

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 3, 2007  
Tuesday, 9:04 A.M.

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

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

Ashok Aurora, Hindu faith gave the invocation.

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

The Minutes of the regular meeting of March 27, 2007, approved 6 to 0.

## AWARDS AND PROCLAMATIONS

### **SERVICE CITATION DISTINGUISHED SERVICE CITATION-LARRY HENRY.**

Mayor Mayans acknowledged and thanked Mr. Henry for his 33 years and 4 months of service with the Department of Public Works and presented him with a plaque.

### **PROCLAMATIONS PROCLAMATIONS:**

Mayor Mayans read aloud the following Proclamations:

- Micah and Kaylin Day
- Volunteer Week

Mary K. Vaughn Director of Housing and Community Services gave a presentation on Community Development Week.

## CONSENT AGENDA

Motion--  
--carried  
Mayans moved that Consent items 1-13bf be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0.

### **BOARD OF BIDS REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 2, 2007**

Bids were opened March 30, 2007, pursuant to advertisements published on:

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

2007 Sanitary Sewer Reconstruction, Phase 4 east of Hydraulic at Lincoln Street (468-84331/620474/667592) Traffic to be maintained during construction using flagpersons and barricades. (District I)

WB Carter Construction - \$166,000.00

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2007 Condemned Sidewalk & Wheelchair Ramps north of 63rd Street South, east of 119th Street West (472-84543/132100/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District ALL)

PP & J Construction\* - \$161,380.00

\*Engineer's Estimate

2007 Contract Maintenance Thermal Crack Repair (north of 63rd Street South, east of 135th Street West) (472-84509/132720/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,IV,V)

Barkley Construction\* - \$260,800.00

\*Negotiated to Engineer's Estimate

2007 Contract Maintenance Area Concrete Phase I north of MacArthur, east of 119th Street West (472-84512/132720/620469/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District I,III,IV,VI)

Kansas Paving Company\* - \$372,800.00

\* Engineer's Estimate

Stormwater Drain #307 to serve Northgate Addition north of 53rd Street North, west of Meridian (468-84253/751445/485336) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Mies Construction - \$352,808.60 (Base Bid)

\$9,500.00 (Add Alternate# 1)

\$7,000.00 (Add Alternate #2)

\$22,000.00 (Add Alternate #3)

\$391,308.60 (Total Bid)

Onewood from the east line of the plat west to the west line of Lot 1, Block D; City View and City View Circle from the south line of Onewood, southwesterly to and including the cul-de-sac; City View Court from the west line of City View, west to and including the cul-de-sac to serve Auburn Hills 16th Addition south of Maple, west of 135th Street West (472-84393/766130/490148) Does not affect existing traffic. (District V)

Lafarge North America - \$323,995.20

Lateral 518 Southwest Interceptor Sewer to serve Pier 37 Addition south of 37th Street North, west of Ridge (468-84303/744214/480902) Does not affect existing traffic. (District V)

McCullough Excavation - \$176,900.00

Storm Water Drain #290 to serve Fox Ridge Addition north of 29th Street North, east of Maize (468-84151/751431/485322) Does not affect existing traffic. (District V)

Unruh Excavating - \$392,788.00 (Base Bid)

\$18,780.00 (Add Alternate)

\$411,568.00 (Total Bid)

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

-- carried

6 to 0.

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AIRPORT/OPERATIONS: Window Cleaning Services.

EH Technical Solutions\* - \$21,588.00

\*Estimate – Contract approved on unit cost basis.

TRANSIT AUTHORITY: Magnetic Transfer Stock.

Magnetic Ticket and Label Corp.\* - \$8,700.00

\*Estimate – Contract approved on unit cost basis.

WATER AND SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Dump trucks.

Roberts Truck Center\* – \$168,572.00 (Total Bid Group 3 w/Options 1,2,4,5 & 6)

\* (two additional dump trucks @ same unit cost)

WATER UTILITIES DEPARTMENT/CUSTOMER SERVICE DIVISION: Residential Meter and AMR Installation.

Utilities Plus\* - \$156,650.00

\*Estimate – Contract approved on unit cost basis.

Motion--  
-- carried

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 6 to 0.

## LICENSE

### APPLICATION FOR LICENSE.

<u>Renewal</u>	<u>2007</u>	<u>Location</u>
Valerie Washington	Xcitement Video	1306 East Harry

Motion--carried

Mayans moved that the application be approved. Motion carried 6 to 0.

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption On Premises)</u>
Ricky D. Morey	Morey's Deli & Keno	3316 South Broadway

<u>Renewal</u>	<u>2007</u>	<u>(Consumption Off Premises)</u>
Nuot Van Nguyen	Thai Binh Supermarket	1530 West 21st Street

<u>New</u>	<u>2007</u>	<u>(Consumption Off Premises)</u>
Michael Crowe	Pops Pickup, Inc.	1925 West 21st Street North

Motion--  
--carried

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

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## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a. Waterman Drainage & Paving Improvements, Phase 2 and 48 Inch Southeast Water Supply Line, Phase 1B - Main to Washington; Waterman Sanitary Sewer Improvements, Emporia to Commerce south of Douglas, west of Hydraulic (468-84167a/751422/633791/620473/ 485313/757001/667591) Waterman to be closed 3 blocks at a time during construction. (Districts I & II) - \$9,239,999.71
- b. Paving the south 100 feet of the north-south alley adjacent to even lots 182-188 on Wabash now Ida Avenue to serve Campbell's Addition north of Pawnee, west of Hydraulic (472-84471/766120/490138) Traffic to be maintained during construction using flagpersons & barricades. (District III) - \$22,799.18
- c. Lateral 10, Main 7 Northwest Interceptor Sewer to serve Fontana 3rd Addition north of 29th Street North, east of 119th Street West (468-83882/744219/480907) Does not affect existing traffic. (District V) - \$130,000.00
- d. Lateral 3, Main 7 Northwest Interceptor Sewer to serve Prairie Pointe & Prairie Pointe 2nd Additions north of 37th Street North, west of Maize (468-83809/744217/480905) Does not affect existing traffic. (District V) - 68,200.00
- e. Water Distribution System to serve Fontana 3rd Addition north of 29th Street North, east of 119th Street West (448-90004/735355/470028) Does not affect existing traffic. (District V) - \$98,200.00
- f. Water Distribution System to serve Prairie Pointe & Prairie Pointe 2nd Additions north of 37th Street North, west of Maize (448-89974/735353/470026) Does not affect existing traffic. (District V) - \$87,900.00
- g. Water Distribution System to serve Pier 37 Addition south of 37th Street North, west of Ridge (448-90272/735350/470023) Does not affect existing traffic. (District V) - \$122,000.00
- h. Water Distribution System to serve Terradyne West Addition north of Central, west of 159th Street East (448-90250/735340/470013) Does not affect existing traffic. (District II) - \$65,000.00
- i. Water Distribution System to serve Terradyne West Addition north of Central, west of 159th Street East (448-90251/735341/470014) Does not affect existing traffic. (District II) - \$175,000.00
- j. Water Distribution System to serve Fox Ridge Addition north of 29th Street North, east of Maize (448-90247/735339/470012) Does not affect existing traffic. (District V) - \$72,000.00
- k. Storm Water Drain #317 to serve Monarch Landing Addition (north of 21st Street North, west of 159th Street East) (468-84318/751442/485333) Does not affect existing traffic. (District II) - \$317,000.00
- l. Storm Water Drain #627 to serve Monarch Landing Addition (north of 21st Street North, west of 159th Street East) (468-84319/751443/485334) Does not affect existing traffic. (District II) - \$529,000.00

