

**CITY COUNCIL PROCEEDINGS
NOVEMBER 4, 2008**

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 4, 2008
Tuesday, 09:00 AM

The City Council met in regular session with Carl Brewer, Sue Schlapp, Lavonta Williams, Paul Gray, Jeff Longwell, Jim Skelton, and Sharon Fearey.

Staff Members Present: Scott Moore Interim City Manager, Gary Rebenstorf Director of Law, and Karen Sublett City Clerk.

Mayor Brewer called the meeting to order.

Approval the minutes of the October 28, 2008 regular meeting and October 30, 2008 special Meeting.

MOTION:

Mayor Brewer moved to approve the minutes as written.
Motion carried 7 to 0.

PROCLAMATIONS AND AWARDS

Mayor Brewer read aloud the following Proclamations:

National Adoption Day
Alpha Kappa Alpha Sorority, Incorporated Weekend
Doris Kerr Larkin's Day

Mayor Brewer recognized and presented Awards to the following:

Citizen's Academy Graduation
Third Annual EBE Awards of Recognition
Wichita Water Utilities Honor Award Department
Wichita Fire Department Bronze Wreath of Valor and the Life Saving Award
Wichita Police Department Bronze Wreath of Valor and the Life Saving Award
Wichita Police Department Shield and the Silver Wreath of Valor

I. **PUBLIC AGENDA**

1. Debbie J. Pendarvis-Property located at 839 West 55th Street South.

Ms. Pendarvis stated she is out of money and is asking for more time to get the repairs done to her mother's house.

Council Member Gray stated this situation has been dragging out for months and is the second time Ms. Pendarvis has appeared before the Council. Stated the last time she was here she was granted two extra extensions and voted to condemn this property a long time ago. Stated there are many years of outstanding taxes due and the repairs were to be done by now. Stated he has been told by Staff that they

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do not see this ever coming to fruition. Stated he has tried to work with Ms. Pendarvis and her sisters and thinks the Council should proceed.

Kurt Schroeder, Office of Central Inspection stated this property was condemned and Council directed them to proceed in June. Stated a month after that, she were given an extra 60 days to get things done, which was suppose to be done by August with the taxes paid in full. Stated this is why OCI is proceeding with condemnation.

Council Member Gray stated to proceed as we have stated in the past and he will have a conversation with Ms. Pendarvis and Kurt Schroeder later today and if something changes, he will come back to the Council if there is significant reason to do so.

2. [Tye Pameticky - Trash problem in his neighborhood.](#)

Mr. Pameticky stated in his neighborhood there are a couple of residents who are throwing their residential trash on the ground in the front yard and not in bags or trash cans. Stated with the winds, that trash ends up in everybody's yards. Stated OCI comes out and they issue 30 days to get the problem remedied and these people wait until the last day of the 30 days to pick up the trash. Stated after it is cleared, then the whole cycle begins again. Stated this continuous cycle is a waste of OCI's time and tax payer's money by these continuous trips when there are no consequences for their repetitive violations. Stated he was hoping there might be a way to possibly change OCI's policy to shorten the length of time for cleanup or possibly a fine schedule to help deter this in the future.

Council Member Skelton stated he agrees and has had the same types of problems in his neighborhood. Inquired why after a certain number of warnings, there is not some kind of a fine issued.

Kurt Schroeder Office of Central Inspection stated this is something they have looked at and a new nuisance code was adopted last May. Stated in that there is a section for repeat offenders that are found guilty in court, which is the key. Stated in these types of cases they have not gone to court because they clean it up. Stated part of the problem here is the blowing trash and litter in the neighborhood, which they probably need to review this ordinance. Stated they did look at the possibility when the new ordinance was adopted to do something similar as they do with weeds, which is that they give a one time notice which is the notice for the whole season or year and at that time, they were told by the legal department that state law would not allow them to do that. Stated that the City Manager has asked that they work with the law department and review this.

3. [John D. Kemp Sr. - Cornejo and Son Waste Transfer Station.](#)

Mr. Kemp stated he is the president and one of the founders of K-15 neighborhood association. Stated he has concerns with 31st and K-15 and requests for another extension for the waste transfer center, which is 10 blocks from his front door. Stated this intersection is the second busiest intersection in the city and has a railroad crossing without a gate. Stated he has lived there for 23 years and have heard over the years five different deaths at that railroad track and intersection. Stated the railroad crossing in that area has a train that crosses every 35 to 40 minutes and asked the Council to think of residents in District III.

