th Streets. On February 12, 2008, the City Council approved a construction contract with Barkley Construction Company to replace sidewalks at various locations throughout the City. It will be economical to construct the Grove sidewalk as part of Barkley's construction contract.

A Change Order has been prepared for the cost of the additional work.

The total cost of the additional work is \$15,000 with the total paid by CDBG funding. The original contract amount is \$161,380. This Change Order represents 9.30% of the original contract amount.

This project addresses the Efficient Infrastructure goal by replacing sidewalk in an existing neighborhood.

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

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

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 318

FIRE TRAINING

FIRE TRAINING FACILITY IMPROVEMENTS.

Agenda Item No. 27b.

On July 25, 2006, the City Council approved staff's recommendation of Gossen Livingston Associates for the design services of improvements to the existing Fire Training Facility, including approximately 78,000 square feet of concrete paving, and a new 5 story training tower.

On February 19, 2007 the City of Wichita entered a contract with National Builders for the project for the contract amount of Eight Hundred Seventy-three Thousand Four Hundred Twenty-five Dollars and Zero Cents (\$873,425.00).

The contract documents contained provisional unit prices in the event there were unforeseen conditions existing once the damaged slab was removed. These provisions included unit prices for any borrow fill that may be necessary, and removal of rock or construction debris other than the existing damaged concrete paving.

During construction a pretty substantial amount of concrete from an old footing had to be broken up and removed off site. The removal of said concrete was done for the unit price of \$68.00/cubic yard per the contract agreement. The total amount for the removal of the hidden concrete footing was \$19,946.94.

Additional lighting was also added to the tower interior and exterior of the tower to improve safety and security of the area inside and the immediate area surrounding the tower. The amount of the additional lighting was \$8,508.50

Funding for the Change Order is from the 2006 Capital Improvement Program totaling \$1.7 million. Funding is provided by General Obligation Bonds (Project No. 435419; OCA No. 792487).

Provide a Safe and Secure Community through more adequate fire training facilities.

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

Motion--
--carried

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

PROP. ACQUIS.

ACQUISITION OF 11950 EAST KELLOGG FOR THE DRAINAGE STRUCTURE AT KELLOGG, BETWEEN ELLSON AND ZELTA. (DISTRICT II)

Agenda Item No. 28a.

On December 4, 2007, the City Council approved the acquisition of right-of-way, installation of a drainage structure and relocation of utilities for a major traffic facility at Kellogg, near Zelta. The proposed drainage structure will be situated on the lot at the northwest corner of Kellogg and Zelta. The site is commonly known as 11950 East Kellogg and is currently utilized as an owner-occupied, single tenant retail facility.

The area required for the drainage structure is approximately 9,500 square feet, or one-third of the 29,620 square foot site. The proposed location of the drainage structure occupies all of the parking for the subject property making it necessary to acquire the entire site. The property appraised at \$770,000. The owner rejected the offer and agreed to settle at \$950,000. Based on recent market transactions in the area the subject would be valued at \$890,000 using the appraised improvement value and \$13.00 per square foot for the land. \$13.00 per square foot is a market rate as the site is a corner lot and commercially zoned. The proposed settlement of \$950,000 includes eligible relocation benefits the owner is otherwise entitled. This settlement is reasonable and prudent.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 319

A budget of \$967,500 is requested. This includes \$950,000 for the acquisition and \$17,500 for demolition, closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

Ensure efficient infrastructure by developing and maintaining dependable infrastructure.

The Law Department has approved the contract as to form.

Motion--
--carried

Brewer moved that the budget and the real estate purchase contract be approved and all necessary signatures authorized. Motion carried 7 to 0.

PROP. ACQUIS.

PARTIAL ACQUISITION OF 635 AND 751 SOUTH OLIVER FOR THE OLIVER, HARRY TO KELLOGG ROAD PROJECT. (DISTRICT III)

Agenda Item No. 28b.

On May 14, 2004, the City Council approved the Oliver Road improvements from Harry to Kellogg. The design concept is to replace the existing pavement on Oliver with a new five-lane roadway, four through lanes and a center two-way left turn lane. Left turn lanes would be provided at all four approaches to the Oliver and Harry intersection. To accommodate this, it is necessary to acquire ten to twenty-foot wide strips of land from the east side of eight properties abutting Oliver. Properties consist of commercial, single-family and multi-family. The same party owns both 635 and 751 South Oliver. 635 South Oliver has 1,440 square foot duplex on a 10,920 square foot residential site. 751 South Oliver has a 728 square foot single-family residence on a 6,525 square foot site.

