

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 9, 2007
Tuesday, 9:04 A.M.

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

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

Reverend Richard Hanley from Church of the Brethren gave the invocation.

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

The Minutes of the December 19, 2006 meeting were approved 7 to 0.

PRESENTATIONS:

Distinguished Service Citation

Mayor Mayans recognized Lucille Holder for her 30 years of service with the City of Wichita and presented her with a plaque.

Presentation of "Shining Star" Award.

Mayor Mayans recognized Cindy Berner-Harris for being honored by the State Library of Kansas, which recognizes her with a Shining Star certificate of accomplishment. Vickki Stewart presented Ms. Berner-Harris with the Shining Star Certificate.

The Wichita Black Legends Alliance.

Mary Dean stated she is Chair of the Wichita Black Legends Alliance who is in partnership with the Kansas African American Museum and salutes 100 African American women (legends) in our community. Invited the community in this endeavor, which will document the historic and cultural achievements of these women and inspire future generations of African American leaders. Stated that the Wichita Black Legends Alliance would like to bring Wichita's neighborhood, corporate and civic leadership together again in remembrance of a productive past practice and only through these partnerships can we embrace the rich resource in our community and celebrate the positive contributions that will promote the expansion of the Kansas African American Museum. Stated that the Wichita Black Legends Alliance believes that the Kansas African American Museum must be embraced as a keeper of African American History in this community and the museum must become a living instrument in raising awareness of the contributions made by African American citizens of Wichita, Kansas and the depository of the accomplishments for future legends from our community. Stated that the legends have been the quiet and not so quiet framers and builders of the Wichita African American community and the knowledge of ones history provides one with a foundation on which to build greater achievements, inspired by Oprah Winfrey, a Wichita Black Legends Ball will highlight the past contributions black women have made in the development of Wichita as one of America's premier cities. Stated that the key purpose of the Wichita Black Legends Ball is to enfranchise the black community and the City of Wichita and this ball will be the evening highlight to a weekend celebration honoring the contributions of African American women. Stated that their objectives are to raise \$150,000.00, publish a Legends book to be offered at the Wichita public libraries and the U.S.D. 254 public libraries, have an exhibit of the Legends at the Kansas African American Museum, establish a mobile Legends exhibit where displayed throughout the year at U.S.D. 259 grade, middle and high schools, raise awareness and attendance at the Kansas African American Museum, additional monetary resources to build new museums, increase attendance, membership and volunteers and enfranchisement

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Dondlinger & Sons Construction - \$118,496.00

Water Distribution System to serve Turkey Creek 2nd Addition north of Pawnee, west of 119th Street West; (448-89963/735334/470007) Does not affect existing traffic. (District IV)

WBW Contractors - \$53,954.00

Wichita Transit Bus Passenger Bench & Shelter Installation, Phase I north of 47th Street South, east of 135th Street West; (472-84485/629550/629551/616004/616005) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, V, VI)

Hahner Foreman & Harness - \$173,240.60

Two-Lane Asphalt Mat on 143rd Street East, from the north line of 21st Street North to the north line of 24th Street North to serve Krug North, Krug North 2nd, & East Side Community Church 2nd Additions 143rd Street East, north of 21st Street North; (472-83979/766115/490132) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Cornejo & Sons Construction - \$152,759.70

Motion--

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

--carried

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: 56 HP Rubber Tired Tractors.

Wichita Tractor Company -\$248,250.00 (Base Bid)
No charge (Group 1/Option 1)
<-\$82,750.00> (Group 1/Option 3 Deduct)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Crawler Dozer.

Foley Equipment Company* - \$417,700.00 (Base Bid)
\$3,830.00 (Group 1 Option 1)
\$7,500.00 (Group 1 Option 4)
*One (1) Additional Unit @ Same Unit Cost Base Bid @ \$417,700.00
Add Option 1 @ 3,830.00 and Option 4 @ \$7,500.00

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Dump Trucks, Step Van, Aerial Trucks.

Altec Industries Inc* - \$78,437.00
*One (1) Additional Unit @ Same Unit Cost \$78,437.00 each

Motion-

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

--carried

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CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Cheryl L. Gehlen	Annex Lounge*	6305 East Harry
Jo Lynn Blood	Pine Bay Golf Course	6615 South Grove
Guadalupe Cordova	Chico's Restaurant*	3949 West Douglas
Annette Sneckenberg	Godfather's Pizza*	2106 North Amidon
<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Jay A. Johnson	Johnson's General Stores, Inc. #6	1003 South Seneca
Jay A. Johnson	Johnson's General Stores, Inc. #39	5400 North Meridian
Mike Hoffmann	Kwik Shop 749	2142 North Webb Road
Lethanh T. Le	Broadway Supermarket	1336 North Broadway
<u>New Establishment</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Terry L. Brown	Bear's Entertainment*	1015 South Meridian

*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 7 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) 2006 Sanitary Sewer Rehabilitation, Phase E various locations north of 31st Street South, west of Webb Road. (468-84256/620464/666583) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III) - \$354,500.
- b) Cost of Accel/Decel Lane on the south side of 21st Street North from the west property line of Oak Creek Addition to Greenwich Road to serve Oak Creek Addition south of 21st Street North, west of Greenwich. (472-84206/765935/490-048) (District II). - Total Estimated Cost \$267,120.
- c) Cost of construction of Storm Water Drain #224 to serve Avalon Park 2nd Addition north of 37th Street North, east of Tyler. (District V) (468-83750/751374/485-265) - Total Estimated Cost \$309,000.
- d) Cost of Storm Water Drain No. 265 to serve Avalon Park 3rd Addition north of 37th Street North, east of Tyler. (District V) (468-84012/751402/485-293) - Total Estimated Cost \$233,530.
- e) Cost of construction of Storm Water Drain #250 to serve The Waterfront Addition north of 13th Street North, east of Webb. (District II) (468-83950/751394/485-285) - Total Estimated Cost \$304,500.
- f) Cost of construction of Storm Water Drain #228 to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (District II) (468-83793/751405/485-296) - Total Estimated Cost \$496,080.
- g) Cost of construction of Lateral 6, Main 4, Northwest Interceptor Sewer to serve Whistling Walk Estates 2nd, 3rd, and 4th Additions (south of 13th Street North, west of 119th Street West). (District V) (468-84005/744124/480-812) - Total Estimated Cost \$232,100.

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- h) Cost of construction of Water Distribution System to serve R & P Addition (south of Harry, west of West Street). (District IV) (448-90127/735286/470-957) – Total Estimated Cost \$12,000.

Motion--carried

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

PETITION

CONSTRUCT PAVING, SANITARY SEWER, DRAINAGE AND WATER SYSTEM IMPROVEMENTS IN TYLER'S LANDING THIRD ADDITION, SOUTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 07-0001

The Petitions have been signed by three owners representing 100% of the improvement districts.

The projects will provide paving, sanitary sewer, drainage and water system improvements for a residential development located south of 37th St. North, east of Tyler.

The Petitions total \$1,497,355. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing for the construction of paving, sanitary sewer, drainage and water system improvements for a new subdivision.

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

Motion--
--carried

Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 07-001

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90104 (south of 37th St. north, east of Tyler) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-002

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90271 (south of 37th St. north, east of Tyler) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-003

Resolution of findings of advisability and resolution authorizing construction of Lateral 25, Main 19, Southwest Interceptor Sewer, 468-84064 (south of 37th St. north, east of Tyler) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 07-004

Resolution of findings of advisability and resolution authorizing improving Storm Water Sewer No. 626, 468-84298 (south of 37th St. north, east of Tyler) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-005

Resolution of findings of advisability and resolution authorizing constructing pavement on Pepper Ridge from the north line of the plat south to the north line of Conrey, on High Pt. from the west line of Pepper ridge, west to the east line of Lot 5, Block B, and on Conrey from the west line of Lot 14, Block A, west to the west line of Lot 9, Block C and on Conrey Ct. from the south line of Conrey, south to and including the cul-de-sac and that sidewalk be constructed on pepper ridge, high pt. and Conrey (south of 37th St. North, east of Tyler) 472-84263, 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-006

Resolution of findings of advisability and resolution authorizing constructing pavement on High Pt. from the east line of Lot 5, Block B, west and south to the north line of Conrey, and on Conrey from the west line of Lot 9, Block C, west to the west line of High Pt. and on High Ct. from the east line of High Pt. east to and including the cul-de-sac and that sidewalk be constructed on High pt. and Conrey (south of 37th St. North, east of Tyler) 472-84496 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

PETITION

RENOVATE BUILDING FACADE AT 154 NORTH EMPORIA, SOUTHEAST CORNER OF FIRST STREET AND EMPORIA. (DISTRICT VI)

Agenda Report No. 07-0002

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics for buildings along Douglas, between Seneca and Washington, and provide an incentive for businesses to improve their property. On August 1, 2006, the City Council expanded the program boundaries to include the Downtown Self Supporting Municipal Improvement District and other areas. Up to two facades per building can be improved with 25% of the cost up to \$15,000 per facade in the form of a forgivable loan. Mid-block buildings are limited to \$10,000 and one facade. The owner of a building located at 154 N. Emporia has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

The project has received approval of the Design Council and the Design Review Committee of the Historic Preservation Board.

The existing building is a two-story office building. The facade project will repair the masonry exterior and replace windows and doors. New awnings will be installed.

The project budget is \$91,000, with \$68,250 paid by special assessments and \$22,750 as a forgivable loan. The City Council has allocated \$761,000 for the forgivable loan component of the Facade Program. With the approval of this project, \$471,143 will be available for future projects.

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This project addresses the Dynamic Core Area goal by facilitating improvements to privately owned buildings in the Downtown area.

State Statutes provide the City Council authority to use special assessment funding for the project. The Facade Easement has been approved as to form by the Department of Law.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted; the Facade Easement approved and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 07-007

Resolution of findings of advisability and resolution authorizing construction of facade improvements at 154 North Emporia (south of 1st Street, east of Emporia) 472-84497 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

DEEDS/EASEMENTS **DEEDS AND EASEMENTS:**

- a) Grant of Easement dated December 4, 2006 from Family Video Club, Inc. over a tract of land lying in Lot, Knight Acres, Sedgwick County, Kansas, and (OCA # 607861). No Cost to City.
- b) Dedication of Access Control dated December 20, 2006 from St. Albans Episcopal Church over a tract of land lying in Lot 13, Block 2, Cottonwood Village Sixth Addition, an Addition to Wichita, Sedgwick County, Kansas, and (OCA # 607861). No Cost to City
- c) Utility Easement dated December 15, 2006 by Home Bank and Trust Company over a tract of land in Lot 1, Block 1, Home Bank and Trust Company Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- d) Sanitary Sewer Easement dated October 26, 2006 from JBC, LLC over a tract of land lying in the SW 1/4 of Section 26, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- e) Drainage Easement dated October 25, 2006 from 37th & Ridge Development Company, LLC, a Kansas Limited Liability Company and Wichita Northwest Medical Property, LLC, a Kansas Limited Liability Company over a tract of land lying in parts of Lots 2 and 3, Block A, Northridge Plaza Addition, Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- f) Sanitary Sewer Easement dated October 3, 2006 from Cheddar's Casual Cafe, Inc., over a tract of land lying in Lot 11, The Gateway Center 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- g) Waterline Easement dated October 3, 2006 from Cheddar's Casual Cafe, Inc., over a tract of land lying in Lot 11, The Gateway Center 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- h) Utility Easement dated October 18, 2006 from Slawson Commercial Properties, LLC, over a tract of land lying in Lots 1, 3, and 4, Block 1, In Oak Creek 2nd, an Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.

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- i) Drainage and Utility Easement dated November 28, 2006 from Slawson Commercial Properties, LLC, over a tract of land lying in Lots 9, 10, and 11, Block 2, and Reserve "P", Oak Creek 2nd, an Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- j) Utility Easement dated October 19, 2006 from Intrust Properties, Inc., over tracts of land lying in Lot 3, Block 2, In Oak Creek Addition, an Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- k) Utility Easement dated September 29, 2006 from Joel Associates, LLC, a Kansas Limited Liability Company, FBN Corporation, a Kansas Corporation, and MB Properties, LLC, a Kansas Limited Liability Company, over a tract of land lying in Lot 1, Harrison Park 3rd Addition, Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- l) Sanitary Sewer Easement dated September 29, 2006 from Joel Associates, LLC, a Kansas Limited Liability Company, and FBN Corporation, a Kansas Corporation, over a tract of land lying in Lot 1, Harrison Park 3rd Addition, Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- m) Drainage and Utility Easement dated October 6, 2006 from Auburn Pointe LLC, a Kansas limited liability company, over tracts of land lying in Reserve "A" and a portion of Lot1, Block 1, Auburn Hills Commercial 4th Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- n) Utility Easement dated August 8, 2006 from Nuckolls Golf, Inc., over a tract of land lying in Reserve "A", Willowbend First Addition, an Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- o) Water Line Easement dated November 15, 2006 from Clayton Kissack, over a tract of land lying within the east 1/2 of the west 1/2 of the northeast 1/4 quarter of the Northwest 1/4, Section 29, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, (OCA# 735289). No Cost to City.