(Council Member Fearey momentarily absent)

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Council Member Skelton stated the Mayor is supporting their position and there are others on the Council who will also. Stated it will take four Council Members to direct the manager to make that a transfer station and there are a lot of concerns. Stated a park is being created right across the river and he does not want to have a landfill or transfer station as part of the vista. Stated if there are any Council Members who want this to proceed, he wishes that they would contact him and let him know, which no one has yet to do.

II. UNFINISHED COUNCIL BUSINESS

1. **SANITARY SEWER AND WATER DISTRIBUTION SYSTEMS IN RAINBOW LAKES WEST ADDITION, SOUTH OF CENTRAL, EAST OF 135TH STREET WEST. (DISTRICT V)**

Attachment: [Agenda Report II-1 and Emergency Ordinances No. 48-012 and 48-037](#)

Jim Armour City Engineer reviewed the item.

(Council Member Skelton momentarily absent)

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

Council Member Longwell stated they did hold a meeting with several of the concerned homeowners in that area and they still do not like what has happened to them and the costs has just escalated far above what anyone had envisioned. Sated in some cases it went up over 30% since the petition but they understand and Staff has done an admirable job on trying to find ways to meet some mutual ground that.

MOTION:

Council Member Longwell moved to close the public hearing; find and declare upon the request of the Mayor that a public emergency exists requiring the final passage of the ordinances on the date of their introduction; and authorize the necessary signatures.

Motion carried 7 to 0.

III. NEW COUNCIL BUSINESS

1. **CULTURAL ARTS PLAN.**

Attachment: [Updated Cultural Plan](#)

Attachment: [Supporting Document 2](#)

Attachment: [Agenda Report No. III-1.](#)

Misty Bruckner, Hugo Wall School of Urban and Public Affairs at WSU and John D'Angelo Cultural Arts Director reviewed the item.

(Council Member Gray momentarily absent)

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Mayor Brewer inquired whether anyone from the audience wished to be heard.

Joan Cole stated she is here on behalf of the Arts Council and the Cultural Funding Committee and Art Advisory Committee, which is made up of many arts organizations. Asked the supporters of cultural arts to stand and be recognized. Stated she finds this plan much clearer and more focused than the older version. Stated five years ago by action of this Council, Wichita joined 46 of the 50 largest cities in our nation whose leaders recognized the importance of cultural arts in their communities and made a substantial financial commitment to it. Stated the Arts Council and its Cultural Funding Committee have carried out on the Council's behalf a grant application process and presented recommendations to you on a portion of these funds, which were awarded to over 30 different non-profit arts groups each year. Stated the cultural arts provide economic development activity; brings tourists to our community; are a critical component to the education of our young people; and improve the overall quality of life in our City. Stated they are here to urge the Council to approve the updated Cultural Plan and to make another five year commitment of the equivalent of one mill funding for cultural arts. Stated they on the Arts Council commit through the granting process, to keep the Council apprised on how these funds are being used and to assist in an evaluation of this endeavor at the end of the second five year period.

Alex Ling, Wichita Garden Show Manager stated the Wichita Garden Show is a Century II stakeholder. Stated a stakeholder of Century II is made up of managers, promoters, and organizers of events that are held at Century II. Stated the stakeholders have met with staff of Century II and the Park Department many times over the past five years to discuss policies and issues and it is a good working relationship. Stated they appreciate and commend the Cultural Arts Group and the plan and understand their desire to strengthen the arts through the adoption of this plan. Stated after hearing the plan this morning, she has a question about the definition of organization that it would include Century II. Stated Century II is clearly not an organization. Stated they would have appreciated some dialogue about why it would be better for Century II to be under Cultural Arts than to be under the Park Department. Stated there was no collaboration with Century II staff and asked why local promoters and stakeholders asked to comment. Stated a third of all events at Century II are cultural and/or entertainment events, Century II is not just a cultural arts center, it is much more. Stated they have advocated for years that Century II does not belong under the Parks Department, to put it under Cultural Arts Department makes even less sense without some dialogue or understanding of the goals. Stated they would like to recommend three alternatives. First you could remove Century II or other organizations from goal 1, page 20; remove Century II from the plan and place it directly under the City Manager; establish a three division department called the Department of Cultural Arts, Public Venue, and Convention and Tourism. Stated each division would have a director who would report directly to the City Manager. Stated the business operations of these divisions would be distinct, different, and unique but the three divisions would work closely and cooperatively with each other to promote mutually shared goals. Strictly cultural interests would be handled by the cultural arts division; all city owned venues to Century II would be under the public venue division; and conventions and tourism speaks for itself. Stated over the last 18 months the Century II staff and Doug Kupper have worked very hard to write a Century II Booking Policy that the local consumer show managers could live with and everyone agreed that the last version should be taken to the City Council for approval. Stated the Booking Policy is seriously needed and would delay it indefinitely while acquainting a new department with operations, issues, and policies of Century II.

