

REVISIONS:

Item 17 moved to New Business, Item 30a.

Item 21 moved to New Business, Item 32a.

Addition of Item 49.

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. October 16, 2007

City Council Chambers

455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the October 2, 2007 regular meeting

AWARDS AND PROCLAMATIONS

- Distinguished Service Citation.
 - Willie Whitaker
- Proclamation.
 - Kansas BEST Day
 - 40th Anniversary Celebration of Wichita Transit Week

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. Mary Galvin, Executive Director Communities in Schools-Presentation of Communities in Schools 2006-2007.
2. Richard Taylor-Support for UPC, current Plumbing Code.

3. Terry Irwin, Plumbing and Pipe Fitters Board-Adoption of 2006 International Plumbing Code. (Withdrew request to speak)
 4. Mark Herndon, Present documentation from Plumbing Association of Central Kansas in support of the 2006 IPC.
 5. David Lefler, -Support of the International Plumbing Code. (Withdrew request to speak)
 6. Leon Breedlove-Support of and possible opposition to the International Plumbing Code. (Withdrew request to speak)
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CONSENT AGENDA

7. Report of the Board of Bids and Contracts Dated October 15, 2007

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

8. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption On Premises)</u>
Armando DeSantiago	El Perron enterprises LLC*	3824 East Harry
<u>New Operator</u>	<u>2007</u>	<u>(Consumption On Premises)</u>
Amy Trottier	Big Mike's Little Theater*	1871 Sim Park Drive
<u>New Operator</u>	<u>2007</u>	<u>(Consumption Off Premises)</u>
Evan Nguyen	Evan's Corner Gas and Grocery	2828 East 21 Street North

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

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

9. Preliminary Estimates:

- a . Hydraulic Landscaping from 63rd Street South to MacArthur (Hydraulic, south of MacArthur) (472-84118/706922/205388) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$150,000.00
- b . Maize Court from the west line of Maize Road, west to and including the cul-de-sac to serve Lillie 2nd Addition (south of Maple, west of Maize Road) (472-84286/766123/490141) Does not affect existing traffic. (District V) - \$212,000.00
- c . Fawn Grove/Morris, from the east line of Lot 84, Block 2, to the west line of Fawn Grove Addition; Fawn Grove Court from the east line of Fawn Grove to and including the cul-de-sac (Lots 23 through 34, Block 3); Fawn Grove Court from the east line of Fawn Grove to and including the cul-de-sac (Lots 35 through 42, Block 3) to serve Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich) (472-84576/766161/490179) Does not affect existing traffic. (District II) - \$320,000.00
- d . 44th Street South from the west line of Lot 6, Block 6, to the east line of Legacy 3rd Addition; St. Paul from the south line of Legacy 3rd Addition to the south line of 44th Street South; St. Paul Court from the west line of St. Paul to and including the cul-de-sac (Lots 1 through 5, Block 3); Chase from the north line of 44th Street South, west to the north line of Lot 1, Block 6 to serve Legacy 3rd Addition (north of 47th Street South, west of Meridian) (472-84527/766136/490154) Does not affect existing traffic. (District IV) - \$668,000.00
- e . Lateral 49, Main 24 Southwest Interceptor Sewer to serve The Waterfront 4th Addition (north of 13th Street North, east of Webb) (468-83919/744243/480931) Does not affect existing traffic. (District II) - \$54,400.00
- f . Water Distribution System to serve The Waterfront 4th Addition (north of 13th Street North, east of Webb) (448-90020/735374/470047) Does not affect existing traffic. (District II) - \$52,000.00
- g . Storm Water Sewer #633 to serve Reed Commercial Addition (south of 21st Street North, east of 127th Street East) (468-84399/751455/485346) Does not affect existing traffic. (District II) - \$28,000.00
- h . Lateral 4, Main 6 Cowskin Interceptor Sewer to serve Turkey Creek 3rd Addition (north of Pawnee, east of 135th Street West) (468-84287/744246/480934) Does not affect existing traffic. (District V) - \$410,000.00
- i . 2007 Sanitary Sewer Rehabilitation, Phase E (various locations north of Pawnee, east of Meridian) (468-84403/620490/667608) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,III,VI) - \$323,000.00
- j . Lateral 9, Main 15, Sanitary Sewer #23 to serve Johnson Commercial Centre (south of 53rd Street North, west of Meridian) (468-84304/744231/480919) Does not affect existing traffic. (District VI) - \$102,000.00

(Item 9 continued)

- k. Lake Ridge from the south line of Avalon Park 3rd to the west line of Lot 36, Block 1; Lake Ridge Court from the east line of Lake Ridge to and including the cul-de-sac; Lake Ridge Court from the west line of Lake Ridge to and including the cul-de-sac; Candlewood Circle from the west line of Lake Ridge to and including the cul-de-sac; Sidewalk along the east line of Lake Ridge to serve Avalon 3rd and 4th Additions (north of 37th Street North, east of Tyler) (472-84441/766153/490171) Does not affect existing traffic. (District V) - \$615,000.00

RECOMMENDED ACTION: Receive and file.

10. Petitions for Public Improvements:

- a. Pave streets in Cheryl's Hollow Second Addition, north of 13th Street, west of 135th Street West. (District V)
- b. Sanitary Sewer to serve Town & Country Christian Church Addition, south of 37th Street North, west of Edgemoor. (District I)
- c. Pave streets in Gray's Sixth Addition, south of MacArthur, west of Hoover. (District IV)
- d. Construct Sanitary Sewer, Drainage and Water Improvements for Waterfront Residential, Waterfront Sixth and Greenwich Office Park Additions, north of 13th Street, west of Greenwich. (District II)
- e. Drainage Improvements in Stonebridge Second Addition, north of 13th Street, west of 159th Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

11. Consideration of Street Closures/Uses.

- a. Frostbite Regatta, November 4, 2007, 6:00 a.m. to 6:00 p.m., Riverside Park. (District VI)
 - Nims Street Bridge, Murdock Street to Ralph Wulz Riverside Tennis Center Driveway.
- b. Turkey Trot, Saturday, November 17, 2007-8:00 to 10:00 a.m. Sim Park. (District VI)
 - Sim Park Drive West entrance of Cowtown
 - Amidon, Murdock to West entrance of Cowtown
 - Amidon, Murdock to 12th Street North, one lane

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 on file with the Community Events Coordinator.

12. Agreements/Contracts:

- a. Staking in Krug South Addition, south of 21st Street, west of 143rd Street East. (District II)- Supplemental
- b. Respread Assessments-Oak Creek, Oak Creek Second, Oak Creek Third and Oak Creek Fourth Additions, south of 21st Street North and west of Greenwich Road. (District II)

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

13. Design Services Agreements:

- a. Stonebridge Second Addition, north of 13th Street, west of 159th Street East. (District II)
- b. Turkey Creek Third Addition, north of Pawnee, east of 135th Street West. (District IV)
- c. 17th Street, Grove-Hillside; Harry, Turnpike-Rock; Lincoln Street Bridge at the Arkansas River. (Districts I, II, III, and IV)

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

14. Change Orders:

- a. Street Paving in Monarch Landing Addition, north of 21st Street, west of 159th Street East. (District II)
- b. Ridge/Maple Intersection Improvement. (District V)
- c. Sanitary Sewer Main to serve an area along MacArthur, between 1/2 mile east of West Street and the Wichita-Valley Center Flood Control Ditch (District IV)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

15. Property Acquisition:

- a. Partial Acquisition of 1916 Faulders for the Gypsum Creek – Pawnee to Woodlawn Flood Control and Stream Restoration Project. (District III)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

16. Minutes of Advisory Boards/Commissions, October 16, 2007.

Board of Park Commissioners, July 9, 2007
District VI Advisory Board, August 6, 2007
Board of Park Commissioners, August 13, 2007
Board of Electrical Appeals, August 14, 2007

RECOMMENDED ACTION: Receive and file.

17. Master Plan Funding for the current New Communities Initiative Area.

(Moved to New Business Agenda Item No. 30a.)

18. Arena Water Service. (District I)

RECOMMENDED ACTION: Approve the expenditure; adopt the resolution; and authorize the necessary signatures.

19. Contracts and Agreements for September 2007.

RECOMMENDED ACTION: Receive and file

20. Budget Adjustment-Tort Fund.

RECOMMENDED ACTION: Approve the Budget Adjustment to transfer \$75,000 to the claims line of the General Liability Tort Fund from monies within the Self Insurance Fund, or from other appropriated reserves.

21. Kansas Firefighters Museum. (District I)

(Moved to New Business Agenda Item No. 32a.)

22. City of Wichita Taxable Industrial Revenue Bonds, Series IV-2004, Assignment and Assumption of Tenant's Rights and Obligations, Beauty First, Inc. Project. (District II)

RECOMMENDED ACTION: Approve the proposed assignments and assumptions and the execution and delivery of the Acknowledgement and Consent of Issuer and authorize the necessary signatures.

23. Acquisition by Eminent Domain of a Tract Required for Improvement Project of West Street from Maple to Central. (Districts IV and VI)

RECOMMENDED ACTION: Place on first reading 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.

24. Second Reading Ordinances: (First Read October 2, 2007)

a. Approval of Economic Development Incentives Agreement for ZTM, Inc. (District III)

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 ZTM, INC. and the City of Wichita, Kansas.

b. SUB 2007-55-Plat of Nguyen Addition located on the south side of Harry and east of Webb Road. (District II)

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.

RECOMMENDED ACTION: Adopt the Ordinances.

NEW BUSINESS

25. Environmental Assessment.

The environmental assessment will assist the City with defining current conditions as well as conditions that will impact the City in the future.

RECOMMENDED ACTION: Authorize the use of Wichita State University Community Service mill levy funds and the services of the Hugo Wall School staff and faculty for the creation of an environmental assessment.

26. Request for Letter of Intent for Tax-Exempt Industrial Revenue Bonds, McCormick-Armstrong Co., Inc.
(District I)

McCormick-Armstrong Co., Incorporated is now planning to expand its manufacturing operation and requests the issuance of a one-year Letter of Intent for IRBs in the amount not to exceed \$6,000,000.

RECOMMENDED ACTION: Approve a Letter of Intent to McCormick Armstrong Co., Inc. for Tax-Exempt Industrial Revenue Bonds in an amount not-to-exceed \$6,000,000; approve the remaining property tax abatement for the 1999 Bonds; and approve the Triplett Woolf & Garretson, LLC firm to serve as bond counsel for the issuance of industrial revenue bonds.

(9:30 a.m. or soon thereafter)

27. Repair or Removal of Dangerous & Unsafe Structure. (District I)

On August 28, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the properties below.

Property Address:

- a. 937 North Indiana
- b. 1014 North Indiana
- c. 1045 North Mathewson
- d. 2326 East Mossman

Council District:

- I
- I
- I
- I

RECOMMENDED ACTION: Close the public hearing; adopt the resolutions declaring the building a dangerous and unsafe structure, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structure would be contingent on the following: 1) All taxes have been paid to date, as of October 16, 2007; (2) the structure has been secured as of October 16, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of October 16, 2007, and will be so maintained during renovation.

28. Public Hearing on Proposed Assessments for Twenty (20) Water Projects, Eighteen (18) Sewer Projects, and Ten (10) Storm Sewer Projects in February 2008 Bond Sale Series 792.

The City Council was notified on September 18, 2007 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

RECOMMENDED ACTION: Close the Public Hearing, approve the proposed assessments, and place the ordinances on first reading.

29. Public Hearing on Proposed Assessments for Twenty two (22) paving Projects in February, 2008 Bond Sale Series 792. (Districts I, II, III, IV, & V)

The Council was notified on September 11, 2007 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

RECOMMENDED ACTION: Close the Public Hearing, approve the proposed assessments, and place the ordinances on first reading.

30. Housing Tax Credit Policy Revision.

The City Council adopted a policy for issuance of a Resolution of Support on April 3, 2001 (Resolution 95-479), and the Housing and Community Services Department has administered the policy since that time.

RECOMMENDED ACTION: Adopt the Housing Tax Credit Policy.

(Item 30 a.)

30a. Master Plan Funding for the current New Communities Initiative Area.

The City of Wichita, Sedgwick County and the State of Kansas have joined together to launch the New Communities Initiative (NCI).

RECOMMENDED ACTION: Approve the allocation of \$250,000 to help fund a Master Plan for the current New Communities Initiative area.

31. Petition to pave Agnes, between 36th Street North and 37th Street North. (District VI)

The signatures on the Petition represent 4 of 7 (57%) resident owners and 66% of the improvement district area. District VI Advisory Board sponsored a September 19, 2007, neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the Petition, adopt the Resolution, and authorize the necessary signatures.

32. Improvement to the Intersection of Douglas and Oliver. (District II)

The proposed 2007-2016 Capital Improvement Program (CIP) includes a project to improve the intersection of Douglas and Oliver. District II Advisory Board sponsored a September 10, 2007, neighborhood hearing on the project. The Board voted 10-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project, place the Ordinance on First Reading, and authorize the necessary signatures.

(Item 32a)

32a. Kansas Firefighters Museum. (District I)

The City of Wichita has previously entered into a 20-year lease with the Kansas Firefighters Museum.

RECOMMENDED ACTION: Approve the 99-year lease and authorize the necessary signatures.

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

33. ZON2007-00036 – Zone change from “SF-5” Single-family Residential, “TF-3” Two-family Residential and “LC” Limited Commercial to “MF-29” Multi-family Residential with a Protective Overlay. Generally located south and east of the intersection of West 31st Street South and South Wichita Street. (District III)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to the additional conditions of Protective Overlay #193; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; OR 2) Return the application to the MAPC for reconsideration.

34. DER2007-9 – Ordinance amending the Unified Zoning Code to add the Proposed Corridor Preservation Plan Overlay District (CP-O) for the proposed Northwest Bypass in Wichita and Sedgwick County. The general location of the proposed CP-O connects K-96 to U.S.54/400 west of the City of Wichita. (City/County)

RECOMMENDED ACTION: Adopt the proposed amendment to the Wichita-Sedgwick County Unified Zoning Code and approve the first reading of the ordinance.

35. *ZON2007-39 – Zone change from “NR” Neighborhood Retail to “LC” Limited Commercial subject to amended Protective Overlay 130 to permit “animal care, limited”; generally located one-quarter mile east of 135th Street West, south of Maple Street. (District V)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC and approve the zone change to "LC" Limited Commercial and the amendment to the provisions of Protective Overlay No. 130; place the ordinance establishing the zone change and amendment to Protective Overlay No. 130 on first reading; OR 2) Return the application to the MAPC for reconsideration.

36. *ZON2007-00040 – Zone change from “SF-5” Single-family Residential to “LI” Limited Industrial. Generally located one-eighth mile north of Harry on the west side of Sabin Street. (District IV)

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

37. *ZON2007-00041 – Zone change from “TF-3” Two-family Residential to “B” Multi-family Residential. Generally located east of the intersection of South Rutan Avenue and East Orme Street, 700 feet east of Hillside Avenue. (District III)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; OR 2) Return the application to the MAPC for reconsideration.

38. *PUD2007-03 – Create PUD #26 Parkstone Planned Unit Development and zone change from “GC” General Commercial, “GO” General Office, “B” Multi-family Residential and “TF-3” Two-family Residential to “PUD” Planned Unit Development. Generally located north of Douglas Avenue, east of Hillside Avenue, south of 1st Street North and east and west of Rutan Avenue. (District II)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the PUD #26 Parkstone Planned Unit Development subject to platting within one year; withhold the publication of the ordinance until the plat is recorded; OR 2) Return the application to the MAPC for reconsideration.

39. *SUB 2007-24 - Plat of Monarch Landing Second Addition located north of 21st Street North and west of 159th Street East. (District II)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

40. *SUB 2007-48-Plat of Crystal Gardens Addition located on the north side of 13th Street North and east of 135th Street West. (District V)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

41. *SUB 2007-77 - Plat of Webb Business Park Addition located north of 37th Street north and on the west side of Webb Road. (District II)

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

42. *VAC2007-00006-Request to vacate a portion of a platted setback, generally located on the north side of Central Avenue and west of Tyler Road. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

43. *VAC2007-00025-Request to vacate a portion of a platted setback generally located north of 13th Street North and east of 119th Street West. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

44. *A07-15R Request by Jay Russell, of R&R Realty, to annex land generally located northeast of the intersection of K-96 and Ridge Road, Island Annexation. (District VI)

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

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.
*Consent items

45. *Administration and Safety Building Electrical Service, Change Order No. 1, Mid-Continent Airport.

RECOMMENDED ACTION: Approve the change order and authorize the necessary signatures.

46. *Parking Study Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the contract, adopt the resolution, approve the capital budget, and authorize necessary signatures.

47. *Airline Use Agreements - Frontier Airlines Holdings and Republic Airlines.

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

CITY COUNCIL

48. Board Appointments

RECOMMENDED ACTION: Approve the appointments.

49. **Council consideration of directing the Plumbing and Mechanical Boards not to submit amendments to the Plumbing and Mechanical Code until the 2009 revised codes have been released.**

Adjournment

Workshop to follow in the 10th Floor MAPC Meeting Room