Motion--carried

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

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## PETITIONS

### PETITIONS FOR PUBLIC IMPROVEMENTS:

#### PIER 37 ADD.

#### PETITION TO CONSTRUCT A SANITARY SEWER IN PIER 37 ADDITION, SOUTH OF 37TH STREET NORTH, WEST OF RIDGE. (DISTRICT V)

Agenda Report No. 07-0294

On February 6, 2007, the City Council approved a Petition to construct a Sanitary Sewer in Pier 37 Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new commercial development located south of 37th St. North, west of Ridge.

The existing Petition totals \$183,624 with the total assessed to the improvement district. The new Petition totals \$253,624 with the total assessed to the improvement district.

This project will address the Efficient Infrastructure goal by providing sanitary sewer service to a new commercial development.

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

Motion--  
--carried

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

#### RESOLUTION NO. 07-217

Resolution of findings of advisability and resolution authorizing construction of Lateral 518, Southwest Interceptor Sewer (south of 37<sup>th</sup> Street North, west of Ridge) 468-84303 in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## STONEBRIDGE

### PETITIONS FOR SANITARY SEWERS IN STONEBRIDGE ADDITION, NORTH OF 13TH STREET, WEST OF 159TH STREET EAST. (DISTRICT II)

Agenda Report No. 07-0295

On February 14, 2006, the City Council approved Petitions to construct sanitary sewer projects in Stonebridge Addition. Based on recent bid prices, it is doubtful that there is sufficient funding in the Petition budgets to award construction contracts. The developer has submitted new Petitions with increased budgets. The signature on the new Petitions represents 100% of the improvement districts.

The projects will serve a new residential development located north of 13th Street, west of 159th St. East. A sanitary sewer main will also be built that will serve future development north of Stonebridge Addition.

The existing Petitions total \$542,000 with \$523,500 assessed to the improvement district and \$18,500 paid by the Sanitary Sewer Utility. The new Petitions total \$614,000 with \$542,000 assessed to the improvement districts and \$72,000 paid by the Sanitary Sewer Utility. The Utility share is for the cost of the sewer main that will be built to serve areas outside the improvement district.

The projects address the Efficient Infrastructure goal by providing sanitary sewer improvements required for a new residential subdivision.

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

Motion--  
--carried

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

## RESOLUTION NO. 07-218

Resolution of findings of advisability and resolution authorizing construction of Lateral 1, Main 19, Four Mile Creek Sewer (north of 13<sup>th</sup> Street, west of 159<sup>th</sup> Street East) 468-84146, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-219

Resolution of findings of advisability and resolution authorizing construction of Lateral 3, Main 19, Four Mile Creek Sewer (north of 13<sup>th</sup> Street, west of 159<sup>th</sup> Street East) 468-84148, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## **CHERYL'S HOLLOW PETITIONS TO CONSTRUCT PAVING, SANITARY SEWER, AND WATER SYSTEM IMPROVEMENTS IN CHERYL'S HOLLOW SECOND ADDITION, NORTH OF 13TH STREET, WEST OF 135TH STREET WEST. (DISTRICT V)**

Agenda Report No. 07-0296

The Petitions have been signed by one owner representing 100% of the improvement district.

The projects will provide paving, sanitary sewer and water system improvements for a residential development located north of 13th Street, west of 135th Street West.

The Petitions total \$748,000. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing for the construction of paving, sanitary sewer, 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 6 to 0.

## RESOLUTION NO. 07-220

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System No. 448-90290 (north of 13<sup>th</sup> Street, west of 135<sup>th</sup> 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 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 07-221

Resolution of findings of advisability and resolution authorizing construction of Lateral 14, Main 4, Northwest Interceptor Sewer 468-84343 (north of 13<sup>th</sup> Street, west of 135<sup>th</sup> 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 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-222

Resolution of findings of advisability and resolution authorizing constructing pavement on Kentucky Lane, from the north line of 13th St. North to the north line of (Lot 13, Block 2); Price, from the west line of Cheryl's Hollow 2nd Addition to the east line of Kentucky Lane; Hunters View, from the east line of Kentucky Lane to the east line of (Lot 1, Block 7); Autumn Ridge, from the east line of Kentucky Lane to the west line of Thoroughbred; Thoroughbred, from the north line of Hunters View to the north line of (Lot 7, Block 5); and Thoroughbred Court, from the west line of Thoroughbred to and including the cul-de-sac (Lots 14 through 19, Block 6) (north of 13th, west of 135th St. West) 472-84544 in the in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

### **KAUFFMAN BLDG. PETITION TO RENOVATE BUILDING FACADE AT 208 SOUTH MARKET, KAUFFMAN BUILDING. (DISTRICT I)**

Agenda Report No. 07-0297

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. Buildings of four stories or higher are not eligible for the forgivable loan. The owner of a building located at 208 S. Market 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 four story office building. The facade project will repair the masonry exterior; and replace windows and doors. Work on the first phase of facade work began last year in order to meet deadlines for State Tax Credits and a lease agreement with the State of Kansas. Program guidelines state that work begun prior to City Council approval is not eligible for reimbursement. The current application is for the remaining facade work.

The project budget is \$271,000 with the total paid by special assessments. Since the building falls under the high-rise category, it is not eligible for a forgivable loan.

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.

Motion--  
--carried

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

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## RESOLUTION NO. 07-223

Resolution of findings of advisability and resolution authorizing construction of façade improvements at 208 South Market (east of Market, south of William) 472-84536, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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

There were no street closures to consider.

### **PRAIRIE POINTE      AGREEMENT FOR DESIGN SERVICES FOR PRAIRIE POINTE & PRAIRIE POINTE SECOND ADDITIONS, NORTH OF 37TH STREET NORTH, WEST OF MAIZE. (DISTRICT V)**

Agenda Report No. 07-0298

The City Council approved the water, sanitary sewer, and paving improvements in Prairie Pointe and Prairie Pointe 2nd Additions on July 12, 2005.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements consisting of water, sanitary sewer, and paving in Pointe Prairie and Prairie Pointe 2nd Additions. Per Administrative Regulation 1.10, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$58,500 and will be paid by special assessments.

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

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

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

### **EXPENSES      SENIOR MANAGEMENT EXPENSES FOR THE MONTH OF FEBRUARY 2007.**

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

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## PROP. ACQUIS.