(Vice-Mayor Schlapp momentarily absent)

(Council Member Williams momentarily absent)

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Council Member Fearey spoke in regards of the Booking Policy. Stated a policy says it all, that it is something the City Council adopts and Vice-Mayor Schlapp and she have been working with the Park Department and the users of Century II for the last 18 months and she does not see that this will change at all. Stated they have been having some additional meetings with Conventions and Business Bureau and working through some last minute issues on that and that will be back before City Council on December 2nd. Stated even if Century II is moved under the division of Arts and Culture, it will not change any of the staff at Century II and you will have the same people you have been working with.

Peter Salmeron stated he is the president of the Board for Botanica stated the Botanica organization will support any plan that has goals to sustain and increase the quality of life for the Wichita community. Stated the Botanica organization will support any plans that contains a strategy and methodology that encourages financial stability, collaboration, and viability among the Wichita Cultural Arts organizations. Stated the proposed Cultural Arts Plan addresses many issues concerning solvency, sustainment and management. Stated the Wichita community has experienced many business successes and a few failures within the cultural arts organizations. Stated no idea or venture that requires a financial support system is immune from failure. Stated the Botanica organization supports any plan that helps to develop some business practices or operations for the cultural arts organizations. Stated one of the main elements of success that results from successful economic development program is the quality of life. Stated the cultural arts have a direct link to economic development and is a factor in the measurement of the community quality of life. Stated the Botanica organization has established itself as the number one attraction that delivers a high level of satisfaction to visitors and the community, which is supported by the results of the National Citizens Survey of 2006. Stated Botanica supports any plan that promotes inclusion of cultural arts, economic, and community development. Stated that Botanica will support any plan that provides various levels of collaboration among cultural arts organizations; maximizes available sources to sustain and improve facilities and protect private and public investments; and results in producing a vibrant cultural arts community that creates a quality of life that will retain and attract residents, tourists, and businesses.

Marylou Rivers resides at 6027 North Meridian, stated she has seen when the Council changed their minds and took away the power and the authority of the Park Board and did not let them form their destiny a number of years ago. Stated she was against that at the time and is still worried about those things. Stated consequently with that change, we have a major highway that goes through a park; we have a school in a park situation; and other things. Stated parks were set up originally so that they would not be a political football for anyone and that is part of the reason that the Board of Park Commissioners was established. Stated in moving and changing things, sometimes it sounds good in the overall effect but sometimes it does not have the protection of the parks that they need. Stated Botanica is one of the jewels of the Park Department and would like to see the direction of Botanica left in the Park Department.

Jim Hand resides at 1406 Hickory Stick Circle, stated he is the treasurer for Botanica. Stated the Council should have received Botanica's position paper that speaks on what their president spoke on regarding Botanica. Stated the do support the plan as it is. Stated he is very concerned about the portion of the report that purposes that if approved, would move the City's responsibility for Botanica from the Park Department to the Cultural Arts Department. Stated from the founding of Botanica 25 years ago, has had a very close relationship with the Park Department. Stated that close a relationship has served both Botanica and the City of Wichita very well. Stated that a 25 year relationship turned a barren portion of ground into a garden spot, which is now a great community asset. Stated this relationship has worked

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particularly well because the interests and needs of Botanica in the Park Department are so closely related. Stated Botanica's extensive gardens and other facilities are very similar in nature to facilities that the Park Department operates such as golf courses, recreation centers, etc. Stated in the operation of Botanica, the advice and support of Doug Kupper and his staff is invaluable and is key to Botanica's long-term success. Stated that changing this relationship would be a significant loss to both Botanica and the City. Stated if the Council chooses to adopt the proposed Cultural Arts Program, he encourages them to do so in a way that preserves the relationship and lines of responsibility between Botanica and the Park Department rather than reassign that responsibility to the Cultural Arts Department. Stated they have a relationship that works very well and asked not to fix that that is not broken.

