

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 6, 2007
Tuesday, 9:03 A.M.

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

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Sister Mary Schoenecker, Sisters-Adorers of the Blood of Christ, gave the invocation.

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

The Minutes of the February 27, 2007 meeting were approved 6 to 0.

AWARDS AND PROCLAMATIONS

Service Citation

Distinguished Service Citation: Robert L. Brewer

Mayor Mayans recognized and thanked Mr. Brewer for his years of service and presented him with a plaque.

Proclamations

Proclamations:

Mayor Mayans read aloud the following Proclamations:

- Women in Construction Week.
- Mental Retardation Awareness Month
- Red Cross Month
- Desk and Derrick Awareness Month
- Samuel Ramey and the Wichita Grand Opera Month.
- Professional Social Work Month

PUBLIC AGENDA

Stacy Nichols and Pam Nero-Breakthrough Club.

Stacy Nichols

Ms. Nichols stated the Breakthrough Club is a nonprofit organization that serves people with mental illness. Stated they are moving to 1010 North Main and is requesting that a City bus go by this new location. Stated she has spoken to the Transit Authority several times and has received any feedback and is asking for the Council's assistance.

Pam Nero

Ms. Nero stated she is a member of this organization and needs a bus that is closer in order to get members to attend. Stated due to her disability it is very difficult to walk and that this would be very helpful to her and other members and is asking for Council's assistance.

Jennifer Lee, Old Cowtown Museum Board of Trustees President-Update on museum.

(Ms. Lee was not present)

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Rich Taylor-Importance of Workforce Development.

Rich Taylor

Mr. Taylor stated that he is the manager for the Plumbers and Pipefitters Local Union 441 and spoke on the importance of Workforce Development and that the Plumbers and Pipefitters will be taking applications for their apprenticeship program in March.

CONSENT AGENDA

Motion--
--carried

Mayans moved that Consent Items 4 to 19e be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 5, 2007

Bids were opened March 2, 2007, pursuant to advertisements published on:

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

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)

Nowak Construction - \$762,429.85

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)

Dondlinger and Sons - \$69,250.00

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)

Kansas Paving Company - \$112,339.50

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)

Nowak Construction - \$235,425.90

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)

Nowak Construction - \$347,222.00

Motion--
--carried

Mayans moved that the report be received and filed; Contracts approved and the necessary signatures authorized. Motion carried 6 to 0.

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CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Regionald V. Boothe	WBG, LLC dba Braburn Golf Course*	4201 East 21st Street
Maria E. Romero	Angela's Café*	901 East Central
David Lee	Taiwan Chinese Restaurant*	2140 West 21st
<u>Special Event</u>	<u>March 17, 2007</u>	
Pat Audley	Artichoke Sandwich Bar	811 North Broadway

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

Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. Storm Water Drain #311 to serve Northcrest Addition - south of 53rd Street North, east of Meridian. (468-84260/751435/485326) Does not affect existing traffic. (District VI) - \$245,000.00
- b. Central & Oliver Intersection Improvements (472-84362/706950 /636184/620472/206416 /777575/667590) Traffic to be maintained during construction using flagpersons and barricades. (District I, II) - \$1,690,000.00
- c. 2007 Contract Maintenance Thermal Crack Repair - north of 63rd Street South, east of 135th Street West. (472-84509/132720/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, IV, V) - \$221,000.00
- d. Street Paving and Storm Water Improvements to Mascot Avenue - north of 29th Street North, west of Arkansas. (472-84298/765970/490085) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$253,699.45
- e. Bellechase from the east line of 127th Street East to the east line of Bellechase Addition; Spring Valley from the east line of 127th Street East to the east line of Bellechase Addition; Horseback from the north line of Bellechase to the south line of Spring Valley; Horseback Court from the west line of Horseback; Horseback Court from the east line of Horseback; Horseback Circle from the north line of Spring Valley; Bellechase Court from the north line of Bellechase, and Sidewalk on one side of all through, non cul-de-sac streets to serve Bellechase Addition - north of Harry, east of 127th Street East. (472-84426/766113/490130) Does not affect existing traffic. (District II) - \$390,000.00
- f. Lateral 2, Main 15, Sanitary Sewer #23 to serve Northgate Addition - north of 53rd Street North, west of Meridian. (468-84248/744213/ 480901) Does not affect existing traffic. (District VI) - \$433,000.00
- g. Lateral 402 Four Mile Creek Sewer to serve Terradyne West Addition - north of Central, west of 159th Street East. (468-84261/744203/480891) Does not affect existing traffic. (District II) - \$200,000.00
- h. Storm Water Sewer #626 to serve Tyler's Landing 3rd Addition - south of 37th Street North, east of Tyler. (468-84298/751436/485327) Does not affect existing traffic. (District V) - \$338,000.00
- i. 2007 Sanitary Sewer Reconstruction, Phase 3 - (various locations east of Maize, south of 13th Street North. (468-84308/620471/667589) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV,V,VI) - \$210,000.00
- j. Main 23 Four Mile Creek Sewer to serve Monarch Landing Addition (north of 21st Street North, west of 159th Street East) (468-84316/744211/480899) Does not affect existing traffic. (District II) - \$203,000.00
- k. Lateral 1, Main 23 Four Mile Creek Sewer to serve Monarch Landing Addition (north of 21st Street North, west of 159th Street East) (468-84317/744212/480900) Does not affect existing traffic. (District II) - \$645,000.00

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- l. Water Distribution System to serve Monarch Landing Addition (north of 21st Street North, west of 159th Street East) (448-90275/735348 /470021) Does not affect existing traffic. (District II) - \$299,000.00
- m. Lateral 25, Main 19 Southwest Interceptor Sewer to serve Tyler's Landing 3rd Addition - south of 37th Street North, east of Tyler. (468-84064/744210/480898) Does not affect existing traffic. (District V) - \$390,000.00
- n. Stormwater Sewer Improvements at 21st Street North & Valleyview south of 21st Street West, east of Maize Road. 468-84198 /660517 /855107) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$254,625.00

Motion--carried

Mayans moved to receive and file. Motion carried 6 to 0.

PETITION

PETITION FOR A STORM WATER DRAIN IN FOX RIDGE ADDITION, NORTH OF 29TH STREET NORTH, WEST OF TYLER. (DISTRICT V)

Agenda Report No. 07-0180

On February 14, 2006, the City Council approved a Petition for drainage improvements in Fox Ridge Addition. Based on recent bid prices, it is doubtful that there is sufficient funding in the Petition budget to award a construction contract. In addition the developer has reallocated the distribution of special assessments within the improvement district to reflect recent marketing conditions. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of 29th St. North, west of Tyler.

The existing Petition totals \$223,000. The new Petition totals \$466,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing drainage improvements required for a new residential subdivision.

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

Motion--
--carried

Mayans moved that the new Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-156

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 290 (north of 29th Street, west of Tyler) 468-84151, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

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PETITION

PETITION TO CONSTRUCT A SANITARY SEWER LATERAL TO SERVE PART OF WADLEY RANCH ADDITION, WEST OF MAIZE ROAD, SOUTH OF 37TH STREET NORTH. (DISTRICT V)

Agenda Report No. 07-0181

The Petition has been signed by two owners representing 100% of the improvement district.

The project will provide sanitary sewer service to undeveloped lots located in the town of Maize. The City of Wichita will own and operate the sewer line as part of the Northwest Sewage Treatment plant system.

The Petition totals \$40,000, which includes \$11,000 as a main benefit fee. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer service for undeveloped lots.

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

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-157

Resolution of findings of advisability and resolution authorizing construction of Lateral 15, Main 7, Northwest Interceptor Sewer (west of Maize, south of 37th Street North) 468-84332, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

DEEDS/ESMNTS

DEEDS AND EASEMENTS:

- a. Drainage Easement dated January 17, 2007 from Bellechase Development, LLC for a tract of land beginning in Lot 1, Block 3, Bell Chase an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861) No cost to City (D18022)
- b. Utility Easement dated October 26, 2006 from Heritage Land Developers, Inc. for a tract of land lying in Lots 28 and 29, Block 1, Whispering Lakes Estates, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City (D18023)
- c. Utility Easement dated October 26, 2006 from Heritage Land Developers, Inc. for a tract of land lying in Lots 23 and 24, Block 4, Whispering Lakes Estates, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City (D18024)
- d. Utility Easement dated October 26, 2006 from Heritage Land Developers, Inc. for a tract of land lying in Lots 26 and 27, Block 1, Whispering Lakes Estates, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City (D18025)
- e. Utility Easement dated December 15, 2006 from Brighton Courts, LLC, a Kansas limited liability company for tracts of land lying in Lots 14 and 15, Block 1 and Lots 28 and 29, Block 1, Brighton Courts Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City (D18026)
- f. Utility Easement dated October 24, 2006 from Michaelis Real Estate #4, LLC, a Kansas Limited Liability Company, for a tract of land lying in Lot 29, Comotara Industrial Park Fourth Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City (D18027)

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- g. Utility Easement dated January 16, 2007 by Young Men's Christian Association of Wichita, Kansas, a Kansas Corporation for tracts of land lying in Lot 4, Block 1, YMCA South Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City (D18028)
- h. Sanitary Sewer Easement dated December 19, 2006 from Scott C. Alter for a tract of land lying in Lot 1, Whistling Walk Estates 2nd Addition, Wichita, Sedgwick County, Kansas, (OCA # 624062), No Cost to City
- i. Sanitary Sewer Easement dated January 23, 2007 from Marino G. Garci and Kimberly C. Garci for a tract of land lying in Lot 2, Whistling Walk Estates 2nd Addition, Wichita, Sedgwick County, Kansas, (OCA # 624062), No Cost to City

Motion--carried

Mayans moved that the documents be accepted. Motion carried 6 to 0.

STREET CLOSURE

CONSIDERATION OF STREET CLOSURES/USES.

CITY OF WICHITA THIRD ANNUAL EASTER EGG PARTY, MARCH 31, 2007, 9:00 AM TO 12:00 PM.

Agenda Report No. 07-0182

In accordance with the Community Events Procedure, the event promoter David McGuire, City of Wichita Park & Recreation Department is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

City of Wichita 3rd Annual Easter Egg Party March 31, 2007 9:00 am – 12:00 pm
Old Lawrence Road, East Carp Road to the 3100 block of Old Lawrence Road.

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.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Enhance the Quality of Life

Motion--

Mayans 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; and Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 6 to 0.

--carried

STREET CLOSURE

MCLEAN BOULEVARD, 100' NORTH OF MAPLE. (DISTRICT IV)

Agenda Report No. 07-0219

W. B. Carter Construction Company, Inc. has contracted to install a 48" water line as part of the infrastructure improvements related to the Arena Storm Water and Water Walk Project. The contractor is presently installing the water line across the Arkansas River immediately north of the Lewis St. Bridge. The 48" water line will be connected to an existing 36" water line under the northbound lanes of McLean Blvd and then continue approximately 100' west across McLean Blvd. The contractor is requesting the closure of the northbound lanes of McLean to allow the pipe installation and connection to the existing 36" line, followed with a complete closure of McLean while the installation of the 48" line continues to the west and the McLean Blvd. permanent pavement is being replaced. The requested partial street closure of McLean is tentatively scheduled to begin approximately Tuesday, March 6, 2007 and will be followed with a complete closure of McLean near the end of March. Work is expected to be completed and McLean Blvd. re-opened to traffic by mid April.

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W. B. Carter Construction Company, Inc. is responsible for the placement of the required construction signs and barricades and the notification of area businesses and residents. During the partial street closure, traffic on McLean Blvd. will be detoured as follows:

Southbound McLean traffic will be narrowed to one lane and carried in the outside southbound lane of McLean between Douglas and Maple.

Northbound McLean traffic will be narrowed to one lane and carried in the inside southbound lane of McLean between Douglas and Maple.

During the complete closure, traffic on McLean Blvd. will be detoured using Douglas, Sycamore, and Maple streets.

The requested street closures address the Infrastructure Efficiency Goal by allowing improvements to the water distribution system.

Motion--carried Mayans moved that the street closures be approved. Motion carried 6 to 0.

BOARD MIN.

MINUTES OF THE ADVISORY BOARD AND COMMISSIONS.

Deferred Compensation Board of Trustees Annual Meeting, November 16, 2006
Wichita Historic Preservation Board, December 11, 2006
Deferred Compensation Board of Trustees Special Meeting, December 13, 2006
Wichita Employees' Retirement Board/Police & Fire Retirement Board Joint Investment Committee Regular Meeting, January 04, 2007
Deferred Compensation Board of Trustees Special Meeting, January 05, 2007
Board of Code Standards and Appeals, January 08, 2007
District II Advisory Board, January 08, 2007
Wichita Airport Advisory Board, January 08, 2007
Wichita Historic Preservation Board, January 08, 2007
District IV Advisory Board, January 10, 2007
Wichita Public Library, January 16, 2007
Design Council, January 17, 2007
District VI Advisory Board, January 17, 2007

Motion--carried Mayans moved that the file be received. Motion carried 6 to 0.