### PARTIAL ACQUISITION OF 209 SOUTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0299

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

The property is improved with a 1,650 square foot, one-story, commercial retail building. It is necessary to acquire a ten-foot strip of land, a total of 1,600 square feet, along West Street for road purposes. As a result of the take, some parking will be lost. The offer based on appraised valued was \$22,846, or \$11.00 psf on the land. The new right-of-way line would be right up against the building. The east door will open onto the right-of-way. The owner has agreed to accept \$26,765, an additional \$3,919. The additional compensation would pay to replace the east door with a window. The cost to do this is \$3,919.

The funding source for the project is General Obligation Bonds. A budget of \$34,765 is requested. This includes \$26,765 for the acquisition and \$8,000 for closing costs and title insurance.

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

The Law Department has approved the contract as to form.

Motion--  
--carried

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

## PROP. ACQUIS.

### PARTIAL ACQUISITION OF 225 SOUTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0300

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

The property is improved with a 1,650 square foot, one-story, commercial retail building. It is necessary to acquire a ten-foot strip of land, a total of 800 square feet, along West Street for road purposes. As a result of the take, some parking will be lost. The appraiser valued the take at \$8,800, or \$11.00 psf on the land. The owner has agreed to accept \$14,115, an additional \$5,315. This is a reasonable settlement for loss of parking, replacement landscaping for landscaping lost due to sign relocation and sign relocation.

The funding source for the project is General Obligation Bonds. A budget of \$14,115 is requested. This includes \$20,000 for the acquisition and \$5,885 for closing costs and title insurance.

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

The Law Department has approved the contract as to form.

Motion--  
--carried

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

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## PROP. ACQUIS.

### ACQUISITION OF 4729 WEST 21ST STREET NORTH FOR FUTURE WATER TREATMENT SITE. (DISTRICT V)

Agenda Report No. 07-0301

In 2001, the City of Wichita acquired 73 acres for the future Northwest Water Treatment and Pumping Plant between West 21st Street North and Zoo Boulevard. There is a 8.9 acre parcel used as a commercial yard between the future treatment facility site and Interstate 235. The owner recently listed the property on the open market for \$489,000. Staff recommends that they carve out 8.9 acres be acquired as a security buffer for the future Northwest Water Treatment and Pumping Plant.

County records indicate the site consists of 8.9 acres, or 387,684 square feet. The owner has agreed to sell the property to the City for \$160,000, or \$.40 per square foot. The tenant, who uses the site as a commercial yard, would continue to lease the land until construction of the treatment facility.

The funding source for the project is Northwest Water Treatment Plan – Land Acquisition (CIP W-596). A budget of \$167,000 is requested. This includes \$160,000 for the acquisition and \$7,000 for closing costs and title insurance.

This acquisition address the goal of ensuring efficient infrastructure by providing reliable water service to the Water Utility customers.

The Law Department has approved the contract as to form.

Motion--  
--carried

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

## PROP. ACQUIS.

### ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR THE EAST 13TH STREET AND NORTH MOSLEY IMPROVEMENT PROJECT. (DISTRICT VI)

Agenda Report No. 07-0302

On October 18, 2005, City Council approved a project to improve East 13th Street at Mosley. The project will provide turn lanes on 13th at Mosley. The traffic signals will be upgraded to provide left turn signal phases at all four approaches to the intersection. The project requires partial acquisition of ten tracts. City staff has not been able to reach an agreement on three parcels, located at 1360 North Mosley, 922 East 13th St. North and 934 East 13th St. North. The parcels are improved with commercial, retail buildings. All three are zoned limited commercial. They are used as an office, an auto dealership and retail warehouse/distribution facility.

The 1360 North Mosley acquisition requires a corner taking and a narrow strip of land along 13th Street, consisting of a total of 5,055 square feet. The property is improved with a specialty gas warehouse/retail building. The six foot chain link fence will need to be relocated as a result of the take. A temporary construction easement is also required. The proposed acquisition was appraised at \$14,500. This includes \$11,500, or \$2.25 per square foot for the land and \$3,000 for the fence. Though the appraiser concluded that the change in use would not change in the after condition, the owner rejected the offer suggesting a full take. A counter offer has never been provided. Staff will continue to negotiate with the owner, but due to the lack of a counter offer, it is necessary to initiate eminent domain.

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The acquisition at 922 East 13th Street North requires a corner taking at the intersection to accommodate for an ADA compliant sidewalk and to reset the traffic signal. The proposed take consists of 276 square feet and the temporary easement consists of 276 square feet. The property is improved with a 648 square foot office building, 900 square foot storage building and the site is used as a car lot. The improvements will not be impacted by the project. The proposed acquisition was appraised at \$1,350. The land itself was appraised at \$600, or \$2.25 per square foot. The appraised value includes \$750 for the relocation of the fence. The owner rejected the offer and countered at \$1,000,000, or \$55 per square foot, to purchase the 18,300 square foot property as a full take. Staff will continue to negotiate with the owner, but due to the lack of a counter offer, it is necessary to initiate eminent domain.

The 934 East 13th Street North acquisition requires a corner taking, consisting of 113 square feet, from a vacant portion of the parcel. A temporary easement is also required along the south boundary line. The property is improved with an office building. The improvements will not be impacted as a result of the project. The proposed acquisition was appraised at \$350. The land itself was appraised at \$255, or \$2.25 per square foot. The owner rejected the offer and has not provided a counter offer. Staff will continue to negotiate with the owner, but due to the lack of a counter offer, it is necessary to initiate eminent domain.

The cost of this acquisition will be paid for by the City at large.

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

The Law Department has approved the resolution and ordinance as to form.

Motion--

Mayans moved that the resolution be adopted and the ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition placed on first reading. Motion carried 6 to 0.

--carried

## RESOLUTION NO. 07-224

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with the planned East 13<sup>th</sup> Street and North Mosley Street Improvement Project, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of the planned east 13th Street and North Mosley road improvement project in the city of Wichita, Sedgwick county, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the district court of Sedgwick county, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, , introduced and under the rules laid over.

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## SW PASSAGE

### PAYMENT OF FY 2007 DUES TO SOUTHWEST PASSAGE INITIATIVE FOR REGIONAL AND INTERSTATE TRANSPORTATION (S.P.I.R.I.T.)

Agenda Report No. 07-0303

S.P.I.R.I.T. is an organization, headquartered in Liberal, KS, that advocates for the widening of U.S. 54 from Wichita to El Paso, TX. Its membership includes the states of Kansas, Oklahoma, New Mexico and Texas, as well as numerous counties and cities through which U.S. 54 passes. Their goal is to have a four-lane facility from the Mexican border to Wichita.

The City Council elected to support them in 2006. They have sent an invoice of \$5,000.00 for FY 2007 dues.

Last year's dues were paid out of the Economic Development Fund, and it would be appropriate to pay this year's dues out of the same fund.

This action will support the goal of promoting economic vitality.

There are no legal considerations.

Motion--  
--carried

Mayans moved that the payment of FY 2007 Dues to Southwest Passage Initiative for Regional and Interstate Transportation (S.P.I.R.I.T.) be approved. Motion carried 6 to 0.

