

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 24, 2007
Tuesday, 9:45 A.M.

The City Council met in regular session with Mayor Brewer in the Chair. Council Members Fearey, Gray, Longwell, Schlapp; and Williams present, Skelton absent with prior notice.

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

The Minutes of the regular meeting of July 17, 2007, approved 6 to 0, (Skelton absent).

CONSENT AGENDA

Motion--
--carried

Brewer moved that Consent items 1-15a be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Skelton absent).

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 23, 2007

Bids were opened July 20, 2007, pursuant to advertisements published on:

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

Wichita Drainage Canal, Phase 3 - along Wichita Canal, south of K-15 and Grove, north to south of Douglas. (468-84119/660794/864409) Does not affect existing traffic. (District I, III)

Dondlinger & Sons - \$210,175.00

Water Distribution System to serve Gray's 6th Addition - south of MacArthur, west of Hoover. (448-90301/735371/470044) Does not affect existing traffic. (District IV)

Utilities Plus - \$27,756.50

Stafford from the east line of Lot 9, Block 6 to the west line of Cranbrook; Cranbrook from the south line of Brentwood South Addition to the north line of Lot 9, Block 5, to serve Brentwood South Addition - north of Pawnee, east of Webb. (472-84476/766122/490140) Does not affect existing traffic. (District II)

APAC-Kansas, Inc. - \$292,896.00

Motion--
--carried

Brewer 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 necessary signatures by authorized. Motion carried 6 to 0, (Skelton absent).

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WICHITA TRANSIT DEPARTMENT/MAINTENANCE DIVISION: Heavy Duty 4-Post Vehicle Lift Wash Bay

Automotive Equipment, Inc. - \$49,200.00 (Total Net Bid)

AIRPORT/ENGINEERING DIVISION: Construct Taxiway G, Extend Taxiway F at Jabara Airport

LaFarge North America, Inc. - \$1,352,099.00* (Total Net Bid)

*Upon FAA approval

PUBLIC WORKS DEPARTMENT/LANDFILL DIVISION: Brooks Landfill Well Rehabilitation

Geotechnical Services, Inc. - \$87,068.33 (Total Net Bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Office

Remodel – Signal Shop

Rice Construction - \$23,700.00 (Total Net Bid)

WICHITA WATER UTILITIES/DEPARTMENT/CUSTOMER SERVICE DIVISION: Residential meter and AMR Installation

Vanguard Utility Service, Inc. - \$146,400.00* (Total Net Bid)

*Estimate – Contract approved on unit cost basis.

HOUSING AND COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replace Driveway, Sidewalk – Various Sites

Parga Construction - \$45,000.00* (Total Net Bid)

*Award Redirected

Motion--
--carried

Brewer moved that the report be received and filed; contracts approved; and the necessary signatures authorized. Motion carried 6 to 0. (Skelton absent)

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Mike Hoffman	Kwik Shop 772	2750 South Oliver
Mike Hoffman	Kwik Shop 748	2809 East Douglas
Mike Hoffman	Kwik Shop 731	710 West 29 th Street North
Mike Hoffman	Kwik Shop 727	7107 West 37 th Street North
Mike Hoffman	Kwik Shop 722	3959 South Hydraulic
Mike Hoffman	Kwik Shop 716	2424 West 37 th Street North
Mike Hoffman	Kwik Shop 714	4811 South Seneca
Walmart Stores Inc.	Wal-Mart Supercenter #1507	3030 North Rock Road
<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Mark T Ryan	Ryan Boys Inc. dba Two Brothers BBQ*	300 South Greenwich
Angela L. Ray	El Matador	2033 South Broadway

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

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**Motion--
--carried**

Brewer moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0, (Skelton absent).

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. 2007 Contract Maintenance Parking Lot Mill & Overlay (Minisa Park, Riverside Tennis Courts, Westside Athletic Fields) (472-84568/132720/N/A) Does not affect existing traffic. (District IV, VI) - \$99,800.00
- b. Backyard Drainage between Prescott and Rutledge Circle to serve Pawnee Mesa Addition (north of Pawnee, west of Maize) (468-84152/751419/485310) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$148,000.00
- c. Lateral 7, Main 4 Northwest Interceptor Sewer to serve Blackstone Addition (north of 13th Street North, west of 135th Street West) (468-84170/744232/480920) Does not affect existing traffic. (District V) - \$643,500.00
- d. Lateral 14, Main 4 Northwest Interceptor Sewer to serve Cheryl's Hollow 2nd Addition (north of 13th Street North, west of 135th Street West) (468-84343/744230/480918) Does not affect existing traffic. (District V) - \$169,000.00
- e. Lateral 38, Main 1 Cowskin Interceptor Sewer to serve Lillie 2nd Addition (south of Maple, west of Maize) (468-84081/744206/480894) Does not affect existing traffic. (District V) - \$122,000.00
- f. 2007 Contract Maintenance Quickset Slurry Seal (west of Rock Road, south of 29th Street North) (472-84572/132720/) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,IV,V) - \$302,000.00
- g. 2007 Sanitary Sewer Reconstruction, Phase 7 (various locations north of Pawnee, east of Seneca) (468-84378/620483/667601) Traffic to be maintained during construction using flagpersons and barricades. (District III,VI) - \$183,000.00
- h. Water Distribution System to serve Lillie 2nd Addition (south of Maple, west of Maize) (448-90116/735343/470016) Does not affect existing traffic. (District V) - \$82,000.00
- i. Cost of construction of Water Distribution System to serve R & P Addition (south of Harry, west of West Street). (District IV) (448-90127/735286/470-957) – Total Estimated Cost \$12,500.00
- j. The cost of Mt. Vernon from the Arkansas River to Broadway (472-84289/706946/205-412) (District III) – Total Estimated Cost \$367,500.00

Motion--carried

Brewer moved to receive and file. Motion carried 6 to 0, (Skelton absent).

