

**REVISIONS:**

- Item 6b added.
- Item 10 pulled and deferred to 07-03-07.
- Items 25 and 26 - reversed in order.

**FINAL**  
CITY COUNCIL  
  
CITY OF WICHITA  
KANSAS

City Council Meeting  
09:00 a.m. June 19, 2007

City Council Chambers  
455 North Main

**ORDER OF BUSINESS**

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the June 12, 2007 regular meeting

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**AWARDS AND PROCLAMATIONS**

- **Proclamations:**
  - Dump the Pump. Take Public Transportation.

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**PUBLIC AGENDA**

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a "first-come, first-served" basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city manager prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed

1. **Cynthia A. Gardner-Discussion of lifeguard standards within Wichita.**

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CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated June 18, 2007

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

3. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Richard Diamond	Tys Diner Inc.*	928 West Second

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Mark Branham	Quik Trip # 313	3164 South Hillside
Mark Branham	Quik Trip # 320	1021 West 31 <sup>st</sup> Street South
Mark Branham	Quik Trip # 321	6011 West Central
Mark Branham	Quik Trip # 325	1414 North Oliver
Mark Branham	Quik Trip # 326	2010 South Broadway
Mark Branham	Quik Trip # 328	2801 South Hydraulic
Mark Branham	Quik Trip # 329	5602 East Harry
Mark Branham	Quik Trip # 343	242 South Tyler
Mark Branham	Quik Trip # 345	4020 South Meridian
Mark Branham	Quik Trip # 347	1532 South Seneca
Mark Branham	Quik Trip # 349	1112 West Douglas
Mark Branham	Quik Trip # 353	110 South Rock Road
Mark Branham	Quik Trip # 356	4808 South Hydraulic
Mark Branham	Quik Trip # 358	7120 West 21 <sup>st</sup> Street North
Mark Branham	Quik Trip # 360	3933 West 13 <sup>th</sup> Street
Mark Branham	Quik Trip # 366	1620 South Webb Road
Mark Branham	Quik Trip # 368	626 West 21 <sup>st</sup> Street North
Mark Branham	Quik Trip # 369	3216 East Harry
Mark Branham	Quik Trip # 372	3126 East Pawnee
Mark Branham	Quik Trip # 373	1610 East Lincoln
Mark Branham	Quik Trip # 374	10315 West 13 <sup>th</sup> Street
Mark Branham	Quik Trip # 376	2106 South Rock Road
Mark Branham	Quik Trip # 378	5611 South Broadway
Mark Branham	Quik Trip # 383	11223 East Central
Mark Branham	Quik Trip # 384	2510 West Pawnee
Mark Branham	Quik Trip # 386	1010 East Douglas
Mark Branham	Quik Trip # 388	7991 East 37 <sup>th</sup> Street North
Mark Branham	Quik Trip # 389	4730 East Central

(Item 3 continued)

New Establishment  
Manivah Syhanath

2007  
Hillside Smoke Shop

(Consumption off Premises)  
2939 South Hillside

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

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

4. Preliminary Estimates:

- a. Lateral 12, Main 6 Cowskin Interceptor Sewer to serve Southwest Passage Addition south of Pawnee, west of 119th Street West (468-84228/744209/480897) Does not affect traffic. (District V) - \$169,000.00
- b. Water Supply Line to serve Southwest Passage Addition south of Pawnee, west of 119th Street West (448-90230/735345/470018) Does not affect traffic. (District V) - \$186,000.00
- c. Water Distribution System to serve Turkey Creek Addition south of Pawnee, west of 119th Street West (448-89959/735351/470024) Does not affect traffic. (District V) - \$70,000.00
- d. Water Distribution System to serve Southwest Passage Addition south of Pawnee, west of 119th Street West (448-90231/735346/470019) Does not affect traffic. (District V) - \$74,000.00
- e. 2007 Contract Maintenance Bridge Rail Rehabilitation, Phase 1 K-15 Bridge over Wichita Drainage Canal & Mosley Bridge over Chisholm Creek (472-84558/132720/) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$194,000.00
- f. Cost of Carmax frontage road along the south side of Kellogg from the west line of Pizza Hut Second Addition to approximately 250 feet east of the east line of Pizza Hut Second Addition south of Kellogg, east of Webb Road (472-84141/765929/490-042) (District II).

RECOMMENDED ACTION: Receive and file.