TYLER'S LANDING

TYLER'S LANDING THIRD ADDITION AND TYLER'S LANDING COMMERCIAL ADDITIONS, SOUTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 07-0183

The City Council approved the water, sanitary sewer, drainage and paving improvements in Tyler's Landing 3rd & Tyler's Landing Commercial Additions on January 9, 2007.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sanitary sewer, drainage and paving in Tyler's Landing 3rd & Tyler's Landing Commercial 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 \$72,000 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of paving improvements in a new subdivision. It also addresses the

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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

Mayans moved that the Agreement be approved and the necessary signatures. Motion carried 6 to 0.

CHANGE ORDER

HILLSIDE IMPROVEMENT, BETWEEN KELLOGG AND CENTRAL. (DISTRICTS I AND II)

Agenda Report No. 07-0184

On August 8, 2006, the City Council approved a construction contract with Cornejo & Sons, Inc. to improve Hillside, between Kellogg and Central. A part of the work is the installation of a new water line. After the work began it was determined that, due to a conflict with a storm water drain, the amount of water line to be installed was greater than expected.

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

The total cost of the additional work is \$14,495 with the total paid by the Water Utility. The original contract amount is \$3,648,218. This Change Order plus a previous change order represents 00.5% of the original contract amount.

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

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

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0.

CHANGE ORDER

CENTRAL STREET IMPROVEMENT, WOODLAWN TO ROCK ROAD. (DISTRICT II)

Agenda Report No. 07-0185

On August 15, 2006, the City Council approved a construction contract with Cornejo & Sons, Inc. to construct an acceleration/deceleration lane on the south side of 21st Street, west of Greenwich. After the work began, it was determined that a high-pressure gas line would be in conflict with the new pavement and should be relocated. Relocation of private utility lines for new subdivisions is the responsibility of the improvement district.

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

The total cost of the additional work is \$28,521 with the total paid by the Water Utility. The original contract amount is \$8,758,525. This Change Order plus previous changer orders represents 01.05% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving vehicular access to a new development.

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

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Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 6 to 0.

CHANGE ORDER

WATERLINE TO SERVE AREA IN THE VICINITY OF 13TH STREET NORTH AND 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 07-0186

On August 8, 2006, the City Council approved a contract with Nowak Construction Company to construct a 12" waterline to serve an area in the vicinity of 13th Street North and 135th Street West. After the work had begun, the Water Department determined that that the water line should be extended north to an existing 16" waterline in 21st Street, which will result in increased system capacity.

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

The total cost of the additional work is \$37,359 with the total paid by the Water Utility. The original contract amount is \$2,944,610. This Change Order represents 1.27% of the original contract amount.

This project addresses the Efficient Infrastructure goal by expanding the City's water distribution system.

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

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 6 to 0.

CHANGE ORDER

GREENWICH IMPROVEMENT, FROM 13TH STREET TO 27TH STREET NORTH. (DISTRICT II)

Agenda Report No. 07-0187

On December 20, 2005, the City Council approved a construction contract with Cornejo & Sons, Inc. to improve Greenwich Road, between 13th Street and 27th Street North. During the construction of the project, a number of unforeseen items developed that should be addressed as a change order:

Driveway approaches were constructed at Raytheon Property according to right-of-way agreement.

A landscaped berm within the right-of-way was modified to match the new street grade.

Bermuda and buffalo grass were seeded rather than fescue because of the improved durability in areas under development and without irrigation.

An existing bike path, sewer manholes and storm sewers were reconstructed. Additional curb, gutter and pavement marking were also needed.

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

The total cost of the additional work is \$86,503 with \$69,202 paid by Federal Grants and \$17,301 paid by City General Obligation bonds. The original contract amount is \$5,295,811. This Change Order represents 1.97% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving the traffic capacity and safety along a major transportation corridor.

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

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 6 to 0.

PROP. ACQUIS.

PARTIAL ACQUISITION OF 1356 NORTH BROADWAY FOR THE NORTH BROADWAY AND 13TH STREET INTERSECTION IMPROVEMENT PROJECT. (DISTRICT VI)

Agenda Report No. 07-0188

On July 19, 2005, City Council approved a project to improve the intersection of Broadway and 13th Street North. The project will provide left turn lanes at all approaches to the intersection.

To accommodate the project, right-of-way must be acquired from eleven tracts of land. This particular acquisition is the eighth of the eleven. The 162 square foot take is triangular in shape and at the southeast corner of the intersection. The acquisition will require the owner to relocate the advertising sign. A temporary construction easement of 2,255 square feet is also required along Broadway and 13th Street. The owner has agreed to a sale at the appraised value of \$6,770, or \$6.15 per square foot.

A budget of \$9,000 is requested. This includes \$6,770 for the acquisition, and \$2,230 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the agreement as to form.

Motion--
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized.
Motion carried 6 to 0.

PROP. ACQUIS.

PARTIAL ACQUISITION OF 2501 WEST MACARTHUR FOR THE MACARTHUR ROAD IMPROVEMENT PROJECT, MERIDIAN TO SENECA. (DISTRICT IV)

Agenda Report No. 07-0189

On February 7, 2006, City Council approved a project to improve MacArthur, between Meridian and Seneca. The road will be widened to four lanes with left turn lanes and landscaped medians. The intersection of MacArthur and Meridian will be signalized with left turn lanes at all four approaches to the intersection. A new storm water sewer system will be built. To accommodate the project, right-of-way must be acquired from fifteen tracts of land.

The project requires the north 20 feet of the east 400 feet and a 20-30 foot strip of land along the east property line for road right-of-way. This proposed acquisition area consists of 35,252 square feet. The improvements are removed from the road and will not be impacted. The owner agreed to accept the appraised value of \$62,070, or \$1.75 per square foot.

A budget of \$68,070 is requested. This includes \$62,070 for the acquisition, \$6,000 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the agreement as to form.

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Motion-- Mayans moved that the agreement be approved and the necessary signatures authorized.
--carried Motion carried 6 to 0.

PROP. ACQUIS. PARTIAL ACQUISITION OF 1510 AND 1534 WEST MACARTHUR FOR THE MACARTHUR ROAD IMPROVEMENT PROJECT, MERIDIAN TO SENECA. (DISTRICT IV)

Agenda Report No. 07-0190

On February 7, 2006, City Council approved a project to improve MacArthur, between Meridian and Seneca. The road will be widened to four lanes with left turn lanes and landscaped medians. The intersection of MacArthur and Meridian will be signalized with left turn lanes at all four approaches to the intersection. A new storm water sewer system will be built. To accommodate the project, right-of-way must be acquired from fifteen tracts of land.

The project requires the south ten feet along the south property line of both 1510 and 1534 W. MacArthur. The two single-family properties are of the same ownership. The proposed acquisition area consists of 3,469 square feet. The appraiser valued the proposed take acquisition area at \$3,817, which included a cost for damages to landscaping. The landscaping that will be removed as a result of the project are mature and provide both visual and audio screening to the two residential structures. The owner rejected the offer of \$3,817 and countered at \$5,110. The additional \$1,293 is to replace the landscape screening between the houses and the road with new trees. This figure is based on an actual cost estimate from a local nursery. This counter offer is deemed reasonable.

A budget of \$8,610 is requested. This includes \$5,110 for the acquisition, \$3,000 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administrated by the Kansas Department of Transportation.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the agreement as to form.

Motion-- Mayans moved that the agreement be approved and the necessary signatures authorized. Motion
--carried carried 6 to 0.

PROP. ACQUIS. PARTIAL ACQUISITION OF 1416 NORTH BROADWAY FOR THE NORTH BROADWAY AND 13TH STREET INTERSECTION IMPROVEMENT PROJECT. (DISTRICT VI)

Agenda Report No. 07-0191

On July 19, 2005, City Council approved a project to improve the intersection of Broadway and 13th Street North. The project will provide left turn lanes at all approaches to the intersection. The project requires the acquisition of all or part of eleven tracts. This parcel is the ninth tract acquired. The parcel is improved with a single-family residence. The project requires a strip of land from the front of the property. The acquisition does not directly impact the structure but it does render a wheel chair ramp useless and will cause the driveway to be reconfigured.

The acquisition was appraised at \$3,400 or \$17.00 per square foot. The appraiser assigned proximity damage totaling \$4,000 and valued the cost to reconfigure the access at \$3,500 for a total of \$10,900. The owner has agreed to accept \$7,400 for the acquisition and damages. In addition, to mitigate the impact on access, the owner will receive the north fifteen of the city owned site adjacent to the south.

A budget of \$9,500 is requested. This includes \$7,400 for the acquisition, and \$2,100 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administrated by the Kansas Department of Transportation.

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The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the agreement as to form.

Motion--
--carried

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

PROP. ACQUIS.

PARTIAL ACQUISITION OF 3940 WEST DOUGLAS FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0192

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition consists of ten foot strip of land along Douglas east of the intersection of West Street and Douglas.

The proposed 1,016 square foot of land being acquired along with paving and drive area was appraised at \$7,168, or \$7.05 per square foot. The take will eliminate five parking spaces on the site. The owner has agreed to accept an additional \$17,832 for this loss. This amount is within the value range determined by the appraiser. The total acquisition cost is \$25,000.

The funding source for the project is General Obligation Bonds. A budget of \$32,000 is requested. This includes \$25,000 for the acquisition, \$5,000 for sign relocation and \$2,000 for closing costs, title insurance and other costs.

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

Mayans moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures. Motion carried 6 to 0.

SOUTHCLIFF

PURCHASE OPTION, SOUTHCLIFF SHOPPING CENTER ASSOCIATES. (DISTRICT III)

Agenda Report No. 07-0193

On March 4, 1997 the City Council approved the issuance of \$1.5 million in Industrial Revenue Bonds, Series I, 1997, for the purpose of financing the construction of a 30,000 s.f. addition to Southcliff's manufacturing facility, located at 3050 S. Hydraulic, is leased to A.M. Castle & Co., d/b/a Castle Metals. Southcliff was also granted a 100% property tax abatement for a five-plus-five year term.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for the bond series, Southcliff Shopping Center Associates has the option, if all outstanding bonds have been paid, to purchase the facility from the City of Wichita for the sum of \$1000. The City of Wichita on February 23, 2007, received notice of the Tenant's intention to exercise its purchase option.

Under the terms of the Lease, the City is required to convey the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds.

The purchase price is \$1000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations,

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principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

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

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the attached Resolution to authorize the execution of the Special Warranty Deed and the Termination of Lease Agreement (each in substantially the form attached to the Resolution).

Motion--
--carried

Mayans moved that the Resolution approving the Special Warranty Deed and the Termination of Lease Agreement be adopted and the necessary signatures authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-158

A Resolution authorizing the City of Wichita, Kansas, to convey certain real property to Southcliff Shopping Center Associates and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans

GRANT AWARD

ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM GRANT AWARD.

Agenda Report No. 07-0194

The FY 2006 Defense Authorization Act authorized the federal Department of Homeland Security, Federal Emergency Management Agency (FEMA), to make \$539,550,000 million in grants available to fire departments. The programs and activities that were eligible for the 2006 grant programs were as follows: Operations and Firefighter Safety and Firefighting Vehicle Acquisition programs. Applicants could only apply for one of the two programmatic areas, however within the selected programmatic area; applicants could apply for a number of activities. On April 4, 2006, the City Council approved the submission of a grant application in the amount of \$387,955, including the required local match.

The City applied for \$387,955 in grant funds for the Operations and Firefighter Safety program category. On January 26, 2007 the Department of Homeland Security announced the award of the Assistance to Firefighters Grant for Fire Operations and Firefighter Safety Program to the Wichita Fire Department. This grant will be used to replace and upgrade existing station vehicle exhaust extraction systems.

The Homeland Security, Federal Emergency Management Agency (FEMA) award of \$387,955 will require a local match of 20 percent or \$77,593. The City match will be funded from under-expenditures within the Fire Department budget or in the departmental capital projects.

This project addresses the Secure and Safe goal by replacing and upgrading existing station vehicle exhaust extraction systems in the Fire Stations throughout the City.

Motion--
--carried

Mayans moved that the FY 2006 Assistance Firefighters Grant award be approved; the appropriate signatures authorized and the necessary budget transfers approved. Motion carried 6 to 0.

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RAYTHEON

PURCHASE OPTION, RAYTHEON AIRCRAFT COMPANY. (DISTRICT II)

Agenda Report No. 07-0195

In March 1980, the City Council approved the issuance of \$1 million in Industrial Revenue Bonds, Series V, 1980 to finance an expansion of the Beech Aircraft Company (now doing business as Raytheon Aircraft Company) in east Wichita. Bond proceeds were used for the acquisition of land, construction of a building addition and the purchase of new equipment for the manufacturing facility. The Bonds are secured, in part, by a Lease Agreement with Raytheon ("Tenant").

Under the provisions of the Lease Agreement the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$100. The City received notice from the Tenant of a request to exercise its purchase option.