## HOUSING PROG.

### AFFORDABLE HOUSING PROGRAM AGREEMENT. (DISTRICT I)

Agenda Report No. 07-0304

In 2004, the 21st Century Coalition (21CC) applied for funds for a home repair program in the McAdams neighborhood. City departments of Housing and Community Services and Planning participated in planning for this program; the Sedgwick County Housing Department actually wrote the grant. There were a number of other community partners, including Capitol Federal Savings and the McAdams Neighborhood Association.

The City's role in the program was to coordinate the actual repairs, performing the same types of tasks relative to our federally funded home repair programs. We also agreed to assist with the repair projects with CDBG funds for eligible activities.

The program has done fairly well but not as well as everyone had hoped. Therefore, at a recent meeting the 21CC asked the City to take over the administration of the program and Housing and Community Services staff agreed since it represents additional home repair resources for the community and since we were already involved. The Federal Home Loan Bank (FHL) of Topeka agreed with this plan and submitted the agreement for City signature.

The Housing and Community Services Department has had an interest in this program from the start and would like to see the funds remain in our community. Administration of the program will not require additional City resources; having access to these funds will enhance our ongoing home repair operations.

Acceptance of this program will not require additional City resources. The amount remaining from the original grant is appr. \$200,000.

Approval of this agreement will provide funds to contribute to the goal of Economic Vitality and Affordable Living.

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The City Attorney's office has reviewed the agreement and has approved it as to form.

Motion--  
--carried

Mayans moved that the necessary signatures on the Affordable Housing Program Agreement be authorized. Motion carried 6 to 0.

## UTILITY EASEMENT DEDICATION OF UTILITY EASEMENT. (DISTRICT V)

Agenda Report No. 07-0305

In 2001, the City of Wichita acquired 73 acres for the future Northwest Water Treatment and Pumping Plant between West 21st Street North and Zoo Boulevard. AT&T requested a utility easement along the south lot line.

AT&T and other public utility will be permitted in the twenty foot easement. If the AT&T line creates any conflict with future Water Department's future development of the site, AT&T will relocate the line at their expense.

There is no cost to the City.

The acquisition of this parcel is necessary to ensure efficient infrastructure, maintaining and optimizing public facilities and assets.

The Law Department has approved the easement as to form.

Motion--  
--carried

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

## ORDINANCES

### SECOND READING ORDINANCES: (MARCH 27, 2007)

- a. A07-01R-Request by Chris Dugan to annex land generally located west of 135th Street West, between 13th Street North and Central Avenue. (District V)

ORDINANCE NO. 47-452

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans. (A07-01R)

- b. A07-04R-Request by Douglas Kupper, on behalf of the Wichita Parks and Recreation Department to annex land generally located east of Meridian between 47th Street South and 55th Street South. (District IV)

ORDINANCE NO. 47-453

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans. (A07-04R)

### SECOND READING ORDINANCES: (FIRST READ MARCH 20, 2007)

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## WATER PROJECTS:

- a. (470-958/448-89614)

### ORDINANCE NO. 47-365

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-89614 TO SERVE EQUESTRIAN ESTATES ADDITION, South of Harry, East of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

- b. (470-982/448-89788)

### ORDINANCE NO. 47-366

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89788 TO SERVE WOODLAND LAKES ESTATES 3RD & 4TH ADDITIONS, South of Lincoln, West of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

- c. (470-969/448-89789)

### ORDINANCE NO. 47-367

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89789 TO SERVE WOODLAND LAKES ESTATES 3RD & 4TH ADDITIONS, TRACTS C & D, South of Lincoln, West of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

- d. (470-976/448-89850)

### ORDINANCE NO. 47-368

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89850 TO SERVE HARVEST RIDGE ADDITION, West of Maize, South of 31st Street South, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

- e. (470-994/448-89857)

### ORDINANCE NO. 47-369

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89857 TO SERVE BRIGHTON COURTS ADDITION, South of 21st, West of Webb, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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f. (470-977/448-89895)

## ORDINANCE NO. 47-370

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89895 TO SERVE LIBERTY PARK 2ND & 3RD ADDITIONS, South of 13th, East of 135th Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

g. (470-961/448-89957)

## ORDINANCE NO. 47-371

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89957 TO SERVE REED'S COVE 3RD ADDITION, East of 127th Street East, South of 21<sup>st</sup>, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

h. (470-975/448-89962)

## ORDINANCE NO. 47-372

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89962 TO SERVE TURKEY CREEK 2ND ADDITION, North of Pawnee, West of 119th Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

i. (470-974/448-89984)

## ORDINANCE NO. 47-373

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89984 TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

j. (470-959/448-89999)

## ORDINANCE NO. 47-374

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89999 TO SERVE FONTANA & FONTANA 2ND ADDITIONS, East of 119th Street West, North of 29th Street North, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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k. (470-949/448-90013)

## ORDINANCE NO. 47-375

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90013 TO SERVE EVERGREEN 5TH ADDITION, South of 29th Street North, West of Maize, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

l. (470-964/448-90045)

## ORDINANCE NO. 47-376

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90045 TO SERVE FONTANA ADDITION, North of 29th Street North, East of 119th Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

m. (470-916/448-90060)

## ORDINANCE NO. 47-377

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90060 TO SERVE PARCELS 1, 2 & 3, North of Kellogg, East of 167th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

n. (470-929/448-90062)

## ORDINANCE NO. 47-378

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90062 TO SERVE NORTH RIDGE VILLAGE ADDITION, North of 37th Street North, West of Ridge, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

o. (470-981/448-90096)

## ORDINANCE NO. 47-379

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90096 TO SERVE KRUG NORTH 2ND ADDITION, North of 21st, West of 143rd Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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p. (470-966/448-90112)

## ORDINANCE NO 47-380

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90112 TO SERVE CASA BELLA ADDITION, North of Pawnee, West of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

q. (470-955/448-90121)

## ORDINANCE NO. 47-381

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90121 TO SERVE AUBURN HILLS 16TH ADDITION, South of Maple, East of 151st Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## ORDINANCE NO. 47-382

r. (470-985/448-90125)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90125 TO SERVE TIMBERLANDS ADDITION, North of Harry, West of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

s. (470-957/448-90127)

## ORDINANCE NO. 47-383

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90127 TO SERVE R & P ADDITION, South of Harry, West of West Street, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

t. (470-965/448-90140)

## ORDINANCE NO. 47-384

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90140 TO SERVE EBERLY FARM OFFICE PARK, East of 135th Street West, South of 21<sup>st</sup>, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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u. (470-980/448-90160)

## ORDINANCE NO. 47-385

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90160 TO SERVE BLUE SKY & ISEMINGER ADDITIONS, North of Douglas, West of West Street, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

v. (470-978/448-90173)

## ORDINANCE NO. 47-386

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-90173 TO SERVE REED'S COVE 4TH ADDITION, East of 127th Street East, South of 21<sup>st</sup>, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

### SEWER PROJECTS:

w. (480-843/468-83318)

## ORDINANCE NO. 47-387

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 314, FOUR MILE CREEK SEWER, South of Harry, East of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

x. (480-866/468-83589)

## ORDINANCE NO. 47-388

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 346, FOUR MILE CREEK SEWER, South of Lincoln, West of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

y. (480-862/468-83660)