Motion--carried

Mayans moved that the documents be accepted. Motion carried 7 to 0.

BOARD MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Park Commissioners Interim Meeting, October 16, 2006
District III Advisory Board, November 01, 2006
District IV Advisory Board, November 01, 2006
Wichita Public Library Monthly Report, November 2006
Board of Code Standards and Appeals, November 06, 2006
District II Advisory Board, November 06, 2006
Wichita Airport Advisory Board, November 06, 2006
Board of Park Commissioners Regular Meeting, November 13, 2006
Wichita Historic Preservation Board, November 13, 2006
Board of Electrical Appeals, November 14, 2006
Housing Advisory Board, November 15, 2006
Design Council, November 16, 2006

Motion--carried

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

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STREET CLOSURE **CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures to consider.

CLAIMS **REPORT ON CLAIMS ALLOWED FOR NOVEMBER 2006.**

<u>Name of Claimant</u>	<u>Amount</u>
AT&T Risk Management	\$972.21
Jenkinson, Marvia	\$136.00
Kimmel, Kevin	\$75.00
Lopez, Lorenzo	\$230.31
Richardson, Diane	\$100.00
Rishel, James	\$60.00
Thomas, David & Christina	\$75.00
Westar Energy	\$1,244.90

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

EXPENSE REPORT **EXPENSE FOR SENIOR MANAGEMENT FOR MONTH OF NOVEMBER 2006.**

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

GOZONES **CONTRACT WITH INTER-FAITH MINISTRIES GOZONES. (DISTRICT VI)**

Agenda Report No. 07-0003

The Park and Recreation Department offers an After School Program for children at each of its 10 Recreation Centers for children 6-15 years of age. The program runs 5 days a week, from 3:30 pm to 5:30 pm. Activities include intramural sports, game room activities, arts and crafts, active games, quiet games and some club activities. The After School Program is an opportunity for area youth to interact socially and recreate in a safe and positive atmosphere.

The Recreation Division is continuously striving to find ways to enhance and improve the programs being offered. The division has been considering enhancements to make the After School program more attractive and beneficial to the participants. Research has shown that an After School program must have multiple components, beyond just recreational activities. A successful After School program must provide educational components, nutritional snacks, homework rooms, club activities and technology opportunities.

The Department of Park and Recreation proposes collaboration with GoZones, an agency affiliated with Interfaith Ministries. This collaboration would create a six-month GoZones site at the Orchard Recreation Center (January of 2007 through June 30, 2007). The collaboration would improve the existing After School recreation program by creating a homework room, club activities (chess, model rockets, etc.) and offering some limited tutoring opportunities. GoZones would provide 65% of the funding to hire 2 additional staff for 30 hours per week. The City would fund the remaining 35%.

GoZones and Inter-Faith Ministries have secured grant funding through the AmeriCorp agency. AmeriCorp requires a 65/35 match.

Successful implementation of this pilot program could expand similar funding potential to all 10 Recreation Centers during the second half of 2007.

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Total cost to the City for the 6-month program is \$2,700. The matching funds would come from the existing General Fund already established for the Orchard Recreation Center (OCA 172208). City staff would use existing Part-Time Seasonal funding (line item -2508) to meet the match. There would be no additional impact to the City budget.

Quality of Life Goal is impacted as Park and Recreation offers an improved, multi-faceted program to more area youth. Additionally, the Economic Vitality and Affordable Goal is impacted as the department is utilizing outside funding to provide an improvement to a service by providing two additional staff that will supervise a home work room, develop special interest clubs and provide limited tutoring sessions at 35% of the total cost.

The Law Department has reviewed and approved the contract as to form. The contract will be for 6 months beginning January 1, 2007 through June 30, 2007.

Motion--
--carried

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

SUPP. AGREEMNT

SUPPLEMENTAL AGREEMENT FOR PAWNEE FROM MERIDIAN TO SENECA. (DISTRICT IV).

Agenda Report No. 07-0004

On May 4, 2004, the City entered into an Agreement with TranSystems Corporation for designing Pawnee from Meridian to Seneca. The fee was \$85,700.

TranSystems has been asked by the City to widen Glenn Street at Pawnee, which includes adding a center left turn lane. A Supplemental Agreement has been prepared to authorize the additional design services.

Payment to TranSystems for this Supplemental Agreement will be made on a lump sum basis of \$36,850, and will be paid by General Obligations Bonds.

This project addresses the Efficient Infrastructure goal by improving traffic flow through a high volume arterial street intersection.

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

Motion--
--carried

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

TREECYCLE

TREECYCLE PROGRAM.

Agenda Report No. 07-0005

In the past, Sedgwick County and the City of Wichita have partnered to operate the Christmas TreeCycle Program. This program provides site set-up, site monitoring and maintenance, Christmas tree grinding and hauling, mulch production and distribution for public use, closing down and making final site clean up. Our current agreement with the County to run this program is about to expire.

The agreement allows for continuation of the TreeCycle Program throughout the city. This agreement would be effective December 22, 2006 and will expire January 23, 2011.

There is no cost to the City. The City provides the sites for use.

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The goal impact would be Safe and Secure Community since this program improves environmental health and safety.

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

Motion--
--carried

Mayans moved that the program agreement be approved and authorize the Mayor to sign. Motion carried 7 to 0.

21st ST. IMPROV.

21ST STREET IMPROVEMENT, BETWEEN THE K-96 EXPRESSWAY AND 159TH STREET EAST. (DISTRICT II)

Agenda Report No. 07-0006

Sedgwick County has obtained Federal Funds in the amount of \$2,600,000 from the 2005 Federal Highway Bill to improve 21st Street, between the K-96 Expressway and 159th St. East. Because of the rapid pace of development within the corridor, most of the roadway has or will be soon annexed into the City of Wichita. As a result, on March 21, 2006, the City Council approved a City/County agreement that provides for the City to take over the responsibility to construct the project. The County has assigned its earmarked Federal funding in the amount of \$2,600,000 to the City. The City's responsibility is to annex the remaining roadway, provide local funding and administer construction of the project. The County's consultant engineer, Professional Engineering Consultants (PEC) completed its design work for the County at no cost to the City. Since that time, the continued platting of adjacent property, access management issues and landscape design requirements has necessitated some City design expenditures with PEC. An agreement with PEC has been prepared to authorize the additional design work.

The project will reconstruct 21st Street to provide four through lanes and landscaped medians for left turn lanes. A storm water sewer will be constructed.

The current design budget is \$50,000. An additional \$50,000 is needed for design services to cover recent changes, for a total budget of \$100,000. The funding source is General Obligation Bonds. Funding for the increased budget is available from under expenditures in the Greenwich improvement, between 27th and 29th Streets North.

This project addresses the Efficient Infrastructure goal by improving vehicular safety and capacity along an important transportation corridor.

The Design Agreement and amending Ordinance have been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Design Agreement and the revised design budget be approved; the amending Ordinance placed on First Reading and the signing of State/Federal agreements as required authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Ordinance No. 46-994 of the City of Wichita, Kansas declaring 21st St. North, between the K-96 Expressway and 159th St. East (472-84394) 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, introduced and under the rules laid over.

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CHANGE ORDER

SANITARY SEWER MAIN ALONG MERIDIAN, NORTH OF THE K-96 FREEWAY. (DISTRICT VI)

Agenda Report No. 07-0007

On February 28, 2006, the City Council approved a contract with Utility Contractors to construct a sanitary sewer main and pump station to serve an area along Meridian, north of the K-96 Freeway. Because of the presence of ground water, the project required the temporary installation of large water pumps to dewater the work area. Because of the summer drought conditions, the water level in nearby private lakes was lowered. As a result, it became necessary to divert discharge from the pumps into the lakes.

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 \$13,385 with the total paid by the Sanitary Sewer Utility. The original contract amount is \$7,111,940. This Change Order plus previous change orders represents 00.35% of the original contract amount.

This project addresses the Efficient Infrastructure goal by expanding the City's sanitary sewer 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 7 to 0.

CHANGE ORDER

RIVER CORRIDOR IMPROVEMENTS. (DISTRICT VI)

Agenda Report No. 07-0008

On April 5, 2005, the City Council approved a construction contract with Dondlinger and Sons for River Corridor improvements. A part of the work is the construction of two pedestrian bridges spanning the Arkansas River and the Little Arkansas River. In order to provide a uniform appearance, it is proposed that the bridge box segments be coated with a textured, colorized material.

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 \$13,912 with the total paid by General Obligation Bonds and Federal Grants. The original contract amount is \$20,595,000. This Change Order plus previous change orders represents 00.54% of the original contract amount.

This project addresses the Dynamic Core Area goal by enhancing the appearance and improving pedestrian access to the River Corridor.

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

Motion--
--carried

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

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PROP. ACQUIS.

ACQUISITION OF LAND AT KINKAID AND GREENWICH FOR FIRE STATION 20. (COUNTY)

Agenda Report No. 07-0009

The City Council has previously reviewed and approved the Fire Station Location Study. The study anticipates the relocation of eight existing fire stations and the construction of two new stations in the near term. One area for a new station is near the intersection of Greenwich and Pawnee.

A City staff team consisting of representatives from the Fire Department, Public Works, and City Manager's Office conducted a review of multiple sites. A site on Greenwich Road approximately 625 feet north of Pawnee has been selected pursuant to the requirements of the Fire Station Location Study. The site is at the southwest corner of Kinkaid and Greenwich. It consists of two 250 by 150 foot lots. Total site size is 75,000 square feet. The owner of the corner lot has agreed to sell his lot for \$45,000 and the owner of the interior lot will sell for \$25,000.

A budget of \$75,000 is requested. This includes \$70,000 for the acquisitions and \$5,000 for surveys, title insurance and miscellaneous closing costs. Funding for the land acquisition is included in the adopted Capital Improvement Program.

The acquisition of this parcel is necessary to ensure efficient infrastructure to serve this rapidly growing area and provide a safe and secure community.

The Law Department has approved the contract as to form.

Motion--
--carried

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

VACANT PARCEL

SURPLUS OF VACANT PARCEL AT ACADIA AND HALE. (DISTRICT V)

Agenda Report No. 07-0010

The property is legally described as Lot 9, Block 4, Country Acres 2nd Addition except the Easterly 30 feet retained for drainage. This property was originally purchased July 12, 1962 from the Country Acres Improvement District for a drainage easement. The present drainage canal is located on the Easterly 30 feet of the site. It seems that the remaining area of land, approximately 8,550 square feet, is not needed and can be declared as surplus.

All City departments have been notified and have shown no interest in the property. Since there is no interest in retaining ownership and because its costly to maintain, it appears to be in the best interest of the public to declare the property as surplus and offer it for sale to the general public.

The City will receive cash consideration for the sale of the property. The surplus and sale of this property to a private party will place additional value into the tax base.

Support vibrant neighborhoods. The lot could be developed for residential use.

Motion--
--carried

Mayans moved that the property be declared as surplus and designate it as available for sale to the general public. Motion carried 7 to 0.

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(Item 16)
REFLECTION SQ.

RENAMING OF REFLECTION SQUARE PARK. (DISTRICT I)

Agenda Report No. 07-0011

City Council Policy 13 delineates the requirements for naming public facilities "... in accordance with their intended use ...". The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration. On March 4, 2003, the City Council approved the official naming committee to be the Board of Park Commissioners.

Reflection Square Park was originally named by the City Council on May 2, 2000, because of its significance to the civil rights protests and the sit-in at the Dockum Drug Store, which were held in the area close to where the park is located.

