

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 a.m. March 13, 2007

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the March 6, 2007 regular meeting

AWARDS AND PROCLAMATIONS

Proclamations:

- Child Abuse and Neglect Prevention Month
- Lions' Pancake Day
- Youth Violence Prevention Week

CONSENT AGENDA

1. Report of the Board of Bids and Contracts Dated March 12, 2007.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

2. Applications for License to Retail Cereal Malt Beverages:

<u>New Operator</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
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Navin Haeri	24 K LLC	2602 North Arkansas
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RECOMMENDED ACTION: Approve license subject to Staff review and approval.

3. Preliminary Estimates:

- a. Main 19 Four Mile Creek Sewer to serve Stonebridge Addition - south of 13th Street North, east of 143rd Street East. (468-84127/744194/480882) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$1,319,000.00
- b. Maple Street and Maple Dunes Storm Water Sewer and Channel Improvements to serve Maple Dunes Addition - east of 135th Street, north of Maple Avenue. (468-84199/ 660518/855108) traffic to be maintained during construction using flagpersons and barricades. (District V) - \$91,880.00
- c. Brookside from the north line of Central to and including the cul-de-sac north of Central to serve Kretchmar Addition, Kapaun First Addition, Kapaun Fourth Addition, and Unplatted Tract - north of Central, west of Woodlawn. (472-84442/766112/490129) Does not affect existing traffic. (District II) - \$159,119.99
- d. Lateral 95, Main 1, Southwest Interceptor Sewer to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (468-83715/744215/480903) Does not affect existing traffic. (District III) - \$393,000.00
- e. McKnight Water Main Improvements, Phase II - north of Douglas, east of Broadway. (448-89812a/636154/775547) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$425,000.00

RECOMMENDED ACTION: Receive and file.

4. Petition for Public Improvements:

- a. Petition of a Storm Water Drain in Northgate Addition, north of 53rd Street North, west of Meridian. (District VI)

RECOMMENDED ACTION: Approve Petition; adopt resolution.

5. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closure.

6. Agreements/Contracts:

- a. Water Conservation Renewal # SG71.
- b. Standby Power Generation, agreement.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

7. Property Acquisition:

- a. Partial Acquisition of 119 South West Street for the improvement of West Street from Maple to Central. (Districts IV and VI)
- b. Acquisition of 3949 West Douglas for the improvement of West Street from Maple to Central. (Districts IV and VI)
- c. Partial Acquisition of 701 North West Street for the improvement of West Street from Maple to Central. (Districts IV and VI)
- d. Partial Acquisition of 4730 East Central for the Oliver and Central Intersection Project. (Districts I and II)

RECOMMENDED ACTION: Approve budgets and Contracts;
authorize necessary signatures.

8. Minutes of Advisory Boards/Commissions:

Housing Advisory Board, December 20, 2006

District III Advisory Board, January 10, 2007

RECOMMENDED ACTION: Receive and file.

9. Appointment of IRB Bond Counsel, Harlow Aerostructures, LLC. (District IV)

RECOMMENDED ACTION: Approve the appointment of the Hinkle Elkouri Law Firm to serve as bond counsel in the City's issuance of IRB's for the benefit of Harlow Aerostructures, LLC.

10. Acquisition of Land. (District V)

RECOMMENDED ACTION: Approve the exercise of the option and authorize the necessary signatures.

11. Acquisition by Eminent Domain of tracts required for the North Broadway and 13th Street Intersection Improvement Project. (District VI)

RECOMMENDED ACTION: Adopt the resolution and approve and place on first reading the ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition.

12. Conveyance of Equipment, Spirit Aerosystems, Inc. (District III)

RECOMMENDED ACTION: Adopt the Resolution authorizing execution of the Bill of Sale and Certificate of Redemption for the purpose of conveying ownership of the tooling to Spirit Aerosystems in accordance with the 2005 Lease and Indenture and any other necessary and desirable actions and authorize the necessary signatures.

13. Sale of Vacant Lots in the 4700 Block of South Washington. (District III)

RECOMMENDED ACTION: Approve the Quit Claim Deed and authorize the necessary signatures.

14. Contracts and Agreements for February 2007 .

RECOMMENDED ACTION: Receive and file.

15. Release of Temporary Easement, Larksfield Place. (District II)

RECOMMENDED ACTION: Approve the release of the temporary easement recorded at Film 0811, Page 0775 with the Register of Deeds of Sedgwick County, Kansas and authorize the Mayor to sign the appropriate documents reflecting such release.

16. Water Distribution System for Turkey Creek Second Addition, north of Pawnee, west of 119th Street West. (District IV)

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

17. Contingency Fund Use for Convention & Visitors Bureau.

RECOMMENDED ACTION: Approve allocation from the contingency fund with the Convention and Tourism Bureau.