## ORDINANCE NO. 47-389

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 2, MAIN 5, COWSKIN INTERCEPTOR SEWER, West of Maize, South of 31st Street South, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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z. (480-863/468-83730)

## ORDINANCE NO. 47-390

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 7, MAIN 5, NORTHWEST INTERCEPTOR SEWER, South of 13th, East of 135th Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

aa. (480-861/468-83819)

## ORDINANCE NO. 47-391

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 2, MAIN 6, COWSKIN INTERCEPTOR SEWER, North of Pawnee, West of 119th Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ab. (480-800/468-83842)

## ORDINANCE NO. 47-392

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 1, MAIN 15, SANITARY SEWER NO.23, North of 61st Street North, West of Meridian, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ac. (480-844/468-83877)

## ORDINANCE NO. 47-393

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 5, MAIN 7, NORTHWEST INTERCEPTOR SEWER, East of 119th Street West, North of 29th Street North, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ad. (480-825/468-83972)

## ORDINANCE NO. 47-394

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 507, SOUTHWEST INTERCEPTOR SEWER, North of 2nd, East of Ridge, read for the second time. Mayans moved that the Ordinance be placed upon its passage and

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ae. (480-814/468-83977)

## ORDINANCE NO. 47-395

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 21, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, West of Ridge, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

af. (480-812/468-84005)

## ORDINANCE NO. 47-396

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 6, MAIN 4, NORTHWEST INTERCEPTOR SEWER, South of 13th, West of 119th Street West read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ag. (480-826/468-84018)

## ORDINANCE NO. 47-397

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 69, MAIN 9, SANITARY SEWER NO. 23, North of 29th Street North, West of Rock, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ah. (480-854/468-84023)

## ORDINANCE NO. 47-398

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 1, MAIN 1, BOEING SANITARY SEWER, South of 63rd Street South, West of Clifton, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ai. (480-865/468-84055)

## ORDINANCE NO. 47-399

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 379, FOUR MILE CREEK SEWER, North of 21st, West of 143rd Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

aj. (480-835/468-84065)

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## ORDINANCE NO. 47-400

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 6, MAIN 13, SANITARY SEWER NO. 23, North of 45th Street North, West of Hillside, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ak. (480-836/468-84066)

## ORDINANCE NO. 47-401

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 7, MAIN 13, SANITARY SEWER NO.23, North of 45th Street North, West of Hillside, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

al. (480-853/468-84072)

## ORDINANCE NO. 47-402

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 2, MAIN 18, FOUR MILE CREEK SEWER, North of Pawnee, West of 127th Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

am. (480-842/468-84089)

## ORDINANCE NO. 47-403

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 12, MAIN 2, COWSKIN INTERCEPTOR SEWER, South of Maple, East of 151st Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

an. (480-867/468-84093)

## ORDINANCE NO. 47-404

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 385, FOUR MILE CREEK SEWER, North of Harry, West of 127th Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ao. (480-869/468-84096)

## ORDINANCE NO. 47-405

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 9, MAIN 13, SANITARY SEWER NO. 23, North of 45th Street North, West of Hillside, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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ap. (480-852/468-84109)

## ORDINANCE NO. 47-406

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 6, MAIN 3, NORTHWEST INTERCEPTOR SEWER, East of 135th Street West, South of 21<sup>st</sup>, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

aq. (480-849/468-84124)

## ORDINANCE NO. 47-407

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 5, MAIN 10, FOUR MILE CREEK SEWER, at Greenwich, North of 13<sup>th</sup>, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ar. (480-856/468-84142)

## ORDINANCE NO. 47-408

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 394, FMC Whispering Lakes Estates Addition, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

as. (480-864/468-84153)

## ORDINANCE NO. 47-409

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 6, MAIN 14, FOUR MILE CREEK SEWER, East of 127th Street East, South of 21<sup>st</sup>, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## STORM SEWER PROJECTS:

at. (485-291/468-83598)

## ORDINANCE NO. 47-410

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 201, TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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au. (485-265/468-83750)

## ORDINANCE NO. 47-411

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 224, TO SERVE AVALON PARK 2ND ADDITION, North of 37th Street North, East of Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

av. (485-296/468-83793)

## ORDINANCE NO. 47-412

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 228, TO SERVE KRUG NORTH ADDITION, North of 21st, west of 143rd Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

aw. (485-280/468-83938)

## ORDINANCE NO. 47-413

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 249, TO SERVE CHERYL'S HOLLOW ADDITION & UNPLATTED TRACT A, North of 13th, west of 135th Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ax. (485-285/468-83950)

## ORDINANCE NO. 47-414

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 250, TO SERVE THE WATERFRONT ADDITION, North of 13th, East of Webb, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ay. (485-297/468-83968)

## ORDINANCE NO. 47-415

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 253, TO SERVE SOUTHERN RIDGE 3RD ADDITION, South of Pawnee, West of Maize, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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az. (485-298/468-83995)

## ORDINANCE NO. 47-416

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 614, TO SERVE MAPLE SHADE ADDITION, East of Webb, North of Pawnee, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ba. (485-289/468-83996)

## ORDINANCE NO. 47-417

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 262, TO SERVE FOX RIDGE ADDITION, North of 29th Street North, West of Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

bb. (485-292/468-84011)

## ORDINANCE NO. 47-418

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 264, TO SERVE AVALON PARK 3RD ADDITION, North of 37th Street North, East of Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

bc. (485-293/468-84012)

## ORDINANCE NO. 47-419

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 265, TO SERVE AVALON PARK 3RD ADDITION & AVALON PARK, North of 37th Street North, East of Tyler, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

bd. (485-288/468-84014)

## ORDINANCE NO. 47-420

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 267, TO SERVE PRAIRIE POND PLAZA ADDITION, North of Kellogg, East of 43rd Street East, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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be. (485-309/468-84092)

## ORDINANCE NO. 47-421

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 278, TO SERVE AUBURN HILLS 16TH ADDITION, South of Maple, East of 151st Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

bf. (485-308/468-84140)

## ORDINANCE NO. 47-422

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 286, TO SERVE EMERALD BAY ESTATES ADDITION & UNPLATTED TRACT A, West of West Street, North of 21st Street, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas. Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

Motion--carried Mayans moved to adopt the ordinances. Motion carried 6 to 0.

## NEW BUSINESS

**BISCAYNE APTS.**

### **PUBLIC HEARING; REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR LOW-INCOME HOUSING TAX CREDITS, BISCAYNE APARTMENTS. (DISTRICT III)**

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 07-0306

The City has received a request from Mark Cox, a local builder/developer, for a City Council resolution of support for his application for Low-Income Housing Tax Credits in connection with the acquisition/rehabilitation of the Biscayne Apartments. Other partners in the project include Len Marotte and Joe Kramer. (The State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.)

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

The Biscayne Apartments complex is located at 1422 E. Wassall, and consists of 60 apartment units, including 30 studio apartments and 30 one-bedroom units. The project was constructed in 1972, and is currently owned by Plaza Properties, LLC.