Deanna Wheeler and Chris Brown, Women's Fair stated they were a little surprised when this came on the agenda and they do not know if they particularly oppose being moved from the Park Department to the Cultural Arts Department but that their concern is that they have a number of questions and there was not specific dialogue about this with the stakeholders. Stated Century II is such an integral part of this community and touches a number of organizations both business, non-profit, and charitable conventions. Stated they have asked previously for some policy beyond the Booking Policy to be put in place at some point in time with dialogue with the users as well as the Conventions and Tourism Bureau to define the overall priorities and balance between the conventions and local users. Stated they were a little concern that there is just one line in this plan moving the Century II management without consideration and defining a lot of the operational perimeters. Stated they do not know exactly what the Council may have in mind or the Art Department and how it might effect them in the future.

Scott Moore, Interim City Manager stated it is his plan to work with Staff to make sure administratively that they can put together a team to identify some of the business practices at Century II and to look at the transfer of services by January 2009. Stated in the interim he will make sure to do their part to have things in place prior to the new manager coming on board to be able to execute.

Council Member Fearey stated the overriding part of working with all of these groups is to get this operating agreement in place and as we do that, would say this is a plan and a plan is something that you try to follow but sometimes see that something is not working and then shifts are made in the plan. Stated she would encourage the Botanica group to start working as soon as they can with City Staff and if they would like a Council Member there, they can be there and to start getting their operating agreement in place. Stated the operating agreement with the City is about 20 years old and it is time to update it anyway and see where everything sorts out and what is best for the City.

MOTION:

Mayor Brewer moved to adopt the updated Cultural Arts Plan and continue the one mill dedicated funding for the arts along with the Cultural Arts Funding Committee with another review in five (5) years.

Council Member Skelton stated he has a lot of concerns about moving Botanica over and that is why he cannot support the motion.

Council Member Fearey stated this has had a lot of work on it and does not think anybody today is saying that tomorrow Botanica is going to be moved. Stated if the Council does not adopt this today, they will not be able to get anywhere. Stated this is a plan and a guideline to move to the future and if we do not have a guideline things will stay like they are and there will not be anything in place the next time we have the Indian Center or the Cowtown situation.

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Council Member Skelton stated there has not been any cause or case he has seen that justifies pulling this away from the Park Department. Stated the Park Department has had a good record of running this for a long time and the Council has a lot of recommendations to look at such as funding alternatives, budget, etc and thinks that those should be done before we dedicate one mill. Stated he does not know if one mill is the right amount.

Council Member Longwell stated this is a great starting point and recognize that when we have old plans out there that have not been updated in 20 years that they need to be revisited. Stated it is not set in stone that Botanica has to move. Stated when they finalize their agreement it may be decided to stay with the Park Department. Stated he thinks it is a great starting point and appreciates the work that has been done and is supportive of it.

Mayor Brewer stated as we start looking at the arts and culture, it is everywhere and not just the City of Wichita. Stated he and Vice-Mayor Schlapp just returned from China and they even recognize that this is one of the things that you must have if you want individuals to come to your city and is all part of the much larger plan. Stated we have to make these types of investments in our City.

Vice-Mayor Schlapp stated in order to have money to spend on streets and other things, we have to create that money and that money comes from the tax paying citizens within a community. Stated the more tax paying citizens you have within your community, the more taxes are going to the City to spend on those things and one of the primary reasons that people come to a community, has to do with the arts. Stated for her it is an investment that will create more revenue so that streets, etc. can be taken care of. Stated she feels that it is very important that this is passed.

Motion carried 6 to 1 (Nay: Jim Skelton).

2. [**PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, RAW INVESTMENTS, INC. \(DISTRICT IV\)**](#)

Attachment: [Agenda Report No. III-2 and Ordinance No. 48-109](#)

Allen Bell, Urban Development Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

MOTION:

Council Member Gray moved to close the public hearing, place on first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in the amount of \$1,900,000 for RAW Investments, Inc., and authorize the necessary signatures.

Motion carried 7 to 0.

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3. [PUBLIC HEARING AND PROPERTY TAX EXEMPTION REQUEST, RAND GRAPHICS, INC. \(DISTRICT IV\)](#)

Attachment: [Rand Graphics EDI Agreement](#)

Attachment: [Agenda Report No III-3 and Ordinance No.48-113](#)

Allen Bell, Urban Development Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

MOTION:

Council Member Gray moved to close the public hearing, and approve first reading of the Ordinance granting Rand Graphics an 85% tax exemption on the identified real property improvements for a five year term, plus an 85% tax exemption for a second five-year term, subject to City Council review. Motion carried 7 to 0.

4. [EXTENSION OF IRB TAX EXEMPTION, RAND GRAPHICS, INC. \(DISTRICT IV\)](#)

Attachment: [Agenda Report No. III-4.](#)

Allen Bell, Urban Development Director reviewed the item.