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PETITION

RELOCATE A SANITARY SEWER IN AN AREA BOUNDED BY MEAD, MOSLEY, 9TH AND 10TH STREETS. (DISTRICT VI)

Agenda Item No. 4a.

The existing sanitary sewer in an area bounded by Mead, Mosley, 9th and 10th Streets is very old and in need of repair. The owner of an adjacent warehouse has submitted a Petition to relocate the sewer. The signature on the Petition represents 100% of the improvement district.

A retail/wholesale livestock feed store is moving into the warehouse and is expanding loading docks into the area of the existing sanitary sewer.

The Petition totals \$85,000, with \$75,000 paid by the Sanitary Sewer Utility and \$10,000 paid by Special Assessments. The Utility share is the cost that would be required to repair the sewer.

This project addresses the Efficient Infrastructure goal by replacing a sanitary sewer in need of repair.

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

Brewer moved that the Petition be approved; the Resolution adopted; and the necessary signatures carried. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-421

Resolution of Findings of Advisability and resolution authorizing relocation of part of Main D. Sanitary Sewer No. 1 (west of Mosley, north of 9th) 468-84380, in the City of Wichita, Kansas, pursuant to the findings of advisability made by the governing body of the City of Wichita, Kansas presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams, and Brewer (Skelton absent).

STREET CLOSURE CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

BEVERAGE SERV. AGREEMENT FOR BEVERAGE SERVICES.

Agenda Item No. 6a.

The Department of Park and Recreation offers beverages and beverage services at many of its facilities, locations, and special events. Beverage services are typically provided for through a contractual agreement whereby the beverage provider receives exclusive rights to provide its products at the Department's venues in exchange for financial support and other considerations.

A Request for Proposal (RFP) was issued May 10, 2007, and resulted in two submitted proposals. City staff reviewed the proposals and recommended that Pepsi Bottling Group be awarded the contract. A proposed agreement/contract has been drafted between the City and Pepsi-Cola. The contract term is three (3) years with the options to renew for two (2) successive one (1) year terms.

Pepsi-Cola will contribute all equipment and materials required to sale its products and provide value-added marketing support to the Department of Park and Recreation.

In addition to providing these services, Pepsi-Cola will remit \$10,000 in year one and \$5,000 in successive years for sponsorships and other recreational programming in exchange for exclusive beverage rights at Department of Park and Recreation facilities, locations, and special events. In addition, Pepsi will provide 35% commission for full service vending machine sales.

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Pepsi Bottling Company's continued relations as our sponsorship partner will enhance Quality of Life by ensuring that citizens receive a positive return on all of their Quality of Life investments through sponsorship events and providing quality products for our citizens.

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

Motion-- Brewer moved that the agreement be approved and the necessary signatures authorized.
--carried Motion carried 6 to 0, (Skelton absent).

RAILROAD SIGNALS AGREEMENT FOR THE INSTALLATION OF RAILROAD SIGNALS. (DISTRICT V)

Agenda Item No. 6b.

Representatives of the City, State, and Railroad Company reviewed the railroad crossing on 37th St. North, east of Tyler Rd. in 2006. As a result of this review a signal system upgrade, including the installation of cantilever signals and gates, was recommended at this location.

The attached Agreement will authorize the recommended signal revisions. The Kansas & Oklahoma Railroad (K&O) will coordinate the installation and upgrade of the existing signal system. The proposed signal installation work should not affect existing traffic on 37th St. at this location.

The total cost of the proposed signal system improvements will be funded one hundred percent (100%) using Federal Section 130 Funds. The estimated cost of the signal improvements at this crossing on 37th St. is Two Hundred Fifty Thousand, Seven Hundred Forty Dollars and Seventy-Eight Cents (\$250,740.78). The Agreement obligates the City to install and maintain the necessary advance warning signs and pavement markings at the crossing area. The advance warning signs are presently in place at this location.

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

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

Motion-- Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion
--carried carried 6 to 0, (Skelton absent).

PROP. ACQUIS. PARTIAL ACQUISITION OF 1401 NORTH BROADWAY FOR THE NORTH BROADWAY AND 13TH STREET INTERSECTION IMPROVEMENT PROJECT. (DISTRICT VI)

Agenda Item No. 7a.

The project will provide left turn lanes at all approaches to the intersection. To accommodate the project, right-of-way must be acquired from eleven tracts of land. A corner clip and a fifteen foot wide strip is required from the property at 1401 North Broadway. One drive will also be closed. This property has 16,320 square feet and is developed with a 2,100 square foot brick auto service and sales facility. The take will eliminate display space along 13th Street unless a portion of the improvements are removed. The City's appraiser felt that this was the most economical approach.

The acquisition was appraised for \$117,000. This equates to \$8.00 per square foot for the land, \$2,700 for temporary easements, \$13,100 for site work and sign relocation, \$50,000 to reconfigure the building and \$27,890 for lost value due to lessened inventory capacity. The owner countered at \$330,000 predicated on a cost to reconfigure the building of \$286,000. The estimates to redo the building and complete site work were reviewed by both parties in greater detail and an amount of \$220,000 was arrived at. Primary differences were that additional site work was needed to match grades with the project, the demolition was more complex than first assumed, and the appraisal only assumed restoring

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450 square feet versus the 900 square feet the property currently has.