5. Deeds and Easements:

- a. Drainage and Utility Easement dated May 15, 2007 from Fox Ridge Development Company, Inc. for a tract of land lying within portions of Lots 14 through 20, Block 1, Fox Ridge Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861) No cost to City (D18158).
- b. Sanitary Sewer Easement dated October 31, 2006 from Slawson Commercial Properties, L.L.C. for tracts of land lying in Lots 3 and 4, Block 2 Oak Creek 3rd, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No cost to City (D18159).
- c. Sanitary Sewer Easement dated January 25, 2006 from Coxco, L.L.C., a Kansas Limited Liability Company for a tract of land lying in Lot 11, Zoo Business Park, Wichita, Sedgwick County, Kansas, (OCA # 607861). No cost to City (D18160).
- d. Utility Easement dated March 8, 2007 from Ethanol Products, L.L.C. for tracts of land lying in Lots 1 and 2, Block 1, Industrial Air Center, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No cost to City (D18161).

(Item 5 continued)

- e. Utility Easement dated March 9, 2007 from Ethanol Products, L.L.C. for tracts of land lying in Lots 2 and 3, Block 1, Industrial Air Center, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No cost to City (D18162).
- f. Drainage Dedication from CBB Northlakes, LLC, a Kansas Limited Liability Company, for a tract of land lying in the NW 1/4 of the NE 1/4 of Sec. 24, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, (OCA # 607861). No cost to City (D18163).
- g. Utility Easement dated May 30, 2007 from FLKS Land Development, LLC for tracts of land lying in the Southeast Quarter of Section 12, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, (OCA # 744216), No cost to City.
- h. Dedication from Bachman Enterprises, Inc. for a tract of land lying in the SW 1/4 of the NW 1/4 of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, (OCA # 766149). No cost to City.
- i. Storm Water Drainage and Detention Basin Improvements Easement dated May 29, 2007 from Prairie Pond Plaza Owner's Association for a pond lying within Reserve A, Prairie Pond Plaza Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751397) No cost to City.
- j. Storm Water Drainage and Detention Basin Improvements Easement dated May 29, 2007 from Maple Group LLC for a pond lying within Reserve B, Shadow Woods Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751400) No cost to City.
- k. Storm Water Drainage and Detention Basin Improvements Easement dated May 29, 2007 from West Wichita Development Inc. for ponds lying within Reserve C, D & E, Auburn Hills 16th Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751418) No cost to City.
- l. Storm Water Drainage and Detention Basin Improvements Easement dated May 22, 2007 from Avalon Park LLC for a pond lying within Reserve C, Avalon Park 3rd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751401) No cost to City.
- m. Storm Water Drainage and Detention Basin Improvements Easement dated May 22, 2007 from Avalon Park LLC for a pond lying within Reserve B, Avalon Park 3rd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751402) No cost to City.
- n. Storm Water Drainage and Detention Basin Improvements Easement dated May 23, 2007 from Southern Ridge Homeowners Association for a pond lying within Reserve B, Southern Ridge 3rd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751406) No cost to City.
- o. Storm Water Drainage and Detention Basin Improvements Easement dated May 24, 2007 from Avalon Park 2nd Addition HOA for a pond lying within Reserve B, Avalon Park 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751374) No cost to City.
- p. Storm Water Drainage and Detention Basin Improvements Easement dated May 22, 2007 from Fox Ridge Dev. Co., Inc. ETAL for a pond lying within Reserve B, Fox Ridge Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751398) No cost to City.
- q. Storm Water Drainage and Detention Basin Improvements Easement dated June 4, 2007 from Chestnut Ridge LLC for a pond lying within Reserve B, Krug North Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751405) No cost to City.

(Item 5 continued)

- r. Storm Water Drainage and Detention Basin Improvements Easement dated May 31, 2007 from Rick Thompson Construction Inc. for a ponds lying within Reserves A & B, Cheryl's Hollow Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751389) No cost to City.
- s. Storm Water Drainage and Detention Basin Improvements Easement dated May 24, 2007 from Maple Shade Townhomes Owners Association. for ponds lying within Reserve A, Maple Shade Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751407) No cost to City.

RECOMMENDED ACTION: Accept documents.

6. Consideration of Street Closures/Uses.

Automobilia's Moonlight Car Show and Street Party, July 14, 2007, 4:00 p.m. until 12:00 a.m. (District VI)

- First Street, Broadway to Mosley
- Topeka Street, Douglas to First Street
- Emporia Street, Douglas to Second Street
- St. Francis Street, Douglas to Second Street
- Santa Fe Street, Douglas to First Street
- Mead Street, First Street to Douglas
- Moore Street, First Street to Douglas
- Rock Island Street, First Street to Douglas

RECOMMENDED ACTION: Approve the request subject to: 1) hiring off-duty certified law enforcement officers as required; 2) obtaining barricades to close the streets in accordance with requirements of Police, Fire, and Public Works Department; and 3) Certificate of Liability Insurance of file with the Community Events Coordinator.

(Item 6b)

6b. Street Closure: Eastbound Pawnee, Meridian to Seneca. (District IV)

RECOMMENDED ACTION: Approve the partial street closure.