The project requires the acquisition of the east 20 feet of 635 South Oliver and the east 10 feet of 751 South Oliver. 751 South Oliver is currently about 50 feet from the street. The take will have minimal proximity impact on the property but will require the removal of one tree. 635 South Oliver is only 30 feet from the street. After the take, the structure itself will be about eight feet from the right of way and the porch will be only about five feet.

The acquisition from 635 South Oliver was appraised at \$13,445. This included \$4,800 (\$3.00 per square foot) for 1,600 square feet of land, \$3,545 for the loss of two trees and fencing, \$9,900 for a 600 square foot temporary easement and proximity damages.

The acquisition from 751 South Oliver was valued at \$950. This includes \$805 for 510 square feet of land (\$1.58 per square foot) and \$145 for a 1,220 square foot temporary easement (\$.12 per square foot).

The owner rejected the offer of \$14,395 and agreed to settle at \$21,819. The \$7,424 increase is based on the reconfiguration of 635 South Oliver to office space. Due to the proximity of the new right-of-way line to the improvements, the leasability of the subject as residential units is no longer viable. The counter offer takes into account compensation as proximity damages. This settlement is reasonable and prudent.

The funding source for the project is General Obligation Bonds. A budget of \$23,319 is requested. This includes \$21,819 for the acquisition and \$1,500 for closing costs and title insurance.

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

The Law Department has approved the contract as to form.

Motion--
--carried

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

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 320

PROP. ACQUIS.

PARTIAL ACQUISITION OF 651 SOUTH OLIVER FOR THE OLIVER, HARRY TO KELLOGG ROAD PROJECT. (DISTRICT III)

Agenda Item No. 28c.

On May 14, 2004, the City Council approved the Oliver Road improvements from Harry to Kellogg. The design concept is to replace the existing pavement on Oliver with a new five lane roadway, with four through lanes and a center two-way left turn lane. Left turn lanes would be provided at all four approaches to the Oliver and Harry intersection. To accommodate this, it is necessary to acquire ten to twenty-foot wide strips of land from the east side of eight properties abutting Oliver. Properties consist of commercial, single-family and multi-family. This particular acquisition is from 651 South Oliver, a single-family residential site.

The proposed acquisition is the eastern 20 feet of the subject site and consists of 1,300 square feet. A 430 square foot temporary construction easement is also necessary to match the driveway grade to Oliver when completed. The site improvements will not be impacted as a result of the acquisition and access will remain during construction. The appraised value of \$12,400 was accepted by the owner. The value was derived at using \$1.58 per square foot for the land, \$2,700 for the temporary easement and \$1,700 for loss of trees and shrubs.

The funding source for the project is General Obligation Bonds. A budget of \$13,150 is requested. This includes \$12,400 for acquisition and \$750 for closing costs and title insurance.

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

The Law Department has approved the contract as to form.

Motion--
--carried

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

CONDEMN. AWARD

PAYMENT OF CONDEMNATION AWARD (CASE NO. 07CV3306) ROAD AND STORM WATER IMPROVEMENTS TO WEST STREET BETWEEN MAPLE AND CENTRAL AVENUES. (DISTRICT VI)

Agenda Item No. 29.

The City has identified the need to acquire permanent easements for road right of way purposes from two commercial use parcels near Central and West owned by DDL Partnership and a similar parcel with a disposition originally negotiated by the owner Florence E. Deschner, now deceased. Last year the City initiated eminent domain proceedings to acquire this property. On March 6, 2008, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition of the combined DDL Partnership properties to be \$55,000.00 and the amount to be paid for the Deschner property to be \$6,000.00. The court awarded the three appraisers fees in the total amount of \$22,500.00. Court costs are \$147.00.

In order for the city to acquire this property, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before April 7, 2008.

The costs of acquiring these properties will be paid from project funds.

This action promotes the goal of Efficient Infrastructure, as it allows construction of improved storm water drainage facilities and street improvements to a heavily traveled street.

The City has until April 7, 2008, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned. In that event the City would

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 321

still be responsible for the fees, costs, and would have additional liability for the attorney fees of the property owners.

Motion--

Brewer moved that payment to the clerk of the District Court in the amount of \$83,647.00 for acquisition of property easements condemned in Case No. 07CV3306 be authorized. Motion carried 7 to 0.

--carried

BRENTWOOD APTS. EXTENSION OF IRB LETTER OF INTENT BRENTWOOD APARTMENTS. (DISTRICT II)

Agenda Item No. 30.