A budget of \$225,000 is requested. This includes \$220,000 for the acquisition and \$5,000 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

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

The Law Department has approved the agreement as to form.

Motion--
--carried Brewer moved that the agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

SENIOR MANAGMNT SENIOR MANAGEMENT EXPENSES, MAY 2007.

Motion--carried Brewer moved to receive and file. Motion carried 6 to 0, (Skelton absent).

BOARD MINUTES MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District VI Advisory Board June 4, 2007
Board of Code Standards and Appeals June 4, 2007
Wichita Airport Advisory Board June 18, 2007
Wichita Public Library June 19, 2007
District VI Advisory Board June 20, 2007

Motion--carried Brewer moved to receive and file. Motion carried 6 to 0, (Skelton absent).

UNSAFE STRUCT, REPAIR OR REMOVAL OF UNSAFE STRUCTURES. (COUNCIL DISTRICTS I, IV, AND VI)

Agenda Item No. 10.

On July 9, 2007, the Board of Code Standards and Appeals (BCSA) held a hearing on the following eight (8) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Violation notices have been issued on these structures; however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
a. 1055 North Poplar	I
b. 533 West 47th St. S.	IV
c. 631 West 47th St. S.	IV
d. 512 East Central	VI
e. 1641 North Pennsylvania	I
f. 1442 North Green	I
g. 2535 North Chautauqua	I
h. 2034 North Waco	VI

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

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--

Brewer moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on September 11, 2007 at 9:30 a.m. or soon thereafter be adopted. Motion carried 6 to 0. (Skelton absent.)

--carried

RESOLUTION NO. 07-422

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 42 and 44, Block 1, Esterbrook Park Addition, Wichita, Sedgwick County, Kansas, known as 1055 N Poplar, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams, and Brewer (Skelton absent).

RESOLUTION NO. 07-423

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the east 10 acres of that part of the north half of the north half of the northwest quarter of Section 20, Township 28 south, Range 1 east of the 6th p.m. Sedgwick County, Kansas, lying west of the right of way of the Midland Valley Railroad, Wichita, t, Wichita, Sedgwick County, Kansas, known as 533 W. 47th Street S., may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams, and Brewer (Skelton absent).

RESOLUTION NO. 07-424

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 1, Faith Meadows Addition, Sedgwick County, Kansas, Wichita, Sedgwick County, Kansas, known as 631 W 47th St. S., may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams, and Brewer (Skelton absent).

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RESOLUTION NO. 07-425

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 34 and the west 20 feet of Lot 36 on Central Avenue, in J. P. Hilton's Addition to the City of Wichita, Sedgwick County Kansas,, Wichita, Sedgwick County, Kansas, known as 512 E. Central, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams, and Brewer (Skelton absent).

RESOLUTION NO. 07-426

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the north 45 feet of Lot 72, on Pennsylvania Avenue and all of the vacated alley adjoining said Lot on the north, in Spring Grove Second Addition to, Wichita, Sedgwick County, Kansas, known as 1641 N. Pennsylvania, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams, and Brewer (Skelton absent).

RESOLUTION NO. 07-427

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 14 and 16, Shiller now Green, Rose Hill Addition,, Wichita, Sedgwick County, Kansas, known as 1442 N. Green, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams, and Brewer (Skelton absent).

RESOLUTION NO. 07-428

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 6, Block J, Audrey Matlock Heights First Addition, and addition to Wichita Sedgwick County, Kansas, Wichita, Sedgwick County, Kansas, known as 2535 N. Chautauqua, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams, and Brewer (Skelton absent).

RESOLUTION NO. 07-429

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 6, Block J. Audrey Matlock Heights First Addition, an Addition to, Wichita, Sedgwick County, Kansas, known as 2034 N. Waco, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams, and Brewer (Skelton absent).

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SETTLEMENT

SETTLEMENT OF LAWSUIT.

Agenda Item No. 11.

On January 21, 2005, the plaintiff/claimant was in an accident caused by a city employee; he suffered serious physical injuries as a result.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment of \$250,000.00 as full settlement of all claims arising out of this collision. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

Funding for this settlement payment is from the City's Tort Liability Fund.

Internal Perspectives.

The Law Department recommends acceptance of the offer of settlement.

Motion--
--carried

Brewer moved that payment of \$250,000.00 as a full settlement of all possible claims arising out of the accident which is the subject of the litigation be approved. Motion carried 6 to 0, (Skelton absent).

RESOLUTION

RESOLUTION ORDERING A PUBLIC HEARING, BAEHR STREET PAVING, BETWEEN NEWELL AND CENTRAL. (DISTRICT IV)

Agenda Item No. 12.

On July 3, 2007, the City Council approved a Petition to pave Baehr between St. Louis and Newell. Baehr Street between Newell and Central is also unpaved. The road is difficult to maintain and drains poorly. It is unlikely that attempts to obtain a valid paving Petition to pave the street would be successful. A Resolution to order a public hearing on August 21, 2007, has been prepared that will provide an opportunity for the project to proceed, and if approved, to be constructed at the same time as the one block from St. Louis to Newell.

The completed project will be a two-lane asphalt roadway with curb and gutter; and a storm water sewer system.

The estimated project cost is \$191,200 with \$151,200 assessed to the improvement district and \$40,000 paid by the City. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.85 per square foot of ownership. The City's share is for the cost of intersection paving. The funding source for the City share is General Obligation Bonds.

The project addresses the Efficient Infrastructure goal by providing paved access in an existing neighborhood.