The Wichita NAACP came to the Park Board on November 13, 2006, and requested that the park be renamed in honor of Chester I. Lewis. Mr. Lewis was a prominent leader during the civil rights movement in and around the Wichita area. He authorized the first sit-in at the Dockum drug store and served as the leader of the NAACP from 1956-1968. Mr. Lewis also sought and secured racial integration of the City's police, fire departments and its public schools.

On December 11, 2006, The Board of Park Commissioners unanimously voted, after hearing public comment, to recommend the City Council rename the park the "Chester I. Lewis Reflection Park."

The costs to the Park and Recreation department will be limited to labor for installation of a new sign and can be absorbed in the current operating budget.

Renaming the park will provide a vibrant neighborhood by giving a better sense of place in the core area.

The Board of Park Commissioners action as naming authority for park and recreation areas is consistent with the provisions of City Council Policy 13.

Council Member Brewer Council Member Brewer stated that this event had one of the items that had a significant change and impact on the efforts during the civil rights movement, when we were unsure of what was happening in our country and that was the Dockum Sit-in, which the City of Wichita is most famous for. Stated it was recognized as being the first sit-in and he is please with that we were able to be part of the history of this country and a representative for the NAACP for stepping forward and going back and recorrecting history and he is also honored that today we will be renaming this park the Chester Lewis Reflection Park. Stated that Chester Lewis was an activist in the City of Wichita and Council Member Brewer recognized his daughter who is in the audience, Brenda Davis and also recognized the president of the NAACP and the people who are here in support of this proposal.

Motion--
--carried

Brewer moved that Reflection Square Park be renamed to the "Chester I. Lewis Reflection Park."
Motion carried 7 to 0.

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ASR PROJECT

EVALUATION OF MEMBRANE FILTRATION FOR ASR PROJECT.

Agenda Report No. 07-0012

On October 3, 2000, City Council approved and instructed Staff to begin implementation of the Concept Design Plan for the Integrated Local Water Supply (ILWS) Plan. The plan identified cost-effective water resources that would be adequate to meet Wichita's water needs to the year 2050. On September 19, 2006, City Council authorized a project to evaluate membrane filtration as a treatment technology for use in the Aquifer Storage and Recovery Project.

The Purchasing Manager issued Requests for Proposals for engineering services associated with evaluating the use of membrane filtration to be submitted by October 27, 2006. Two firms responded: Burns & McDonnell and Camp Dresser & McKee. The Staff Screening and Selection Committee heard presentations on November 15, 2006, and based on proposals, unanimously recommended Camp Dresser & McKee (CDM).

Concurrent with issuing the RFP, Staff investigated the potential of doing the project in cooperation with the American Waterworks Association Research Foundation (AwwaRF). Much of the information gained from this evaluation may be applicable to other water utilities with similar needs. If it is approved by AwwaRF as a tailored collaboration, AwwaRF could contribute up to 50 percent funding. In addition to providing funding assistance, doing the study in cooperation with AwwaRF would provide third party validation and help assure regulators and the public that the filtration performance would be effective.

The CDM Contract has three components: engineering services associated with membrane filtration evaluation, an allowance for construction of facilities to operate pilot equipment, and the cost to assist Staff in preparing the application to AwwaRF for the tailored collaboration project.

The estimated cost for the membrane evaluation project is \$332,000. Not to exceed costs include engineering services at \$181,300; allowance for construction facilities at \$86,190; and the cost for preparing an application for tailored collaboration with AwwaRF for \$25,000. Additionally, the City will need to acquire pilot treatment units for the test at a rental cost of approximately \$28,000.

A budget of \$14,800,000 was authorized when the Design/Build Project to construct the ASR Water Treatment Plant was initiated on January 10, 2006. The project was completed at a cost of \$11,784,300. It is recommended that cost savings be used to fund the membrane evaluation project.

The project will help Ensure Efficient Infrastructure by assisting in the evaluation of facilities needed to provide reliable, compliant and secure utilities. Careful evaluation of new technologies will assure that the City invests appropriately in the construction of facilities required to maintain future water supply

The Law Department has approved the CDM Contract as to form. If AwwaRF offers to participate in the project, the AwwaRF Contract will be submitted to the City Council for approval.

Motion--
--carried

Mayans moved that the Contract and the use of unexpended funds from the ASR Water Treatment Plant Project be approved and the necessary signatures authorized. Motion carried 7 to 0.

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WHISTLING WALK **AMENDING RESOLUTION: SANITARY SEWER LATERAL TO SERVE THE WHISTLING WALK ESTATES ADDITIONS, SOUTH OF 13TH STREET, WEST OF 119TH STREET WEST. (DISTRICT V)**

Agenda Report No. 07-0013

On May 3, 2005, the City Council approved a Petition to construct a sanitary sewer for the Whistling Walk Estates Additions, a residential development located south of 13th, west of 119th St. West. During the design process it was determined that Lot 1, Block A, Whistling Walk Estates 3rd Addition should be removed from the improvement district because it is vacant and unlikely to ever be developed. The owner, who owns an adjacent lot, is in concurrence.

The sanitary sewer lateral does not reach the lot to be removed from the improvement district.

The project budget is unaffected.

The project addresses the Efficient Infrastructure goal by extending a sanitary sewer lateral to an existing residential development.

State Statutes provide the City Council the authority to remove property from the assessment district.

Motion--carried

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

RESOLUTION NO. 07-008

Resolution of findings of advisability and resolution authorizing construction of Lateral 6, Main 4, Northwest Interceptor Sewer (south of 13th Street, west of 119th St. West) 468-84005, 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

AIRTECHNICS **AMENDMENT OF INDUSTRIAL REVENUE BOND DOCUMENTS, AIRTECHNICS, INC. (DISTRICT II)**

Agenda Report No. 07-0014

On May 1, 2001, City Council approved the issuance IRBs in the amount of \$4.3 million for Airtechnics, Inc., a manufacturer and distributor of electronic components for the aircraft industry. The City Council also approved a 100% tax exemption for a term of five years, plus an additional five years subject to City Council review. Bond proceeds were used to finance the construction and equipping of a new manufacturing, warehouse, administrative, and sales facility located at 3851 N. Webb Road.

On February 5, 2002 and March 8, 2005, the City Council approved amendments to the Ordinances and other bond documents to restructure debt service payments in accordance with the lower interest rates agreed to between the IRB Tenants and Bondholders. Airtechnics has recently negotiated additional changes to the provisions in the bond documents that govern the calculation of interest payments that will result in a reduction in the company's borrowing costs.

Pursuant to the bond documents, the interest rate on the bonds is indexed to the prime lending rate, plus a spread over that rate. Since the date on which the IRBs were initially issued, interest rates have declined substantially. Airtechnics wishes to restructure the bonds to obtain a lower interest rate, and the institutional lenders that hold the Bonds have agreed to consent to restructuring the index and spread that determines the rate. To accomplish this, certain terms of the bond documents must be amended by means of an Ordinance.

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There is no financial impact to the City as a result of the amendment.

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

The City Attorney's Office has reviewed and approved the Ordinances and amended documents as to form.

Motion--

Mayans moved that the document amendments needed to restructure the debt services payments for each series in accordance with lower interest rates be approved and the Ordinances placed on first reading. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the execution and delivery of, and consenting to, a third amendment of a certain equipment trust indenture by and between the City of Wichita, Kansas, as issuer, and the Bank of New York Trust Company, N.A., St. Louis, Missouri, a national Banking Association, as Trustee, introduced and under the rules laid over.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the execution and delivery of, and consenting to, a third amendment of a certain real estate trust indenture by and between the City of Wichita, Kansas, as issuer, and the Bank of New York Trust Company, N.A., St. Louis, Missouri, a national banking association, as trustee, introduced and under the rules laid over.

220 S. EMPORIA

SALE OF PARKING LOT AT 220 SOUTH EMPORIA. (DISTRICT I)

Agenda Report No. 07-0015

The City owns a 35,000 square foot parking lot at the northeast corner of Emporia and English. This property is located within acquisition area identified for the new downtown arena. The parcel is currently improved with asphalt surface and is utilized as public parking.

Sedgwick County had the parcel appraised and has offered to purchase the lot from the City for the appraised value of \$350,000. The County will assemble this parcel with other properties in the area for the arena site.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will be utilized as part of a major downtown redevelopment project.

The sale of this parcel would assist in increasing neighborhood vibrancy in the downtown area.

The Law Department has approved the deed as to form.

Motion--

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

--carried

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 19, 2007)

ORDINANCE NO. 47-324

- a) Amending Ordinance, Kellogg/Rock Interchange. (District II)

An Ordinance of the City of Wichita, Kansas, amending sections 1 and 2 of ordinance no. 47-276 of the city, in order to restate the estimated cost of improvements and the manner of payment of said improvements therein authorized, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- b) ZON2006-00046-generally located south of Central and on the west side of Sheridan. (District VI)

ORDINANCE NO. 47-329

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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON2006-00046)

NEW BUSINESS

PAWNEE IMPROV.

PAWNEE IMPROVEMENT, BETWEEN 119TH STREET WEST AND MAIZE. (DISTRICT IV)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 07-0016

On January 10, 2006, the City Council approved a project to improve Pawnee, between 119th St. West and Maize. On September 12, 2006, the City Council approved a revised project budget because of increased construction costs. Since that time, Kansas Department of Transportation (KDOT) Officials have advised that the amount of Federal Transportation Grants available for the project have been reduced. As a result, additional City funding is needed. An amending Ordinance has been prepared to revise the project budget.

The project will reconstruct Pawnee to provide four through lanes and a median for left turn lanes. A new storm water sewer will be constructed.

The current budget is \$8,000,000, with \$2,900,000 paid by the City and \$5,100,000 by Federal Grants administered by KDOT. The funding source for the City share is General Obligation Bonds. The proposed revised budget is \$7,500,000, with \$3,300,000 paid by the City and \$4,200,000 paid by Federal Grants. Funding for the increased City cost is available from under expenditures in the amount of \$200,000 from the Pawnee/ McLean intersection improvement and \$200,000 from the Pawnee improvement, between Meridian and Seneca

This project addresses the Efficient Infrastructure goal by improving traffic flow through a major traffic corridor.

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

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Mayor Mayans

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

Motion--
--carried

Gray moved that the revised budget be approved; the amending Ordinance placed on First Reading and the signing of State/Federal agreements as required authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Ordinance No. 47-127 of the City of Wichita, Kansas declaring Pawnee, between 119th Street West and Maize (472-84357) 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, introduced and under the rules laid over.

(Item No. 23)
GOB & NOTE SALE

(This Item was taken up out of order. Action is shown in Agenda Order.)
GENERAL OBLIGATION BOND AND NOTE SALE.

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Report No. 07-0017

The City is offering for sale two series of general obligation temporary notes totaling \$62,093,000 (Series 218 and 219) and two series of general obligation bonds (Series 788 and 788A) in an amount not to exceed \$19,915,000 for the purpose of providing permanent financing for capital improvement projects of the City.

The proceeds from the sale of the Series 218 and 219 Improvement and Renewal Notes will be used to provide interim financing for City-at-large, improvement district projects and improvements located within the East Bank Tax Increment Financing District. Due to the nature of the improvements located within the East Bank Tax Increment Financing District, the Series 219 Renewal Notes are taxable under Federal law. The proceeds from the sale of the Series 788 and 788A Bonds will be used to permanently finance neighborhood improvements located in special improvement districts.

Sealed bids will be accepted via facsimile, walk-in sealed bids or electronically through I-Deal, LLC/PARITY Electronic Bid Submission System until 10:30 a.m. CST in the Finance Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 218 and 219 Temporary Notes will mature August 9, 2007, and will be retired using cash, the proceeds of both permanent financing bonds and renewal notes issued at that time. The Series 788 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 788A Bonds will mature serially over twenty years and will be paid from special assessments that are levied against benefited property. The Series 788 Bonds will be callable in 2014 and the Series 788A Bonds will be callable in 2017 with a 1% call premium, in accordance with the City's debt management policy.

This item impacts the Economic Vitality/Affordable Living and Internal Perspectives through the temporary and permanent financing of capital improvements and offering the City's debt obligations through competitive sale.