Under the terms of the Lease, the City is required to convey its interest in the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. The Series V, 1980 Bonds have been paid. The City has received Trustee certification that the Bonds have been paid in full in accordance with their terms, and it will be appropriate for the City to deliver the instruments needed to deed the bond-financed property back to Raytheon Aircraft Company, formerly Beech Aircraft Corporation, and terminate the IRB lease. The City has already received payment of the \$100 purchase option price.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

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

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the resolution to authorize the execution of the Special Warranty Deed, and Termination of Lease Agreement (each in substantially the form attached to the Resolution), and the delivery of such documents following satisfaction of applicable conditions.

Motion--

Mayans moved that the bond call be authorized; the Resolution approving the Special Warranty Deed and the Termination of Lease Agreement adopted and the necessary signatures authorized.

--carried

Motion carried 6 to 0.

RESOLUTION NO. 07-159

A Resolution authorizing the City of Wichita, Kansas, to convey certain real property to Raytheon Aircraft Company, and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans

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2007 LIQ. TAX

2007 SPECIAL LIQUOR TAX ADMINISTRATION CONTRACT.

Agenda Report No. 07-0196

In December of 1999, the City Council set policy guidelines for the use and administration of Special Liquor Tax funds received for alcohol and substance abuse prevention and treatment. One of the guidelines was for privatization of the fund's administration services. These policy guidelines were reviewed and reaffirmed at a May 24, 2005 City Council workshop and are being used for the operation and administration of the 2007 Special Liquor Tax Program. The 2007 program has a non-administrative service provider budget of \$1,542,980 and uses 14 different organizations to operate 20 projects in the provision of alcohol and substance abuse prevention, treatment, detoxification, and case management services.

COMCARE of Sedgwick County has been the fund's program administrator since it was initially selected through a Request for Proposals (RFP) process and started its first contract with the City in March of 2000. After being selected again by RFP process in 2004, COMCARE's last contract renewal option expires in April 2007.

In December of 2006 the City's Purchasing Office issued a new Administrative Services RFP and it was mailed to 19 potential vendors, advertised by newspaper and posted on the City's procurement site. The RFP Scope of Services outlined specific tasks to be completed in the administration of the program. These tasks can be categorized as:

- monitoring and refining the outcome-based measurements developed to evaluate Special Liquor Tax Program providers;
- providing financial program management by reviewing and approving invoices submitted by providers;
- providing support for the Special Liquor Tax Coalition;
- assisting in the development of RFPs for service providers; and
- reporting functions, which include recommendations for future provider funding, based upon outcome measurements and issues/needs defined by the coalition.

COMCARE was the sole vendor that submitted a proposal in response to the RFP.

City staff has reviewed the COMCARE Proposal and recommends the Council approve the issuance of a new one-year contract for COMCARE administrative services. Strengths of the COMCARE Proposal include: (1) almost six-years experience in administering the program during which time a familiarity and experience with the City's outcome-based measurement process has developed; (2) availability of quality staff with the experience and capabilities to manage this program; (3) demonstrated skills to provide the requested services within the time frame allowed, and the ability to build and sustain a coalition of individuals that are knowledgeable about the alcohol and substance abuse field.

In its fulfillment of previous contract obligations, COMCARE has provided good service and has proven to be a conscientious vendor. The proposal budget represents an increase of \$29,806 over COMCARE's current budget of \$98,429. As a justification for this price increase the proposal notes that when COMCARE was selected as program administrator in 2000 they monitored 13 projects and currently the monitor 20 projects.

During the upcoming contract period COMCARE is tasked with refinement of the outcome-based measurements and scoring tools used to evaluate the providers. This will enhance their ability to identify and make recommendations on provider goal achievement.

2007 funding will be available in the Special Liquor Tax Fund to contract with COMCARE at their \$127,515 proposal budget. No general fund monies will be obligated.

By requiring monitoring and refinement of provider outcomes-based measurements, the administrative agreement will enhance the quality of life of Wichita residents by increasing the effectiveness of funds used to reduce the negative consequences of alcohol and other drug abuse.

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The Law Office has approved as to form the 2007-2008 Special Liquor Tax Administration Contract with COMCARE of Sedgwick County.

Motion--
--carried

Mayans moved that the necessary signatures for the Special Liquor Tax administration contract be authorized. Motion carried 6 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 27, 2007)

- a. Central and Oliver Intersection Improvement. (Districts I and II)

ORDINANCE NO. 47-358

An Ordinance amending Ordinance No. 46-879 of the City of Wichita, Kansas declaring the intersection of Central and Oliver (472-84362) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

- b. ZON2006-25-Plat of Northgate Commercial Park First Addition located on the northwest corner of 53rd Street North and Meridian. (District VI)

ORDINANCE NO. 47-360

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. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans. (ZON2006-25)

- c. ZON2004-41-Plat of Newmarket Office Addition, located on the north side of 29th Street North and West of Maize Road. (District V)

ORDINANCE NO. 47-361

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. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans. (ZON2004-41)

- d. ZON2006-34-plat of Wichita Safety Facility Addition, located between 343rd street West and 327th Street West and between 103rd street south and 111th street South. (District IV)

ORDINANCE NO. 47-362

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. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans. (ZON2006-34)

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- e. ZONE2006-46-Plat of the Family Video Addition, located east of west street and on the South side of Central. (District VI)

ORDINANCE NO. 47-363

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. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans. (ZON2006-46)

NEW BUSINESS

ECK & ECK

PUBLIC HEARING AND TAX EXEMPTION REQUEST, ECK & ECK MACHINE CO., INC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0198

On February 3, 1998, City Council approved a five-plus-five year 92.39% Economic Development Tax Exemption to Eck & Eck Machine Co., Inc. for an expansion project that resulted in the construction of a building addition and additional new equipment. Located at 4606 West Harry in southwest Wichita, Eck & Eck Machine Co. was locally formed in 1966. On January 15, 2002, City Council also approved a 67% five-year tax exemption on acquisition of new manufacturing equipment.

Since inception, Eck & Eck Machine Co., Inc. has sustained consistent growth in manufacturing parts for the aerospace industry. Eck & Eck has expanded its manufacturing capacity to include additional manufacturing space and acquisition of new manufacturing equipment in the amount of \$372,218. Eck & Eck is now requesting approval of an Economic Development Tax Exemption on the construction of a building addition and newly acquired equipment in conjunction with the expansion project.

Eck & Eck is a manufacturer of detail parts, assemblies and sub-assemblies primarily for the aerospace industry. This includes such parts as landing gear cylinders, landing gear assemblies, and pistons; nose gear cylinders and pistons, main gear cylinders and pistons, axles, fittings and spars which go on any part of the aircraft, and a multitude of other parts and assemblies. Eck & Eck does precision machining on CNC machining centers, and turning centers on metals such as steel, stainless steel, aluminum, and brass among other types of metals. Eck & Eck is known for doing close tolerance precision machining and supplying high quality parts. Eck & Eck's customers include Boeing Airplane Company, Commercial and Military Divisions; Raytheon Aircraft Company, Bombardier Aerospace Learjet and Cessna Aircraft Company. Eck & Eck exports 100% of its business out of the State of Kansas via Boeing, Raytheon, Bombardier and Cessna.

Eck & Eck currently employs 26 persons and plans to add at least 13 new jobs over the next five years in expanding its operations by the acquisition of additional machinery equipment.

The expansion project is itemized in Exhibit I attached hereto. Under the Economic Development Incentives Policy, Eck & Eck is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
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33.0%	New Job Creation:	Eck & Eck will create at least 13 new jobs.
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8.0% Capital Improvements: Eck & Eck will invest at least \$372,218.

41.0% Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)

00.0% Location Premium: Eck & Eck is not located in the central redevelopment area. (additional 20% allowed)

41.0% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the City's Business Incentives Policy, Eck & Eck is eligible for a 41% tax exemption for a five-year term on the identified real and personal property. A notice of public hearing has been published. Eck & Eck has agreed to comply with the conditions set forth in the Economic Development Incentive Policy.

The estimated first year taxes on the proposed \$372,218 expansion would be \$10,535 on personal property, based on the 2006 mill levy. Using the allowable tax exemption of 41 percent, the City would be exempting (for the first year) \$4,319 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$1,189; County/State - \$1,221; and USD 259 - \$1,909.

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

City of Wichita	3.88 to one
Sedgwick County	2.99 to one
USD 259	2.49 to one
State of Kansas	11.93 to one

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

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

Mayor Mayans

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

Motion--

Gray moved that the public hearing, be closed and first reading of the Ordinance, granting a 41% tax exemption on the identified real and personal property improvements for a five year term, plus a 41% tax exemption for a second five-year term on real property only, subject to City Council approval be approved. Motion carried 6 to 0.

--carried

ORDINANCE

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

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HARLOW

REQUEST FOR A LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, HARLOW AEROSTRUCTURES, LLC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0199

On September 12, 2006, City Council approved 100% ad valorem tax exemption to Harlow Aerostructures, LLC for an expansion that included purchase of new manufacturing equipment. Harlow Aerostructures, LLC is now requesting the issuance of a two-year letter of intent for Industrial Revenue Bonds ("IRBs") in an amount not to exceed \$4,000,000, as part of a new expansion currently underway. Bond proceeds will be used to finance the cost of acquiring new CNC machining equipment for Harlow Aerostructures, LLC. The new machinery and equipment will be located within Harlow's manufacturing plant, at 1501 S. McLean Blvd in southwest Wichita.

Harlow Aerostructures, LLC, is a manufacturer of machining and sheet metal products for the aircraft industry. With a wide range of manufacturing capabilities Harlow Aerostructures produces components from large bulkheads, spars, chords, stringers, to small bushings, bolts, pins and bearings. In addition, the Company develops prototypes for aircraft throttle quadrants and monolithic structural components through close integration for its customers. Harlow Aerostructures also has experience in product development as well as in machining, which has enabled them to expand their ability to fabricate complex assemblies. Harlow's assembly capabilities include the manufacture of highly complex electro-mechanical throttle assemblies, as well as complex sheet metal & structural component assemblies, which includes kitting services. The Company's engineering, manufacturing and processing capabilities provide the vertical integration they need to build precision assemblies. Harlow Aerostructures exports its products out of the State of Kansas via Spirit Aerosystems/Boeing, Cessna, Raytheon, General Dynamics, Vought, Gulfstream, and Israel Aircraft Industries.

An estimated analysis of the uses of project funds is:

USES OF FUNDS

Equipment	\$3,888,536
Costs of Issuance	31,000
Contingency	<u>80,464</u>
Total Uses	\$4,000,000

The expansion includes the acquisition of five new state-of-the-art CNC machining centers. Harlow had originally intended to seek EDX tax exemption for the new equipment. Tax exemption is no longer needed due to changes in state law. The Company will save money on the cost to finance the equipment by using tax-exempt bonds.

GE Capital Public Finance, Inc. will purchase the tax-exempt bonds to hold as an investment, and as a result the bonds will not be offered to the public. Harlow Aerostructures agrees to comply with the City's requirements contained in the Letter of Intent.

Harlow Aerostructures agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Harlow Aerostructures is not requesting a tax exemption in connection with issuance of IRBs.

The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

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City of Wichita	3.29 to one
Sedgwick County	2.90 to one
USD 259	1.25 to one
State of Kansas	4.75 to one

Economic Vitality and Affordable Living. Providing low-cost financing will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

Ordinarily, Kutak Rock, LLP, the City's general bond counsel, acts as bond counsel in City IRB financings; however, that firm represents the Bondholder in many business matters. In this case, City policy calls for selection of a different firm to act as bond counsel, to avoid any conflict of interest. The City's Law Department has solicited competitive fee quotes from other bond counsel firms that have indicated an interest in handling City matters.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

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

Motion-- Gray moved that the public hearing be closed; a two-year Letter of Intent to Harlow Aerostructures, LLC. for Industrial Revenue Bonds in an amount not to exceed \$4,000,000, subject to the Standard Letter of Intent Conditions be approved; staff authorized to select a bond counsel based on competitive fee quotes, and the necessary signatures authorized. Motion carried 6 to 0.
--carried

CAPPS AMENDED ORDINANCE-INDUSTRIAL REVENUE BONDS, CAPPS MANUFACTURING, INC. (DISTRICT IV)

Allen Bell Economic Development Administrator reviewed the item.

Agenda Report No. 07-0200

On February 6, 2007, City Council held a public hearing and approved first reading of an ordinance authorizing the issuance of \$2,840,000 principal amount of industrial revenue bonds to finance a plant expansion for Capps Manufacturing, Inc. The ordinance was adopted on second reading on February 13, 2007. Additional review of documents, occasioned by the introduction of a bank letter of credit into the transaction, identified several provisions in the bond documents that needed to be adjusted, to allow the financing to operate correctly in connection with the letter of credit. City approval of the bond documents is done by means of the bond ordinance. Given the number and nature of the changes, it is necessary to re-adopt the bond ordinance.

The changes to the bond documents are primarily of a technical legal nature and mainly involve incorporating the bank letter of credit into the various security features of the financing and conforming the documents to the final structure of the deal. None of the changes impact the business elements of the financing transaction.

Economic Vitality and Affordable Living. Providing low-cost financing and granting an ad valorem property tax exemption and sales tax exemption will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

The law firm of Gilmore and Bell is serving as bond counsel on this transaction because the City's contract bond counsel serves as borrower's counsel for GE Capital. The attached ordinance restates the authorization to issue bonds, approves the various bond documents and repeals the previous bond ordinance. The City Attorney's Office has approved the revised bond ordinance as to form.