State Statutes provide the authority for the City Council to order in paving projects. Adopting the Resolution does not obligate the Council to approve the project, only to hold a public hearing on August 21, 2007.

Motion--
--carried

Brewer moved that the Resolution be adopted and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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RESOLUTION NO. 07-430

Resolution directing and ordering a public hearing on the advisability of an improvement. A resolution directing and providing for a public hearing on the advisability of improvements consisting of paving Baehr from the south line of Central to the south line of Newell, 472-84575 in the City of Wichita, Kansas, all as provided by KSA 12-6a04Brewer moved Said hearing shall be held on August 21, 2007 in the City Council Chambers of City Hall at 9:00 a.m., presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams, and Brewer (Skelton absent).

RESOLUTION

CORRECTING RESOLUTION FOR PAVING IMPROVEMENTS IN SOUTHERN RIDGE FOURTH ADDITION SOUTH OF PAWNEE, WEST OF MAIZE. (DISTRICT IV)

Agenda Item No. 13.

On March 22, 2005, the City Council approved a Petition for street paving in Southern Ridge 3rd Addition. On December 13, 2005, the City Council approved a Petition for paving in Southern Ridge 4th Addition. It was later determined that the Southern Ridge 4th Addition Petition was intended to replace the Petition for Southern Ridge 3rd Addition. A resolution has been prepared to correct the error.

The project will serve a new residential development located south of Pawnee, west of Maize.

The project budget is unchanged.

The project addresses the Efficient Infrastructure goal by providing paving improvements required for new residential development.

State Statutes provide the City Council the authority to revise a project by Resolution.

Motion--
--carried

Brewer moved that the Resolution be adopted and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-431

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on Yosemite from the southwest line of Lot 4, Block B, south to the southwest line of Lot 8, Bloc B, on Westgate from the southeast line of Yosemite, southeast to the north line of Greenfield, on Greenfield from the east line of Westgate, west to the east line of Lark Ln., and on Greenfield Cir from the east line of greenfield, east to and including the cul-de-sac and that sidewalk to be constructed on Yosemite, Westgate and Greenfield, (south of Pawnee, west to Maize) 472-84343, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer. (Skelton absent)

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PETITION **PETITION TO RENOVATE BUILDING FACADE AT 571-577 WEST DOUGLAS, SOUTH OF DOUGLAS, WEST OF MCLEAN. (DISTRICT IV)**

Agenda Item No. 14.

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. Up to two facades per building can be improved with 25% of the cost up to \$15,000 per facade in the form of a forgivable loan. Mid-block buildings are limited to \$10,000 and one facade. The owner of a building located at 571-577 W. Douglas has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

The building is unusual in that its rear entrance is adjacent to Lawrence-Dumont Stadium and is highly visible. As a result, the building owner has requested approval for the rear facade to be included in the project funding. The Development Coordinating Committee has reviewed this case and recommended approval of the request. The project has also received approval of the Design Council and the Design Review Committee of the Historic Preservation Board.

The existing building is a two story commercial building. The facade project will repair the masonry exterior and replace windows and doors.

The project budget is \$119,250, with \$99,250 paid by special assessments and \$20,000 as a forgivable loan. The City Council has allocated \$761,000 for the forgivable loan component of the Facade Program. With the approval of this project, \$428,268 will be available for future projects.

This project addresses the Dynamic Core Area goal by facilitating improvements to a privately owned building in the Delano area.

State Statutes provide the City Council authority to use special assessment funding for the project.

Motion-- Brewer moved to permit the rear building facade to be included in the project, approve the Petition, adopt the
--carried Resolution and authorize the necessary signatures. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-432

Resolution of Findings of Advisability and Resolution authorizing design and construction of facade improvements at 571-577 West Douglas (south of Douglas, west to McLean) 472-84574, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer. (Skelton absent)

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ORDINANCE

SECOND READING ORDINANCES: (FIRST READ JULY 17, 2007)

Agenda Item No. 15a.

Public Hearing and Adoption of Exchange Place Redevelopment Project Plan. (Districts VI)

ORDINANCE NO. 47-526

1. An Ordinance adopting a project plan for the Exchange Place Projecting the Center City South Redevelopment District. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

ORDINANCE NO. 47-527

2. An Ordinance authorizing the issuance of full faith and credit tax increment bonds of the City of Wichita, Kansas to pay all or a portion of the costs of acquiring real property, demolition of existing structures, and design and construction of a public parking garage, and site improvements in the Center City South Redevelopment Project Area. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

NEW BUSINESS

2008 BUDGET

2008 ANNUAL OPERATING BUDGET AND 2007 BUDGET REVISIONS.

Agenda Item 16.

The City Council has received the City Manager's Proposed 2008/2009 Budget (including tax increment financing districts). The Council is receiving public comment at its weekly Council meetings.

The proposed 2008 annual operating budget is \$495,619,910, including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$614,236,200. The inclusion of expendable trust funds, as required by law, is an additional \$62,845,410 for a total of \$677,131,610. The estimated mill levy for this budget would be 31.953 mills, no change from the levy for the current 2007 Adopted Budget.

The General Fund property tax levy is \$65,744,600 (including a delinquency allowance) at an estimated 21.953 mills. The levy for the Debt Service Fund is \$29,947,890 (including a delinquency allowance) and is estimated at 10.000 mills.

There are a total of seven TIF Funds, two environmental TIFs (Gilbert & Mosley and North Industrial Corridor) and five economic TIFs (East Bank, Old Town, 21st & Grove, Central & Hillside, and Old Town Cinema). The combined resources of the seven TIF Funds are \$8,163,260, of which \$7,037,930 is derived from property tax increments. The total TIF revenues are inflated by \$8,380 in 2008 and understated by \$8,380 due to an error in the Gilbert and Mosley TIF included in the Proposed budget.