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

Mayor Mayans

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

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Motion--

Mayans moved to direct the opening and reading of the bids; award the sale of the Bonds and Temporary Notes; and find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction; the Bond and Note Ordinances and Resolutions be adopted and the publication of the Bond and Note Ordinances authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 07-009

A Resolution providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 218, of the City of Wichita, Kansas, in the total principal amount of \$57,703,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the City; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes and making certain other covenants and agreements with respect to the notes, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-010

A Resolution providing for the issuance of General Obligation Renewal Temporary notes, Series 219 (taxable under Federal Law), of the City of Wichita, Kansas, in the total principal amount of \$4,390,000, for the purpose of providing the necessary funds to renew the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes, and making certain other covenants and agreements with respect to the notes, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-011

A Resolution providing for the issuance of General Obligation Bonds, Series 788, of the City of Wichita, Kansas, in the total principal amount of \$14,930,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-012

A Resolution providing for the issuance of General Obligation Bonds, Series 788A, of the City of Wichita, Kansas, in the total principal amount of \$4,985,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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ORDINANCE NO. 47-325

An Ordinance authorizing and providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 218, of the City of Wichita, Kansas, in the total principal amount of \$57,703,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City; providing for the payment of the principal of and interest on the notes; and making certain other covenants and agreements with respect to the notes. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-326

An Ordinance authorizing and providing for the issuance of General Obligation Bonds Renewal Temporary Notes, Series 219 (taxable under Federal Law), of the City of Wichita, Kansas, in the total principal amount of \$4,390,000, for the purpose of providing the necessary funds to renew the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City; providing for the payment of the principal of and interest on the notes; and making certain other covenants and agreements with respect to the notes. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans

ORDINANCE NO. 47-327

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 788, of the City of Wichita, Kansas, in the total principal amount of not to exceed \$14,930,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-328

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 788A, of the City of Wichita, Kansas, in the total principal amount of not to exceed \$4,985,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. An Ordinance authorizing and providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 219 (taxable under Federal Law), of the City of Wichita, Kansas, in the total principal amount of \$4,390,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City; providing for the payment of the principal of and interest on the notes; and making certain other covenants and agreements with respect to the notes. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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UNSAFE STRUC. REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. **(DISTRICTS I, III, AND VI)**

Kurt Schroeder Office of Central Inspection reviewed the item.

Agenda Report No. 07-0018

On November 21, 2006 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on January 9, 2007.

On November 6, 2006 the Board of Code Standards and Appeals (BCSA) held a hearing on five (5) properties. The five (5) properties are listed below:

<u>Property Address</u>	<u>Council District</u>
a. 4031 East Stearman	III
b. 1421 N. Madison	I
c. 416 North Ash	I
d. 2232 North Woodland	VI
e. 2222 South Washington	III

Detailed information/analysis concerning these properties are included.

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

Pursuant to State Statute, the Resolutions were duly published twice on November 22, 2006, and November 29, 2006. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

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

Motion-- Mayans moved that the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures adopted and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of January 9, 2007; (2) the structures have been secured as of January 9, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of January 9, 2007 and will be so maintained during renovation. Motion carried 7 to 0.

--carried

RESOLUTION NO. 07-013

A Resolution finding that the structure/s legally described as Lot 17, except the South 20.93 feet more or less taken in condemnation Case A-56278 By Kansas Turnpike Authority, Block 1, Planeview Sub. No. 2, Wichita, Sedgwick County, Kansas, known as 4031 East Stearman Ct, is unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 07-014

A Resolution finding that the structure/s legally described as Lots 165,167,169,171,173 and 175, on Campbell, now Madison Avenue, Logan Addition to Wichita, Sedgwick County, Kansas, known as 1421 North Madison (Garage), is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-015

A Resolution finding that the structure/s legally described as Lot 14 and the south half of Lot 16, on Ash Avenue, Devore's Subdivision of Lot 3 in Butler and Fisher's Addition, to Wichita, Sedgwick County, Kansas, known as 416 North Ash, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-016

A Resolution finding that the structure/s legally described as south half of Lot 20 and all of Lots 22 and 24, on Armstrong Avenue, Buena Vista Subdivision in Guthrie's Addition to Wichita, Sedgwick County, Kansas, known as 2232 North Woodland, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-017

A Resolution finding that the structure/s legally described as Lots 118 and 120, on Washington Avenue, Campbell's Addition to Wichita, Sedgwick County, Kansas, known as 2222 South Washington, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

LEADING TECH.

PUBLIC HEARING AND TAX EXEMPTION REQUEST, LEADING TECHNOLOGY COMPOSITES, INC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0019

Leading Technology Composites, Inc., located at 2626 W. May in southwest Wichita, was locally formed in 1993. Since inception, Leading Technology Composites has sustained consistent growth in manufacturing parts for the aerospace industry. Leading Technology Composites recently expanded its manufacturing capacity through the acquisition of new machinery and equipment. Based on a letter of intent, Leading Technology Composites is now requesting approval of an Economic Development Tax Exemption on the manufacturing equipment in conjunction with the expansion project.

Leading Technology Composites, Inc., is a manufacturer that makes aerospace, military, and automotive composites. Leading Technology Composites produces products from raw materials to final assembly. The products they produce include vehicle and personal body armor as well as products such as oxygen drop boxes, structural carbon fiber, honeycomb doors and fairings, heat exhaust and waste ducting, interior panels, and inlet fairings and cowling. Leading Technology Composites has the ability to lay up molds, trim fixtures, and assembly jigs with total in-house control, and start to finish. From master model to finished tools, the Company's in house tooling capability allows for timely production of tooling to the highest standards of detail and conformity. The company' engineering ability includes source control drawings, CAD design, finite element analysis, and static testing.

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Leading Technology Composites process equipment is equal to even the largest structural fabrications, a computer controlled autoclave 8' in diameter by 14' in length, computer controlled over 8' by 6'8" by 24 feet, and a 24-ton heated platen press. Leading Technology Composites exports its products out of the State of Kansas via Cessna, Raytheon, BAE Systems, and Lockheed Martin.

Leading Technology Composites currently employs 32 employees. As a result of the expansion project, Leading Technology Composites will create 47 new jobs over the next five years, at an average annual salary of \$35,163. The City's Economic Development Incentive Policy requires eligible businesses to pay wages that exceed the lower of the average wage for the Company's type of business or the average of all wages in the Wichita MSA, excluding transportation equipment manufacturing. Leading Technology Composites meets this threshold.

Under the Economic Development Incentive Policy, Leading Technology Composites is eligible for the following property tax abatement:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
78.0%	New Job Creation:	Leading Technology Composites will create at least 47 new jobs.
22.0%	Capital Improvements:	Leading Technology Composites will invest at least \$1,451,195.
100.0%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.0%	Location Premium:	Leading Technology Composites is not located in the central redevelopment area.

100.0% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the Economic Development Incentive Policy, Leading Technology Composites, Inc., is eligible for a 100% tax exemption on new personal property for a five-year term.

The estimated first year taxes on the proposed \$1,451,195 expansion would be \$36,086 on personal property, based on the 2006 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$36,086 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$9,934; County/State - \$10,202; and USD 259 - \$15,948.

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

City of Wichita	2.97 to one
Sedgwick County	2.37 to one
USD 259	1.25 to one
State of Kansas	6.01 to one

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

The City Attorney's office has approved the Ordinance as to form. A notice of public hearing has been published.

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Mayor Mayans

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

Motion--

Gray moved that the public hearing, be closed; the first reading of the Ordinance granting a 100% tax exemption on the identified personal property improvements for a five year term be adopted and the Mayor authorized to sign. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance exempting property from Ad Valorem taxation for economic development purposes pursuant to 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 Leading Technology Composites, Inc., so exempted, introduced and under the rules laid over.

PRINT SOURCE

PUBLIC HEARING AND TAX EXEMPTION REQUEST, THE PRINT SOURCE, INC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0020

The Print Source, Inc. ("Print Source") is a commercial printing and graphics company formed in 1982. Print Source is experiencing growth in sales and production and, in response to an increase in production requirements, is expanding its manufacturing capacity through acquisition and renovation of the former Target Store building, located at 404 South Tracy in west Wichita. Pursuant to a letter of intent, Print Source is requesting approval of a five-plus-five year 100% Economic Development Tax Exemption on the building and its renovation in connection with the expansion project.

Print Source is a locally owned, family operated, full-service printing and graphics company. Print Source has expanded their product offerings from screen-printed decals to include business printing, container decorating, high-speed web printing, pad printing and finishing services. Print Source has developed a niche specialty of printing directly onto plastic bottles used by clients as containers of a wide variety of liquid products, using special equipment to print continuously around bottles and similar substrates. The acquisition of a larger facility will enable Print Source to manufacture the plastic containers in-house.

Print Source currently employs 59 employees and projects to add 52 new jobs over a ten-year period. Print Source's expansion includes acquisition and renovation of the 103,000 square foot building at a cost of \$2,981,044 and acquisition of new manufacturing equipment. Print Source exports 74% of all production out of Kansas via such clients as BG Products, Excel Industries, Optima Bus, and Cessna.

Under the City's Economic Development Incentive Policy, Print Source qualifies for a 100% tax exemption for the initial five-year term on the newly acquired building, plus a second five-year term subject to Council review. The former Target building has been vacant for over two years. The incentive policy normally requires a vacancy of three years; however, given the job creation and scope of the expansion, staff recommends that an exception be made to the vacancy requirement in this case. Print Source has agreed to comply with all other conditions set forth in the Economic Development Incentive Policy.

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Under the Economic Development Incentive Policy, Print Source is eligible for the following property tax abatement:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
70.00%	New Job Creation:	Print Source will create at least 52 new jobs.
32.00%	Capital Improvements:	Print Source will invest at least \$2,981,044.
102.00%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
00.00%	Location Premium:	Print Source is not located in the central redevelopment area.
100.00%	TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY	

The estimated first year taxes on the proposed \$2,981,044 expansion would be \$86,497 on real property, based on the 2006 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$86,497 of new taxes from the tax rolls. The tax exemption would be shared among the taxing entities as follows: City – \$23,813; County/State - \$24,456; and USD 259 - \$38,228.

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	1.34 to one
Sedgwick County	1.16 to one
USD 259	1.00 to one
State of Kansas	3.70 to one

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

The City Attorney's Office has approved the Ordinance as to form. A notice of public hearing has been published.

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

Council Member Skelton Council Member Skelton stated that he would be abstaining due to a conflict of interest.

(Council Member Skelton momentarily absent)

Motion-- Gray moved that the public hearing, be closed and first reading of the Ordinance granting Print Source, Inc. a 100% tax exemption on the identified real property, plus a 100% tax exemption for a second five-year term, subject to City Council approval. Motion carried 6 to 0, (Skelton not present).
--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 the Print Source, Inc., so exempted, introduced and under the rules laid over.

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PLANNING AGENDA

Motion-- Mayans moved that Planning Consent items 31-37 be approved in accordance with the
--carried recommended action shown thereon. Motion carried 7 to 0.

(Item 27)
PUD2006-02#24

PUD2006-02 #24-CREATION OF THE WAL-MART AT OLIVER PLANNED UNIT DEVELOPMENT TO ALLOW GENERAL RETAIL SALES. GENERALLY LOCATED SOUTH OF KELLOGG AVENUE, EAST OF OLIVER AVENUE. (DISTRICT III)

John Schlegel Planning Director reviewed the item.

Agenda Report No. 07-0021

MAPC Recommendations: Approve, subject to staff recommendations (12-1).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve, subject to conditions outlined by staff plus three other conditions outlined below (8-2).

The application area is 12.2 acres located southeast of the Kellogg and Oliver intersection, north of Orme and west of Bleckley. The applicants are seeking Planned Unit Development zoning (PUD-24) to allow re-development of the property for "any commercial use permitted by-right in the LC Limited Commercial district excluding: night club in the city, sexually oriented business, correctional placement residence, safety service, pawn shop, agricultural sales and service, commercial wireless communication facility, theatre and tavern and drinking establishment uses." The proposed PUD would allow up to 159,485 square feet of gross floor area or 30 percent coverage of the area of the site. It should be noted that the way the proposed use is listed, it excludes non-commercial uses such as office, public or civic or industrial, manufacturing or extractive uses that are permitted by-right in the LC district.

The expected use on the site is a Wal-Mart, however there are not any requirements within the PUD that require the site to be developed with any particular brand or company. The conceptual site plan shows a building with 135,229 square feet. The square footage is to be divided between 109,663 square feet of general retail sales and 25,566 square feet of grocery sales. The front of the building is to face west toward Oliver Street. Quik-Brik masonry having an "earth tone blend" color (orangish) along with Quik-Brik masonry pilasters having a "promenade blend" color (reddish) is to be used on the north, west and south sides of the building. The east side is to be a painted (canyon clay) smooth face brick. The facade will also have a band of "pure white" EFIS trim. General Provision 13 states that all buildings on Parcel 1 shall share uniform architectural character, color, texture and the same predominate exterior building material, with earth tone colors with a variety of textures with red and white accents.