(Vice-Mayor Schlapp momentarily absent)

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

MOTION:

Council Member Gray moved to extend the tax exemption on Rand Graphics, Inc.'s IRB Bond-financed property for a one-year period and review further extension at the end of year 2009. Motion carried 7 to 0.

5. [REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, PAWNEE INDUSTRIAL, LLC. \(DISTRICT IV\)](#)

Attachment: [Agenda Report No. III-5.](#)

Allen Bell, Urban Development Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

MOTION:

Council Member Gray moved to close the public hearing and approve a one-year Letter of Intent to issue Industrial Revenue Bonds to Pawnee Industrial, LLC in an amount not-to-exceed \$4,500,000, subject to Letter of Intent conditions and approve a 100% tax abatement on all bond-financed real property for an initial five-year period plus an additional five years pending City Council review and approval. Motion carried 7 to 0.

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6. [REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, ATLAS AEROSPACE, LLC, DBA PRODUCT MANUFACTURING COMPANY. \(DISTRICT IV\)](#)

Attachment: [Agenda Report No. III-6.](#)

Allen Bell, Urban Development Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

MOTION:

Council Member Gray moved to close the public hearing and approve a one-year Letter of Intent to issue Industrial Revenue Bonds to Atlas Aerospace dba Product Manufacturing Corporation in an amount not-to-exceed \$9,000,000, subject to standard Letter of Intent conditions; and approve a 100% tax abatement on all bond-financed real property for an initial five-year period plus an additional five years pending City Council review and approval.

Motion carried 7 to 0.

7. [RESOLUTION CONSIDERING THE ADOPTION OF A REDEVELOPMENT PROJECT PLAN, TAX INCREMENT FINANCING, KENMAR REDEVELOPMENT DISTRICT. \(DISTRICT I\)](#)

Attachment: [Agenda Report No. III-7; Resolution No. 08-507; and Exhibit A](#)

Allen Bell Urban Development Director reviewed the item.

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

MOTION:

Council Member Williams moved to adopt the resolution and authorize the necessary signatures.

Motion carried 6 to 0, (Gray abstained)

8. [PUBLIC HEARING ON PROPOSED ASSESSMENT FOR, ONE \(1\) SEWER PROJECT, ONE \(1\) WATER PROJECT AND ONE \(1\) STORM WATER PROJECT IN THE FEBRUARY 2009 BOND SALE SERIES 796. \(DISTRICTS V AND VI\)](#)

Attachment: [Agenda Report No. III-8 and Ords.48-114, 48-115, and 48-116](#)

Jim Armour City Engineer reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

MOTION:

Council Member Longwell moved to close the Public Hearing; approve the proposed assessments and find and declare upon the request of the Mayor that a public emergency exists requiring the final passage of the Bond and Note Ordinances on the date of their introduction.

Motion carried 7 to 0.

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9. [QUARTERLY FINANCIAL REPORT FOR QUARTER ENDING SEPTEMBER 30, 2008.](#)

Attachment: [Agenda Report No. III-9.](#)

Kelly Carpenter Finance Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

MOTION:

Mayor Brewer moved to receive and file the Quarterly Financial Report for the quarter ended September 30, 2009.

Motion carried 7 to 0.

10. [IMPROVEMENT TO THE INTERSECTION OF 17TH STREET
AND HILLSIDE. \(DISTRICT I\)](#)

Attachment: [Agenda Report No. III-10 and Ordinance No. 48-110](#)

Attachment: [Supporting Documents 17th & Hillside](#)

Jim Armour City Engineer reviewed the item.

(Council Member Skelton momentarily absent)

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

MOTION:

Council Member Williams moved to approve the project, place the Ordinance on first reading, and authorize the signing of State/Federal agreements as required.

Motion carried 7 to 0.

11. [LINWOOD PARK. \(DISTRICT I\)](#)

Attachment: [Agenda Report No. III-11 and Resolution No. 08-508](#)

Doug Kupper Parks and Recreation Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

MOTION:

Council Member Williams moved to approve the Bonding Resolutions; authorize initiation of the project; and authorize all necessary signatures.

Motion carried 7 to 0.

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12. 2008 AND 2009 PARK FACILITIES RENOVATION.

Attachment: [Agenda Report No. III-12 and Resolution No. 08-509](#)

Doug Kupper Parks and Recreation Director reviewed the item.

MOTION:

Mayor Brewer moved to approve the Bonding Resolution; authorize initiation of the project; and authorize all necessary signatures.