The SSMID Fund is included in the proposed budget assuming a 3.8% increase in assessed valuation. Assuming a mill levy rate of 5.987 mills (no change from the levy for the current 2007 Adopted Budget) and a delinquency factor of 5%, the new valuation projections would result in \$591,090 revenue net of delinquency in fiscal year 2008 (2007 taxes levied). Factoring revenue from prior year delinquencies (\$18,670) and motor vehicle tax revenue (\$25,980) results in a total of \$635,740.

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The dollar amounts, after they are set in the published notice of hearings on the proposed budget, cannot be exceeded, although the City Council may determine subsequently to reduce the mill rate. Formal hearing and adoption of the budget is scheduled for August 14th. If subsequent actions result in an increase to the budget, a process of republication, hearings and certification will be required.

In addition to action on the 2008 Budget, it is requested that action be taken to amend the 2007 Adopted Budget – as contained in the proposed budget submitted to the City Council:

1. The **Special Alcohol Programs Fund** increase of \$29,090 is due to increased costs in the contractual program administration. Higher than anticipated revenues (from state transfers of liquor tax funds) are more than sufficient to offset this increased expenditures.
2. The **City-County Joint Operations Fund** increase of \$21,440 is due to the re-calculation of staff personal services, with expenditures increasing due primary to changes in employee benefit utilization, and base wages, due to employee turnover.
3. The **Water Utility Fund** increase of \$1,987,020 is due primarily to the initial inclusion into the operating budget of costs that are eventually at year-end capitalized and charged to appropriate project accounts. Without the expenditure authority increase, accounting for these costs would be much more complicated.
4. The **Sewer Utility Fund** increase of \$556,460 reflects the cumulative effect of several smaller increases, including higher utility costs, backflow preventers for areas of repeated sewer backups, and increases in line items affected by increased fuel pricing.
5. The **Self Insurance Fund** increase of \$472,370 reflects the inclusion in the Revised budget of the transfer of \$500,000 from the Pension Reserve Fund to the General Fund. This non-recurring transfer refunds to the General Fund the contributions made in 2007.

Publication of the notice of formal hearing will set the maximum dollars that may be expended in each fund. The City Council may subsequently reduce expenditures required (and proposed tax dollars to be levied) but not increase them.

The adoption of the annual budget provides the funding sources for services provided in each of the five goal areas.

As required by law, the proposed budget will be published with appropriated balances. State statutes require formal public hearings prior to approval of the annual operating budget and for budget amendments of published funds. The 2008 Budget must be adopted by the City Council on August 14, and will be filed with the County Clerk by the statutory date of August 25.

Motion--

Brewer moved that the public hearing on the proposed 2008 Budget (including the Tax Increment Financing Districts and the Self-Supporting Municipal Improvement District downtown) and the revised 2007 Budget for August 14, 2007 be set; a technical adjustment regarding Gilbert and Mosley TIF revenues in 2008 and 2009 (shifting \$8,380) approved; publication of the formal public hearing notice authorized; first reading of the general budget, TIF district, and SSMID ordinances approved; and set a maximum amount of taxes levied (\$95,692,490) based on an anticipated mill levy of 31.953 mills (no change from the current mill levy) and an estimated assessed valuation of \$2.994 billion. Motion carried 6 to 0, (Skelton absent).

--carried

ORDINANCE

An Ordinance making and fixing general tax levy for the City of Wichita, Kansas, for the year beginning January 1, 2008, and ending December 31, 2008, and relating thereto, and concurrently approving certain amendments to the 2007 adopted Budget, introduced and under the rules laid over.

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ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the East Bank Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2008, and ending December 31, 2008, introduced and under the rules laid over.

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the Old Town Cinema Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2008, and ending December 31, 2008, introduced and under the rules laid over..

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the Old Town Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2008, and ending December 31, 2008, introduced and under the rules laid over.

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the 21st and Grove Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2008, and ending December 31, 2008, introduced and under the rules laid over..

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the Central and Hillside Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2008, and ending December 31, 2008, introduced and under the rules laid over..

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the Gilbert and Mosley site Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2008, and ending December 31, 2008, introduced and under the rules laid over..

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the North Industrial Corridor Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2008, and ending December 31, 2008, introduced and under the rules laid over..

ORDINANCE

An Ordinance making and fixing general tax levy for the Downtown Wichita Self-Supported Municipal Improvement District for the year beginning January 1, 2008, and ending December 31, 2008, introduced and under the rules laid over.

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RESOLUTION

A RESOLUTION EXPRESSING THE SUPPORT AND COOPERATION OF THE CITY COUNCIL AND APPRECIATION FOR THE LEADERSHIP OF THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS REGARDING THE DOWNTOWN ARENA AND PARKING ISSUES

Mayor Brewer

Mayor Brewer read aloud the Resolution.

Agenda Item No. 16a.

WHEREAS, the Board of County Commissioners of Sedgwick County (County) has taken the lead in planning and building a sports and entertainment arena in downtown Wichita; and,

WHEREAS, the City Council of the City of Wichita (City) wishes to extend its continued support and appreciation to the County for its leadership role in the arena project; and,

WHEREAS, the City recognizes that the downtown arena project will have a substantial economic impact on the City of Wichita; and,

WHEREAS, the City Council recognizes that the downtown arena project is already having a significant impact on the revitalization of downtown Wichita, with numerous and exciting new projects being developed in the surrounding downtown area; and,

WHEREAS, the County has indicated its desire to establish a working group to study downtown arena parking issues; and,

WHEREAS, the City is committed to having ample parking available for downtown arena events and for other activities downtown; and,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. The City hereby expresses its appreciation for the leadership of the County and its full support for the success of the downtown arena project.