Loading docks, a compactor and bale and pallet storage are depicted on the east side of the building (Bleckley). The loading docks, truck wells and bale and pallet storage are to be screened with 10-foot high masonry screening walls while the compactor is to be screened with an eight-foot high wall. Other work and storage areas including a garden center are to be located on the south side of the building (Orme). The garden center is to be screened from the south with four-foot eight-inch tall knee walls and 12-foot tall pilaster with black ornamental fencing and mesh panels. Building height is limited to a maximum of 40 feet.

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The parking field is primarily located between the front or west side of the building and Oliver. Additional parking is shown along both the north and south property lines. Proposed access to the site is to be allowed by five driveways; two each along the Kellogg frontage road and Orme, and one off of Oliver. Because the Kellogg frontage road is one-way to the east that makes those access drives right-in and right-out only. The two access points on Orme are shown as full movement. The applicant's site plan depicts a median located in Oliver at the Oliver access point that would make that entrance right-in and right-out as well. A traffic signal is proposed at the intersection of Orme and Oliver. If the site is developed with a Wal-Mart, they expect that there will be, on an average day, two to three trucks, but there could be as many as six to seven at busier times.

Landscaping and berms are to be placed on all four sides of the site. As depicted on the proposed plan, portions of the berms and landscaping are shown in the right-of-way. Landscaping and berms are only allowed in the right-of-way with the approval of the Traffic Engineer. As proposed, landscaping is to meet minimum landscape ordinance requirements. Height of the berms is not specified.

Height of lighting standards is limited to 25 feet or less.

Building setbacks of five to 20 feet are proposed.

As developed and zoned today, the application area is a mix of zoning including: LC Limited Commercial zoning subject to Community Unit Plan DP-261 (limited to LC uses except for a list of uses similar to the applicant's list of excluded uses), LC Limited Commercial, NR Neighborhood Retail, GO General Office, B Multi-family Residential, MF-29 Multi-family Residential and TF-3 Two-family Residential. Existing uses within the application area include: single-family, two-family and four-plex residential; vacant, freestanding and strip retail sales and vehicle sales. The area also contains platted right-of-way (East Eilerts, South Glendale and Elpyco) and utility easements. If this request is approved, these right-of-ways and easements will need to be vacated to accommodate this development proposal.

Property neighboring the application area is also a mix of zoning ranging from: LC Limited Commercial, GO General Office, MF-18 Multi-family Residential and TF-3 Two-family Residential. Existing uses are single-family residences, medial offices and retail commercial as well as vacant commercial. US Highway 54/400 is located to the north of the application area, and north of the highway is a masonry wall dividing the highway from other uses. Kellogg is a nationally significant roadway carrying both intra-city and inter-state traffic. There is also an elementary school located southwest of the corner of Orme and Oliver.

District Advisory Board (DAB) III heard this request on November 1, 2006. Over 13 citizens commented on the application. In general, they commented on: the increased traffic volume the store will generate; increased auto emissions generated by vehicles waiting at stop lights; impact on the single-family residences located south of Orme; safety of school kids crossing Oliver or unloading at Jefferson Elementary school; drainage; light pollution; Wal-Mart business practices regarding employees and competition; increased truck traffic; delivery hours and overall impact on the quality of life of nearby residents due to the scale of the project. DAB III voted 8-2 to support the request subject to conditions contained in the staff report, plus three additional conditions: carts with wheel locks are to be used; widen Orme from Oliver to Bleckley and Wal-Mart is to follow through with its offer to provide land for parking and bus unloading for Jefferson Elementary School.

District Advisory Board II heard this request on November 6, 2006. Approximately 15 people commented on the project, citing their concerns that this project would increase traffic on Oliver north of Kellogg to the point that this segment of Oliver Street would have to be widened, and the Oliver Street and Douglas intersection would have to be widened. Widening Oliver Street and improving the Oliver intersection with Douglas are viewed as having negative affects to the viability of businesses located at Oliver and Douglas, and detrimental to pedestrians and pedestrian oriented neighborhoods. Speakers also expressed concern that local independent businesses would not be able to compete with

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Wal-Mart. One speaker spoke in support of the project. DAB II recommended that the project be approved.

Wal-Mart representatives also attended neighborhood meetings held by the Dry Creek and College Hill neighborhood associations. It was reported at the DAB III meeting that the Dry Creek Neighborhood Association's official position was neutral to supportive of the request. The College Hill Neighborhood Association meeting was held on October 24, 2006, and was attended by approximately 140 people. There were expressions of both support and opposition at the meeting. It was also reported at the DAB III meeting that a majority of those in attendance at the College Hill meeting were not supportive of the request.

The Metropolitan Area Planning Commission (MAPC) heard the request on November 2, 2006. Approximately 16 speakers spoke citing many of the issues discussed at the previous DAB and neighborhood meetings. The MAPC voted 12-1 to recommend approval of the request per the requirements contained in the staff report.

When this item was heard by the City Council at its December 12, 2006, meeting, it deferred action to January 9, 2007, in order to allow the applicant additional time to address a number of issues that did not appear to be fully resolved. Staff will report on any progress made by the applicant since December 12, 2006.

Protest petitions representing 41.97 percent have been submitted. Since the percentage of protest exceeds 20 percent, a $\frac{3}{4}$ majority vote by the governing body will be required to approve the request.

Promote economic vitality and affordable living.

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

John Schlegel

Planning Director stated that he received a letter from Wal-Mart representative Robert Kaplan who is requesting a deferral of any action on this item and the letter states that Wal-Mart is committed to being a good member of the community and would like to further address concerns that have been raised by area residents and asked that the matter be deferred without a definitive hearing date so that Wal-Mart can continue to address these additional concerns. Stated that they will advise immediately upon Wal-Mart's conclusion of this process so that this matter may be set for Council consideration.

Council Member Skelton

Council Member Skelton stated that since the applicant is trying to address some of the concerns that he has raised with him, he is in support of this deferral.

Council Member Schlapp

Council Member Schlapp stated that this has been an issue that has been causing a lot of concern and interest for well over a year and any discussions she has had with Wal-Mart, she has found them to be very willing to get together with us and the community and try to mitigate some of the concerns that the neighbors have both south and north of Kellogg. Stated that the problem for her is that this has been deferred once and she feels that was a fair deferral but still has not got a proposal that seems to be at least acceptable to her. Stated if we continue to defer this, she feels that we continue to cause this to be an area of concern and feels it is only fair to the citizens, developer, and to Wal-Mart, to come to some kind of a conclusion on this, which does not mean that Wal-Mart cannot continue to work with the neighbors and go forward with this. Stated that it appears that Wal-Mart is saying that there must be some significant need to deal with the community, which would indicate there might be some significant change in that proposal and if we were to vote on this today, that would not stop Wal-Mart and the developer from going forward and dealing and coming back with those significant changes. Stated that she feels that the Council needs to vote on this today and if Wal-Mart and the developer want to continue on, that does not prohibit them from doing so.

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- Council Member Fearey Council Member Fearey stated that she agrees with Council Member Schlapp and feels that one issue is that we have elections coming up and we will definitely have one new Council Member and could have four new people sitting at the bench. Stated a deferral would put those people at a disadvantage because they would come in the middle of something whereas if we vote on this today and it passes that is that or if it is denied and they do come back, then everybody on the Council would be starting with a brand new zoning case and with new Council Members will come new District Advisory Boards, new MAPC and everybody would be starting on a level playing field at the same place. Stated that is why she would like to vote it up or down today.
- Council Member Brewer Council Member Brewer stated that we have received a lot of response and everyone has been trying to talk to both entities. Stated he knows there are some traffic issues and there is nothing there that has caused additional traffic, there is just a heavy volume of traffic in that particular area. Stated we are at a point in time where the concerns and the problems, he does not see changing even later on in the future but thinks that we need to give them an opportunity to be able to go back and reevaluate what they need to do. Stated deferring this does not solve anything and feels that the Council should go ahead vote on this today, which will give them an opportunity to address the concerns and bring it back to the Council again.
- Council Member Gray Council Member Gray stated he is in agreement with Council Member Skelton and that the Council has a historical perspective that shows that whenever an applicant ask for a deferral that we typically go along with it and he sees this case as no different. Stated this is a controversial case and has more to do with the applicant then with the location of the zoning request, which concerns him. Stated he would hate to think that the possibility exists that the Council would not grant our customary deferral that is requested by the applicant just because of who the applicant is and wants to be fair. Stated he would like to make sure that the Council stays consistent with our past practices as much as possible and he is in favor of granting the deferral.
- Council Member Skelton Council Member Skelton asked Grant Tetterman to address a circumstance that he had asked him to look into and would like to hear what he has to say.
- Grant Tetterman Mr. Tetterman of J.P. Weigand and Sons, stated that this is a complex situation in regards to 30 different properties that they have under contract and Council Member Skelton has asked him to visit with the neighbors across the street and they have done that and have hired an appraisal to be done on three houses and are in the process of getting that appraisal back, which they have not gotten back yet. Stated the developer who they have been working with has agreed to buy these houses at market value but they are still in the process of waiting for the appraisal. Stated there are some other houses across from Orme Street and they have not made those appointments and gone back to talk to those people again, which they would be wanting to do during this time frame and they are in the process of acquiring the houses to expand the Jefferson parking, which will be done through a development district, which they have been is some discussion with Allen Bell but are still in the process of formatting that and putting it together and that is the reason they are asking for the deferral. Stated they have been working on this for a couple of years and want to get it done as quickly as possible but need the chance to get these things done.
- Council Member Martz Council Member Martz stated this issue is one that concerns him because historically he has always supported deferrals but at the same time this issue has already been deferred once. Stated he is not sure who the applicant is.
- John Schlegel Planning Director stated on the application there are 26 separate property owners in this application area that are listed on the application and those are the officially listed applicants.
- Council Member Martz Council Member Martz asked if it were normally more common to withdraw instead of deferring the issue if you do not want action being taken. Stated normally what has been done is when we have an issue that comes to the Council, at that point it is ready for action to be taken either up or down and also historically we have tried not to defer an item more than once.

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- John Schlegel Planning Director stated they have the option of withdrawing the application and then reapplying later. Stated that the Council has handled a number of requests for deferral of action in the past.
- Council Member Martz Council Member Martz stated he would like to go ahead and take action either up or down since the Council has already deferred this once. Stated either withdraw completely or take action on it.
- John Schlegel Planning Director gave a brief presentation of the item to bring the Council up to date on and how events have unfolded since the last action to defer.
- Council Member Skelton Council Member Skelton stated that this is his first major zoning case in his district and that he has a lot of concerns about the properties on Orme and cannot support this today.
- Motion-- Fearey moved to deny the zoning request.
- Gary Rebenstorf Director of Law explained that based upon the protest petition it would take six votes to approve the project today and to override the recommendation of the Planning Commission would require five votes and to return the application to the MAPC would require four votes.
- carried Motion carried 5 to 2, (Nays-Gray and Mayans).

(Item 28)

ZON2006-00038

ZON2006-00038-ZONE CHANGE FROM "LI" LIMITED INDUSTRIES TO "B" MULTI-FAMILY RESIDENTIAL. GENERALLY LOCATED NORTH OF KELLOGG BETWEEN PATTIE AND LAURA. (DISTRICT I)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 07-0022

MAPC Recommendations: Approve (9-3) on October 5th, 2006, Deny (8-5) on December 7, 2006.

MAPD Staff Recommendations: Approve.

DAB Recommendations: Deny (6-3).

The application area, the Kellogg Elementary School building, is currently zoned "LI" Limited Industrial, consistent with its location along Kellogg/US-54. The applicants wish to convert the existing school building into apartments and construct additional freestanding apartments on the site. LI zoning prohibits residential use; therefore, the applicants have requested a zone change to "B" Multi-family Residential, which is considered a downzoning. B zoning permits up to 75 dwelling units per acre. The applicant could request a downzoning to any level of commercial or office zoning, which would permit residential development as well. But, the applicant wishes to restrict the redevelopment of the property to multi-family residential. "GC" General Commercial, "LC" Limited Commercial and "GO" General Office all permit 75 dwelling units per acre, equivalent to the B zoning residential density.