Motion carried 7 to 0.

13. SWIMMING POOL IMPROVEMENTS. (DISTRICTS I, II, IV, V, AND VI)

Attachment: [Agenda Report No. III-13 and Resolution No. 08-510](#)

Doug Kupper Parks and Recreation Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

MOTION:

Mayor Brewer moved to approve the Bonding Resolution; authorize the initiation of the projects; and authorize all necessary signatures.

Motion carried 7 to 0.

14. ARCHITECTURAL PROGRAMMING SERVICES NEW CENTRAL LIBRARY.

Attachment: [Agenda Report No. III-14 and RFP](#)

Cynthia Berner-Harris Library Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

MOTION:

Mayor Brewer moved to authorize issuance of a Request for Proposal (RFP) to select a consultant for architectural programming services for a new Central Library.

Motion carried 6 to 1 (Nay: Jim Skelton).

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

15. Public Hearing: Repair or Removal of Dangerous and Unsafe Structures

Property Address:

a) 1226 North Lorraine

Council District:

I

Attachment: [OCI Writeup](#)

Attachment: [OCI Summary Spreadsheet](#)

Attachment: [Agenda Report No. III-15.](#)

Kurt Schroeder Office of Central Inspection reviewed the item.

Kurt Schroeder stated their recommendation is to proceed with the Boards recommendation to demolish this property and the detached accessory garage. Stated OCI did receive a call last week from someone who said they were interested in possibly buying the property and they were instructed to be here today but have not heard from them since and they have not shown up today. Stated they are assuming at this point that they have looked at it and have decided not to move forward.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

MOTION:

Council Member Williams moved to close the public hearing, adopt the resolutions declaring the buildings to be dangerous and unsafe structures, and accept the BCSA recommended actions 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 any structures would be contingent on the following: (1) All taxes have been paid to date, as of November 4, 2008; (2) the structures have been secured as of November 4, 2008 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of November 4, 2008, and will be so maintained during renovation.

Motion carried 7 to 0.

IV. NON-CONSENT PLANNING AGENDA

1. **CON2008-00032-CONDITIONAL USE FOR A WIRELESS COMMUNICATION FACILITY ON PROPERTY ZONED LC LIMITED COMMERCIAL (“LC”); GENERALLY LOCATED SOUTH OF KELLOGG DRIVE, MIDWAY BETWEEN GROVE STREET AND HILLSIDE AVENUE. (DISTRICT I)**

Attachment: [Site Plan and other materials](#)

Attachment: [DAB 1 Memo 9-4-2008](#)

Attachment: [Excerpt of July 24th MAPC](#)

Attachment: [Agenda Report No. IV-1 and Resolution No. 08-511](#)

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John Schlegel Planning Director reviewed the item.

MOTION:

Council Member Williams moved to concur with the findings of the MAPC and approve the project with the Conditional Use with the eight additional items.

Motion carried 7 to 0.

2. **ZON2008-42/CON2008-36 – ZONE CHANGE TO “TF-3” TWO-FAMILY RESIDENTIAL AND CONDITIONAL USE REQUEST FOR FOUR DUPLEXES (EIGHT DWELLING UNITS); GENERALLY LOCATED SOUTH OF 9TH STREET NORTH AND EAST OF ST. PAUL. (DISTRICT VI)**

Attachment: [Site Plan](#)

Attachment: [DAB VI Memo 9-8-08](#)

Attachment: [Excerpt of the August 21st MAPC](#)

Attachment: [Agenda Report No. IV-2; Ordinance No. 48-111; and Resolution No. 08-512](#)

John Schlegel Planning Director reviewed the item.

MOTION:

Council Member Fearey moved to adopt the findings of the MAPC and approve the zone change and Conditional Use subject to the staff recommendations with a change of in conditions to limit the site to six dwelling units; authorize the first reading of the ordinance; and publish the zone change ordinance.

Motion carried 7 to 0.

- V. **CONSENT PLANNING AGENDA (ITEMS 1 THROUGH 4)**

(Council Member Gray momentarily absent)

MOTION:

Mayor Brewer moved to approve Planning Consent items 1 through 4 in accordance with the recommended actions shown thereon.

Motion carried 6 to 0, (Gray absent).