Section 2. The City hereby expresses its support of the action of the County to establish a working group to study downtown arena parking issues.

Section 3. The City intends to work with the County and the working group to address the downtown arena parking issues that will enhance the value of the downtown arena for all citizens and participants.

Council Member Gray

Council Member Gray stated that there has been a lot of talk about "killing" the arena project and this resolution shows the public that the City Council is in support of the arena and that we are moving forward with it.

Council Member Schlapp

Council Member Schlapp stated she is also in favor of this resolution.

Motion--carried

Brewer moved to adopt the Resolution. Motion carried 6 to 0, (Skelton absent).

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RESOLUTION NO. 07-438

A Resolution expressing the support and cooperation of the City Council and appreciation for the leadership for the Board of County Commissioners of Sedgwick County, Kansas regarding the downtown arena and parking issues presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent.).

PLANNING AGENDA

Motion--
--carried

Brewer moved that Planning Consent items 17-24 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Skelton absent).

ZON2007-00026

ZON2007-00026-ZONE CHANGE FROM "GO" GENERAL OFFICE TO "LC" LIMITED COMMERCIAL, NORTHEAST CORNER OF WEST MURDOCK AND NORTH WATER. (DISTRICT VI)

Agenda Item No. 17.

MAPC Recommendations: Approve "LC," Limited Commercial (12-0)
MAPD Staff Recommendations: Approve "LC," Limited Commercial
DAB Recommendations: Approve "LC," Limited Commercial

The applicant requests LC zoning on platted Lots 86, 87, 88, 90, 92, 94 and 96 of the Mungers Original Town Addition, each encompassing .5-acres, currently zoned GO, for a catering use that serves liquor to be housed within the existing American Legion, Post Number 4. The application area is on the northeast corner of Water Street and Murdock Avenue (816 N. Water.)

The assembly hall at the American Legion is being utilized as a base for a catering business, which serves liquor, and the operator of this catering service needs the rezone to apply for a liquor license. According to Section 4.04.020 of the Wichita City Code, no person shall sell at retail any alcoholic liquor within the corporate limits of the city at or from premises located in areas zoned for more restrictive than NR Neighborhood Retail. Since the current zoning, GO, is more restrictive than NR, a less restrictive zoning would be required for a liquor license.

North of the application area are properties zoned LI, Limited Industrial and GO developed with a plumbing service and a television station. South of the application area is GC, General Commercial and LI zoned property developed with a fire station and additional parking. Land west of the application area is zoned GO and LC developed as the Kansas Vehicle Registration Office and additional parking. Land east of the application area is zoned GO and GC developed with a plumbing service and additional parking.

At the MAPC meeting held June 21, 2007, the MAPC voted (12-0) to approve the zone change to LC. No citizens spoke at the MAPC meeting. At the District VI Advisory Board meeting held June 20, 2007, DAB VI also recommended approval of LC (7-0). No citizens spoke at the DAB VI meeting. No protests have been received.

Promote Economic Vitality and Affordable Living

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

Motion--
--carried

Brewer moved to concur with the findings of the MAPC and approve the zone change to LC Limited Commercial; place the ordinance establishing the zone change for first reading. Motion carried 6 to 0, (Skelton absent).

ORDINANCE

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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. (ZON2007-00026)

ZON2007-27

ZON2007-27-ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “NO” NEIGHBORHOOD OFFICE AND PROTECTIVE OVERLAY NO. 191; GENERALLY LOCATED ON THE WEST SIDE OF RIDGE ROAD, SOUTH OF DOUGLAS, 109 SOUTH DOUGLAS. (DISTRICT V)

Agenda Item No. 18.

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

MAPD Staff Recommendations: Approve the zone change, subject to Protective Overlay No. 191.

DAB Recommendations: N/A

The application area is a platted lot (Lot 16, Block C, Westview Addition) containing 0.44 acre and zoned “SF-5,” Single-family Residential. The lot is developed with a 2,140 square foot single-family residence and is located on the west side of Ridge Road, approximately 160 feet south of Douglas Avenue (109 South Ridge Road). The applicants have purchased the property with the intent that their son would live there, offer music instruction and make space within the house available to other music instructors not living in the home. Music instruction by residents of the home is a permitted home occupation in the SF-5 district, but instruction by those not living in the home is not allowed as a home occupation. Therefore, the applicants are seeking “NO,” Neighborhood Office zoning that would allow for instruction by those living outside of the home.

The application area is located along a segment of Ridge Road abutted by similarly sized lots, each originally developed with single-family residential structures. In recent years, a number of these lots, both north and south of the application area, have been rezoned from “SF-5” to more intense zoning districts – “MF-18,” Multi-family Residential, “NO” and “GO,” General Office.

The lot immediately north of the application area was rezoned to “GO” in 1983. In 2004, the next three lots located further north of Douglas Avenue were also rezoned to “GO,” subject to a Protective Overlay (PO). In 2000, the property located two lots south of the application area (149 South Ridge Road) were rezoned to “NO.” The land east of the site, across Ridge Road, is developed with an apartment complex that is zoned “SF-5” and subject to a Community Unit Plan that permits apartments as single-family densities. The lots to the west are zoned “SF-5” and developed with single-family residences.