The Brentwood Apartments complex is located at 6602 E. Harry, and consists of 196 apartment units, including 60 one-bedroom units, 114 two-bedroom units, and 22 three-bedroom units. Amenities include a swimming pool, and common laundry rooms.

On June 19, 2007, the City Council approved a letter of intent to issue qualified residential housing revenue bonds in an amount not-to-exceed \$8,000,000 for Inner City Development Company, LLC (ICDC) to finance a portion of the costs of acquisition and rehabilitation of the Brentwood Apartments. The City Council adopted a resolution of support for 4% Low-Income Housing Tax Credits in connection with this project.

On December 18, 2008, the City Council approved an extension of 90 days on the letter of intent. This extension expires April 1, 2008. A second extension of the letter of intent has been requested.

The developer is currently requesting a second extension of 90 days expiring on June 30, 2008. The extension of the letter of intent will allow the developers to complete design and construction arrangements for the rehabilitation project.

The proposed scope of work for the exterior includes new roofing, new siding, new guttering/downspouts, painting, installation of new landscaping and sprinkler system, resurfacing of the parking lots, new windows and sliding doors, architectural enhancement of the balcony structures, and correction of drainage problems. The proposed scope of work for the interior includes new carpet and flooring for each unit, new heating and air conditioning systems, new cabinets and counter tops, new appliances, including built-in microwave ovens, new bathroom fixtures, new lighting, new doors and re-painting.

This will extend the letter of intent to issue the qualified residential housing revenue bonds in the amount not to exceed \$8,000,000. The developer agrees to pay all of the City's costs associated with the issuance of the bonds and to pay the City's \$2,500 annual administrative service fee.

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

There are no legal considerations.

Motion--

Brewer moved that an extension of the letter of intent to issue qualified residential housing revenue bonds in an amount not-to-exceed \$8,000,000 for Inner City Development Company for an additional 90 days expiring June 30, 2008 be granted. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 322

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MARCH 18, 2008)

WATER PROJECTS:

(470-007/448-89963)

ORDINANCE NO. 47-801

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89963, TO SERVE TURKEY CREEK 2ND ADDITION, (North of Pawnee, West of 119th Street West), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-028/448-90004)

ORDINANCE NO. 47-802

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90004, TO SERVE FONTANA 3RD ADDITION, (East of 119th Street West, North of 29th Street North), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-037/448-90028)

ORDINANCE NO. 47-803

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90028, TO SERVE THE FAIRMONT 3RD ADDITION, (West of 127th Street East, North of 21st Street North), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-988/448-90080)

ORDINANCE NO. 47-804

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90080, TO SERVE UNPLATTED TRACTS 'A' & 'B', CLIFTON HEIGHTS COMMERCIAL, CLIFTON HEIGHTS COMMERCIAL 2ND & CLIFTON COVE ADDITIONS, (along Clifton, from 63rd Street South to 55th Street South), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 323

(470-989/448-90081)

ORDINANCE NO. 47-805

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90081, TO SERVE CLIFTON COVE ADDITION, (South of 63rd Street South, West of Clifton), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-970/448-90083)

ORDINANCE NO. 47-806

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90083, TO SERVE CROSS POINTE ADDITION, (South of 21st, East of Greenwich), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-998/448-90093)

ORDINANCE NO. 47-807

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90093, TO SERVE THE FAIRMONT ADDITION, (North of 21st Street, West of 127th Street East), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-020/448-90104)

ORDINANCE NO. 47-808

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90104, TO SERVE TYLER'S LANDING 3RD ADDITION, (South of 37th Street North, East of Tyler), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-962/448-90105)

ORDINANCE NO. 47-809

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90105, TO SERVE FALCON FALLS 2ND & 3RD, & FALCON FALLS COMMERCIAL ADDITIONS, (North of 45th Street North, West of Hillside), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 324

(470-986/448-90128)

ORDINANCE NO. 47-810

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90128, TO SERVE FALCON FALLS 3RD ADDITION, (North of 45th Street North, West of Hillside), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-972/448-90161)

ORDINANCE NO. 47-811

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90161, TO SERVE EMERALD BAY ESTATES ADDITION & UNPLATTED TRACTS A, B & C, (West of West Street, North of 21st), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-034/448-90175)

ORDINANCE NO. 47-812

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90175, TO SERVE K-96 BUSINESS PARK ADDITION, (North of 29th Street North, West of Greenwich), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-004/448-90200)