1. ***ZON2001-00053 –ZONE CHANGE FROM SF-5 SINGLE-FAMILY RESIDENTIAL TO LI LIMITED INDUSTRIAL WITH A RESTRICTIVE COVENANT TO LIMIT USES AND MODIFY DEVELOPMENT STANDARDS. GENERALLY LOCATED SOUTH OF 45TH STREET NORTH AND WEST OF WEBB ROAD, 4211 N. WEBB ROAD. (DISTRICT II)**

Attachment: [Agenda Report No. V-1 and Ordinance No. 48-112](#)

2. ***VAC2008-00026 REQUESTS TO VACATE A PORTION OF A PLATTED DRAINAGE AND UTILITY EASEMENT; GENERALLY LOCATED BETWEEN US 54 AND LINCOLN STREET AND WEST OF 143RD STREET EAST. (DISTRICT II)**

Attachment: [Agenda Report No. V-2.](#)

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3. ***VAC2008-00027 REQUESTS TO VACATE A PORTION OF A PLATTED SETBACK; GENERALLY LOCATED APPROXIMATELY ½ MILE NORTH OF 47TH STREET SOUTH AND WEST OF K-15. THE SITE IS LOCATED IN SEDGWICK COUNTY AND WITHIN THE CITY OF WICHITA'S THREE-MILE RING SUBDIVISION JURISDICTION. (BOCC DISTRICT 5)**

Attachment: [Agenda Report No. V-3 and Map](#)

4. ***VAC2008-00028 REQUESTS TO VACATE A PORTION OF A PLATTED SETBACK; GENERALLY LOCATED NORTH OF HARRY STREET AND EAST OF I-135. (DISTRICT I)**

Attachment: [Agenda Report No. V-4](#)

IX. **CONSENT AIRPORT AGENDA (ITEMS 1 AND 2)**

MOTION:

Mayor Brewer moved to approve Airport Consent items 1 and 2 in accordance with the recommended actions shown thereon.

Motion carried 6 to 0, (Gray absent).

1. ***MIDFIELD ROAD DUCT BANK, PHASE I, MID-CONTINENT AIRPORT.**

Attachment: [Agenda Report No. IX-1 Midfield Road Duct Bank](#)

2. ***WICHITA AIRPORT HOTEL ASSOCIATES, L.P. - ESTOPPEL LETTER AND MEMORANDUM OF LEASE.**

Attachment: [Estoppel Letter](#)

Attachment: [Memorandum of Lease](#)

Attachment: [Agenda Report No. IX-2 Hilton Improvements](#)

X. **COUNCIL MEMBER AGENDA - NONE**

XI. **COUNCIL MEMBER APPOINTMENTS**

Council Member Skelton requested that David J. Robinson to the Transit Advisory Committee.

MOTION:

Mayor Brewer moved to approve the appointment.

Motion carried 7 to 0.

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XII. CONSENT AGENDA (ITEMS 1 THROUGH 22A)

Council Member Longwell stated that he needs to pull item 22a, the second reading for ZON2008-36. Stated it needs to be revised and addresses the development at Maple and 135th Street. Stated the rest of item 22a can be left on the consent agenda for approval.

MOTION:

Mayor Brewer moved to approve Consent Agenda items 1 through 21 in accordance with the recommended actions shown thereon.

Motion carried 7 to 0.

1. REPORT OF BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 3, 2008.

Attachment: [Board of Bids List](#)

2. APPLICATIONS FOR LICENSES - NONE

3. APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Roselia Tello-Rubio	Lalos Express LLC*	1533 South Seneca Street
Jo Lynn Blood	Pine Bay Golf Course, Inc.*	6615 South Grove
<u>New</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Arlando Trotter	V's Restaurant, V's Inc.*	1021 Maple

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

4. PRELIMINARY ESTIMATES - NONE

5. PETITIONS FOR PUBLIC IMPROVEMENTS:

- a. Water Distribution System for an area along Hoover, between 23rd Street North and 25th Street North. (District V)

Attachment: [Map, CIP](#)

Attachment: [Agenda Report No. XII-5a and Resolution No. 08-513 WDS along Hoover](#)

6. DEEDS AND EASEMENTS - NONE

7. STATEMENT OF COSTS - NONE

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

- a. East Kellogg Frontage Road between Ellson and Zelta. (District II)

Attachment: [Map](#)

Attachment: [Agenda Report No. XII-8a](#)

9. **AGREEMENTS/CONTRACTS - NONE**

10. **DESIGN SERVICES AGREEMENT:**

- a. East Bank River Corridor Improvements, north of Douglas. (District VI)- supplemental

Attachment: [Agenda Report No. XII-10a and Agreement Law-Kingdon-river corridor \(CD\)](#)

- b. Botanica/Sim Park Access Road and Utility Improvement. (District VI)