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Mayor Mayans

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

Motion--

Gray moved that the first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of tax-exempt Industrial Revenue Bonds in an amount not-to-exceed \$2,840,000 be approved and the necessary signatures authorized. Motion carried 6 to 0.

--carried

ORDINANCE

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, introduced and under the rules laid over.

EVCON

AUTHORIZE A SECOND FIVE-YEAR TAX EXEMPTION, EVCON INDUSTRIES, INC. (DISTRICT I)

Allen Bell

Economic Development Administrator reviewed item.

Agenda Report 07-0201

On December 18, 2001, City Council approved an Economic Development Tax Exemption for Evcon Industries, Inc. (Evcon). Evcon is a real-estate-holding subsidiary of York Unitary Products, a division of Johnson Controls, which manufactures residential air conditioner units in north Wichita. Under the previous City's Business Incentive Policy, Evcon qualified for a 100 percent tax exemption for real and personal property, and 50 percent on the real property only, for a second five-year period. On December 31, 2006, the initial five-year period for tax exemption expired. Evcon requests City Council extend the tax exemption to include the second five-years tax exemption on real property only.

As a result of the tax exemption, Evcon committed to undertake an expansion consisting of construction of a 350,000 s.f. additional manufacturing space, at an investment of \$14,631,000, and acquisition of new manufacturing equipment, and creation of 450 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

• 2001 Commitment	December 31, 2006
• Construction of building addition	Completed 350,000 s.f. facility by December, 2001
• Purchase Manufacturing Equipment	Purchased equipment worth over \$9,019,000
• Create 450 new jobs in five years	Created 459 new jobs

Staff conducted a site-monitoring visit on August 14, 2006. Evcon has exceeded its projection of 450 new permanent jobs by creating 459 new jobs. Evcon increased sales by more than 34% since 2001, and diversified its customer base.

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A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita	1.84 to one
Sedgwick County	1.23 to one
USD 259	1.05 to one
State of Kansas	5.23 to one

Under the City's old Business Incentive Policy, the Company qualifies for a 50% ad valorem tax exemption for additional five-years on real property only.

Economic Vitality and Affordable Living. Economic development incentives, such as property tax exemptions, help ensure the growth and diversification of the local economy, creation of new jobs and partnerships with economic development stakeholder groups.

The second five-year tax exemption on the real property in conjunction with the original expansion project is at the discretion of the Council.

Mayor Mayans

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

Motion--
--carried

Brewer moved that a second five-year ad valorem tax exemption at 50 percent on real property only be approved. Motion carried 6 to 0.

ASSESSMENTS

PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR TWENTY-ONE (21) PAVING PROJECTS IN JULY 2007 BOND SALE SERIES 790. (DISTRICTS I, II, IV, V)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 07-0203

The Council was notified on February 6, 2007 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

Notice of hearing letters were published February 9, 2007 in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing. Department of Finance and Public Works staff held an informal hearing February 26, 2007 at 11:00 a.m. for the paving projects.

Statements of Special Assessment will be mailed to the property owners on March 23, 2007. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2007 bond sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2007 tax roll.

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

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. as amended. All of the projects were 100% petitioned.

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- a. (490-060/472-83485) IMPROVING MAINSGATE, THE FAIRMONT, EAGLE, MAINSGATE CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 21st, West of 127th Street East), as authorized by Resolution No. 02-102, rescinded by R-05-419, rescinded by R-05-498, adopted February 5, 2002, August 9, 2005, & October 4, 2005, and published February 9, 2002, August 12, 2005, & October 7, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$305,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- b. (490-044/472-83837) IMPROVING PALMETTO CIRCLE INCLUDING THE CUL-DE-SAC (North of 37th Street North, East of Tyler), as authorized by Resolution No. 03-478, adopted September 9, 2003, and published September 12, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$53,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- c. (490-045/472-83838) IMPROVING PALMETTO, HAVENHURST & SIDEWALK (North of 37th Street North, East of Tyler), as authorized by Resolution No. 03-479, adopted September 9, 2003, and published September 12, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$111,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- d. (490-046/472-83839) IMPROVING PALMETTO & SIDEWALK (North of 37th Street North, East of Tyler), as authorized by Resolution No. 03-480, adopted September 9, 2003, and published September 12, 2003, corrected & republished January 18, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$147,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- e. (490-019/472-84078) IMPROVING ASPHALTIC MAT PAVEMENT ON BOLIN DRIVE (West of West Street, North of MacArthur), as authorized by Resolution No. 04-484, adopted September 14, 2004, and published September 17, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$177,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- f. (490-074/472-84082) IMPROVING MAINSGATE/LOCH LOMOND & WILLIAMSGATE (North of 21st, East of 127th St. East), as authorized by Resolution No. 05-088, adopted March 1, 2005, and published March 4, 2005, corrected & republished May 24, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$253,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- g. (490-033/472-84139) IMPROVING STOUT, HUNTERS VIEW/BELICK, STOUT CT. AND INCLUDING CUL-DE-SAC (North of 13th, West of 135th St. West), as authorized by Resolution No. 04-687, adopted December 21, 2004, and published December 28, 2004, corrected & republished May 26, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$559,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

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- h. (490-049/472-84209) IMPROVING OAK CREEK PARKWAY, 21ST STREET N., GREENWICH ROAD & CHATEAU PARKWAY (South of 21st St., West of Greenwich), as authorized by Resolution No. 05-251, adopted May 3, 2005, and published May 6, 2005, corrected & republished May 16, 2005 & February 9, 2006 & December 11, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$1,243,600.00 is to be apportioned 100 % payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- i. (490-050/472-84213) IMPROVING DEN HOLLOW, WESTLAKES PARKWAY, WILD THICKET COURT, & INCLUDING THE CUL-DE-SAC (North of 29th St. North, West of Tyler), as authorized by Resolution No. 05-223, adopted April 26, 2005, and published April 30, 2005, corrected & republished November 17, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$230,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- j. (490-076/472-84214) IMPROVING WILD THICKET, WESTLAKES PARKWAY, WILD THICKET COURTS (North of 29th St. North, West of Tyler), as authorized by Resolution No. 05-224, adopted April 26, 2005, and published April 30, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$216,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- k. (490-063/472-84225) IMPROVING GOVERNOUR CIRCLE (North of 29th St. North, West of Rock), as authorized by Resolution No. 05-279, adopted May 17, 2005, and published May 21, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$139,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- l. (490-094/472-84229) CONSTRUCTING A DECEL LANE ON 21ST. STREET (South of 21st. St., East of Greenwich), as authorized by Resolution No. 05-341, adopted June 28, 2005, and published July 1, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$49,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.
- m. (491-013/472-84242) IMPROVING FACADE AT 535 W. DOUGLAS (South of Douglas, East of Seneca), as authorized by Resolution No. 05-323, adopted June 21, 2005, and published June 24, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$251,600.00 is to be apportioned 88.22% payable by the improvement district & 11.78% payable by the City at Large to the improvement district. The cost has been assessed on a square foot basis.
- n. (490-082/472-84249) IMPROVING CASTLE ROCK, 24TH ST. N., MAINSGATE, MAINSGATE CIR., SPRING HOLLOW ST., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 21st, West of 143rd St. East), as authorized by Resolution No. 05-400, rescinded by R-06-006, adopted August 2, 2005 & January 10, 2006, and published August 5, 2005 & January 13, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$463,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

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- o. (490-067/472-84262) IMPROVING CONREY, CONREY CT., FOREST RIDGE, LAKE RIDGE, LAKE RIDGE CT., FOREST RIDGE CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (South of 37th St. North, East of Tyler), as authorized by Resolution No. 05-438, adopted August 16, 2005, and published August 19, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$709,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- p. (490-088/472-84264) IMPROVING KITE, MARBLEFALLS, KITE CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 45th St. North, West of Hillside), as authorized by Resolution No. 05-431, adopted August 16, 2005, and published August 19, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$483,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- q. (490-070/472-84270) IMPROVING STAFFORD, PAWNEE, STONEYBROOK, STAFFORD CT., INCLUDING THE CUL-DE-SAC (East of Webb, North of Pawnee), as authorized by Resolution No. 05-448, adopted September 13, 2005, and published September 16, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$282,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- r. (490-077/472-84277) IMPROVING WESTLAKES PARKWAY & SIDEWALK (North of 29th St. North, West of Tyler), as authorized by Resolution No. 05-486, adopted October 4, 2005, and published October 7, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$116,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- s. (490-080/472-84285) IMPROVING FAWN GROVE, SMITHMOOR/SMITHMOOR CIRCLE, CHATEAU CIRCLE, INCLUDING THE CUL-DE-SAC (South of Kellogg, West of Greenwich), as authorized by Resolution No. 05-509, adopted October 18, 2005, and published October 21, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$224,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- t. (491-018/472-84381) IMPROVING FACADE AT 1409 E. DOUGLAS (South of Douglas, East of Washington), as authorized by Resolution No. 06-145, adopted March 21, 2006, and published March 23, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$37,500.00 is to be apportioned 75% payable by the improvement district & 25% payable by the City at Large to the improvement district. The cost has been assessed on a square foot basis.
- u. (491-019/472-84382) IMPROVING FACADE AT 111 ELLIS (South of Douglas, East of Washington), as authorized by Resolution No. 06-146, adopted March 21, 2006, and published March 23, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 12, 2006 in the amount of \$36,700.00 is to be apportioned 75% payable by the improvement district & 25% payable by the City at Large to the improvement district. The cost has been assessed on a square foot basis.

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Mayor Mayans

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

Motion--
--carried

Mayans moved that the Public Hearing be closed; the proposed assessments approved and the ordinances placed on first reading. Motion carried 6 to 0.

PAVING PROJECTS

- a. (490-060/472-83485) - 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 IMPROVING MAINSGATE, THE FAIRMONT, EAGLE, MAINSGATE CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 21st, West of 127th Street East), introduced and under the rules laid over.
- b. (490-044/472-83837) - 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 costs of IMPROVING PALMETTO CIRCLE INCLUDING THE CUL-DE-SAC (North of 37th Street North, East of Tyler), introduced and under the rules laid over.
- c. (490-045/472-83838) - 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 costs of IMPROVING PALMETTO, HAVENHURST & SIDEWALK (North of 37th Street North, East of Tyler), introduced and under the rules laid over.
- d. (490-046/472-83839) - 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 costs of IMPROVING PALMETTO & SIDEWALK (North of 37th Street North, East of Tyler), introduced and under the rules laid over.
- e. (490-019/472-84078) - 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 costs of IMPROVING ASPHALTIC MAT PAVEMENT ON BOLIN DRIVE (West of West Street, North of MacArthur), introduced and under the rules laid over.
- f. (490-074/472-84082) - 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 costs of IMPROVING MAINSGATE/LOCH LOMOND & WILLIAMSGATE (North of 21st, East of 127th St. East), introduced and under the rules laid over.
- g. (490-033/472-84139) - 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 costs of IMPROVING STOUT, HUNTERS VIEW/BELICK, STOUT CT. AND INCLUDING CUL-DE-SAC (North of 13th, West of 135th St. West), introduced and under the rules laid over.
- h. (490-049/472-84209) - 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 costs of IMPROVING OAK CREEK PARKWAY, 21ST STREET N., GREENWICH ROAD & CHATEAU PARKWAY (South of 21st St., West of Greenwich), introduced and under the rules laid over.
- i. (490-050/472-84213) - 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 costs of IMPROVING DEN HOLLOW, WESTLAKES PARKWAY, WILD THICKET COURT, & INCLUDING THE CUL-DE-SAC (North of 29th St. North, West of Tyler), introduced and under the rules laid over.
- j. (490-076/472-84214) - 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 costs of IMPROVING WILD THICKET, WESTLAKES PARKWAY, WILD THICKET COURTS (North of 29th St. North, West of Tyler), introduced and under the rules laid over.