ORDINANCE NO. 47-813

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90200, TO SERVE SYCAMORE POND ADDITION, (South of 47th Street South, East of Seneca), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-009/448-90232)

ORDINANCE NO. 47-814

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90232, TO SERVE CLEAR CREEK ADDITION, (West of 143rd Street East, South of Kellogg), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 325

(470-032/448-90248)

ORDINANCE NO. 47-815

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90248, TO SERVE VALENCIA ADDITION, (East of Meridian, South of 53rd Street North), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-013/448-90250)

ORDINANCE NO. 47-816

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90250, TO SERVE TERRADYNE WEST ADDITION, (West of 159th Street East, North of Central), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-014/448-90251)

ORDINANCE NO. 47-817

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90251, TO SERVE TERRADYNE WEST ADDITION, (West of 159th Street East, North of Central), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-017/448-90259)

ORDINANCE NO. 47-818

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90259, TO SERVE SANTA FE ORIENT INDUSTRIAL DISTRICT 3RD ADDITION, (West of Seneca, North of Harry), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(470-021/448-90275)

ORDINANCE NO. 47-819

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90275, TO SERVE MONARCH LANDING ADDITION & UNPLATTED RESIDENTIAL TRACT 1, (North of 21st, West of 159th Street East), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 326

(470-031/448-90279)

ORDINANCE NO. 47-820

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90279, TO SERVE LEGACY 3RD ADDITION, (North of 47th Street South, West of Meridian), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

SEWER PROJECTS:

(480-879/468-83584)

ORDINANCE NO. 47-821

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 344, FOUR MILE CREEK SEWER, (East of 127th Street East, North of Pawnee), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-905/468-83809)

ORDINANCE NO. 47-822

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 3, MAIN 7, NORTHWEST INTERCEPTOR SEWER, (North of 37th Street North, West of Maize), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-885/468-83820)

ORDINANCE NO. 47-823

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 3, MAIN 6, COWSKIN INTERCEPTOR SEWER, (North of Pawnee, West of 119th Street West), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-907/468-83882)

ORDINANCE NO. 47-824

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 10, MAIN 7, NORTHWEST INTERCEPTOR SEWER, (East of 119th Street West, North of 29th Street North), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 327

(480-855/468-84044)

ORDINANCE NO. 47-825

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 5, MAIN 16, FOUR MILE CREEK SEWER, (South of 21st, East of Greenwich), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-898/468-84064)

ORDINANCE NO. 47-826

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 25, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, (South of 37th Street North, East of Tyler), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-894/468-84081)

ORDINANCE NO. 47-827

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 38, MAIN 1, COWSKIN INTERCEPTOR SEWER, (South of Maple, West of Maize), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-858/468-84139)

ORDINANCE NO. 47-828

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 1, MAIN 23, SOUTHWEST INTERCEPTOR SEWER, (West of West Street, North of 21st), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-857/468-84141)

ORDINANCE NO. 47-829

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of MAIN 23, SOUTHWEST INTERCEPTOR SEWER, (West of West Street, North of 21st), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 328

(480-904/468-84146)

ORDINANCE NO. 47-830

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 1, MAIN 19, FOUR MILE CREEK SEWER, (North of 13th, West of 159th Street East), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-872/468-84182)

ORDINANCE NO. 47-831

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 396, FOUR MILE CREEK SEWER, (North of Central, West of 127th Street East), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-886/468-84203)

ORDINANCE NO. 47-832

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 398, FOUR MILE CREEK SEWER, (East of 127th Street East, North of Harry), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-887/468-84231)

ORDINANCE NO. 47-833

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 400, FOUR MILE CREEK SEWER, (West of 143rd Street East, South of Kellogg), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-890/468-84258)

ORDINANCE NO. 47-834

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 7, MAIN 15, SANITARY SEWER NO. 23, (East of Meridian, South of 53rd Street North), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 329

(480-891/468-84261)

ORDINANCE NO. 47-835

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 402, FOUR MILE CREEK SEWER, (West of 159th Street East, North of Central), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-892/468-84262)

ORDINANCE NO. 47-836

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of MAIN 22, FOUR MILE CREEK SEWER, (North of Pawnee, East of Webb), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-893/468-84263)

ORDINANCE NO. 47-837

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 1, MAIN 22, FOUR MILE CREEK SEWER, (North of Pawnee, East of Webb), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-895/468-84281)

ORDINANCE NO. 47-838

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL V, SANITARY SEWER NO. 8, (West of Seneca, North of Harry), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(480-900/468-84317)