7. Minutes of Advisory Boards/Commissions:

Deferred Compensation Board of Trustees, Quarterly, February 15, 2007.  
Deferred Compensation Board of Trustees – Special Meeting, March 23, 2007  
District II Advisory Board, April 2, 2007  
District VI Advisory Board, April 2, 2007  
Code Standards and Appeals, April 2, 2007  
Employees and Police and Fire Retirement Boards, April 5, 2007  
Police and Fire Retirement System, April 25, 2007  
Code Standards and Appeals, May 7, 2007

RECOMMENDED ACTION: Receive and file.

8. Agreements/Contracts:

- a. Pawnee from 119th Street to Maize Road. (District IV)-supplemental.
- b. Consent Agreement for Encroachment into Existing Easement for Main 20, Monarch Landing Addition, North of 21st Street, West of 159th Street East. (District II)

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

9. Design Services Agreement:

- a. Meadowlake Beach Addition, north of 55th Street South, west of Clifton. (District III)
- b. Blackstone and Cheryl's Hollow Second Additions, east of 151st Street West, north of 13th Street. (District V)

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

**(Item 10 pulled and deferred to 07-03-07)**

10. **Consumer Price Index (CPI) Adjustment for Brooks C & D, Construction and Demolition, Landfill Contractor. (District VI)**

11. Justice Assistance Grant.

RECOMMENDED ACTION: Approve the MOU and authorize the necessary signatures.

12. General Obligation Bond and Note Sale.

RECOMMENDED ACTION: Adopt the resolution 1) authorizing the general obligation bond and note sales; 2) approving the distribution to prospective bidders of the Preliminary Official Statement, subject to such minor revisions as may be determined necessary by the Director of Finance and Bond Counsel; 3) finding that such Preliminary Official Statement is in a form "deemed final" for the purpose of the Securities Exchange Commission's Rule 15c2-12(b)(1), subject to revision, amendment and completion in the final Official Statement and; 4) authorizing publication of the Notice of Sale.

13. Grant Application-Enhancements to the Public Safety Computer System.

RECOMMENDED ACTION: Approve the grant application and authorize the Mayor to sign the grant application and grant assurances.

13a. Payment of Judgment and Settlement of Lawsuit.

RECOMMENDED ACTION: Ratify the negotiated agreement and authorize payment of \$80,000.00 to DETAMC, Inc. and its attorneys as a full satisfaction and settlement of the lawsuit.

14. Second Reading Ordinance: (First Read June 12, 2007)

a. Public Hearing and Issuance of Health Care Facilities Refunding and Improvement Revenue Bonds, Presbyterian Manors, Inc. (Districts I and VI)

An Ordinance authorizing the city of Wichita, Kansas to issue its Health Care Facilities Refunding and Improvement Revenue Bonds, Series III, 2007 (Presbyterian Manors, Inc.) in the aggregate principal amount of not to exceed \$28,000,000 for the purposes of refunding certain outstanding city of Wichita, Kansas bonds and paying the cost of renovating, expanding and/or equipping certain health care facilities; prescribing the form and authorizing execution of a Ninth Supplemental Bond Indenture by and between the city and the Bank of New York Trust Company, N.A., as bond trustee; prescribing the form and authorizing the execution of an Eighth Supplemental Lease Agreement by and between Presbyterian Manors, Inc. and the city; approving the form of the guaranty agreement to be executed in connection with the issuance of said bonds; authorizing execution of a tax compliance agreement by and among the issuer, the bond trustee and Presbyterian Manors, Inc.; authorizing execution of an escrow deposit agreement by and among the issuer, the Bank of New York trust Company, N.A., as escrow trustee, and Presbyterian Manors, Inc.; authorizing the execution of a bond purchase agreement by and between the city, Presbyterian Manors, Inc. and Ziegler Capital Markets, as underwriter of the bonds; authorizing the issuer to convey title to a certain portion of the facilities; authorizing execution of a special warranty deed; authorizing a partial release of lease to effect the release of said portion of the facilities; and authorizing the execution of all such other documents necessary to convey title to said portion of the facilities to Presbyterian Manors, Inc.

RECOMMENDED ACTION: Adopt the Ordinance.

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UNFINISHED BUSINESS

15. Lease with The Kansas African American Museum. (District VI)

RECOMMENDED ACTION: Approve the lease agreement and authorize the necessary signatures.

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NEW BUSINESS

16. Public Hearing request for Resolution of Support for Application for Low-Income Housing Tax Credits, Brentwood Apartments. (District II)

The City has received a request from Inner City Development Company, LC (ICDC) for a City Council resolution of support for its application for 4% Low-Income Housing Tax Credits in connection with the acquisition and rehabilitation of the Brentwood Apartments.