Most of the surrounding properties are zoned LI, with the exception of several rezonings to enable the refinancing or sale of residential properties. All immediately surrounding properties to the north and west are developed with single-family residences. East of the site, across Pattie, is a mixture of small businesses, warehousing, manufacturing, school parking and residential uses. Further east of the site, east of Lulu, is a large church complex, which has bought property in the neighborhood over time. South of the site is Kellogg/US-54, a limited access freeway. A pedestrian bridge connects this site with a residential neighborhood south of Kellogg. The greater surrounding neighborhood includes a land use mix of office, retail, manufacturing, warehousing, single and multi-family residential, churches, a children's theater and a park.

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To the north side of Waterman Street, one block north of this site, the Douglas Street corridor was rezoned in 2005 from LI to "CBD" Central Business District. Likewise, west of Washington Street, two blocks west of this site, was also rezoned in 2005 from LI to "CBD" Central Business District. The purpose of that rezoning was to enable residential development and to increase zoning flexibility for the redevelopment of older buildings within these areas.

District I Advisory Board heard this request on October 2, 2006; several small business owners and a representative of the neighborhood church spoke against the request. The DAB recommended denial by a vote of 6-3.

MAPC heard this request on October 5, 2006; several small business owners and a representative of the neighborhood church again spoke against the request. MAPC approved the request by a vote of 9-3.

WCC heard this request on November 7, 2006. The action of the council was to return the item to MAPC, to give the applicant the opportunity to meet with the neighborhood association and opposed business owners. This neighborhood association meeting was held on November 18, 2006. A formal vote was not taken at that neighborhood meeting, the president of the association is supportive of the zone change request, and the association is not opposed to the zone change.

MAPC then heard this request a second time on December 7, 2006. The neighborhood association president spoke in favor of the request; several small business owners and a representative of the neighborhood church again spoke against the request. MAPC reversed their previous decision by denying the request by a vote of 8-5.

Staff received several letters of opposition from small business owners and the neighborhood church. Forty-one formal protest petitions have been filed from small business owners and the neighborhood church that owns numerous lots in the immediate area; 10 of these protests are within the official protest calculation area. The official protest results in a 26.3% protest percentage see the protest map. A protest of greater than 20% requires the governing body to have a $\frac{3}{4}$ majority override to approve the zone change request.

Promote Economic Vitality and Affordable Living.

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

Council Member Brewer Council Member Brewer stated he heard comments from the DAB I and from some of the residents who live in that area and he believes that it is important to have affordable housing in different areas but in this case he feels that as we start looking at what is happening and what is growing in this area. Stated that he feels there will be some additional opportunities but that we need to allow room for growth. Stated this is one of the things that MAPC was looking at.

Motion-- Brewer moved that the findings of the MAPC be adopted and the zone change denied.

Council Member Fearey Council Member Fearey stated she feels that it is imperative as we have appointed a task force looking into the homeless in our community and a huge issue with homelessness is always the opportunity to move into affordable housing. Stated affordable housing does not mean "bad people" and she has recently worked through two of these situations not only in District IV and in her neighborhood association but in her neighborhood and one is less than a block and a half from her house and the other one is less than two blocks from her house. Stated that first one is open and is starting to be rented and we have got to figure out ways as a community to provide these and feels that this is an example brought to the Council by a developer who has already has a proven tract record of doing development that has added value to our community and helped very social issues that we have to look at and will be voting against the motion.

--carried

Motion carried 4 to 3, (Nays-Fearey, Mayans and Skelton).

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(Item 29)
APPEAL

APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING DEMOLITION OF STRUCTURES IN THE IMMEDIATE AREA OF THE FOOTPRINT OF THE SEDGWICK COUNTY ARENA. HPC 2006-00685, HPC2006-00686, HPC2006-00687, HPC2006-00688, HPC2006-00689, HPC2006-00690, AND HPC2006-00694. (DISTRICT I)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 07-0023

HPB Recommendation: Deny the requests for demolition of 219 S. St. Francis, 223 S. St. Francis, 233 S. St. Francis, 301 S. St. Francis, 305 S. St. Francis, 315 S. St. Francis and 310 S. Commerce.

Staff Recommendation: Overturn the decision of the Historic Preservation Board

At the December 11, 2006, Historic Preservation Board (HPB) meeting, Sedgwick County requested approval for demolition of 15 structures located within the footprint of the arena structure and its immediate surroundings. The properties are located within 500 feet of the East Douglas Avenue National Register Historic District and are subject to the Environs Review as set forth in Kansas State Statute K.S.A. 75-2715 – 75-2725 that requires projects occurring within 500 feet of a state or national register listed property or district be reviewed.

The HPB denied the demolition of seven of the 15 buildings because they did not meet Kansas State Statute Environs guidelines as follows:

Guideline #1 specifies, “The character of a historic property’s environs should be retained and preserved. The removal or alteration of distinctive buildings, structures, landscape features, spatial relationships, etc. that characterize the environs should be avoided.”

Guideline #2 specifies, “The environs of a property should be used as it has been historically or allow the inclusion of new uses that require minimal change to the environs’ distinctive materials, features, and spatial relationships.” Demolition of character-defining features or structures with no plans for compatible replacement features or structures is not recommended. Demolition of character-defining structure(s) with the intention of creating open space, such as a parking lot or park is not recommended.

These properties are listed below:

Property Address	HPB Vote
a. HPC2006-00685, 219 S. St. Francis	6-0
b. HPC2006-00686, 223 S. St. Francis	6-0
c. HPC2006-00687, 233 S. St. Francis	6-0
d. HPC2006-00688, 301 S. St. Francis	6-0
e. HPC2006-00689, 305 S. St. Francis	4-2
f. HPC2006-00690, 315 S. St. Francis	6-0
g. HPC2006-00694, 310 S. Commerce	6-0

In September 2005, the County hired Brenda Spencer, a qualified historic preservation consultant, to complete a historic building survey of the potential arena site using Kansas State Historical Society’s Historic Properties Survey to determine eligibility of listing in the Register of Historic Kansas Places and the National Register of Historic Places. The area surveyed was Douglas south to Kellogg and Market east to the Santa Fe Railroad. This survey identified buildings as either not eligible for listing or eligible for listing using a three-tier system – National Register listed buildings, buildings eligible for individual listing and buildings eligible for listing either in a district or multiple property documentation. In order to be determined eligible for individual listing, a building must be 50 years old or older and have had no major alterations. Eligibility for listing as a contributing structure within a district requires that the building be 50 years old or older and may have a few alterations, none of which can be significant. In preparing the survey, the consultant researched the Sanborn Fire Insurance Maps

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covering the years 1900 through 1959 and the historic building permit files that cover construction in the city limits from around 1912 through late 1940s.

In preparing recommendations of the historic significance of the 15 structures submitted for consideration of demolition, Historic Preservation staff researched Wichita City directories from 1920 through 1931, 1934 through 1936, 1939, 1941 through 1943 and 1951.

Two of the seven buildings were determined by the preservation consultant to be not eligible for listing. Historic Preservation staff did not find any additional information to contradict this finding and further determined that the buildings do not provide historic context for the East Douglas NR Historic District or potentially eligible historic districts. These buildings are identified as 305 S. St. Francis (HPC2006-00689) and 310 S. Commerce (HPC2006-00694). Staff recommended that the HPB find the demolition of these structures would not encroach, damage or destroy the environs of the East Douglas Avenue National Register Historic District as the environs already exhibits lack of historic context and be allowed to be demolished.

The remaining five buildings were identified by the consultant as being eligible for listing as part of district or a multiple property survey. A district listing through expansion of the East Douglas Avenue Historic District was investigated with the Kansas State Historical Society (SHPO) by the consultant and staff. Because of lack of integrity and historic context of the area immediately surrounding the district, SHPO will not support the expansion of the district. With the exception of the 400 block of South Commerce, no other potential district exists within the 2005 survey area. The other buildings identified as eligible for listing would have to be part of a multiple property survey. Multiple property surveys require a strong common historic context as well as a high level of structural integrity in order to be eligible for listing in the National Register. Another factor in consideration of listing these structures will be if another example of the building type or the work of the architect or builder exists in better condition or may be already listed in another location within the city.

Buildings identified as eligible for listing in a multiple property survey are 219 S. St. Francis (HPC2006-00685); 223 S. St. Francis (HPC2006-00686); 233 S. St. Francis (HPC2006-00687); 301 S. St. Francis (HPC2006-00688); and 315 S. St. Francis (HPC2006-00690). Although 233 S. St. Francis is designed by architect Glenn Thomas and built by Siedhoff Construction, the integrity of the building has been significantly compromised by the replacement of all original windows and doors. Since this is only a one-story building, the replacement of all of the building's windows significantly reduces its level of integrity and therefore would not qualify for listing individually. Also, better representations of both of these individuals' work are already listed in the National Register individually or within National Register historic districts within the city. Other buildings associated with Dunn Mercantile and the Dunn Family remains extant in the City and in the opinion of staff would represent a higher degree of significance. Staff recommended that the HPB find the demolition of these structures would not encroach, damage or destroy the environs of the East Douglas Avenue National Register Historic District as the environs already exhibits lack of historic context and be allowed to be demolished.

The HPB has a programmatic agreement with the State Historic Preservation Office to review applications for all properties individually listed, listed in historic districts in the state/national register of historic places or within the environs of properties listed in the state/national registers of historic places. The Council has review authority over the decision of the Historic Preservation Board, as provided for in K.S. A. 75- 2724 and the City Code Section 2.12.1023(c), and (f). In order for the City Council to overturn the decision of the HPB, all relevant factors must be considered and must find there is no "feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use."

Core Area and Neighborhood.

Motion--carried

Brewer moved to overturn the decision of the Historic Preservation Board. Motion carried 7 to 0.

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(Item 30)
APPEAL

APPEAL THE AUTHORITY OF THE HISTORIC PRESERVATION BOARD TO ISSUE CERTIFICATES OF APPROPRIATENESS REGARDING DEMOLITION OF STRUCTURES IN THE IMMEDIATE AREA OF THE FOOTPRINT OF THE SEDGWICK COUNTY ARENA. HPC2006-00693 AND HPC2006-00702. (DISTRICT I)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 07-0024

Staff Recommendation: Uphold the authority of the Historic Preservation Board to issue Certificates of Appropriateness.

At the December 11, 2006, Historic Preservation Board (HPB) meeting, Sedgwick County requested approval for demolition of 15 structures located within the footprint of the arena structure and its immediate surroundings. The properties are located within 500 feet of the East Douglas Avenue National Register Historic District and are subject to the Environs Review as set forth in Kansas State Statute K.S.A. 75-2715 – 75-2725 that requires projects occurring within 500 feet of a state or national register listed property or district be reviewed.

Sedgwick County owns three of the properties and the remaining 12 are in process of purchase negotiation or eminent domain proceedings. John Belford, Belford Electric remains the owner of record of the two structures at 600 E. Waterman and 326 S. Commerce and is appealing the authority of the HPB to take action on a property not owned by the applicant.

The HPB did review the request of Sedgwick County to allow demolition of 600 E. Waterman and 326 S. Commerce and determined the demolition of the buildings did not encroach, damage or destroy the environs of the East Douglas Avenue National Register Historic District pursuant to K.S.A. 75-2724(a) and (e)(1).

K.S.A. 75-2724(a) The state or any political subdivision of the state, or any instrumentality thereof, shall not undertake any project which will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places or the environs of such property until the state historic preservation officer has been given notice as provided herein, and an opportunity to investigate and comment upon the proposed project.

K.S.A. 7502724(e)(1) The state historic preservation officer may enter into an agreement authorizing a city or county to make recommendations or to perform any or all responsibilities of the state historic preservation officer under subsections (a), (b) and (c) if the state historic preservation officer determines that the city or county has enacted a comprehensive local historic preservation ordinance, established a local historic preservation board or commission and is actively engaged in a local historic preservation program.

The appellant has not appealed the decision of the HPB that the demolition of the structures on these two properties would not encroach upon, damage or destroy the environs of the East Douglas Avenue Historic District. The appeal challenges the authority of Sedgwick County to file an application on property of which they are not the record owner and the Historic Preservation Board to act on the application. K.S.A. 75-2724(a) clearly states that any political subdivision of the state is to give notice to the state historic preservation officer and to provide an opportunity to investigate and comment upon any proposed project that may encroach, damage or destroy any historic property listed in the state or national registers or within the environs of such property. The State Historic Preservation Office has a programmatic agreement effective through October 2010 pursuant to K.S.A. 75-2724(e)(1), which delegates the authority of the Historic Preservation Board to act on their behalf.