Oddly enough, the subject tract was approved for “NO” zoning, subject to a protective overlay, by both the MAPC and the City Council in 2001 (ZON2001-41). The PO contained the following conditions of approval:

1. The property shall be developed and/or redeveloped with a building that has a residential character, and that includes brick, masonry, wood or composite siding; a double-pitched roof with a minimum vertical rise of 4 inches for every twelve inches; and a maximum height of 25 feet.
2. Freestanding signs shall be monument-type with a maximum height of 8 feet.
3. The property shall be restricted to one point of access onto Ridge Road. If in the future, the abutting lot to the south also converts to a non-residential use, the property owner may be required to pay all costs to modify or close the driveway, to pay one-half the cost of reconstructing the driveway, and to modify the off-street parking area, as required by the Traffic Engineer, in order to allow joint access and cross lot circulation.
4. Lighting shall conform to lighting standards in Sec. IV-B.4 of the Unified Zoning Code and be limited to no more than 14 feet in height.
5. Landscaping shall be provided that is equivalent to a landscaped street yard, parking lot landscaping and screening along Ridge Road, and a buffer along the property lines adjoining a

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residential district, as required in the City of Wichita Landscape Ordinance. A Landscape Plan shall be submitted to the Director of Planning for approval prior to the issuance of a building permit.

In 2005, the property was rezoned back to "SF-5" zoning (ZON2003-00007) in order to obtain favorable residential mortgage financing.

If this request is approved, zoning screening consisting of fencing, berms and/or landscaping will be required along the south and west property lines, and landscape buffering and parking lot screening will be required. As currently constructed, the site does not comply with compatibility building setback requirements of 25 feet from the south property line. The City Council has the authority to modify the distance. If this request is approved, then the setback should be modified to 10 feet to avoid creating a non-conforming setback.

The Metropolitan Area Planning Commission (MAPC) reviewed this application on June 21, 2007 and recommended approval, subject to the provisions contained in Protective Overlay No. 191:

1. Buildings and appurtenances located on the property shall have a residential character, that includes brick, masonry, wood or composite siding; a double pitched roof with a minimum vertical rise of four inches for every twelve inches; and a maximum height of 25 feet.
2. Freestanding signs shall be monument-type with a maximum height of eight feet.
3. The property shall be restricted to one point of access onto Ridge Road. If, in the future, the abutting lot to the south also converts to a non-residential use and the application area is no longer used as a residence, the property owner may be required to pay all costs to modify or close the existing driveway, to pay one-half the cost of reconstructing a new driveway, and to modify the off-street parking area, as required by the Traffic Engineer, in order to allow joint access and cross lot circulation.
4. Lighting shall conform to lighting standards contained in the Unified Zoning Code, and poles or standards shall be limited to no more than 14 feet in height.
5. Landscaping per the Landscape Ordinance shall be installed when the property is no longer used as a primary residence.
6. Compatibility setback along the south property line shall be reduced to the distance that currently exists between the south property line and the existing building.

No one was present to speak in opposition to the request.

No protest petitions have been received.

Promote Economic Vitality.

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

Motion--

Brewer moved to adopt the findings of the MAPC, approve the zone change subject to the provisions of Protective Overlay No. 191; and place the ordinance establishing the zoning on first reading. Motion carried 6 to 0, (Skelton absent).

--carried

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. (ZON2007-00027)

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SUB2007-26

SUB 2007-26-PLAT OF NORTHRIDGE INDUSTRIAL SECOND ADDITION LOCATED WEST OF HILLSIDE AND ON THE NORTH SIDE OF 37TH STREET NORTH. (DISTRICT I)

Agenda Item No. 19.

Staff Recommendation: Approve the plat.

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

This site consists of one lot on 26.3 acres and is located within Wichita's city limits. The site is zoned "LI" Limited Industrial District.

A Petition, 100 percent, and a Certificate of Petition have been submitted for sanitary sewer improvements. A Restrictive Covenant has been submitted to provide for the ownership and maintenance responsibilities of the proposed reserves. An Off-site Sewer Easement has also been submitted. The plat has been approved by the Planning Commission, subject to conditions.

Ensure Efficient Infrastructure.

The Certificate of Petition, Restrictive Covenant and Off-site Sewer Easement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved that the documents and plat be approved; the necessary signatures authorized; and the Resolution adopted. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-433

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90307 (south of 37th St. North, west of Hillside), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer. (Skelton absent)

SUB2007-27

SUB 2007-27-PLAT OF NORTHRIDGE INDUSTRIAL THIRD ADDITION LOCATED SOUTH OF 37TH STREET NORTH AND WEST OF HILLSIDE. (DISTRICT I)

Agenda Item No. 20.

Staff Recommendation: Approve the plat.

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

This site consists of one lot on 4.7 acres and is located within Wichita's city limits. The site is zoned "LI" Limited Industrial District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving and water improvements. An Off-site Drainage Easement has also been submitted. The plat has been approved by the Planning Commission, subject to conditions.

Ensure Efficient Infrastructure.

The Certificate of Petitions and Off-site Drainage Easement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved that the documents and plat be approved; the necessary signatures authorized; and the Resolutions adopted. Motion carried 6 to 0, (Skelton absent).

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RESOLUTION NO. 07-434

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 8, Main 12, Sanitary Sewer No. 23. (west of Hillside, north of 37th St. North) 468-84386, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

SUB2007-23

SUB 2007-23-PLAT OF I-135 POWER CENTER SECOND ADDITION LOCATED ON THE SOUTHEAST CORNER OF 31ST STREET SOUTH AND HYDRAULIC. (DISTRICT III)

Agenda Item No. 21.

Staff Recommendation: Approve the plat.