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The proposed project rehabilitation budget (hard costs) is estimated to be \$1,559,000, and will include replacement of all plumbing fixtures and repair of the water distribution supply to each unit. Other items included in the proposed rehabilitation include replacement of cabinets, countertops, sinks, faucets, refrigerators, windows, interior/exterior doors, water heaters, and furnace and air conditioning units. Renovation will also include painting, replacement of trim, installation of new flooring, and re-tiling of bathtubs. Exterior renovations include roof replacement, re-paving and re-stripping of the parking lot, bumper blocks, signage, landscaping, sidewalks in front of each unit on the lower levels, painting, replacement of balcony railings, installation of a wood fence along the north side of the property, and soffit repair.

The project rents, net of utility allowances, are estimated to be \$295 for the studio units and \$365 for the one-bedroom units. Amenities will include free basic cable TV, off-street parking, and an on-site common laundry facility.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units (in this case, 12 total units) for market rate tenants. Mr. Cox is seeking waiver of this requirement. The tax credit policy allows for a reduction of market rate units if the project is to be occupied by special needs populations, or if there are extenuating circumstances, or if market conditions support a deviation from the guideline. In this case, Mr. Cox cites inability of the project to meet the guideline, because the project was originally designed to provide affordable living, and will not offer amenities that typically appeal to market-rate tenants, such as a swimming pool, a sport court, in-unit washer/dryer hook-ups, or a clubhouse.

The Department of Housing and Community Services is supportive of the waiver request.

The Planning department has provided comment on the project, with respect to the design guidelines that are a part of the LIHTC policy. Compliance with the City's landscape ordinance will be required because the rehabilitation budget will exceed 50% of the assessed value of the property. Further, a "compatibility standard" review will be triggered because the property is directly adjacent to sites that are zoned TF-3 (Two Family) and SF-5 (Single-Family). Screening will be required in the side yards adjacent to the TF-3 and SF-5 sites, and in connection with trash receptacles. The Office of Central Inspection also reviewed the project, and recommends additional landscaping, over and above requirements of the existing ordinance, and advises that the plans will be reviewed for compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG), with respect to the number and types of accessible units and paths of travel to those units.

The DAB reviewed the proposed project during its March 7, 2007 meeting, and voted unanimously (8-0) to recommend adoption of a resolution of support. The HAB also voted unanimously (6-0) to recommend adoption of a resolution of support, during its February 15, 2007 meeting.

The total project cost is estimated to be \$2,871,000. Equity received from the sale of housing tax credits will be the primary financing component. The developer also intends to apply for a State HOME loan and a loan from the Federal Home Loan Bank's Affordable Housing Program. The developer must also obtain first mortgage financing. The City will not participate in the financing of the project.

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

In accordance with City Council Resolution No. R-95-479, the developers have notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Mayans

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

# CITY COUNCIL PROCEEDINGS

Motion-- Mayans moved that the public hearing be closed; the resolution of support for the application for Low-Income Housing Tax Credits, with waiver of the 20% market rate unit requirement, subject to all local building and zoning codes, ordinances, design recommendations provided by the Planning Department and the Office of Central Inspection, and any additional design review requirements be adopted; and the necessary signatures authorized. Motion carried 6 to 0.

--carried

## RESOLUTION NO. 07-225

A Resolution establishing support of the development of affordable housing in the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

**2007-2008 HUD**                      **2007-2008 HUD COMBINED ALLOCATIONS/ONE YEAR ACTION PLAN.**  
**(DISTRICTS I, III, IV, & VI)**

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

Agenda Report No. 07-0307

On November 14, 2006, the City Council established funding allocation amounts for CDBG, HOME and ESG programs and services to be provided by the City and by external service providers. Following the Council's action, City staff issued a Request for Proposals (RFP) and solicited applications for programs and services based on staff's projections.

The City Council-appointed Grants Review Committee (GRC) held public hearings on January 30 and 31, 2007 to provide an opportunity for the public to address the Committee regarding housing and community development needs (CDBG), HOME and ESG funding. No comments were received. The GRC carefully reviewed proposals submitted in response to the CDBG RFP and HOME and ESG applications, in order to develop funding recommendations for the City Council's consideration. The Grants Review Committee's recommendations are summarized in the GRC columns.

Congressional appropriations were announced in March, 2007, and reflected increases from staff projections, but decreases from prior year for CDBG and HOME. There was an increase for ESG. Following is a summary of the staff original projections and actual allocations:

<u>Program</u>	<u>06 Actual</u>	<u>07 Projections</u>	<u>07 Actual</u>	<u>07 Adjusted Totals</u>
Community Dev.	\$2,931,400	\$2,784,830	\$2,919,233	\$3,495,440
Block Grant (CDBG)				
Program Income	\$1,005,486		\$576,207	
HOME Investment Partnership (HOME)	\$1,720,657	\$1,625,900	\$1,711,267	\$1,749,901
American Dream Down payment Initiative (ADDI)	\$38,634		\$38,634	
Emergency Shelter Grant (ESG)	\$125,818	\$124,560	\$126,435	<u>\$ 126,435</u>
TOTAL Consolidated Plan Funding.....				\$5,371,776

Recommendations from the Grants Review Committee for CDBG Public Services, HOME CHDO set-aside, and ESG funding based on original projections; and 2) staff recommendations to account for changes in the final HUD allocation.

Community Development Block Grant

1. Capital/Housing/Economic Development

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Recommendations for Capital, Housing and Economic Development projects address needs in the city's Neighborhood Revitalization Areas. The Capital Improvement Project line item includes funds traditionally identified for Neighborhood Stabilization. (See discussion below). The increase in the Housing Projects category reflects the City's continued emphasis on addressing neighborhood blight. The Economic Development project was designated in 2005 to provide a CDBG loan guaranty for the 13th & Grove Grocery Store.

## 2. Neighborhood Stabilization

Funds traditionally identified for Neighborhood Stabilization activities, have been placed in the Capital Improvement Projects category, with specific projects to be identified by staff and Councilmember's following budget approval. The late HUD announcement of funding made it difficult to identify capital projects in time to meet the HUD submission deadline.

## 3. Public Services

Based on the November 14, 2006 City Council action, RFP's was solicited for Women's Services and Summer Youth Employment Services. The Grants Review Committee reviewed the proposals received for these services and made recommendations. An RFP was not issued for Youth Recreation/Enrichment Services at that time due to the anticipated fund reduction, however based on the availability of Program Income. Following Council approval of the allocation schedule, an RFP will be issued for Youth Recreation and Enrichment.

## HOME Investment Partnership Funds

### 1. CHDO Set-Aside Funding

The Grants Review Committee and staff are recommending funding the following Community Housing Development Organizations (CHDOs) from the CHDO set-aside category:

- Mennonite Housing Rehabilitation Services for acquisition and construction of seven homes;
- Power CDC for acquisition and construction of three homes;
- Wichita Indochinese Center for one home.

All homes will be built in one of the seven Local Investment Areas and sold to income qualified homebuyers.