18. Second Reading Ordinances. (First read March 6, 2007)

a. Tax Exemption Request, Eck & Eck Machine Co., Inc. (District IV)

Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Eck and Eck Machine Company, Inc. so exempted.

b. Industrial Revenue Bonds, Capps Manufacturing, Inc. (District IV)

An Ordinance authorizing the city of Wichita, Kansas to issue its industrial revenue bonds, Series I-A, 2007 and Series I-B, 2007 (Capps Manufacturing, Incorporated) in the aggregate principal amount of \$2,800,000 for the purpose of acquiring, constructing and equipping an addition to an existing manufacturing facility; authorizing execution of a trust indenture by and between the city and UMB Bank, N.A., Kansas City, Missouri, as trustee; authorizing the city to lease such facility to Capps Manufacturing, Incorporated and authorizing execution of a lease agreement between said city, GE Capital Public Finance, Inc. and Capps Manufacturing, Incorporated; authorizing execution of a tax compliance agreement between the city, Capps Manufacturing, Incorporated and UMB Bank, N.A.; approving the form of a personal guaranty by and between Barney L. Capps and Ron L. Capps, as personal guarantors, and GE Capital Public Finance, Inc.; authorizing the execution of a bond purchase agreement for the bonds by and between the city, Capps Manufacturing, Incorporated and GE Capital Public Finance, Inc., as purchaser of the bonds; authorizing the execution of additional documents necessary or desirable to effect the transaction contemplated hereby, and repealing Ordinance No. 47-343 of the city.

c. Amendment-Municipal Court Judge Compensation.

An Ordinance establishing the mechanism for prescribing pay for the City Manager and Municipal Court judges of the City of Wichita and repealing Ordinance No's 40-995, 45-944, 46-606, and 46-866.

d. ZON2006-57-CUP2006-53 - create DP-304 Koch Community Park Community Unit Plan; zone change to "LC" Limited Commercial, generally located west of Oliver and south of K-96. (District I)

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. (ZON2006-57)

RECOMMENDED ACTION: Adopt the Ordinances.

NEW BUSINESS

19. Public Hearing and Tax Exemption Request, Commtech, Inc. (District II)

Commtech previously submitted a letter of intent to seek an Economic Development Tax Exemption (EDX) on the new building addition in conjunction with the expansion project, and is now requesting approval of the exemption.

RECOMMENDED ACTION: Close the public hearing; approve first reading of the ordinance and tax exemption request.

20. Resolution considering the establishment of a Redevelopment District, Tax Increment Financing. (Districts I and II)

As a first step in the process of authorizing TIF funds for this project, the City Council must set the date for a public hearing on the establishment of a redevelopment district for the project.

RECOMMENDED ACTION: Adopt the resolution providing notice of consideration for the establishment of the proposed redevelopment district and setting a public hearing for May 1, 2007.

21. Authorize a Second Five-Year Tax Exemption, Case Corporation. (District V)

On August 7, 2001, City Council approved an Economic Development Tax Exemption for Case Corporation. Case requests City Council extend the tax exemption to include the second five-years tax exemption on the personal property.

RECOMMENDED ACTION: Approve a second five-year ad valorem tax exemption at 100 percent on personal property.

22. Public Hearing-Request for Resolution of Support for Application for Low-Income Housing Tax Credits, Inwood Crossings Apartments. (District I)

The City has received a request from LDG Development (LDG), of Louisville, Kentucky for a City Council Resolution of support for its application for Low-Income Housing Tax Credits in connection with the development of the Inwood Crossings Apartments.

RECOMMENDED ACTION: Close the Public Hearing; adopt the resolution of support for the LDG application for Low-Income Housing Tax Credits subject to all local building and zoning codes, ordinances, design recommendations provided by the Planning Department and the Office of Central Inspection; and any additional design review requirements; and authorize the necessary signatures.

23. Century II Tenant Memorandum of Understanding Agreements.

Three tenant performing groups, Music Theater of Wichita, Wichita Grand Opera, and the Wichita Symphony currently lease office, storage and performance space inside Century II.

RECOMMENDED ACTION: Approve each of the three (3) Memorandums of Understanding.

24. Revised Booking Policy for Century II.

The current policy was designed to define a course of action for those persons responsible for booking events at Century II. This policy has shown to be too vague thus leaving much interpretation to the client and staff of Century II.

RECOMMENDED ACTION: Approve the revised Century II Booking Policy.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

25. *SUB2006-97-Plat of Willow Creek East Addition, located east of Greenwich Road and on the south side of Harry Street. (District II)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; and adopt the Resolutions

26. *SUB2006-104-Plat of Valencia Addition, located east of Meridian and south of 53rd Street North. (District VI)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; and adopt the Resolutions.

27. *SUB2006-87-Plat of Meadowlake Beach Addition, located on the northwest corner of 55th Street South and Clifton. (District III)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; and adopt the Resolutions.

28. *SUB2006-90-Plat of Ecco Industrial Second Addition, located on the west side of Hoover Road and south of 31st Street South. (District VI)

RECOMMENDED ACTION: Approve the documents and plat and authorize the necessary signatures.

29. *SUB2006-103-Plat of Legacy Third Addition located north of 47th Street South and west of Meridian. (District IV)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; and adopt the Resolutions.

CITY COUNCIL

30. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

31. Municipal Court Judge Compensation.

RECOMMENDED ACTION: Approve a general pay adjustment of 2% for 2006, retroactive to the third Tuesday of April, 2006 and a merit increase of 2% for 2006, retroactive to the third Tuesday of April 2006 for all of the Municipal Court Judges.

32. A resolution supporting passage of the unborn victims of violence act, henceforth known as "Alexa's Law."

RECOMMENDED ACTION: Adopt the Resolution.

Adjournment