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Core Area and Neighborhood

Motion--
--carried

Brewer moved to find the action of the HPB to be in compliance with K.S.A. 75-2724 and affirm the authority of the Historic Preservation Board. Motion carried 7 to 0.

A07-02R

A07-02R-REQUEST BY SHONDA CHAPA, OF RAIN LINK, LLC TO ANNEX LAND GENERALLY LOCATED EAST OF WEST STREET, BETWEEN I-235 AND MACARTHUR ROAD. (DISTRICT IV)

Agenda Report No. 07-0025

The City has received a request to annex 1.62 acres of land generally located east of West Street, between I-235 and MacArthur Road. The annexation area abuts the City of Wichita to the north, east, south and west. The property owner anticipates that the proposed property will be developed with a 20,000 square foot industrial structure in the next ten years.

Land Use and Zoning: The proposed annexation consists of approximately 1.62 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north, east, south and west is zoned "LI" Limited Industrial. Property to the north, west and south is developed, while the property to the east is only partly developed, with a few scattered commercial buildings.

Public Services: There is a 16" water main along the west side of West Street across the frontage of the subject property. There are also two 1" water service lines established to the subject property. There is a 21" sewer main that is under construction in MacArthur Road from Sheridan to Blue Lake. It is being constructed in part with the intent that if these properties on either side of West Street, from MacArthur Road north to I-235, ever want or need sewer service, the public sewer laterals would be extended from this 21" sewer main in MacArthur Road.

Street System: The subject property borders West Street to the west, which is a 2-lane asphalt road. The 2006 Transportation Improvement Program and the Sedgwick County Capital Improvement Program 2006-2010 have scheduled improvements to West Street, from I-235 to 47th Street South, directly west of the subject property. The City of Wichita Capital Improvement Program (CIP) 2005-2014 does not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a five (5) to six (6) minute approximate response time from City Station No. 12, located at 3443 South Meridian. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: South View Park, a 20-acre park, is located approximately 2 1/2 miles to the southeast of the subject property and contains two tennis courts, six soccer fields, a children's play area, a restroom and two parking areas. South Lakes Park, a 250-acre park, is located approximately 2 1/2 miles southeast of the subject property and contains sixteen soccer fields, eight softball fields, one football field, three concession stands, four fishing areas and two parking areas. Osage Park, a 20-acre park, is located 1 1/2 miles to the northeast of the subject property and contains a recreation center, a small children's swimming/wading pool, two softball diamonds, two tennis courts, three horseshoe court, a basketball court, a children's play area, a restroom and two parking areas. Wildwood Park, a 10-acre park, is located 2 miles to the northeast of the subject property and contains an open shelter, two horseshoe courts, a children's play area and a wood-chip walking path.

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School District: The annexation property is part of the Unified School District 261 (Haysville School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$167,190 with a total assessed value of \$26,543. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$834 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that a 20,000 square foot industrial structure will be developed within the next ten years. The total appraised value of this development after completion is estimated at \$1,300,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$10,207 in City annual tax revenues.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over.
(A-06-02)

A07-03R

A07-03R-REQUEST BY ROB RAMSEYER, OF RITCHIE DEVELOPMENT CORP., TO ANNEX LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 21ST STREET NORTH AND 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 07-0026

The City has received a request to annex 96.69 acres of land generally located southwest of the intersection of 21st Street North and 143rd Street East. The annexation area abuts the City of Wichita to the north and west. The property owner anticipates that the proposed property will be developed with 155 single-family units in the next five years.

Land Use and Zoning: The proposed annexation consists of approximately 96.69 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north and west is almost fully developed and is zoned "SF-5" Single-Family Residential. Property to the east is primarily undeveloped and zoned "SF-20" Single-Family Residential. Property to the south is zoned both "SF-20" and "SF-5" Single-Family Residential, of which a portion of the property has been developed with the Savanna at Castle Rock Ranch Subdivision.

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Public Services: There is an existing 30" water main along 21st Street North and a 12" water line in 143rd Street East that are available to be extended into the subject property. There is an 18" sewer line on the west side of the Reed's Cove Addition reserve at the southwest corner of the subject property, but the capacity of this line is limited by lines further downstream that were installed by Sedgwick County Four Mile Creek. Plans for an interceptor are currently under design that would eliminate these limitations.

Street System: The subject property borders 21st Street to the north and 143rd Street to the east. 21st Street North and 143rd Street East have asphalt pavement with one lane running each direction. The City of Wichita Capital Improvement Program (CIP) 2005-2014, the 2006 Transportation Improvement Program and the Sedgwick County Capital Improvement Program 2006-2010 have scheduled improvements to 21st Street North from K-96 to 159th Street East, directly north of the subject property.

Public Safety: Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City Station No. 18, located at 2808 N. Webb Rd. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

Parks: The Northeast Sports Complex, a 60-acre park, is located approximately 3 miles to the northwest of the proposed annexation site and is currently being developed for youth athletics. According to the 1996 Parks and Open Space Master Plan, a potential pathway has been identified, which would run along the south line of the subject property.

School District: The annexation property is part of the Unified School District 385 (Andover School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$159,550 with a total assessed value of \$20,488. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$1,294 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 155 single-family units will be developed in the next five years. The total appraised value of this development after completion is estimated at \$49,600,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$179,140 in City annual tax revenues.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A07-03)

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ZON2004-00041

ZON2004-00041-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM "SF-5" SINGLE-FAMILY TO "GO" GENERAL OFFICE. GENERALLY LOCATED NORTH OF 29TH STREET NORTH AND WEST OF MAIZE ROAD. (DISTRICT V)

Agenda Report No. 07-0027

On October 13, 2004, the City Council approved the zone change from "SF-5" Single-Family to "GO" General Office. Approval of the request was subject to the condition of platting the property within one year.

The applicant sought and received an administrative 6-month platting extension to April 13, 2006. The applicant has initiated the platting process; their plat has been approved by the MAPC. The applicant intends to have the plat before City Council by April 13, 2007.

Staff recommends that the requested extension be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the zone change null and void and would require reapplication and rehearing if the property owner still desired a zone change.

Ensure Efficient Infrastructure.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--
--carried

Mayans moved that the extended platting deadline of April 13, 2007 be approved. Motion carried 7 to 0.

ZON2006-49

ZON2006-49-ZONE CHANGE FROM "TF-3" TWO-FAMILY RESIDENTIAL TO "GO" GENERAL OFFICE. GENERALLY LOCATED NORTH OF CENTRAL AND WEST OF GROVE, EAST OF SPRUCE STREET. (DISTRICT I)

Agenda Report No. 07-0028

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

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

DAB Recommendations: Approve, subject to staff recommendations (10-0).

The applicant requests a zone change from "TF-3" Two-family Residential to "GO" General Office on a 0.72-acre tract generally located north of Central and east of Spruce Street. The tract requested for rezoning currently is vacant.

The tract is part of an expanded site for a new, larger facility for the Hunter Health Clinic. The existing clinic and the other existing commercial buildings located on the north side of Central between Grove and Spruce will be removed for the new clinic; this property is zoned "LC" Limited Commercial. Vacant property along Grove will be incorporated into the site and already is zoned GO. This request would extend the northern boundary of GO zoning west of Grove to Spruce Street.

The surrounding property to the north and west is zoned TF-3 and mostly occupied by single-family homes, with some vacant lots scattered through the neighborhood. The abutting lot on the north of the rezoning request is a vacant lot. The property to the south of Central is the site of the Johnson Drug Store Building listed on the National Register of Historic Places. Other uses along Central include retail and office buildings and a vacant church building.

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At the District I Advisory Board meeting held December 4, 2006, DAB I voted (10-0) to recommend approval of the zone change request to GO subject to staff recommendation of replatting within one year. No citizens were present to speak on the request. At the MAPC meeting held December 7, 2006, MAPC voted (12-0) to recommend approval of the zone change request for GO subject to staff recommendation of replatting within one year. No citizens were present to speak on the request at the MAPC public hearing. No protest petitions have been received.

Promote Economic Vitality and Affordable Living.

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

Motion--

Mayans moved that the findings of the MAPC be adopted; the zone change subject to replatting within one year be approved; and the publication of the ordinance be withheld until the plat is recorded.

--carried

Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. (ZON2006-49)

CUP2006-45

CUP2006-45-ASSOCIATED WITH ZON2006-44-CREATE DP-302 KRUG SOUTH COMMUNITY UNIT PLAN; ZONE CHANGE TO "LC" LIMITED COMMERCIAL. GENERALLY LOCATED ON THE SOUTHWEST CORNER OF 21ST STREET NORTH AND 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 07-0029

MAPC Recommendations: Approve, subject to staff conditions (12-1).

MAPD Staff Recommendations: Approve, subject to conditions.

The applicant proposes to create a commercial community unit plan containing approximately 20 acres with four parcels and rezone the property to "LC" Limited Commercial. The property is located on the southwest corner of 21st Street North and 143rd Street East. Parcel 1, the largest parcel, is 12.9 acres in size and occupies the southern 500 feet of the tract; one access drive connects it to 21st Street North. Parcels 2, 3, and 4 are located directly along 21st Street North and range in size from 1.8 acres to 3.1 acres. The property was filed as a Sedgwick County zone change/community unit plan request, but was annexed to the City of Wichita October 26, 2006, thus transferring action on the request to the Wichita City Council.

Requested uses would be those allowed by right in LC except: group residence, limited and general; correctional placement residence, limited and general; parks and recreation; recycling collection station, private and public; utility, major and minor; heliport; kennel, boarding/breeding/training; night club; pawn shop; sexually oriented business; tavern and drinking establishment; wireless communication facility; cemetery; golf course; marine facility, recreational; and all industrial, manufacturing and extractive uses. Parcel 4 has been further restricted to only those uses permitted in the "NR" Neighborhood Retail district, the "GO" General Office district, animal care, limited, and recreational and entertainment, indoor. Additional features to minimize the impact on the residential properties to the north, south and west include prohibiting overhead doors and drive-through or in-car service within 100 feet of a single-family lot in any parcel and from facing south, west or north on Parcel 4.

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Maximum building coverage would be 30 percent of the land area. Maximum gross floor area would be 35 percent. Building setbacks are 35 feet on arterial streets and the south and west property lines. Buildings would have uniform architectural compatibility and shared landscape palette; parking lots would have similar or consistent lighting elements, limited to 25 feet in height, lowered to 15 feet within 100 feet of residential use. Window display signs will be limited to 25 percent of the window area. Screening walls would be located on the south and west property lines, with some flexibility for substituting landscape screening and berm for double-façade buildings abutting the drainage reserve.

Monument signage would be one sign on 21st Street North and one sign on 143rd Street East at a maximum height of 25 feet and sign face area of 150 square feet. Remaining monument signs would be a maximum height of 20 feet and sign face area of 150 square feet, except reduced to 10 feet in height and 100 square feet in sign face area for Parcel 4. The monument signs would be spaced 150 feet apart except that between the taller (25-foot) signs and adjacent signs may be allowed at 100-foot spacing. Flashing signs (except time, temperature, public service messages) moving, portable, offsite signs except advertising the Krug South Subdivision, and billboards, banners and pennants would be prohibited.

Access would be limited to one major full-movement opening onto 21st Street North and two right-in/right-out openings, and two major full-movement openings onto 143rd Street East.

The site currently is in agricultural use and is part of the Krug South Addition plat filed for this property plus the land to the south and southwest. This plat proposes approximately 160 residential lots plus this commercial tract. The property to the southeast is zoned "SF-20" Single-family Residential and to the northeast is zoned "RR" Rural Residential; current development to the southeast and northeast consists of farmsteads, agricultural tracts and large suburban tracts. A church, a small lake and a single-family subdivision, Chestnut Ridge, are located to the north/northwest on property zoned SF-5. Reed's Cove, a single-family residential subdivision is located west of the creek that borders the Krug South Addition.