### 2. HOME Funding

The base allocation for the 2007/2008 HOME program increased from original projections of \$1,625,900, to \$1,711,267. Adjustments for the actual HOME allocation are reflected in increases for HOME program administration (to the 10% maximum), the HOME 80 Program for homebuyer subsidies, and in the Housing Development Loan Program for new housing development.

### 3. American Dream Down payment Initiative (ADDI)

HUD has again allocated \$38,634 for participation in the American Dream Down payment Initiative (ADDI), which is designated by HUD to provide down payment and closing cost assistance grants to low and moderate-income persons entering into homeownership.

## Emergency Shelter Grants

Staff supports the recommendation of the Grants Review Committee for Emergency Shelter Grant Undesignated Funding, which took into account, the Community Council on Homeless Advocacy (CCHA)'s priorities and proposed funding needs. These recommendations were based on the original staff estimate of \$126,690.

The actual 2007/2008 ESG grant allocation from HUD is \$126,435, a 0.49% increase over the previous allocation. Staff has modified the Grants Review Committee's recommendations with an across-the-board increase for all ESG projects.

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Total funding available for FY 2007-2008 from CDBG, HOME and ESG is \$5,371,776, which includes Program Income in the amount of \$576,207. These allocations will be effective July 1, 2007.

Each grant program is restricted to certain federal allocation limits, and in the case of HOME funding, a minimum. Following are the limits based on actual FY 2007-2008 allocations:

CDBG	\$1,163,310	Public Services - Cap
	\$699,088	20% Planning and Administration - Cap
HOME Funds	\$256,690	15% Neighborhood-Based Non-Profits (CHDOs) - Minimum
	\$171,126	10% Administration - Cap
Emergency Shelter Funds	\$37,930	30% Essential Services – Cap
	\$37,930	30% Homeless Prevention - Cap
	\$6,321	5% Administration - Cap

Approval of the Consolidated Plan funding allocation schedule will impact the Economic Vitality and Affordable Living, Quality of Life, Core Area and Neighborhood, and Efficient Infrastructure goals.

The national objectives of the Community Development Act are to principally benefit low/moderate income persons, eliminate slum and blight, or meet other urgent community needs. The HOME program must also primarily benefit low/moderate income persons and the Emergency Shelter program must benefit homeless persons. Therefore, allocation of Consolidated Plan funds is subject to individual federal eligibility rules regarding specific activities/programs and the national objectives. The process by which grant funds are authorized by the City Council is a matter of local determination, providing all HUD eligibility requirements are met.

The City Council has the authority to solicit proposals or to reserve grant funds for community priority needs and programs, as determined by the City Council. The recommendations herein meet all federal requirements in the allocation of funds. Upon approval of this action and prior to final allocations and payments, each project must be verified for eligibility for use of the respective grant funds. In addition, staff will prepare a One-Year Action Plan of activities to be funded based on the City Council's action. The One-Year Action Plan will be presented to City Council and will be made available for a required thirty day public review/comment period prior to final approval.

Mayor Mayans

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

Motion--

Brewer moved that the funding designations for the City's 2007/2008 HUD Consolidated Plan Combined Application be approved as summarized below.

- CDBG Capital Improvement Project funds in the amount of \$400,000;
- CDBG Housing funds in the amount of \$1,384,391;
- CDBG Economic Development funds in the amount of \$350,000;
- CDBG Public Services funds for Neighborhood Assistance in the amount of \$316,438;
- Grants Review Committee recommendations and staff modifications for CDBG Public Services funds in the amount of \$432,219;
- CDBG Planning and Administration funds in the amount of \$512,392;
- HOME project funds, including ADDI, in the amount of \$1,474,901
- Grants Review Committee recommendations for HOME CHDO Set-Aside funding in the amount of \$275,000;
- Grants Review Committee recommendations and staff modifications for Emergency Shelter Grant funding in the amount of \$126,435; and preparation of the One-Year Action Plan authorized and the 30 day public review/comment period authorized. Motion carried 6 to 0.

--carried

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## TRANSIENT

### TRANSIENT GUEST REGISTRATION.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 07-0308

The City requires transient guests who pay for lodging while staying in the city to personally complete the registration form in ink in the presence of the front desk attendant. The original purpose was to discourage the renting of rooms to drug dealers, prostitutes and similar criminals who could use transient rooming as a base of operations. The information available on the log can also help trace missing persons, and provide a record of expected occupants in case of fire or other alarms. However, the same process is an unnecessary burden on the travel industry when tour groups must be run through the registration bottleneck. The burden of waiting and imposition on time schedules create inefficiencies that can dissuade tour groups from planning an overnight stay in Wichita, with the resulting reduction in revenue to the local travel and entertainment industry.

The Convention and Visitors Bureau has proposed an Ordinance amendment allowing group registration to be processed en masse by a responsible agent.

The Convention and Visitors Bureau, City Manager's Office, Wichita Police Department and the Law Department have worked together to prepare an ordinance amendment that meets the desires of the travel and entertainment industry, thereby fostering local businesses, while still retaining the important public safety protections.

Registration of a group by an agent responsible for the safety and actions of that group does not detract from the original law enforcement purpose.

There is an anticipated favorable impact to local business.

The police functions that promote the Safe and Secure goal are unaffected, while the promotion of local business activity enhances the goal of Economic Vitality.

The Law Department has participated in drafting this proposed Ordinance amendment.

Mayor Mayans

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

Motion--  
--carried

Mayans moved that the proposed Ordinance amendment be adopted and publish the same as required by law. Motion carried 6 to 0.

### ORDINANCE

An Ordinance amending Sections 5.38.010 and 5.38.020 of the code of the city of Wichita, Kansas, pertaining to transient guests pertaining to registration at places of lodging and sleeping accommodations, introduced and under the rules laid over.

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## CONVERGYS

### APPROVAL OF FORGIVABLE LOAN FOR CONVERGYS CORPORATION. (DISTRICT II)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0309

Headquartered in Cincinnati, OH, Convergys Corporation is the largest provider of outsourced call center services, operating 72 contact centers worldwide. More than 55,000 Convergys agents handle 1.7 million inbound calls every day for clients in a wide variety of industries including financial services, telecommunications, information technology, pharmaceuticals, retail and e-commerce. Convergys has over 68,000 employees worldwide, and has facilities in Lenexa and Olathe with total employment of nearly 800. Their current U.S. facilities are at capacity, necessitating the opening of a new center.

Convergys contacted the Greater Wichita Economic Development Coalition (GWEDC) during their nationwide search for a new customer care center. Wichita was competing with three other locations in the U.S. for a facility that will hire approximately 600 full-time positions within 3 years. GWEDC conveyed an incentive offer for Convergys to locate their new call center in Wichita, which included possible forgivable loans from the City of Wichita and Sedgwick County, subject to approval by the governing bodies.

Convergys is consistently recognized as a high-performing company both within the industry and as a general business enterprise. Two recent awards include FORTUNE Magazine's designation for the sixth consecutive year as one of "America's Most Admired" companies in the Diversified Outsourcing industry; and a Lifetime Achievement Award from CUSTOMER Inter@ction Solutions magazine recognizing them for leadership and outstanding performance over the past 25 years.