ORDINANCE NO. 47-840

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 1, MAIN 23, FOUR MILE CREEK SEWER, (North of 21st, West of 159th Street East), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 330

(480-914/468-84329)

ORDINANCE NO. 47-841

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 521, SOUTHWEST INTERCEPTOR SEWER, (North of 47th Street South, West of Meridian), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

STORM SEWER PROJECTS:

(485-302/468-83883)

ORDINANCE NO. 47-842

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain # 236, TO SERVE FONTANA ADDITION, (East of 119th Street West, North of 29th Steet North), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(485-312/468-84024)

ORDINANCE NO. 47-843

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain # 269, TO SERVE CLIFTON COVE ADDITION, (South of 63rd Street South, West of Clifton), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(485-314/468-84183)

ORDINANCE NO. 47-844

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain # 294, TO SERVE CRESTLAKE ADDITION & UNPLATTED TRACT A, (North of Central, West of 127th Street East), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(485-318/468-84193)

ORDINANCE NO. 47-845

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain # 295, TO SERVE SYCAMORE POND ADDITION, (South of 47th Street South, East of Seneca), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 331

(485-321/468-84204)

ORDINANCE NO. 47-846

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain # 297, TO SERVE BELLECHASE ADDITION & UNPLATTED TRACT, (East of 127th Street East, North of Harry), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(485-326/468-84260)

ORDINANCE NO. 47-847

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain # 311, TO SERVE VALENCIA ADDITION, (East of Meridian, South of 53rd Street North), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(485-324/468-84282)

ORDINANCE NO. 47-848

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Sewer # 623, TO SERVE SANTA FE INDUSTRIAL DISTRICT 3RD ADDITION, (West of Seneca, North of Harry), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

(485-327/468-84298)

ORDINANCE NO. 47-849

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Sewer # 626, TO SERVE TYLERS LANDING ADDITION, (South of 37th Street North, East of Tyler), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Second Reading Ordinances (First Read March 25, 2008)

ZON2008-00001 – Zone change from “B” Multi-family Residential to “GC” General Commercial with a Protective Overlay. Generally located on the southeast corner of Market and East 24th Street North. (District VI)

ORDINANCE NO. 47-859

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 332

ZON2008-00003 – Zone change from “B” Multi-family Residential to “GC” General Commercial with a Protective Overlay. Generally located southeast of the intersection of North 24th Street and North Market Street. (District VI)

ORDINANCE NO. 47-860

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

ZON2008-04 – Zone change from “SF-5” Single-family Residential to “NO” Neighborhood Office; generally located west of Webb Rd. and 700 feet north of 13th Street. (District II)

ORDINANCE NO. 47-861

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CUP2008-01 AND ZON2008-06 – Creation of DP-310 Ridge Port Commercial Park 2nd Commercial and Residential Community Unit Plan and zone change from “LI” Limited Industrial to “LC” Limited Commercial. Generally located one-eighth mile north and one-eighth mile east of the intersection of Ridge Road and 29th Street North. (District V)

ORDINANCE NO. 47-862

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

SUB 2007-64-Plat of Parkstone Addition located east of Hillside, between Douglas and 1st Street. (District II)

ORDINANCE NO. 47-863

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

CITY COUNCIL PROCEEDINGS

JOURNAL 191

APRIL 1, 2008

PAGE 333

SUB 2008-04-Plat of Foliage Center Second Addition located north of 13th Street and on the west side of Webb Road. (District II)

ORDINANCE NO. 47-864

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

A08-02R- Request by Steven R. Barrett, of FLKS Land Development, LLC to annex land generally located north of 13th Street, between 143rd Street East and 159th Street East. (District II)

ORDINANCE NO. 47-865

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (A08-02)

RECESS

EXECUTIVE SESSION

Motion--

Brewer moved at 11:20 a.m. that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice, personnel matters of non-elected personnel, and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 12:30 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

RECONVENE

The City Council reconvened in the Council Chambers at 12:44 p.m. Vice-Mayor Fearey stated there was no action taken and there is no action needed as a result of the Executive Session.

Motion--carried

Vice-Mayor Fearey moved that the Executive Session be closed. Motion carried 4 to 0, (Brewer, Longwell, and Skelton were absent).

Motion --carried

Vice-Mayor Fearey moved that the regular meeting be adjourned. Motion carried 4 to 0, (Brewer, Longwell, and Skelton were absent).

ADJOURNMENT

The meeting was adjourned at 12:45 p.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

Workshop followed in the First Floor Board Room