At the MAPC meeting held December 7, 2006, MAPC voted (12-1) to approve subject to staff recommendation, including the staff recommendation to limit the easternmost access opening on 21st Street North to right-in/right-out only. The Traffic Engineer explained that this segment of 21st is under design as a city project. With undeveloped land, he felt it was important to adhere to the City's Access Management Policy. Prior to the meetings, staff had received several letters of opposition from residents in the subdivision north 21st Street North. At the meeting, one resident spoke on behalf of the neighborhood. She expressed concerns about existing traffic congestion on 21st Street North and urged adequate turn space be provided at entrances. She said concerning the rezoning, they held numerous community meetings to discuss the issues of the commercial property and its impact on their neighborhood. She said they were appreciative that Ritchie, who also was their developer, was willing to meet with them and discuss their concerns. She said the community was willing to support the rezoning in return for Ritchie's written offer to provide a landscaping plan to help buffer the commercial property from their neighborhood.

The MAPC recommendation is that the application be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2006-44) to LC Limited Commercial subject to platting of the entire property within one year;

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- B. APPROVE the Community Unit Plan (DP-302), subject to the following conditions:
1. Transportation improvements:
 - a. Revise access on 21st Street North to conform to Access Management Policy with one full movement and with eastern and western entrances on 21st Street North limited to right-in/right-out only.
 - b. Provide petition(s) to guarantee construction of left turn center lanes to all major entrances (one on 21st and two on 143rd Street East) and decel lanes into all four entrances.
 2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 3. 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.
 4. 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 establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
 5. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-302) includes special conditions for development on this property.
 6. 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.

No protest petitions have been received.

Promote Economic Vitality and Affordable Living.

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

Motion--

Mayans moved that the findings of the MAPC be adopted; the zone change subject to platting within one year the CUP be approved and to instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council. Motion carried 7 to 0.

--carried

SUB2006-88

SUB2006-88-PLAT OF SOUTHWEST PASSAGE ADDITION LOCATED ON THE SOUTH SIDE OF PAWNEE AND EAST OF 135TH STREET WEST. (DISTRICT IV)

Agenda Report No. 07-0030

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

This site, consisting of 37 lots on 26.41 acres, is located within Wichita's city limits. This site is zoned "SF-5" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for street, sanitary sewer and water improvements. A Restrictive Covenant was submitted providing for the ownership and maintenance responsibilities of the proposed reserves being platted. A Restrictive Covenant was also submitted to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

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Ensure Efficient Infrastructure.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

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

RESOLUTION NO. 07-018

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90230, (south of Pawnee, west of 119th Street West) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-019

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90231, (south of Pawnee, west of 119th Street West) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-020

Resolution of findings of advisability and resolution authorizing construction of Main 6, Cowskin Interceptor Sewer Force Main, 468-84227 (south of Pawnee, west of 119th Street West) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-021

Resolution of findings of advisability and resolution authorizing construction of Lateral 12, Main 6, Cowskin Interceptor Sewer, 468-84228 (south of Pawnee, west of 119th Street West) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-022

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 301, 468-84230, (south of Pawnee, west of 119th Street West) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 07-023

Resolution of findings of advisability and resolution authorizing constructing pavement on Monument, from the south line of 23rd Street North to the south line of (Lot 1, Block 4); Cowboy, from the east line of Monument to the east line of (Lot 1, Block 2); Red Rock, from the south end of Canyon to the east line of (Lot 1, Block 3); Canyon, from the west line of Red Rock to the west line of Monument, 472-84447, (south of Pawnee, west of 119th Street West) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2004-93

SUB2004-93-PLAT OF MESA VERDE ADDITION, LOCATED SOUTH OF 27TH STREET NORTH AND ON THE EAST SIDE OF MERIDIAN. (DISTRICT VI)

Agenda Report No. 07-0031

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of 43 lots on 10 acres, is located within Wichita's city limits. The site is zoned "SF-5" Single-family Residential District.

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

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Ensure Efficient Infrastructure.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

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

RESOLUTION NO. 07-024

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90260, 448-90260 (south of 37th Street North, east of Meridian) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-025

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90261 (south of 37th Street North, east of Meridian) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 07-026

Resolution of findings of advisability and resolution authorizing construction of Lateral 43, Submain 21, Sanitary Sewer No. 22, 468-84284 (south of 37th Street North, east of Meridian) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-027

Resolution of findings of advisability and resolution authorizing improving Storm Water Sewer No. 624, 468-84285 (south of 37th Street North, east of Meridian) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-028

Resolution of findings of advisability and resolution authorizing improving Storm Water Sewer No. 625, 468-84286 (south of 37th Street North, east of Meridian) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-029

Resolution of findings of advisability and resolution authorizing constructing pavement on Manlo from the west line of the Plat to the east line of Lot 1, Block D; on 34th St. North from the west line of the plat, east to the east line of the plat, east to the east line of Lot 6, Block D, and on Sedgwick from the south line of Manlo, south to the north line of 34th Street North, 472-84481 (south of 37th Street North, east of Meridian) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-030

Resolution of findings of advisability and resolution authorizing constructing pavement on Manlo from east line of Lot 1, Block D, east to the east line of the plat; and on 34th Street North from the east line of Lot 6, Block D, east to the south line of Manlo, 472-84482 (south of 37th Street North, east of Meridian) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-031

Resolution of findings of advisability and resolution authorizing constructing pavement on the east half of Meridian Avenue, from the south line of the Plat, north to the north line of the plat, 472-84483 (south of 37th Street North, east of Meridian) 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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AIRPORT AGENDA

Motion--
--carried

Mayans moved that Airport Consent items 38-42 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

AIRLINE USE

AIRLINE USE AGREEMENTS-SUPPLEMENTAL AGREEMENTS.

Agenda Report No. 07-0032

The Wichita Airport Authority has a uniform lease and use agreement with the passenger carrying airlines serving Wichita Mid-Continent Airport. Supplemental Agreements are included for the following airlines: AirTran, America West, American, American Eagle, Atlantic Southeast, Chautauqua, ExpressJet d/b/a Continental Express, Mesa, Northwest, Pinnacle d/b/a Northwest Airlink, Skywest, and United Airlines. The term of the current agreement expired December 31, 2006.

It is the normal practice of the Wichita Airport Authority to enter into contractual agreements with the passenger carrying airlines serving Wichita Mid-Continent Airport in order to establish a business relationship and a basis for rentals, fees, and charges. It is now necessary to renew that agreement, effective January 1, 2007. It is recommended that the agreement be renewed for one year through December 31, 2007.

The passenger carrying airlines serving Wichita Mid-Continent Airport have agreed to pay for approximately one-third of the maintenance, operation, and debt service associated with the airfield, and for approximately one-half of the cost for operation, maintenance and debt service for the terminal building. The ensuing rates and charges are determined pursuant to DOT Policy, Federal Code, U. S. Supreme Court rulings, and negotiations. The estimated annual revenue for the coming year is approximately \$4 Million.

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

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

Motion--
--carried

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

AIRPARTS CO.

AIRPARTS COMPANY-S.A. NO. 11.

Agenda Report No. 07-0033

Airparts is desirous of extending its current agreement for one additional year for the use of an office/warehouse facility located at 1991 Airport Road on Wichita Mid-Continent Airport. Airparts has occupied the space since January 1, 1996.

Airparts occupies 2,504 square feet of the subject building, which has a total area of approximately 12,135 square feet. Rockwell Collins occupies the remainder of the facility. An appraisal has been conducted by the Martens Companies to determine the fair market rental value of this facility.

Total annual rent will be \$10,952.

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

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

Motion--
--carried

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

AON SERVICE

SUBLEASE AGREEMENT-AON SERVICE CORPORATION.

Agenda Report No. 07-0034

The Wichita Airport Authority currently has an agreement with AON Service Corporation for use of a facility located at 1995 Midfield Road on Wichita Mid-Continent Airport. The term of the agreement is through August 31, 2011.

AON Service Corporation and AOPA Insurance Agency have been and are currently located in this facility. The agreement between the WAA and AON Service Corporation requires approval of any subleases. A sublease agreement has been submitted by AON Service Corporation to sublease a portion of the building to AOPA Insurance Agency.

There is no financial impact to the Wichita Airport Authority.

The Airport's contribution to the economic vitality of Wichita is promoted by utilizing existing facilities to the fullest extent.

The Law Department has approved the sublease agreement as to form.

Motion--
--carried

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

DELTA AIRLINES

AIRLINE USE AGREEMENT-DELTA AIRLINES.

Agenda Report No. 07-0035

Delta re-entered the Wichita market in September 2006, with one roundtrip per day between Wichita and Atlanta, using MD88 aircraft.

A use agreement is required for Delta Airlines to operate as a signatory passenger airline, and is offered under the same terms and conditions as those offered to other passenger-carrying airlines. At Delta's request, bankruptcy language is included in a supplemental agreement.

The use agreement establishes the basis for consistently calculating the rates that apply to signatory passenger airlines at Wichita Mid-Continent Airport. The current landing fee rate is \$2.10 per thousand pounds of maximum gross landed weight. A security deposit equal to two month's fees is required of each airline.

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

The Law Department has approved the Airline Lease and Use Agreement and Supplemental Agreement as to form.

Motion--
--carried

Mayans moved that the Agreement and Supplemental No. 1 to the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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2007 FEES/CHARGES **2007 SCHEDULE OF FEES AND CHARGES AND RESOLUTION FOR USE OF WICHITA MID-CONTINENT AIRPORT.**

Agenda Report No. 07-0036

Annually the Wichita Airport Authority (WAA) adopts a Schedule of Fees and Charges and a Resolution to establish certain rates for aviation users of Mid-Continent Airport. The fees are calculated to maintain adequate revenue streams that will cover budgeted operating and capital costs incurred to support the related functions.

The landing fee and terminal space rent rate calculations are in accordance with the methodology established in the airline/airport use agreement and its application to the adopted budget. Other aviation use fees are set to reflect market price. Rates are established through resolution for those entities that do not hold agreements with the WAA at a higher rate to reflect the lack of fixed commitment. The proposed rates have been reviewed and approved by the Wichita Airport Advisory Board. Representatives from the signatory passenger carriers at Mid-Continent have also reviewed the rates and have agreed to those which apply to their operations.

The landing fee and average terminal rates calculated for 2007 are very comparable with 2006 with a 1% decrease and 2% increase, respectively. The rates included in the Schedule of Fees and Charges are expected to produce over \$5.5 million in revenues in 2007. The rate setting methodology for 75% of those revenues is determined by lease agreements. The remainder of the use rates proposed are the same as 2006. All of the use rates can be altered at any time should that be necessary to recover costs. Rates will be retroactive to January 1, 2007.

The Airport's contribution to the economic vitality of Wichita is promoted through establishment of a rate structure, which allows the Airport to continue its operation on a self-sustaining basis.

Rates have been developed in accordance with Federal rates and charges regulations. The Resolution has been approved as to form by the Department of Law.

Motion--

Mayans moved that the Schedule of Fees and Charges and the Resolution of the Wichita Airport Authority implementing a schedule of fees and charges for passenger airlines, all to be retroactively effective to January 1, 2007 be adopted. Motion carried 7 to 0.

--carried

RESOLUTION NO. A07-001

A Resolution of the Wichita Airport Authority adopting and implementing schedule of fees and charges for passenger airlines, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

No appointments were made.

EXECUTIVE SESSION

Motion--

Mayans moved that the City Council recess into Executive Session at 10:45 a.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, legal advice, and contract negotiations; and matters relating to employer-employee negotiations, and that the Council return from Executive Session no earlier than 11:45 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

RECONVENE

The Council reconvened in the City Council Chambers at 12:08 p.m. Mayor Mayans stated that no action was taken.

Motion--carried

Mayans moved at 12:08 p.m. to close the Executive Session. Motion carried 7 to 0.

OFF-AGENDA ITEM

OFF-AGENDA ITEM-SETTLEMENT.

Motion--carried

Mayans moved that Council take up an item off the Agenda. Motion carried 7 to 0.

Motion--

Mayans moved that City Council authorize payment of \$28,500 as a full settlement of all possible claims arising out of the transactions, which are the subject of the Nelson v. McGuire Lawsuit. Motion carried 7 to 0.

--carried

(Item No. 23)

(This Item was taken up out of order. Action is shown in Agenda Order).

GO BOND/NOTE SALE GENERAL OBLIGATION BOND AND NOTE SALE.

Motion--

Mayans moved that Council take up Item 23 regarding the General Obligation Bond and Note Sale. Motion carried 7 to 0.

--carried

Motion--carried

Mayans moved at 12:12 p.m. to close the Regular Meeting. Motion carried 7 to 0.

ADJOURNMENT

The City Council meeting adjourned at 12:12 p.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

Workshop followed in the First Floor Board Room