Convergys identified several locations in the U.S. with ample labor pool and good infrastructure, but incentives served to influence the final site selection decision. Incentives allow them to offset the significant start-up costs involved in a new location and are deemed critical to determining the communities with whom they choose to partner.

Based on the GWEDC incentive package, Convergys has chosen to locate their new call center in Wichita, in the former Spiegel call center facility at 7236 E. Harry. Convergys plans employment of 600 within three years, with average start-up wages of \$20,000 - \$21,000. The Company plans to invest nearly \$5 million in site improvements and machinery and equipment acquisition.

State incentive package includes \$150,000 in KEOIF (forgivable loan) and \$360,000 in IMPACT (training). Local incentives include \$25,000 forgivable loans from each of the City of Wichita and Sedgwick County.

The forgivable loan to Convergys Corporation will be funded from the City's Economic Development Fund, with funds that are appropriated for cash incentives.

As part of its due diligence, GWEDC commissioned an analysis of the fiscal impact the expansion would have on the City of Wichita and Sedgwick County, with the following results:

City of Wichita:	3.32 to one (ratio of benefits to costs)
Sedgwick County:	2.39 to one

Economic Vitality. This economic development incentive will strengthen the area's call center industry and stimulate the economy through the creation of new jobs.

The draft Forgivable Loan Agreement and Promissory Note and the authorizing ordinance have been approved as to form by the City's Department of Law.

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Mayor Mayans

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

Motion--  
--carried

Schlapp moved that the Convergys Corporation Forgivable Loan Agreement be approved and the Ordinance placed on first reading. Motion carried 6 to 0.

## ORDINANCE

An Ordinance of the city of Wichita, Kansas, authorizing, prescribing the form and authorizing the execution of a forgivable loan agreement and promissory note by and between Convergys customer management group, inc. and the city of Wichita, Kansas, introduced and under the rules laid over.

## PLANNING AGENDA

Motion--  
--carried

Mayans moved that Planning Consent items 18-21 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0.

**ZON2007-00002**

**ZON2007-00002-ZONE CHANGE REQUEST FROM "LI" LIMITED INDUSTRIAL TO "SF-5" SINGLE-FAMILY RESIDENTIAL ZONING FOR RESIDENTIAL. GENERALLY LOCATED EAST OF RIDGE ROAD AND SOUTH OF 29TH STREET NORTH. (DISTRICT V)**

Agenda Report No. 07-0310

MAPC Recommendations: Approve (12-0).  
MAPD Staff Recommendations: Approve.  
DAB Recommendations: DAB V did not review.

The applicant is requesting that the 1.8 acre site currently zoned "LI" Limited Industrial be rezoned to "SF-5" Single-family Residential. The site is located east of the intersection of Ridge Road and Reflection Road and is part of the Mere Ridge Addition plat. The Mere Ridge Addition was approved by the MAPC in 1988. The remainder of the Mere Ridge Addition is currently zoned SF-5 or LI. The subject property is vacant.

The surrounding area consists of urban residential development, with a covenant community directly across Ridge Road, just west of the subject site. The site is located midway between 21st Street North and 29th Street North on Ridge Road. The area west of Ridge Road (and west of the site) is the Reflection Ridge community, zoned SF-5, north of the site is LI zoned vacant land, south of the site is SF-5 zoned land developed with single family residences and east of the site is LI zoned property primarily occupied by a lake. The applicant is filing this request for a SF-5 rezone for the proposed development of a single-family residence.

At the MAPC hearing on March 1, 2007, there were no speakers in opposition to the request. The MAPC voted (12-0) to recommended approval of the request.

Promote economic vitality.

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

Motion--  
--carried

Mayans moved to concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change. Motion carried 6 to 0.

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## 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.

SUB2001-76

**SUB2001-76-PLAT OF SHAMROCK TIRE ADDITION LOCATED NORTH OF 31ST STREET SOUTH AND ON THE WEST SIDE OF BROADWAY. (DISTRICT III)**

Agenda Report No. 07-0311

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 2.97 acres, is located within Wichita's city limits. This site is zoned "GC" General Commercial District.

Municipal services are available to serve this site.

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

Ensure Efficient Infrastructure.

Motion--  
--carried

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

SUB2006-24

**SUB2006-24-PLAT OF OLIVIA'S FIRST ADDITION LOCATED ON THE WEST SIDE OF HOOVER AND NORTH OF CENTRAL. (DISTRICT V)**

Agenda Report No. 07-0312

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

This site, consisting of four lots on 1.1 acres, is located within Wichita's city limits. This site is zoned "SF-5" Single-family Residential District.

Municipal services are available to serve this site. This site is located within the noise impact areas of Wichita Mid-Continent Airport; therefore, an Avigational Easement and Restrictive Covenant have been submitted to assure that adequate construction methods will be used to minimize the effects of noise pollution in the residential structures to be constructed on the subject property. A Cross-lot Drainage Agreement has been submitted and recorded with the Register of Deeds.

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

Ensure Efficient Infrastructure.

The Restrictive Covenant and Avigational Easement will be recorded with the Register of Deeds.

Motion--  
--carried

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

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SUB2006-92

## SUB2006-92-PLAT OF AUTOCRAFT ADDITION LOCATED WEST OF MAIZE ROAD AND ON THE NORTH SIDE OF KELLOGG DRIVE. (DISTRICT V)

Agenda Report No. 07-0313

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 2.01 acres, is located within Wichita's city limits. This site is zoned "GC" General Commercial District.

Municipal services are available to serve this site. An off-site Drainage Easement has been submitted.

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

Ensure Efficient Infrastructure.

The Drainage Easement will be recorded with the Register of Deeds.

Motion--  
--carried

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

## AIRPORT AGENDA

RE-ROOF

## MID-CONTINENT AIRPORT ROOF REPLACEMENTS.

Agenda Report No. 07-0314

The roof replacements are included in the Capital Improvement Program.

The replacement of several roofs at Mid-Continent Airport is needed on buildings that are the responsibility of the Airport. The Staff Screening and Selection Committee selected Howard & Helmer Architects.

A supplemental agreement has been developed for \$20,630, of which \$18,000 is for construction-related services and \$2,630 is for additional design services.

The Airport's contribution to the economic vitality of Wichita is promoted through maintaining Airport buildings that serve the aviation community.

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

Motion--  
--carried

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

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## CITY COUNCIL

### **BOARD APPTS.**

### **BOARD APPOINTMENTS.**

Council Member Skelton Council Member Skelton requested that Paula Hern be appointed to DAB III.

Motion--carried Mayans moved to approve the appointment. Motion carried 6 to 0.

### **TRAVEL EXPEND.**

### **APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBER BREWER TO HEAD OFFICIAL SISTER CITIES DELEGATION TO CANCUN, MEXICO, APRIL 19-22, 2007.**

Motion--carried Mayans moved to approve the expenditure. Motion carried 6 to 0.

### **ADJOURNMENT**

Motion--carried Mayans moved to adjourn the meeting at 9:46 a.m. Motion carried 6 to 0.

Respectfully submitted,

Karen Sublett, CMC  
City Clerk