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

This site, consisting of four lots on 28.47 acres, is a replat of the I-135 Power Center Addition and is located within Wichita's city limits. The site has been approved for a zone change (ZON 2006-14) from "LI" Limited Industrial District to "GI" General Industrial District. A Protective Overlay (P-O #171) was also approved for this site. A Protective Overlay Certificate was submitted identifying the approved Protective Overlay and its special conditions for development on this property.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer and drainage improvements. A Restrictive Covenant has been submitted to provide for the ownership and maintenance responsibilities of the proposed reserves. A Grant of Joint Access Easement has also been submitted. The plat has been approved by the Planning Commission, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Notice of Protective Overlay, Certificate of Petitions, Restrictive Covenant and Grant of Joint Access Easement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted; and approve first reading of the Ordinance. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-436

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 170, Sanitary Sewer No. 22 (South of 31st St. South, east of Hydraulic) 468-84384, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer. (Skelton absent)

RESOLUTION NO. 07-437

Resolution of Findings of Advisability and Resolution authorizing construction of Storm Water Drain No. 329 (South of 31st St. South, east of Hydraulic) 468-84385, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer. (Skelton absent)

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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. (ZON2007-00014)

SUB2007-50

SUB 2007-50-PLAT OF OAK CREEK FOURTH ADDITION LOCATED SOUTH OF 21ST STREET NORTH AND ON THE WEST SIDE OF GREENWICH ROAD. (DISTRICT II)

Agenda Item No. 22.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of five lots on 8.6 acres, is a replat of a portion of Oak Creek 3rd Addition and a portion of the Oak Creek Addition. The Oak Creek Community Unit Plan (CUP 2004-09, DP-274) was also approved for this site. A CUP Certificate has been submitted identifying the approved CUP and its special conditions for development on this property. This site is zoned "LC" Limited Commercial District.

Municipal services are available to serve the site. A Restrictive Covenant has been submitted to provide for the continued sharing in the ownership and maintenance of previously platted reserves and to provide for the ownership and maintenance of the parking strip being platted. Since this site is located near Jabara Airport, 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 habitable structures constructed on subject property.

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

Ensure Efficient Infrastructure.

The Notice of Community Unit Plan, Restrictive Covenants and Avigational Easement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved that the documents and plat be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

DED2007-11

DED 2007-11-DEDICATION OF STREET RIGHT-OF-WAY AND DED 2007-12-DEDICATION OF A UTILITY EASEMENT LOCATED WEST OF HYDRAULIC AND ON THE SOUTH SIDE OF 37TH STREET NORTH. (DISTRICT VI)

Agenda Item No. 23.

Staff Recommendation: Accept the Dedications.

These Dedications are associated with a lot split case (SUB 2007-59, Bridgeport 3rd Industrial Addition). The Dedications are for street right-of-way along 37th Street North and for construction and maintenance of public utilities.

Ensure Efficient Infrastructure.

The Dedications will be recorded with the Register of Deeds.

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Motion--carried Brewer moved that the Dedications be accepted. Motion carried 6 to 0, (Skelton absent).

VAC2007-00005

VAC2007-00005-REQUEST TO VACATE A PLATTED ALLEY RIGHT-OF-WAY, GENERALLY LOCATED BETWEEN KELLOGG STREET, TOPEKA AVENUE, ORME STREET AND BROADWAY AVENUE. (DISTRICT I)

Agenda Item No. 24.

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicant is requesting vacation of the full length of the platted alley as described and as recorded in the Orme and Phillips Addition. The applicant, Kansas Blueprint c/o Jerry Sims, plans to install speed bump to slow traffic down that runs through the alley and past his business. There are manholes, sewer line, Westar and Southwestern Bell utilities in this portion of the alley, therefore the alley will be retained as an easement. The applicant owns all properties abutting the alley and the vacated alley will remain open as a private drive. Current openings onto public right-of-way are to city standards. The Orme and Phillips Addition was recorded with the Register of Deeds April 24, 1876.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order will be recorded with the Register of Deeds. The alley will be retained as a utility easement

Motion-- Brewer moved that the Vacation Order be approved and the necessary signatures authorized. Motion
--carried carried 6 to 0, (Skelton absent).

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Fearey Council Member Fearey requested that Kurt Skinner be appointed to the Board of the Mid-America All Indian Center.

Motion--carried Brewer moved to approve the appointment. Motion carried 6 to 0, (Skelton absent).

RECESS

EXECUTIVE SESSION

Motion-- Brewer moved that the City Council recess into Executive Session at 12:43 p.m. to consider: personnel
--carried matters of non-elected personnel and that the Council returns from Executive Session no earlier than 1:30 p.m. and reconvene in the MAPC Room on the 10th Floor of City Hall. Motion carried 6 to 0, (Skelton absent).

RECONVENE

The City Council reconvened in the MAPC Room at 1:40 p.m.

Motion-- Brewer moved to extend the Executive Session for an additional 20 minutes, until 2:00 p.m.
--carried Motion carried 4 to 0, (Longwell and Williams not present, Skelton absent)

RECONVENE

The City Council reconvened in the MAPC Room at 2:08 p.m.

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Mayor Brewer

Mayor Brewer announced that the City Council has returned from Executive Session, there was no action taken and there is no action needed as a result of the Executive Session.

Motion--carried

Brewer moved to close the Executive Session. Motion carried 5 to 0, (Williams not present, Skelton absent).

Motion--carried

Brewer moved to adjourn the Regular Meeting. Motion carried 5 to 0, (Williams not present, Skelton absent).

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 2:09 p.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk

Workshop followed in the 10th Floor MAPC Room