Attachment: [Agenda Report No. XII-10b and Agreement MKEC-Botanica](#)

11. **CHANGE ORDER:**

- a. Pawnee Improvement, between 119th Street West and Maize. (District IV)

Attachment: [Agenda Report No. XII-11a and Change Order](#)

12. **PROPERTY ACQUISITION - NONE**

13. **MINUTES OF ADVISORY BOARDS/COMMISSIONS**

Board of Electrical Appeals, September 9, 2008
Wichita Public Library, September 16, 2008
Wichita Public Library Workshop Minutes, October 7, 2008
Wichita Historic Preservation Board, September 8, 2008
Wichita Employees' Retirement System, August 20, 2008
Wichita Employees' Retirement System, September 24, 2008
Joint Investment Committee, September 4, 2008
Police & Fire Retirement System, August 27, 2008

14. **PURCHASE OPTION, RAND GRAPHICS, INC. (DISTRICT IV)**

Attachment: [Rand Graphics Deedback Lease Termination](#)

Attachment: [Rand Graphics Bill of Sale](#)

Attachment: [Rand Graphics Deedback Resolution No. 08-](#)

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Attachment: [Agenda Report No. XII-14 and Resolution No. 08-5514 with Attachments Rand Graphics Deedback](#)

15. **PAYMENT FOR SETTLEMENT OF LAWSUIT.**

Attachment: [Agenda Report No. XII-15.](#)

16. **FLEET INTERNAL SERVICE FUND BUDGET ADJUSTMENT.**

Attachment: [Agenda Report No. XII-16.](#)

17. **DRY CREEK CHANNEL IMPROVEMENTS, LINCOLN TO ORME. (DISTRICT III)**

Attachment: [Agenda Report No. XII-17 and Resolution No. 08-515](#)

Attachment: [Supporting Document Dry Creek Channel](#)

18. **REALLOCATION OF WEST DOUGLAS PARK CIP FUNDING. (DISTRICT IV)**

Attachment: [Agenda Report No. XII-18 and Resolution Nos. 08-516, 08-517 and 08-518](#)

19. **PLANEVIEW COMMUNITY LIBRARY MEMORANDUM OF AGREEMENT. (DISTRICT III)**

Attachment: [Agenda Report No. XII-19](#)

Attachment: [Planeview Library Agreement](#)

20. **EMINENT DOMAIN PROFESSIONAL LEGAL SERVICES.**

Attachment: [Agenda Report No. XII-20.](#)

Attachment: [Contract for Legal Services 2009](#)

21. **NOTICE OF INTENT TO USE DEBT FINANCING, TENANT FACILITY IMPROVEMENTS – MID-CONTINENT AIRPORT.**

Attachment: [Agenda Report No. XII-21 and Resolution No. 08-519](#)

**CITY COUNCIL PROCEEDINGS
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22. **SECOND READING ORDINANCES:**

- a. Second Reading Ordinances, (First Read October 28th)

Attachment: [List of Second Reading Ordinances](#)

Council Member Longwell stated also in the second reading it does not mention the screening of the trash containers.

John Schlegel Planning Director stated what happened was when that motion was made on first reading on that item, the motion maker did not include one of the conditions that were recommended by the DAB. Stated Staff was seeking clarification of that motion to include the recommendation by the DAB to limit the hours of operation of the restaurant.

Gary Rebenstorf Director of Law stated it would be safe to go ahead and include it in the motion for second reading.

MOTION:

Council Member Longwell moved to approve these changes and include limiting the hours of operation to midnight and screening of all of the trash receptacles.

Motion carried 7 to 0.

EXECUTIVE SESSION

MOTION:

Mayor Brewer moved to recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice, contract negotiations, and matters relating to employer-employee negotiations and that the Council returns from Executive Session no earlier than 1:45 p.m. and reconvene in the City Council Chambers on the first floor of City Hall.

Motion carried 7 to 0.

RECONVENE

The Council reconvened in the City Council Chambers at 2:02 p.m. Mayor Brewer announced that no action was needed or taken as a result of the Executive Session.

MOTION:

Mayor Brewer moved to adjourn the Executive Session. Motion carried 4 to 0, (Schlapp, Skelton, and Longwell not present)

MOTION:

Mayor Brewer moved to close the regular meeting. Motion carried 4 to 0, (Schlapp, Skelton, and Longwell not present)

**CITY COUNCIL PROCEEDINGS
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ADJOURNMENT

The meeting was adjourned at 2:03 p.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk