

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
09:00 a.m. August 14, 2007

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the August 7, 2007 regular meeting

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AWARDS AND PROCLAMATIONS

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CONSENT AGENDA

1. Report of the Board of Bids and Contracts Dated August 13, 2007

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

2. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
James Smith	Farmers Market, Inc.	2901 North Broadway
Jack N. Reif	Target Corporation dba Target Store T-1944	10800 East 21 Street North
Jack N. Reif	Target Corporation dba Target Store T-1945	2727 Maize Road

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

3. Preliminary Estimates:

- a. Water Main Replacement to serve Anderson First Addition (east of Meridian, north of Maple) (448-90211/636158/776551) Traffic to be maintained using flagpersons and barricades. (District IV) - \$1,555,600.00
- b. Wichita Transit Bus Passenger Bench and Shelter Installation, Phase II (north of 47th Street South, east of 135th Street West) (472-84485a/629550/629551/629568/616004/616005/ 617001) Traffic to be maintained using flagpersons and barricades. (District I,II,III,IV,V,VI) - \$325,000.00
- c. Storm Water Sewer #630 to serve EC & LR Coles Addition to Carey Park (north of 29th Street North, west of Arkansas) (468-84335/751446/485337) Traffic to be maintained using flagpersons and barricades. (District VI) - \$150,000.00
- d. Castle Rock/Rockhill, from the south line of 21st Street North to the west line of 143rd Street East; Castle Rock Court, serving Lots 26 through 29, Block 1, from the east line of Castle Rock to and including the cul-de-sac; Castle Rock Court, serving Lots 15 through 19, Block 5, from the east line of Castle Rock to and including the cul-de-sac; Rockhill Court, serving Lots 23 through 33, Block 5, from the north line of Rockhill to and including the cul-de-sac; Split Rail/Churchill Circle, serving Lots 1 through 16, Block 1 and Lots 1 through 6, Block 5, from the north line of Rockhill to and including the cul-de-sac; Split Rail Court, serving Lots 1 through 8, Block 1 from the east line of Split Rail to and including the cul-de-sac; Burning Tree/Burning Tree Court from the south line of Lot 61, Block 2 to the west line of Castle Rock; Sidewalk on one side of Castle Rock, Rockhill, Split Rail and Burning Tree to serve Krug South Addition (south of 21st Street North, west of 143rd Street East) (472-84521/766128/490146) Does not affect existing traffic. (District II) - \$1,090,740.00
- e. Lateral 15, Main 7 Northwest Interceptor Sewer to serve Wadley Ranch Addition in the City of Maize (south 37th Street North, west of Maize) (468-84332/744227/480915) Does not affect existing traffic. (District Maize) - \$29,000.00
- f. Mark Randal from the east line of Covington to the north line of Lot 27, Block 1; Cortina from the south line of Mark Randal to the east line of Lot 8, Block 2, including the cul-de-sac; Shefford from the east line of Lot 8, Block 2, to the north line of Lot 27, Block 1 to serve Fontana 3rd Addition (north of 29th Street North, east of 119th Street West) (472-84091/766131/490149) Does not affect existing traffic. (District V) - \$550,290.00
- g. Water Distribution System to serve Cheryl's Hollow 2nd Addition (north of 13th Street North, west of 135th Street West) (448-90290/735362/470035) Does not affect existing traffic. (District V) - \$101,000.00
- h. Water Distribution System to serve Willow Creek East Addition (south of Harry, east of Greenwich) (448-90282/735360/470033) Does not affect existing traffic. (District II) - \$91,000.00
- i. Jamesburg from the east line of the plat, west to the east line of Nickelton; Nickelton from the south line of Jamesburg, south to the north line of Ridgepoint; Ridgepoint from the east line of the plat, west to the west line of Nickelton; Nickelton Cir. (Lots 7 through 20, Block C) from the north line of Nickelton north to and including the cul-de-sac; Nickelton Ct. (Lots 1 through 6, Block C) from the east line of Nickelton Cir. east to and including the cul-de-sac; Nickelton Ct. (Lots 1 through 6, Block B) from the east line of Nickelton east to and including the cul-de-sac; Nickelton Ct. (Lots 7 through 12, Block B) from the east line of Nickelton, east to and including the cul-de-sac; Nickelton Cir.(Lots 1 through 20, Block A) from the south line of Ridgepoint, south to and including the cul-de-sac; Sidewalk on Jamesburg, Nickelton and Ridgepoint to serve Silverton Addition (north of 13th Street North, west of 135th Street West) (472-84459/766152/490170) Does not affect existing traffic. (District V) - \$694,000.00

(Item 3 continued)

- j. Water Distribution System to serve Rainbow Lakes West Addition (south of Central, east of 119th Street West) (448-90195/735320/470991) Traffic to be maintained during construction using flagpersons & barricades. (District V) - \$91,500.00

RECOMMENDED ACTION: Receive and file.

4. Petitions for Public Improvements:

- a. Construct Sanitary Sewer and Water Improvements in Maple Shade Addition, east of Webb, north of Pawnee. (District II)
- b. Construct a Sanitary Sewer in Gray's Sixth Addition, south of MacArthur, west of Hoover. (District IV)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

5. Deeds and Easements:

- a. Utility Easement dated February 16, 2007 from Cinema Associates, a Kansas General Partnership for a tract of land lying within a portion of the SE 1/4 of SEc. 21, TWp. 27-S, R-2-E of the 6th P.N., Sedgwick County, Kansas, No cost to City (D18208)
- b. Utility Easement dated May 31, 2007 from Triple J of Wichita, L.L.C. for a tract of land lying in Lot 3, Block 1, Cornejo East 2nd Addition, Wichita, Sedgwick County, Kansas, No Cost to City (D18209)
- c. Utility Easement dated May 24, 2007 from U-STor of Corpus Christi, L.L.C. for a tract of land lying in Lot 2, Block 1, Cornejo East 2nd Addition, Wichita, Sedgwick County, Kansas, No Cost to City (D18210)
- d. Utility Easement dated May 11, 2007 from Corral Group, LP for a tract of land lying in Lot 1, Block A and Reserve "A", Golden Corral Addition, Wichita, Sedgwick County, Kansas, No Cost to City (D18211)
- e. Utility Easement dated February 16, 2007 from Cinema Associates, a Kansas General Partnership for a tract of land lying within a portion of the SE 1/4 of SEc. 21, TWp. 27-S, R-2-E of the 6th P.N., Sedgwick County, Kansas, (OCA # 607861) No cost to City
- f. Utility Easement dated May 31, 2007 from Triple J of Wichita, L.L.C. for a tract of land lying in Lot 3, Block 1, Cornejo East 2nd Addition, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- g. Utility Easement dated May 24, 2007 from U-STor of Corpus Christi, L.L.C. for a tract of land lying in Lot 2, Block 1, Cornejo East 2nd Addition, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- h. Utility Easement dated May 11, 2007 from Corral Group, LP for a tract of land lying in Lot 1, Block A and Reserve "A", Golden Corral Addition, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City

RECOMMENDED ACTION: Accept documents.

6. Minutes of Advisory Boards/Commissions:

Wichita Airport Advisory Board July 9, 2007  
Board of Code Standards and Appeals, July 9, 2007  
Design Council, July 11, 2007

RECOMMENDED ACTION: Receive and file.

7. Consideration of Street Closures/Uses.

- a. 2007-Wichita Komen Race for the Cure, September 29, 2007, 7:00 a.m.-11:00 a.m. (District II)
- Douglas Avenue, Rock Road to Whittier Street not including the intersection of Douglas Avenue and Rock Road.
- b. Wichita Marathon, October 21, 2007, 7:00 a.m. to 2:00 p.m. throughout southeast Wichita into Downtown and Old Town. (Districts I, III, IV, and VI)
- 31st Street south, McConnell Air Force Base to Oliver, west bound curb side lane, 9:00 a.m. to 12:30 p.m.
  - Oliver Street, 31st Street south to George Washington Boulevard, north bound curb side lane, 9:30 a.m. to 12:30 p.m.
  - George Washington Boulevard, Oliver to Mt. Vernon, west bound curb side lane, 9:30 a.m. to 12:45 p.m.
  - Mt. Vernon, George Washington Boulevard to Linwood Park, west bound curb side lane, 9:45 a.m. to 1:15 p.m.
  - Douglas Street, I-135 to Mead Street, west bound curb side lane, 9:45 a.m. to 2:00 p.m.
  - Mead Street, Douglas to Second Street, 9:45 a.m. to 2:00 p.m.
  - Second Street, Mead Street to Moore Street, 9:45 a.m. to 2:00 p.m.

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.

8. Agreements/Contracts:

- a. Professional Services (legal)-Gilbert and Mosley Project. (Districts I, III, and VI)-supplemental.
- b. Wichita/Haysville/County/KDOT Agreements: Meridian Improvement, 71st Street South to 47th Street South. (District IV)
- c. Construction Engineering and Staking in Northgate Addition, north of 53rd Street North, west of Meridian. (District VI) - supplemental

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

9. Design Services Agreement:

- a. Design Main 16, Sanitary Sewer No. 23, east and west of Arkansas, between 37th and 46th Street North. (District VI) - supplemental

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

10. Contracts and Agreements for July 2007.

RECOMMENDED ACTION: Receive and file.

11. Senior Management Expenses for June 2007.

RECOMMENDED ACTION: Receive and file.

12. Settlement of Litigation.

RECOMMENDED ACTION: Authorize payment of the \$280,000 settlement for the Wingate Plaza from the Tort sub fund of the City's Self-Insurance Fund and any necessary budget adjustments.

13. HOME CHDO Housing Development Funding Allocation.

RECOMMENDED ACTION: Approve the funding allocation in the amount of \$117,000; approve the funding agreement; and authorize the necessary signatures.

14. Wichita Police Department LIDAR Grant.

RECOMMENDED ACTION: Approve the application; authorize the appropriate signatures; and approve any necessary budget adjustments.

15. Second Reading Ordinances: (first read July 24th)

a. 2008 Annual Operating Budget and 2007 Budget Revisions.

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.

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

(Item 15 continued)

7. 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.
8. 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.
9. 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.

Second Read Ordinances: (First Read August 7, 2007)

a. Hillside Bridge at Gypsum Creek. (District III)

An ordinance amending ordinance no. 47-010 of the City of Wichita, Kansas declaring the Hillside Bridge at Gypsum Creek (472-84395) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

b. 2007 Street Rehabilitation Program. (Districts II, IV, V, & VI)

An ordinance declaring Seneca, from 49th Street. North to 53rd Street. North; 21st, from Greenwich to the K-96 freeway; Woodchuck, from Kellogg to Maple and Douglas, from West Street. to Anna (2007 street rehabilitation program) 472-84578 to be main trafficways within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficways; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

c. Sign Code Amendments, Title 24.04, relating to Electronic Message/"LED" Signs.

An ordinance amending sections 24.04.060, 24.04.085, 24.04.185, 24.04.220 and 24.04.251 and repealing the originals of said amended sections; and creating Section 24.04.223, all in the code of the City of Wichita, Kansas, and pertaining to the sign codes of the City of Wichita, Kansas.

d. Amendments to 2007 Non-exempt Salary and Classification Ordinances for IAFF Agreement.

An ordinance providing for a uniform schedule of standard pay ranges for non-exempt employees of the City of Wichita, repealing ordinance no. 47-491. An ordinance establishing position classifications for non-exempt employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges repealing ordinance no. 47-269.

e. CUP2007-25 Associated with ZON2007-25—Create DP-305 Scholfield-Honda Commercial Community Unit Plan; zone change to "LC" Limited Commercial. Generally located between Kellogg Drive, Gouverneur Road, Orme Street and Mission 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.

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UNFINISHED BUSINESS

15a. Proposed 2007-2016 Capital Improvement Program.  
(Deferred August 7, 2007)

RECOMMENDED ACTION: Approve the 2007-2016 Capital Improvement Program and authorize initiation of projects scheduled for 2007-2008, and 2009, with appropriate design solicitations and filing of applications for available State and Federal project support.

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NEW BUSINESS

16. 2008 Annual Operating Budget and Revisions to the 2007 Budget.

The 2007/2008 Proposed Budget has been presented to the City Council, including presentations at workshops and at the joint District Advisory Board (DAB) meeting. The City Council has received public comments on the proposed 2007/2008 budget, both formally at regular meetings of the Council and informally at the joint DAB meeting. On July 24, 2007, the City Council placed the budget ordinances on first reading and authorized the publication of the hearing notices, establishing the maximum taxes levied for the 2008 City budgets.

RECOMMENDED ACTION: 1) Approve the 2008 budgets and adopt the necessary budget ordinances, including those for the tax increment financing (TIF) districts and the self-supported municipal improvement district (SSMID); 2) Approve amending the 2007 budget for the Special Alcohol Fund, the City-County Joint Operations Fund, the Water Utility Fund, the Sewer Utility Fund and the Self Insurance Fund; 3) Approve the joint agreements with Sedgwick County (including amendments to the 2007 City-County Metropolitan Area Planning operating budget); 4) Approve the proposed new schedule of rates and charges for Water Service and place the ordinance on first reading; 5) Approve the proposed new schedule of rates for users of the Sanitary Sewer system and place the ordinance on first reading; 6) Approve the Golf fee increases; 7) Approve the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County); 8) Approve necessary budget adjustments and expenditure control levels; 9)

Approve the bonding ordinance for the Signal Modernization capital project and any budget adjustments necessary to fund the payback; and  
10) Approve the application for the SAFR grant for 14 firefighters.

17. Quarterly Financial Report for Quarter Ended June 30, 2007.

The Finance Department prepares quarterly unaudited financial reports to monitor and review the financial activities of the operating and capital funds.

RECOMMENDED ACTION: Receive and file the Quarterly Financial Report for the quarter ended June 30, 2007

18. Amendments to Title 18 - Adoption of 2006 International Building Code, 2006 International Residential Code and Revised Building Permit Fee Schedule.

The City's current Building Code adopts model building codes developed and published by the International Code Council, and includes the 2000 Editions of both the IBC and the IRC.

RECOMMENDED ACTION: Approve first reading of the proposed ordinances to: (1) delete Chapters 18.05 and 18.06 of the Code of the City of Wichita, which adopted the 2000 Editions of the International Building Code and International Residential Code; (2) create Chapters 18.50 and 18.51 of the Code of the City of Wichita, which adopt the 2006 Editions of the International Building Code and International Residential Code, with amendments; and (3) amend Chapter 18.08 of the Code of City of Wichita, which modifies the Building Permit Fee ordinance to reference new Code Chapters 18.50 and 18.51, and update base permit fee tables used to calculate building permit fees.

19. Second Annual Review of the Emerging and Disadvantaged Business Enterprise Program.

On May 10, 2005, City Council approved the Emerging and Disadvantaged Enterprise Policy and Procedure Manual, the action plan for the 14 recommendations and the creation of the Contract Compliance Officer position. The first annual review of the Emerging and Disadvantaged Business Enterprise Program was conducted on June 27, 2007 at a City Council Workshop.

RECOMMENDED ACTION: Receive comment from the Wichita Supplier Diversity Task Team and the public.

20. MacArthur Improvement, between Meridian and Seneca. (District IV)

The proposed 2007-2016 Capital Improvement Program (CIP) includes a project to improve MacArthur between Meridian and Seneca. District IV Advisory Board sponsored a September 7, 2005, neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project, place the Ordinance on First Reading and authorize the signing of State/Federal agreements as required.

21. Improvement to the Intersection of Broadway and 55th Street South. (District III)

The proposed 2007-2016 Capital Improvement Program (CIP) includes a project to improve the intersection of 55th St. South and Broadway. District III Advisory Board sponsored a February 1, 2006, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project, approve the Utility Relocation Agreement, place the Ordinance on First Reading and authorize the signing of State/Federal agreements as required.

22. Grease Interceptor Requirements - Amended Ordinance.

Revisions to the current Ordinance are necessary to meet revised plumbing code standards, as well as increase the effectiveness of discharge permit issuance and tracking Best Management Practices that are implemented by the food service establishment to comply with the grease control regulations.

RECOMMENDED ACTION: Approve the amended Ordinance; place the Ordinance on first reading; and authorize the necessary signatures.

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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

23. ZON2007-00030-Zone change request from "LC" Limited Commercial to "MF-29" Multi-family Residential zoning. Generally located west of Oliver and south of extended 29<sup>th</sup> Street North. (District I)

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

24. \*PUD 2006-02#24-Creation of the Wal-Mart at Oliver Platted Unit Development to allow general retail sales. Generally located south of Kellogg Avenue, east of Oliver Avenue. (District III)-Remand

RECOMMENDED ACTION: Adopt the findings attached to this report as the basis for the denial of the application.

25. \*ZON2006-09 – Zone change from "SF-5" Single-family Residential to "LC" Limited Commercial. Generally located 900 feet south of Central on the west side of Tyler Road. (District V)

RECOMMENDED ACTION: Approve a two-year platting extension to May 9, 2009.

26. \*CUP2006-24/ZON2006-25-Creation of DP-299 Northgate Commercial Park Community Unit Plan (CUP); and zone change from SF-5 to LC. Generally located on the northwest corner of 53rd Street North and Meridian. (District VI)

RECOMMENDED ACTION: Approve a one-year platting extension to August 1, 2008.

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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

27. Terminal Area Redevelopment Program Schematic Design.

RECOMMENDED ACTION: Accept the schematic design and authorize staff to continue to move forward with actions related to design development, and preparation of plans and specifications for the new airline passenger terminal, and its ancillary and related improvements, as well as the enabling projects to prepare the site and utilities for development of the terminal area.

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CITY COUNCIL

28. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

Adjournment