RECOMMENDED ACTION: Close the public hearing, adopt the resolution of support for the ICDC application for Low-Income Housing Tax Credits subject to all local building and zoning codes, ordinances, design recommendations provided by the Planning Department and the Office of Central Inspection, and any additional design review requirements, and subject to the conditions specified in the resolution document; approve the issuance of a letter of intent to issue the qualified residential housing revenue bonds in the amount not to exceed \$8,000,000 and application for a sales tax exemption certificate; and authorize the necessary signatures.

16a. Repeal of Section 5.88.040 of the Code of the City of Wichita, Kansas,  
pertaining to the Concealed Carry of Handguns in Prohibited Places.

During the 2006 legislative session, Senate Bill No. 418 and House Bill No. 2118, the Personal and Family Protection Act was created, which initiated a concealed carry law in the State of Kansas.

RECOMMENDED ACTION: Approve first reading of the repeal of the ordinance.

- 16b. Repeal of Section 5.88.050 of the Code of the City of Wichita, Kansas, pertaining to the Concealed Carry of Handguns in Prohibited Places as Posted.

During the 2006 legislative session, Senate Bill No. 418 and House Bill No. 2119, the Personal and Family Protection Act was created, which initiated a concealed carry law in the State of Kansas.

RECOMMENDED ACTION: Approve the first reading of the repeal of the ordinance.

- 16c. Amendments to Section 5.88.010 of the Code of the City of Wichita, Kansas, pertaining to Criminal Use of Weapons.

On July 1, 2006, the Personal and Family Protection Act (K.S.A. 75-7c01 through 75-7c18) was enacted, allowing permit holders to carry concealed handguns within the State of Kansas.

RECOMMENDED ACTION: Approve the first reading of the ordinance.

- 16d. Amendments to Section 11.42.030 of the Code of the City of Wichita, Kansas, pertaining to Driving While License Suspended, Cancelled or Revoked.

The Kansas Legislature through the passage of SB 35 changed the penalty for Driving on a Suspended License, in violation of K.S.A. 8-262.

RECOMMENDED ACTION: Approve the first reading of the ordinance.

- 16e. An Ordinance Amending 11.38.150 of the Code of the City of Wichita, Kansas, pertaining to the Crime of Driving Under the Influence of Alcohol and/or Drugs

Pursuant to Senate Bill No. 35 and House Substitute for Senate Bill No. 31, the Kansas Legislature amended K.S.A. 8-1567, the state statute prohibiting driving under the influence of alcohol and/or drugs.

RECOMMENDED ACTION: Approve the first reading of the ordinance.

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PLANNING AGENDA

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

\* Consent Items

17. ZON2007-13-Zone Change from "SF-5" Single-family Residential to "TF-3" Two-family Residential for duplex development: generally located west of Florence and south of 2nd Street. (District IV)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change; OR 2) Return the application to the MAPC for reconsideration.

18. \*ZON2007-14-Zone Change request from "GI" Generally Industrial, "SF-5" Single-family Residential, and "LC" Limited Commercial to "LI" Limited Industrial. Generally located north of 13th Street and west of Greenwich Road. (District II)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to platting within one year; withhold publishing the ordinance until the plat is recorded; OR 2) Return the application to the MAPC for reconsideration.

19. \*ZON2007-15-Zone Change from "LI" Limited Industrial to "SF-5" Single-family Residential. Generally located one-half mile west of Greenwich Road and 1/8 mile north of 13th Street North. (District II)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to platting within one year; withhold publishing the ordinance until the plat is recorded; OR 2) Return the application to the MAPC for reconsideration.

20. \*A07-16R-Request by Alan Rennick and George Rennick, to annex land generally located northwest of the intersection of 45th Street North and Hoover Road. (District VI)

RECOMMENDED ACTION: Approve the annexation request; place the ordinance of first reading; and authorize the necessary signatures.

21. \*SUB2006-73-Plat of Tara Creek Addition, located on the west side of 127th Street East and north of Pawnee.  
(District II)

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

22. \*Street Improvement Agreement for Lot 4, West Street Louis Gardens Addition, located west of Hoover Road and south of Central Avenue. (District V)

RECOMMENDED ACTION: Approve the agreement and authorize the necessary signatures.

23. \*DED 2007-10-Dedication of a Utility Easement located west of Hoover Road and south of Central Avenue.  
(District V)

RECOMMENDED ACTION: Accept the Dedication.

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CITY COUNCIL

24. Approval of travel expenses for Mayor Brewer, Vice-Mayor Fearey, and Council Members Schlapp and Gray to attend National League of Cities Conference in New Orleans, LA, November 13-18, 2007.

RECOMMENDED ACTION: Approve the expenditures.

**(Items 25 and 26 reversed in order)**

- 25. Ballot Selection for District I City Council Member.**

**(Items 25 and 26 reversed in order)**

- 26. Board Appointments.**

RECOMMENDED ACTION: Approve the appointments.

Adjournment

\*\*\*Workshop to follow in the 10<sup>th</sup> Floor HR Training Room\*\*\*