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- k. (490-063/472-84225) - 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 costs of IMPROVING GOVERNOUR CIRCLE (North of 29th St. North, West of Rock), introduced and under the rules laid over.
- l. (490-094/472-84229) - 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 costs of CONSTRUCTING A DECEL LANE ON 21ST. STREET (South of 21st. St., East of Greenwich), as authorized by Resolution No. 05-341, adopted June 28, 2005, introduced and under the rules laid over
- m. (491-013/472-84242) - 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 costs of IMPROVING FACADE AT 535 W. DOUGLAS (South of Douglas, East of Seneca), introduced and under the rules laid over.
- n. (490-082/472-84249) - 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 costs of IMPROVING CASTLE ROCK, 24TH ST. N., MAINSGATE, MAINSGATE CIR., SPRING HOLLOW ST., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 21st, West of 143rd St. East), introduced and under the rules laid over.
- o. (490-067/472-84262) - 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 IMPROVING CONREY, CONREY CT., FOREST RIDGE, LAKE RIDGE, LAKE RIDGE CT., FOREST RIDGE CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (South of 37th St. North, East of Tyler), introduced and under the rules laid over.
- p. (490-088/472-84264) - 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 IMPROVING KITE, MARBLEFALLS, KITE CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 45th St. North, West of Hillside), introduced and under the rules laid over.
- q. (490-070/472-84270) - 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 IMPROVING STAFFORD, PAWNEE, STONEYBROOK, STAFFORD CT., INCLUDING THE CUL-DE-SAC (East of Webb, North of Pawnee), introduced and under the rules laid over.
- r. (490-077/472-84277) - 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 IMPROVING WESTLAKES PARKWAY & SIDEWALK (North of 29th St. North, West of Tyler), introduced and under the rules laid over.
- s. (490-080/472-84285) - 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 IMPROVING FAWN GROVE, SMITHMOOR/SMITHMOOR CIRCLE, CHATEAU CIRCLE, INCLUDING THE CUL-DE-SAC (South of Kellogg, West of Greenwich), introduced and under the rules laid over.
- t. (491-018/472-84381) - 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 IMPROVING FACADE AT 1409 E. DOUGLAS (South of Douglas, East of Washington), introduced and under the rules laid over.
- u. (491-019/472-84382) - 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 IMPROVING FACADE AT 111 ELLIS (South of Douglas, East of Washington), introduced and under the rules laid over.

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BIKE PATH

BIKE PATH ALONG THE WEST BANK OF THE ARKANSAS RIVER, BETWEEN CENTRAL AND 13TH STREET. (DISTRICT VI)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 07-0204

The 2005-2014 Capital Improvement Program (CIP) adopted by the City Council includes a project for bike path improvements along the west bank of the Arkansas River, between Central and 13th Street. District VI Advisory Board sponsored an April 3, 2006, neighborhood hearing on the project. The Board voted 9-1 to recommend approval of the project.

Landscaped rest areas will be added to an existing bike path. Additional bike path will be constructed in some areas.

The estimated project cost is \$554,000, with \$110,000 paid by the City and \$444,000 paid by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

This project addresses the Efficient Infrastructure and Quality of Life goals by improving a bike path in a park area adjacent to a busy traffic corridor.

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

Mayor Mayans

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

Motion--
--carried

Fearey moved that the project be approved; the Resolution adopted and the signing of State/Federal agreements as required authorized. Motion carried 6 to 0.

RESOLUTION NO. 07-160

A Resolution authorizing the issuance of bonds by the City of Wichita at large to construct a bike path along the West Bank of the Arkansas River, between Central Avenue and 13th Street (472-84405), presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans

STORM WATER

STORM WATER SEWER TO SERVE AN AREA LOCATED BETWEEN 29TH STREET NORTH AND 31ST STREET NORTH, FROM WEST OF JEANETTE TO EAST OF SHELTON. (DISTRICT VI)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 07-0205

On November 1, 2005, the City Council approved a project to pave Mascot, from 29th St. North to 31st St. North. Bids to construct the project will be opened on February 23, 2007. During the design process it was determined that a storm water sewer is needed to properly drain the new pavement. A neighborhood meeting was held with affected property owners on February 28, 2007.

The project, the design of which is currently underway, will also drain the area surrounding Mascot. The proposed design will provide a drainage system from the approximate area of 30th Street North and Shelton, west to Jeanette, and south to 29th St. North. The new drainage system will facilitate the future paving of additional dirt streets in the area.

The estimated project cost is \$150,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.15 per square foot of ownership.

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This project addresses the Efficient Infrastructure and Vibrant Neighborhoods goals by providing drainage improvements for an existing residential and commercial area.

State Statutes provide the City Council the authority to order in a storm water sewer system.

- Council Member Fearey Council Member Fearey stated the Finance Department that we could move some of the Main Street money over to do this.
- Jim Armour City Engineer stated that could be done with Council action.
- Council Member Skelton Council Member Skelton stated that he and Council Member Fearey did have discussion and identified a funding source that was an idle source and that his interests are to pursue a course of action in arriving at a decision as soon as possible. Stated he is not sure if we would have to wait for the CIP to be prepared and has discussed this with the City Manager this morning and it might be some time before we get the CIP ready and by that time because there is the possibility of the construction cost going up and will not come in as bid as petition and there could be a lot of ramifications on waiting. Stated if we have identified a funding source and Council action is all that is needed to make this happen, he strongly urges staff and the Council to pursue an action that makes it happen.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Tonya Cadena Ms. Cadena resides at 3145 North Shelton and stated that she does not want the drainage put in her area.
- Carol Chandler Ms. Chandler resides at 3130 North Shelton and stated that they cannot afford to have this assessment because they do not have the income and have already paid for 31st Street to the north of them to be paved. Stated they cannot afford another expenditure especially when Shelton is not paved yet and one of these days it might happen, which will be another financial problem for them. Stated that they are on a fixed income and this would be a hardship on them and if they were on the deferral, asked how many deferral you can keep piling up.
- Mayor Mayans Mayor Mayans stated that Council Member Skelton wants to bring some of those issues to the City Manager and Council for review.
- Council Member Skelton Council Member Skelton stated we have talked about this several times already and his interest is to find a way in low income areas, to subsidize paving projects and his idea is we have idle funds in the City's CIP that are not being used right now and could use these funds on a City wide basis to defer the costs in low income areas for street paving projects. Stated we could defer these costs on a first come first serve basis and defer for example, 20% of a paving petition, where each street would be eligible for up to a 20% reduction based on these available funds.
- Carol Chandler Ms. Chandler asked if they have to pave the streets and that they are satisfied with the gravel roads.
- Council Member Skelton Council Member Skelton explained in a lot of areas people want their streets paved and is an issue that will have to be determined by the citizens on a block by block basis.
- Mayor Mayans Mayor Mayans stated there is a process before those projects are undertaken to hear from the individuals. Stated the Council understands their concerns and that we need to be sensitive to those who cannot afford anymore deferred payments on these improvements. Stated that Council Member Skelton is talking about an initiative to take some of the money in our budget that is designated for that and make it available on an income eligible system to people who cannot afford to pay on a first come first serve basis as a way to mitigate some of those costs so that the street can be paved at no or very little costs to those people who cannot afford it. Stated that he feels it is a good idea and an idea that they can discuss but does not feel that discussion is today.

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Council Member Fearey Council Member Fearey stated she and Council Member Skelton have met about this and feels that there are several long term things we can do but feels that it needs to go back to a workshop because she does not think that the rest of the Council know what unused source of money we are talking about and about increasing the base for where people can apply for the deferral, which has not been increased in a long time. Stated that there are a lot of other good options out there and she would like to hear about.

Motion-- Fearey moved that the Project be approved; the Resolution adopted; the necessary signatures authorized and transfer \$75,000.00 that is remaining in the Main Street Project that was in District VI over to this project to help alleviate the costs of the drainage for the residents in that area.. Motion carried 6 to 0.

--carried

RESOLUTION NO. 07-161

Resolution of findings of advisability and resolution authorizing improving Storm Water Sewer No. 630 (north of 29th Street north, west of Arkansas) 468-84335 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

PETITION

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE LOTS 10 AND 11, RIVERSIDE ACRES ADDITION, NORTH OF 40TH STREET NORTH, WEST OF DALE. (DISTRICT VI)

Jim Armour City Engineer reviewed the item.

Agenda Report No. 07-0206

The signatures on the Petition represent 1 of 3 (33.33%) resident owners and 68.78% of the improvement district area.

The project will construct a sanitary sewer for a small residential area that is currently served by private septic tank systems. In order to reduce the project cost, the project will be incorporated into a much larger project that was approved by the City Council on February 7, 2006, and serves a large area to the north along Arkansas Avenue.

The estimated project cost is \$30,000 with the total assessed to the improvement district. In addition, a sewer main benefit fee of \$1,600 will be assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.68 per square foot of ownership plus \$00.035 per square foot for the main benefit fee.

This project addresses the Efficient Infrastructure goal by extending sanitary sewer service to existing homes.

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

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

Motion-- Fearey moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0.

--carried

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RESOLUTION NO. 07-162

Resolution of findings of advisability and resolution authorizing construction of Lateral 1, Main 16, Sanitary Sewer No. 23 (along Arkansas Avenue, north of I-235 Freeway) 468-84149 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

DEVELOP. AGRMNT DEVELOPMENT AGREEMENT, 29TH STREET AND MAIZE ROAD, CADILLAC LAKE, (DISTRICT V)

Chris Carrier Public Works Director reviewed the item.

Agenda Report No. 07-0207

For many years, drainage from the very upper end of the Westlink Tributary to Cowskin Creek in West Wichita has been largely controlled by a natural wetland feature commonly known as Cadillac Lake, located at 29th Street and Maize Road. This feature has always had the tendency to reduce flows in downstream areas by holding back water for many days allowing for maximum infiltration. Through the years this area has developed into a wetland area, which is now protected by the U.S. Army Corps of Engineers.

As Wichita continues to develop to the west, it was only a matter of time until development would be proposed in the drainage basin north of 29th Street that feeds into Cadillac Lake. This was a concern to staff because more impervious area in this basin could result in overtaxing the ability of the existing Cadillac Lake to reduce peak flows, thus endangering existing development downstream in Chadsworth and other subdivisions. Additionally, our ability to control development patterns in the upper part of the basin is limited as much of that land is in either Sedgwick County or the City of Maize.

In addition to the drainage considerations, some specific development proposals were put forth: Newmarket V, L.L.C., a Slawson venture, on the west side of Maize Road, south of 29th; and Eastside Development L.L.C. with Bruce and Esther Pearson on the east side of Maize Road, south of 29th Street. Both parcels proposed for development are located within the body of Cadillac Lake and contain protected wetland areas. Staff was concerned that development in the main body of Cadillac Lake would reduce its available storage volume, further compounding the drainage concerns discussed above.

Beginning a couple of years ago, staff sat down with the developers and their engineers to see if there was some way to allow the basin to develop, including the Newmarket V and Pearson proposals, and still protect the properties downstream from increased flooding. After much discussion and study, the arrangement that is outlined in the attached Development Agreement was developed. In general terms, the Agreement calls for the following:

- A. In turn for allowing Pearson and Eastside to develop a strip of land immediately east of Maize Road, south of 29th Street, Pearson will dedicate to the City 54 acres of ground in the main body of Cadillac Lake for drainage and wetland mitigation purposes.
- B. A wetland mitigation area and a stormwater detention facility will be constructed on the land given to the City. The wetland mitigation will be to replace wetlands lost by development. The storm water detention facility will control downstream flooding with full basin development.
- C. The cost of constructing the wetland mitigation and detention facilities is estimated at \$2.9 million. The cost of the project would be split between the City and Developers as proposed in the improvement district petition.
- D. The project will require a 404 Environmental Permit from the Corps because of the wetlands. The City and developers will be joint permit applicants.

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- E. Once construction is complete, the development interests will be responsible for maintenance of the wetland areas, while the City will maintain the storm water facilities.
- F. Should, for some reason, the Corp deny the 404 Permit, the project will not be built. In that case, the City would be responsible for paying the cost of the P.E.C. Drainage Study that was necessary to determine that this proposal is feasible. The estimated study cost is \$65,000.

This project contributes to the Economic Vitality goal by allowing the development of a large area in and near our City while protecting downstream lands from increased flooding.

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

George Kolb City Manager stated DAB V met last night on this issue and there were a lot of questions and conversation about the project. Stated the developers and many residents were in attendance and he is requesting that this item be pulled and defer until a later date.

Council Member Gray Council Member Gray stated that he sees the developers in the audience today and he has spoken to some of them and he thinks we should go ahead and move forward on this issue today, have the public hearing and discuss it and if the Council chooses to make a motion for deferral at the end, then we do that. Stated he feels that everybody still would like to move forward on this issue and believes that if Council Member Martz were here, he would be encouraging us to continue to move forward and have this discussion today instead of deferring it.

George Kolb City Manager stated that DAB V did vote last night to defer this item.

Council Member Fearey Council Member Fearey stated she would be in favor of deferring this and if we were to have a town hall meeting in District V, we can have staff bring the information they have given the Council.

Motion-- Fearey moved to defer this item for a minimum of 30 days and not more than 90 days.

Motion died Due to lack of a second.

Council Member Schlapp Council Member Schlapp stated that Council Member Gray makes a good point and if we cannot come to a resolution then we can defer it and would be open to carrying on today.

(Council Member Skelton momentarily absent)

Council Member Skelton Council Member Skelton asked how much of this is in our jurisdiction and asked if the areas that are not in our jurisdiction, if they have similar detention requirements and a stormwater management policies that the COW does.

Chris Carrier Public Works Director stated he called the City of Maize and talked to their City Engineer a year ago and he told him how important it was that whatever gets developed in this basin, still needs to have individual site stormwater detention and he assured him that Maize would do that . Stated he understands that there are some things that are under construction up there today and he has not been able to verify this yet, that are being constructed without stormwater detention and that is the case that would be a concern. Stated that one of the things he wanted to do if this were to be deferred, was to get with Planning Director John Schlegel to see just exactly what we could do through the MAPC to control and restrict development through the platting and zoning process.

Council Member Brewer Council Member Brewer asked how much the PEC drainage study will cost.

Chris Carrier Director of Public Works stated it is done and the cost that they have given him is \$65,000.00.

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- Council Member Brewer Council Member Brewer stated that if we do the basin based on the information that staff has, one thing that we do not want is for the neighborhood in that area to have flooding and asked if we do the basin, have we measured in what possible growth could happen out there and be able to compensate for that to make sure that does not ever happen.
- Chris Carrier Director of Public Works stated they have but he will not stand in front of the Council and tell them that nothing out there will ever flood if we do this project. Stated that we designed projects for a certain size flood, something that they feel is reasonable and will provide reasonable flood protection to the properties that they are trying to protect. Stated there are always bigger storms and it gets uneconomical to design for those bigger storms.
- Council Member Schlapp Council Member Schlapp stated there is no guarantee now that those properties will not flood and if we are working towards solving some of this, it is a good thing. Stated it would appear to her that when we have people from the private sector who are willing to invest funds in development and consider that mitigation that is also a good thing. Stated that this looks like it might be a solution to a problem that we already have and likes it when we as a City get involved with solving problems in neighborhoods and it involves flooding. Asked if this item does not get deferred, will we not be able to have conversations with Maize. Council Member Schlapp that they would still have the conversations whether or not this item is deferred.
- Chris Carrier Director of Public Works stated yes, they would still have the conversations with Maize.
- Council Member Gray Council Member Gray stated he views this project as a foundation of a structure and without this it will be like building a house on dirt. Stated without this it will require extensive detention facilities and a lot of that other area to develop it and it may not even be able to be developed. Stated this is like the foundation of everything else will be built upon if we want to have development in this basin.
- Chris Carrier Director of Public Works stated one of the conclusions that the PEC study reached is that because of how flat this basin is and the time it takes drainage to get from the upper parts of it into Cadillac Lake, the stormwater detention in the upper parts of the basin is not that effective in controlling the discharge of flood waters through Chadsworth. Stated it is his opinion from their report that what we need to do is to put that control of that outflow as close to Chadsworth as we can and that is what this project does. To say that we could rely totally on detention in the upper parts of the basin to accomplish what we need to he does not feel would work.
- Council Member Gray Council Member Gray stated this is not the final word and is just an approval to move us through the process to go and ask the Core of Engineers for permission to even do this. Stated this is just taking us forward to the next step and a stage in a long process.
- Council Member Fearey Council Member Fearey stated regarding the money from the CIP, we would still have to allocate it and asked if it would wait until we go through the big allocation of our next CIP?
- Chris Carrier Director of Public Works stated that would be up to the City Council, whether they would want to try to do it before then or during that process.
- Council Member Fearey Council Member Fearey asked if this is something that the City was looking at before the developers came and wanted to do this additional development.
- Chris Carrier Director of Public Works stated they put the Cadillac Lake project in the CIP as a placeholder the last time we put the CIP together, which was before this development proposal came forth because they knew that development was getting close and it was only a matter of time before somebody would want to start developing in this area. Stated that they knew they would have to do something at Cadillac Lake to control drainage but did not know what at the time. Stated it is proposed that the private sector's portion of this project would be paid by the City and they would reimburse us for through special assessments.

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- Mayor Mayans Mayor Mayans stated that he looks at this project as an opportunity to work with the private sector in order to bring some solution to this area. Stated we can move in a cost effective manner and protect the people in this area. Stated he is supportive of doing something that will help that area and doing this in a coordinating way with the City and the developers. Stated there has to be further discussions to educate the community as to why this is important.
- Council Member Brewer Council Member Brewer stated this is a great project and he would like to see it happen. Stated the big question is the flooding issue and the City has come up with some type of plan to figure how to run it off to the detention pond. Asked if staff has asked the Corps of Engineers if there is some way to make sure they do not flood those areas and where they can control and watch where the runoff will actually go and route it to other places.
- Chris Carrier Public Works Director stated after the Halloween flood on the Cowskin Creek basin, staff contracted with the U.S. Army Corp of Engineers to do what they call a section 205 project study. Stated they looked at the entire Cowskin Creek basin and many different projects that could be done in that basin. Stated they go through a process of cost benefit analysis to determine whether or not projects are justified to do and it was their conclusion that the only project in the Cowskin Creek basin that includes this area, they could participate in with federal money was the channel improvement from Kellogg to Maple. Stated we are approaching 10 years since that flood and has just recently gotten word that funding has been approved to construct that project and staff is in the final stages of right-of-way acquisitions. Stated that was the only project that came out of that request to the Corp. Stated the biggest thing they found that they need to do is public education to tell people what flood plains are and whether you area in one or not. Stated there are a lot of misconceptions people have about this.
- Council Member Skelton Council Member Skelton stated the City uses public funds for drainage projects all the time and in this case it is important to realize that when we do use public funds, there is a larger public benefit here.
- (Mayor Mayans momentarily absent. Vice-Mayor Gray in the chair)
- Tim Austin Mr. Austin stated he is with Poe and Associates and he is here as an agent for Bruce Pearson, who is one of the parties to the developers agreement. Stated this project was conceived almost six years ago and has been a long road to get to this point but believe that they have developed a win-win situation. Stated the proposal today is just a business arrangement and there are questions that the neighbors adjacent to this property have relative to the technical aspects of it. Stated they will commit to working with them and trying to address that. Stated they have had on-going dialogue with some of those individuals for a period of four years and there are a lot of questions and they feel that they have gotten a solution that addresses all of the questions that have been raised. Stated the business arrangement in terms of the developer's agreement, the solution that is presented makes sense from a technical and economic standpoint. Stated one thing to keep in mind is that not only are the developer's putting in dollars to this project but they are also putting in the value and cost of the land of the 54 acres that saves the City any future land acquisition costs. Stated if you took the development out of the equation you would not have the land but still have all of the construction costs of creating the detention, whether it is on this parcel or any other parcel. Stated from a construction standpoint or a cost to the City, it just makes sense for everybody involved. Stated the other costs would be the long term maintenance. Stated the Corp of Engineers typically require about a five year maintenance period for the establishment of the wetlands and the developers have agreed to bare that costs and they have allocated \$75,000.00 for a five year period, which works out to be about \$375,000.00 that the development side would guarantee those maintenance costs. Stated the private side will bare 75% of the total project cost. Stated if this goes off the table and you have to look at creating a detention elsewhere, the cost to the City goes up significantly, which would possibly exceed over \$10 million dollars.

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Hank Blasé

Mr. Blasé stated he is an attorney representing Jeff Bannon, who is a developer in this area. Stated he raised some questions last night at the DAB meeting that merit discussion today as this development agreement is being considered. Stated Mr. Carrier stated last night that at any time during this process that the City decides they want to jump out because the funds are not there or whatever, they cannot. Stated that is not the case in looking at the development agreement, which specifically states that as soon as the developer's have satisfied the five elements specifically stated that allow them to rescind the agreement, they can give the City a written notice that is the case and the City's ability to rescind the agreement is terminated for any cause. Stated this has been referred to as a letter of intent and if it is a letter of intent, then call it that and this agreement does not do that and locks the City in. Stated there are a few instances where it can be rescinded but for the most part it does lock the City in. Stated the improvement petition is attached as an exhibit but what we have is a draft petition that has not been signed and there is no petition with this agreement. Stated the indication was that the City will pay for these improvements and then specially assess them. Stated in all of the maps shown this morning, there is not a map of the improvement district. Stated what the developers are asking the City to do is to do what the developers would do anyway. Stated they agree that the drainage issues in the Cadillac Lake basin need to be resolved and they would like to participate in that resolution. Stated they would like to be a part of this development agreement but only after all of the needs of the people have been considered and the needs of the area residents have been considered. Stated this project has been ongoing for over a year, yet what you see today are just many questions. Stated there are no budget and no improvement district petition. Stated this is why this matter needs to be continued and two weeks would probably be fine in order to get all of the answers on the table. Stated in regards to the drainage study, his client submitted to the City, a list of 61 questions concerning that drainage study and only five of those questions were answered. Stated the basis for the drainage study has been denied to his client to be able to review to determine whether or not the input data was accurate enough to describe this.

Ann Johnson

Ms. Johnson resides at 2310 Chadsworth Street and stated that Chris Carrier's main concern during last night's meeting was flooding and because of that, she believes this proposal is inadequate and incomplete as it stands. Stated the long term effects of drainage into Chadsworth have not been incorporated into this plan. Stated the flow rate is being increased and they are putting pumps in people's backyards and the drainage of Cadillac Lake is being increased from 10 to 14 days and now being knocked down to 3-4 days. Stated that increase flow rate is going to increase erosion and the drainage coming out of Chadsworth has not been addressed. Stated as far as she knows, no studies specific to Chadsworth have been performed to address these issues. Stated she does not know who is going to pay the costs to reinforce the canals and the lakes in Chadsworth. Stated this does not address the oil wells in Cadillac Lake that will be damaged. Stated the developers have not done their homework on this issue. Stated the suggestion of a Town Hall meeting is a good idea but asked to have it in the evenings so that more people can attend and advertise it.

(Council Member Fearey momentarily absent)

Robert Timmons

Mr. Timmons stated he resides in the Bradford Addition and represents the Bradford Homeowners' Association on issues pertaining to drainage issues. Stated their concerns are with City policy, City notifications starting with the platting hearing. Stated appealing for public records and then being told that City policy trumps public record and that the way the process works is that if they pick up their information packet the same time the Council receives it, that the City has up to three ways to give that information to them. Stated three days from Friday would be on Wednesday and asked if a citizen of Wichita, have any rights to find out what information on an adjacent piece of property is being put forth. Stated he is also concerned with some things Mr. Carrier has stated and that he could not answer what the City of Maize's drainage policies are. Stated he is also concerned that this improvement district will be expanded and special assessments put back on the residents of Bradford and the other additions. Stated this is a back door tax for the residents to pay and they have already paid their special assessments for the storm drains. Stated they do not want to be included in this improvement district as far as the existing residents around it. Stated the City has made it very difficult to see what the mitigation plan was before it came before the City Council. Stated he received a phone call from the City at 8:30 a.m. discouraging him to come here today and that this issue had been pulled off of the agenda. Stated that the recommendation from the DAB last night was that they had no representative from DAB V and had

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many questions and their recommendation was to defer this item for 30 days to allow for a meeting between the City officials, the developer and the residents to sit down and hash out their concerns before the DAB was willing to pass this on to the City Council. Stated they are also asking for their agreements and assurances in writing from the City of Wichita so that in 10 years or more if the City becomes short of money or there are other problems, that they will be taken care of and not included in any improvement district that will be financially responsible for this project.

(Council Member Brewer momentarily absent)

Council Member Gray Council Member Gray stated that there is no intention of make the residents of Bradford or any of the adjacent neighborhoods that already exist, be a part of any financial responsibility of the benefit district. Stated there are 2,600 acres of developable property there if there is a project and if a special assessment district ever had to be defined, they could talk about doing with them but are not proposing t that today.

(Council Member Skelton momentarily absent)

Melinda Bannon Ms. Bannon stated their property is one of six parcels in the Cadillac drainage basin that has been identified by the Corp of Engineers. Stated the City of Wichita staff has worked with developers for all of those parcels with exception of theirs and the park wetland and heard last night that they have been talking with them also. Stated the parcels that are part of this agreement have been accommodated through this development agreement if approved and the parcels upstream of them will be accommodated by recent modifications to the 29th Street improvement plans. Stated they were told at a meeting that these modifications were being made to accommodate those developments, so it would be those developments drainage and detention needs as they develop. Stated they submitted a drainage plan and a development plan to the engineering department last year and that development plan would do nothing but augment the economic development proposal and the flood control and the City of Wichita staff has not responded to the viability of their project or whether or not it fits within the parameters of this drainage study. Stated the reason that was given for not responding was because they have not submitted it to the subdivision committee. Stated the reason by they have not submitted this to the subdivision committee was because the planning department had recommended to void their CUP if they would not give up their right of way for this road improvement. Stated the City will not talk to them about their development that they feel should be included in this drainage improvement district.

Jeff Bannon Mr. Bannon stated he is a landowner and a developer in this community and would like to talk about fairness. Stated he would like the opportunity to participate in this project and is willing to pay his share. Stated he has spent over \$100,000.00 of his own money on his own development trying to work and participate in this project. Stated any decision made today on this project would be premature.

Jay Schweiker Mr. Schweiker stated he is a resident of Chadsworth Addition and commented on the weakness of the agreement.

David Dennis Mr. Dennis who resides at 615 North Rainbowlake Road stated he is the Chairman Protem of DAB V and stated that they discussed these issues last night during their meeting. Stated they learned a lot last night and heard a lot from the citizens and voted last night to defer this item for the following reasons: Stated that the entire agreements have not been made available to some of the citizens or the study, which are now available to them; they learned about some wells that they were not aware of at that time that may cause problems and would like answers to that, they learned about the impact on the subdivisions such as flooding, etc; the impact of what happens due to the fact that Maize is also involved in this issue; learned about changing wetlands and possible fencing around this area and do not know the depths of this new detention pond or what the impact would be; there might be one or two pumps and they may impact the wetlands or down stream from those; and there are more wetlands that are not part of this plan today that may impact the overall decision. Stated because there is no representation for district V right now, they asked last night that the Council wait so that they could get back together and meet again to find out more about this. Stated they would like to defer this for two weeks or a month.

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- Council Member Gray Council Member Gray stated that the biggest problem he sees is that most of the issues that have surfaced today have clouded the original issue. Stated the people in Bradford and Chadsworth have concerns about flooding in their area and their area already have flooding issues today that are not the cause of any action in relationship to this property and this project is suppose to help alleviate some of those existing flooding problems. Stated this issue is not final and there have been a lot of question asked today and want answers. Stated the Council is just asking permission today to go to the Corp of Engineers so we can ask them the questions and this is just a step in the progression of finding answers to those questions people want answered. Many of these questions cannot be answered in two weeks or even 30 days and cannot be answered until we approve this project, let this move forward and let them study the issue. Stated he promises that the will not vote to support anything that puts a new tax on any of the adjacent property owners that are already living in an existing area and does not think this Council will. Stated the City will find a community benefit by paying this out of the general fund. Stated this project is critical to allowing other people to have the development opportunities to develop in the area. Stated this is good for the area and good for the people there.
- Council Member Skelton Council Member Skelton stated he sees that the City should have been in situation where they provided information to the citizens a little sooner then this but this project is going to happen and today is not the end of debate and there will be more public hearings on this issue. Stated this project needs to happen and he cannot see how a delay would change anything. Stated he plans to vote in favor of this today.
- Council Member Brewer Council Member Brewer stated the project is good for the community but recognize we have some people and the protem for DAB V have asked us to defer this for a couple of weeks to better educate themselves on it.
- Council Member Fearey Council Member Fearey stated she does know if two weeks will make a lot of difference but will err in giving our citizens what they are asking for and to get more input is important and feels like it will show that are a government that responded to them and that their input is important to us.
- Motion--carried Fearey moved to defer this item for two weeks. Motion carried 6 to 0.

JUDGE COMP.

ORDINANCE AMENDMENT-MUNICIPAL COURT JUDGE COMPENSATION.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 07-0220

Charter Ordinance No. 191 provides that the compensation of Municipal Court Judges shall be set by the City Council. The ordinance also provides that the judges will be evaluated according to procedures established by the City Council.

Pursuant to Charter Ordinance No. 191, the "City Council Policy on the Evaluation Procedures for Wichita Municipal Court Judges" provides the process for evaluating and compensating Municipal Court Judges.

The ordinance amendment provides that the Municipal Court Judges shall be eligible for all general pay adjustments and benefits provided annually or otherwise to full-time exempt City employees.

The cost of the salary increases is budgeted in the Municipal Court Budget.

The ordinance amendment addresses the Safe and Secure Community goal by providing adequate compensation for Municipal Court Judges.

The ordinance amendment was drafted and approved as to form by the City Attorney.

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Mayor Mayans

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

Motion--

Brewer moved that the ordinance amendment for general pay adjustments and salary increases for Municipal Court Judges be approved and to make it retroactive back to the first of the year because some of pay was taken from. Motion carried 6 to 0.

--carried

ORDINANCE

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, introduced and under the rules laid over.

PLANNING AGENDA

Motion--

Mayans moved that the Planning Consent items 33 to 37 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0.

--carried

CUP2006-00058

CUP2006-00058 DP 43-AMEND CUP DP-43, KINKAID COMMUNITY UNIT PLAN TO PERMIT VEHICLE AND EQUIPMENT SALES, OUTDOOR IN DP-43, PARCELS 2B AND 2C. (DISTRICT III)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 07-0210

MAPC Recommendations: Approve (6-4).

MAPD Staff Recommendations: Deny

DAB Recommendations: Denial (10-0).

The Kinkaid Community Unit Plan (CUP) is located at the southeast corner of Broadway Avenue and Pawnee Avenue and is divided into nine development parcels, with each parcel containing specific development standards. The application area is located in Parcels 2B and 2C and has a base zoning of "GC" General Commercial, but according to the CUP (General Provision #13), these two parcels, along with two other parcels in the CUP, are only allowed to be developed with any commercial use permitted by-right in the "LC" Limited Commercial District, excluding night club in city, sexually oriented business, tavern and drinking establishment. Wal-Mart owns parcels 2A, 2B, 2C and 2D out of the nine parcels within the CUP, totaling 23.73 acres of the 61.10-acre CUP, and is seeking an amendment to allow vehicle and equipment sales, outdoor, to occur on Parcels 2B and 2C. If the request is approved, Guaranteed Auto Finance, Inc. intends to purchase the site and use it for automotive retail sales and related finance company.

Parcels 2B and 2C are currently not developed and are located on the north side of the Wal-Mart parking lot.

This auto retailer would provide pre-owned, reconditioned vehicles to prospective buyers with on-site vehicle financing. The auto retailer, Auto Master, (the used vehicle retailer operated by Guaranteed Auto Finance) currently has ten other locations in Arkansas, Oklahoma and Missouri. This would be the first one in the state of Kansas. This dealership, according to their website, averages 6,000 vehicles sold a year. According to the site plan, the applicant will have approximately 120 spaces for vehicle display.

Access to the site is from Pawnee Avenue, through Wal-Mart's parking lot, and access from Broadway Avenue is also through the Wal-Mart parking lot.

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Parcel 1, located on the northwest corner of the CUP, is owned by Michaelis Real Estate and is developed with an auto parts store and restaurant. Parcels 2E and 2F, located on the west side and southwest corner of the CUP, respectively, are owned by Wichita Place I L.L.C. and are developed as vacant commercial land (2E) and a strip mall (2F). Parcel 3, located on the northeast corner of the CUP, is developed with a bank. Parcel 4 is located on the south side of the CUP, the northwest half owned by Riverwalk Apartments, and the southeast half owned by the City of Wichita, and is developed as an apartment complex.

Currently, Parcels 2B and 2C permits uses that are permitted by-right in the "LC" zone district, excluding night club in city, sexually oriented businesses, tavern and drinking establishments.

Land to the north is developed with commercial uses, and land to the south, east and west is all part of the Kinkaid CUP.

The property is a level, grass covered site with a bus stop on the south property line. Currently, there are no signs or any other architectural features on the site.

At the MAPC meeting held February 1, 2007, MAPC voted (6-4) to approve the CUP amendment. At the DAB #3 meeting held February 7, 2007, the DAB #3 voted (10-0) to deny the application.

Implementation step 9.1 (New Business Development) of the South Central Neighborhood Plan identifies steps to attract and encourage the development of new business. Within the description of step 9.1 are strategic plans explaining how there should be a "focus on improving the mix of neighborhood businesses and discourage increased use of neighborhood commercial properties for motels, used car lots and bars."

If the application is approved, the vehicle and equipment sales, outdoor use would have to follow the standards set forth in the Wichita-Sedgwick County UZC, Section III-D. (hh) "Vehicle and equipment sales, outdoor, in GC."

Two citizens spoke in opposition to the application at the MAPC meeting and many citizens spoke in opposition to the application at the DAB III meeting. The action of the MAPC to approve the request is being appealed by the Planning Director; therefore, the final decision on this case will be made by the City Council.

Promote Economic Vitality.

Council Member Skelton Council Member Skelton stated there are some factors that he would like to go over that are based on his reasons for denying this application: The performance of the requested change to the adopted and recognized comprehensive plan; the plan is not out of date and he does not see any mitigating circumstances here to speak to that non-conformity; opposition of neighborhood residents; and we have a staff recommendation that is based on all eight of the factors

Motion--carried Skelton moved to deny this request based on staff's recommendations. Motion carried 6 to 0.

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CUP2006-53

CUP2006-53 ASSOCIATED WITH ZON2006-57-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)

Agenda Report No. 07-0212

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

MAPD Staff Recommendations: Approve, subject to replatting within one year and conditions.

DAB Recommendations: Approve, subject to platting within one year, staff recommendations and consideration of relocating the exit off Norwood (6-3).

The applicant proposes to create DP-304 Koch Community Park Community Unit Plan, containing approximately 31 acres with three parcels located west of Oliver and south of K-96. The property currently is zoned "SF-5" Single-family Residential. "LC" Limited Commercial is the requested zoning for the CUP, although the uses for Parcel 1 (10.57 acres) and Parcel 2 (5.18 acres) would be restricted to those allowed by right in the "GO" General Office zoning district. All parcels would exclude many uses. A private non-profit group, Rainbows United, hopes to develop Parcel 1 with an office/child care use. No specific uses are identified for the remainder of the tract.

Maximum building coverage would be 20 percent for Parcels 1 and 2 and 30 percent for Parcel 3. Maximum gross floor area would be 35 percent for the entire CUP. Maximum building height is 35 feet for Parcels 1 and 2 and 45 feet for Parcel 3. The CUP includes architectural and site design requirements and sign restrictions. Building setbacks would be 35 feet along K-96, Oliver Avenue, Norwood Lane and most of the west property line. The setback increases to 50 feet in width to accommodate the existing hedgerow and includes a 30-foot landscape buffer for the south property line and the west property line to a point about 315 feet north of the southwest corner of the tract.

The applicant has requested a modification of the standard CUP screening requirements of a solid masonry wall between six to eight feet in height. Instead, the applicant has requested screening for the south and southwest property line to rely on the existing hedgerow combined with a screening wall or decorative fencing in areas where the landscape materials are less densely established than one tree per 20 feet of common property line. These are all to be placed in a 30-foot buffer zone. Also, a solid screening fence would be required along outdoor work and storage areas, parking lots, loading docks, playgrounds, etc. abutting residential zoning districts. The gaps would be planted with a mixture of deciduous and evergreen species at a planting size of two-inch or more calipers for deciduous trees and six to eight feet in height for evergreen trees. Also, the applicant has requested a waiver of screening requirements on the rest of the west property line. The same applicant (Koch) owns all the property west of the creek. The western boundary of the CUP lies along the East Fork Chisholm Creek Tributary #3. It is within the 100-year floodplain, and a stand of trees is located along the creek/property line. The applicant has indicated that they feel the solid masonry wall is not needed on the south and southwest line because of the use restrictions on Parcel 1 and 2 to office use and the day care facility, which are less intensive than typical LC type uses; further, the masonry wall would affect the existing hedgerow and might affect wildlife. The applicant has indicated the masonry wall is not needed on the west property line due to the large stand of trees and creek that serve as a good buffer and the fact that they own the property west of the creek.

The Wichita City Council must approve the modification in screening on the grounds that it meets the objective of the Comprehensive Plan and good planning practices are furthered, in support of the applicant's justifications previously discussed, or require the application be approved subject to complying with the standard masonry screening requirements for CUPs.

The site currently is zoned SF-5 and is in agricultural use, as is the property in the same ownership west of the creek. The property is bounded by K-96 on the north and is zoned "LI" Limited Industrial north of K-96. The property east of proposed Parcel 3 on Oliver is zoned SF-5 and is developed with suburban residences. The property east of proposed Parcel 1 is Chisholm Creek Park, zoned "MF-18" Multi-family Residential. The property south is zoned SF-5 and developed with single-family residences in the Lost Acres Addition.

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At the District I Advisory Board meeting held January 8, 2007, DAB I voted (6-3) to recommend approval of DP-304 and the zone change request to LC subject to replatting within one year and other staff recommendations plus consideration of relocating the exit off Norwood. Several citizens expressed concerns about the exit on Norwood Lane, the location of the playground on a proposed site plan for Parcel 1 near residences, and the appropriate screening and buffering of the south property line. Also, citizens asked if specific development plans were known about Parcel 3, and the agent responded that they were not.

At the MAPC meeting held January 18, 2007, staff presented a revised set of recommendations with additional land use restrictions and removal of the exit onto Norwood Lane. Citizens expressed support for removing the exit onto Norwood Lane, the possible negative effect of development on the wildlife living along the creek and at Chisholm Creek Park, and asked for more screening and buffering along the south property line. One property owner submitted pictures of homes abutting Parcel 1 showing gaps in fences and hedgerow along the residential lots and a petition asking for an eight-foot high masonry screening wall signed by approximately 80% of the residents adjoining the common property line. MAPC voted (12-0) to recommend approval of the zone change request for creation of DP-304 Koch Community Park CUP and the zone change to LC subject to platting within one year and subject to the revised conditions submitted by staff at the MAPC meeting.

No protest petitions have been received in opposition to the zone change and CUP as a project; an unofficial petition was received requesting the solid masonry wall along the south property line of Parcels 1 and 2.

The MAPC recommendation was to APPROVE, subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2006-57) to LC Limited Commercial subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-304), subject to the following conditions:
 1. Transportation improvements:
 - a. Slight modifications on the CUP drawing may be needed during platting to align the drives in this manner.
 - b. Provide petitions(s) to guarantee construction of left turn center lanes to both major entrances.
 - c. Remove the exit-only access onto Norwood Lane.
 2. Revise General Provision #7E to include "billboards." Add prohibition of building wall signage on south facades of Parcels 1 and 2 and west facades on Parcel 2.
 3. Add General Provision #9: "and away from residential areas."
 4. Revise General Provision #13 to provide solid screening for all outdoor work and storage areas, parking lots and loading docks, playground, etc. from residential zoning districts.
 5. Add to General Provision #15 "per Unified Zoning Code."
 6. Revise General Provision #18 to prohibit overhead doors facing residential zoning except on west property line and prohibit drive-in windows within 200 feet of residential zoning. Limit maximum size of any single retail use to 40,000 square feet except for a grocery store or drug store. Revise General Provision #18 to prohibit the following additional uses from parcel 3: manufactured home; accessory apartment; convalescent care facility; golf course; government service; hospital; recycling collection station; reverse vending machine; school, elementary, middle and high; utility, minor; animal care, limited; bed and breakfast inn; broadcasting/recording studio; car wash; construction sales and service; convenience store; hotel or motel; marine facility; recreational; medical service; night club; post office substation; recreation and entertainment, indoor, secondhand store; service station; tavern and drinking establishment; vehicle repair, limited; storage, outdoor.
 7. Revise General Provision #24 to provide pedestrian connections between buildings.
 8. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

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9. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
10. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution or ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
11. Prior to publishing the resolution or ordinance establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-304) includes special conditions for development on this property.
12. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Promote Economic Vitality and Affordable Living.

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

Motion--

Mayans moved to adopt the findings of the MAPC and approve the community unit plan and the zone change subject to replatting within one year and to place the Ordinance on first reading with publication of the Ordinance being withheld until the plat is recorded. Motion carried 6 to 0.

-- carried

ORDINANCE

Zoning 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. (ZON2006-57)

VAC2006-44

VAC2006-44-REQUEST TO VACATE A PORTION OF A PLATTED EASEMENT, GENERALLY LOCATED NORTH OF KELLOGG/US-54 AND WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 07-0213

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate a portion of a platted easement and use the vacated space to place an off-site project title sign for the adjacent subdivision. An off-site project title sign for an adjacent subdivision is permitted per 24.04.190, 6, a-i, (1)-(4) of the City of Wichita Sign Code. There are no manholes, sewer or water lines in the easement. Water and sewer are located west of the site, across Auburn Hills Street, in the Auburn Hills 15th Addition (recorded February 13, 2004). There are no franchised utilities in the easement. A portion of the easement will be retained to allow water and sewer service to the site. Properties north of the site are not platted and are not developed, with the exception of one large tract with a single-family residence. The site is Lot 1, Block A, Fellowship Addition, which was recorded with the Register of Deeds on September 22, 1994.

The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

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A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion-- Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
--carried Motion carried 6 to 0.

VAC2006-00049 **VAC2006-00049-REQUEST TO VACATE PORTIONS OF PLATTED SETBACKS, GENERALLY LOCATED SOUTHEAST OF 21ST STREET NORTH AND 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 07-0214

Staff Recommendation: Approve.
MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the east 15-feet of a platted 50-foot setback and the south 65-feet of a platted 100-foot setback; the result being 35-foot setbacks along both sides of the subject site. This case is associated with CUP2006-51 (DP-222), a proposed CUP adjustment, which includes the setback reductions and a boundary shift for Lots 1, 2, 3, 4 and 5, Block 1, the Reed Commercial Addition. The proposed boundary shifts reflect new ownership and redevelopment of the CUP. The Unified Zoning Code's minimum street side setback for a CUP is 35-feet. There are platted 20-foot utility easements in the platted setbacks that would not be affected by the proposed vacation. There appears to be a sewer line and manholes in those easements. The Reed Commercial Addition was recorded with the Register of Deeds on January 14, 2003.

The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion-- Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
--carried Motion carried 6 to 0.

MERCADO **CONTRACT FOR ARCHITECTURAL DESIGN SERVICES-"MERCADO" PUBLIC MARKET PLACE FACILITY NEAR 21ST STREET NORTH AND MARKET STREET. (DISTRICT VI)**

Agenda Report No. 07-0215

The 21st Street North Corridor Revitalization Plan has identified the goal of creating a 'Mercado' indoor/outdoor public market, in the vicinity of 21st Street North and Market Street. A preliminary business plan was prepared for the City in 2005 that evaluated and prioritized existing buildings/properties in the area of Market and 21st Street North for suitability as a 'Mercado'. However, the results of that effort did not have the benefit of architectural design schematics to complete a proper business plan pro forma analysis.

The West 21st Street CDC was formed in early 2006 as the not-for-profit entity that would develop and operate a 'Mercado'. The CDC feels that a feasibility study and preliminary pro forma needs to be done for a 'Mercado' public market facility, to assess the likelihood and/or extent of any operating shortfalls. In order to help complete that evaluation, the assistance of an architect is needed to evaluate alternative building scenarios and related construction and/or renovation costs. The successful architect will provide architectural services to support the consultant hired by the City under separate contract to undertake the feasibility study and preliminary pro forma/business plan.

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A Request for Proposals was prepared and sent to local vendors. Two consultant teams (Law/Kingdon Inc. and WDM Architects) responded with a submittal of proposal. Staff provided evaluation summaries of the two proposals received to the City Staff Screening and Selection Committee who held interviews with the two consulting teams. Following the consultant interviews, the City Staff Screening and Selection Committee determined that the Law/Kingdon Inc. is best qualified and experienced to undertake this plan. The following summarizes the strengths of the Law/Kingdon Inc. consultant team as identified by the Selection Committee:

Extensive national experience working with retail developments and pro forma associated with architectural elements of retail development.

Brings a fresh look at the proposed International Marketplace District.

Significantly lower professional hourly fees than the other proposal submitted.

Willing to work with a marketing consultant hired by the City to develop the feasibility study and preliminary pro forma.

Comfortable with an hourly not-to-exceed contractual agreement with the City.

The proposed contract with Law/Kingdon Inc. would be a negotiated contract with a not-to-exceed fee of \$50,000. In September 2006, City Council approved a bonding ordinance in the amount of \$50,000 to cover the initial design and planning phases for this project.

This project impacts two goal areas. It will help achieve the goal of creating vibrant neighborhoods, as well as the goal of promoting economic vitality.

The contract will be reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the selection of Law/Kingdon Inc. for services in preparing architectural design schematics required to complete the feasibility study for a 'Mercado' public market facility be approved; staff authorized to negotiate with Law/Kingdon Inc. a not-to-exceed contract of \$50,000 to perform the work; and the appropriate signatures authorized. Motion carried 6 to 0.

--carried

MERCADO

CONTRACT FOR FEASIBILITY AND BUSINESS PLAN SERVICES-"MERCADO" PUBLIC MARKET PLACE FACILITY NEAR 21ST STREET NORTH AND MARKET STREET. (DISTRICT VI)

Agenda Report No. 07-0216

The 21st Street North Corridor Revitalization Plan has identified the goal of creating a 'Mercado' indoor/outdoor public market, in the vicinity of 21st Street North and Market Street. A preliminary business plan was prepared for the City in 2005 that evaluated and prioritized existing buildings/properties in the area of Market and 21st Street North for suitability as a 'Mercado'. However, the results of that effort were not deemed conclusive.

The West 21st Street CDC was formed in early 2006 as the not-for-profit entity that would develop and operate a 'Mercado'. The CDC feels that a feasibility study and preliminary pro forma/business plan needs to be done for a 'Mercado' public market facility, to assess the likelihood and/or extent of any operating shortfalls. In order to help complete that evaluation, the services of a financial consultant experienced with the operation of public markets is needed. This assessment is critical in order to objectively determine whether it makes financial sense for the West 21st Street CDC and the City to

A Request for Proposals was prepared and sent to local vendors. One consultant team, ERA (Economic Research Associates) responded with a submittal of proposal. The City Staff Screening and Selection Committee reviewed the ERA proposal and determined that ERA is very qualified and experienced to undertake this work. The following summarizes the strengths of the ERA (Economic Research Associates) consultant team:

National experience working with similar projects (Dallas Farmers Market Revitalization Masterplan, Market Analysis of Castroville International Marketplace Mercado Project, San Diego Mercado Study, Public Market Analysis in Quito, Ecuador).

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Project leader is bilingual, with extensive work experience with Latino communities in the United States and Latin America.
Brings an objective look at the proposed indoor/outdoor 'Mercado' market concept.
Willing to work with an architectural design consultant hired by the City in developing the feasibility study and preliminary pro forma.
Proposal falls within the \$35,000 budget range estimated for this work.

The proposed contract with ERA (Economic Research Associates) would be a negotiated contract with a not-to-exceed fee of \$35,000. The Economic Development Fund has been identified as an appropriate funding source for this project.

This project impacts two goal areas. It will help achieve the goal of creating vibrant neighborhoods, as well as the goal of promoting economic vitality.

The contract will be reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the selection of ERA (Economic Research Associates) for services in preparing the feasibility study and preliminary pro forma/business plan for a 'Mercado' public market facility be approved; staff authorized to negotiate with ERA (Economic Research Associates), a not-to-exceed contract of \$35,000 to perform the work; the use of Economic Development Funds to pay for the consultant's work authorized and the appropriate signatures authorized. Motion carried 6 to 0.

--carried

HOUSING AGENDA

COMP. UPGRADE

COMPUTER SOFTWARE UPGRADE.

Agenda Report No. 07-0217

The Wichita Housing Authority uses computer software designed specifically to support the operations of Public Housing and Section 8 housing providers. The software currently being used was purchased in 1992 and must be upgraded in order to continue meeting HUD reporting and record keeping requirements.

New software has been identified and approved by IT/IS. The estimated cost for purchase and installation of the software is \$154,027.00. IT/IS has approved Emphasys Computer Solutions (ECS) as the vendor and negotiated the attached contractual agreement for the purchase of the software and services. Section 8's share of the total expense is estimated at \$92,292.00 and Public Housing's estimated cost is \$61,735.00. Section 8 currently has \$63,383.59 in MOD Rehabilitation administrative 2007 current budget for the Section 8 Voucher program. Public Housing's share of the expense is \$61,735.00 and will come from the Capital Fund program.

SOURCE OF FUNDS

MOD Rehabilitation	\$ 63,383.59
Section 8	\$ 28,908.41
Public Housing Capital Fund	\$ 61,735.00
Total	\$154,027.00

HUD requires The Wichita Housing Authority Board's approval. The contractual agreement will be approved as to form by the Law Department.

The budget is completely funded by HUD grants and program revenues. There is no impact on the City's non-federal budget.

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Promote Economic Vitality and Affordable Living

Motion--
--carried

Inafay Grays-McClellan moved that the budget transfer and the contractual agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

AIRPORT AGENDA

CHANGE ORDER

COLONEL JAMES JABARA AIRPORT, SW AREA SITE DEVELOPMENT, CHANGE ORDER NO. 1.

Agenda Report No. 07-0218

On September 19, 2006 the Wichita Airport Authority approved a contract with Dondlinger & Sons for construction of utilities.

A change order has been prepared to modify the contracted work and adjust quantities.

The change order amount of \$8,034.54 is a deduction from the original contracted amount of \$355,714, representing a reduction of approximately two percent.

The Airport's contribution to the economic vitality of Wichita is promoted through infrastructure improvements to allow tenant development.

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

Motion--
--carried

Mayans moved that the change order be approved and the necessary signatures authorized. Motion carried 6 to 0.

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Gray

Council Member Gray requested that Darrell Downing be appointed to the MAPC and to except the resignation of Harold Warner.

Council Member Skelton

Council Member Skelton stated that he would like to talk about item 24 that was pulled off of the agenda prior to the Council Meeting (Federal Highway Administration-Transportation, Community, and System Preservation (TCSP) Program grant application)and he is going to be gone and would prefer that when this item comes back to Council that he be present and given some time to discuss this with staff and Council.

George Kolb

City Manager stated the deadline for submission of the grant is the day before the 13th Council Meeting and would like to go forward.

Council Member Skelton

Council Member Skelton stated he was told the decision was made to have a Council Meeting when he was going to be gone and he asked that if there was something that he would wish to be pulled, that they wait until he returns and he was given that assurance. Stated he does not feel that he is being given that opportunity and he has some issues with this grant.

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Mayor Mayans Mayor Mayans asked why this was not heard today.

George Kolb City Manager stated because it did not include two of the applications that they wanted to submit.

Mayor Mayans Mayor Mayans stated it appears to him the only fair thing to do is to wait until he is back for the discussion and asked to wait until the 20th agenda.

EXECUTIVE SESSION

Motion-- Mayans moved that the City Council recess at 1:15 p.m. to Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, legal advice, matters relating to the employer-employee negotiations, 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 2:00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 6 to 0.

--carried

RECONVENE The Council reconvened in the Council Chambers at 2:23 p.m.

Mayor Mayans Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved at 2:23 p.m. to adjourn the Executive Session. Motion carried 5 to 0, (Skelton absent).

Motion--carried Mayans moved at 2:24 p.m. to adjourn the Regular Meeting. Motion carried 5 to 0, (Skelton absent).

ADJOURNMENT The meeting adjourned at 2:24 p.m.

Respectfully submitted,

Karen Sublett CMC
City Clerk