

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., October 3, 2006

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the September 26, 2006 regular meeting
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AWARDS AND PROCLAMATIONS

- Proclamation:
 - Barbershop Harmony Weekend
 - Scleroderma Awareness Month
 - Fire Prevention Week
 - Emerging and Disadvantaged Business Enterprise Program Awards
-

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. Gene Safarik-Police under funded.
2. Loren L. Mumma-Damage to his home located at 3921 Ross Parkway, done by the City.
3. Lester K. McGuire- CON2006-000027 Cell tower at 29th Street and Porter.

4. Larry T. Hart-Cell phone tower at 29th Street North and Porter Street.

CONSENT AGENDA

5. Report of the Board of Bids and Contracts Dated October 2, 2006.

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

6. Applications for Licenses to Retail Cereal Malt Beverages:

| <u>Renewal</u> | <u>2006</u> | <u>(Consumption on Premises)</u> |
|-----------------|-------------------------------|----------------------------------|
| Wayne R. Larson | Sierra Hills Golf Club | 13420 East Pawnee |
| Dennis H. Grady | Wichita Canteen Company, Inc. | 1845 Fairmount |

| <u>Renewal</u> | <u>2006</u> | <u>(Consumption off Premises)</u> |
|----------------|--------------------------------|-----------------------------------|
| Doug Wald | Presto Convenience Stores, LLC | 7136 West Central |
| Doug Wald | Presto Convenience Stores, LLC | 7990 East Central |
| Doug Wald | Presto Convenience Stores, LLC | 1250 South Rock Road |
| Doug Wald | Presto Convenience Stores, LLC | 3311 North Rock Road |
| Doug Wald | Presto Convenience Stores, LLC | 2356 South Seneca |
| Doug Wald | Presto Convenience Stores, LLC | 1254 South Tyler |
| Doug Wald | Presto Convenience Stores, LLC | 4821 South Broadway St. |
| Doug Wald | Presto Convenience Stores, LLC | 4414 West Maple |
| Doug Wald | Presto Convenience Stores, LLC | 515 North Seneca |
| Doug Wald | Presto Convenience Stores, LLC | 2190 North Rock Road |
| Doug Wald | Presto Convenience Stores, LLC | 1350 North Oliver |
| Doug Wald | Presto Convenience Stores, LLC | 2001 South Oliver |
| Doug Wald | Presto Convenience Stores, LLC | 7236 West 21 st Street |

| <u>New Operator</u> | <u>2006</u> | <u>(Consumption on Premises)</u> |
|---------------------|---------------|---|
| Cathryn Chase | Lil Mexico* | 1601 East Pawnee |
| Sonia Cenicerros | Burrito Loco* | 1580 West 21 st 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.

7. Preliminary Estimates:

- a) Lateral 22, Main 13 Southwest Interceptor Sewer to serve an Unplatted Tract - north of Pawnee, west of Maize. (468-84110/744158/480846) Does not affect existing traffic. (District IV) - \$13,320.00
- b) Aksarben from the north line of Lot 19, Block A, north to the south line of Autumn Ridge; Autumn Ridge from the west line of the plat, east and south to the north line of Kiwi; Kiwi from the west line of Lot 7, Block E, east to the east line of the plat; Decker from the north line of Autumn Ridge north to the north line of the plat; Sidewalk on one side of Autumn Ridge, Aksarben, Kiwi and Decker to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (472-84105/766110/490127) Does not affect existing traffic. (District V) - \$379,440.
- c) Lateral 396 Four-Mile Creek Sewer to serve Crestlake Addition -north of Central, west of 127th Street East. (468-84182/744184/480872) Does not affect existing traffic. (District II) - \$260,000.
- d) Lateral 58, Main 3 Southwest Interceptor Sewer to serve Sycamore Pond Addition - south of 47th Street South, east of Seneca. (468-84191/744193/480881) Does not affect existing traffic. (District IV) - \$230,520.

RECOMMENDED ACTION: Receive and file.

8. Petition for Public Improvements:

- a) Construct a Water Distribution System to serve Lot 11, Block 4 and Lots 9-10, Block 5, South Broadway Gardens Addition, south of 55th Street South, east of Broadway. (District III)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

9. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

10. Report on Claims Allowed for 2006:

| <u>Name of Claimant</u> | <u>Amount</u> |
|-------------------------|---------------|
| Boyd, Lisa | \$67.68 |
| Davis, Kim | \$250.00 |
| Hayes, Kenneth | \$1,002.34** |
| Mosiman, Madeline | \$4,000.00 |
| Rassette, Angie | \$222.43 |

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

11. Agreements/Contracts:

- a) Blind and Physically Handicapped, Talking Books Contract.
- b) Main 4, Northwest Interceptor Sewer, east and west of 135th Street West, south of 21st Street. (District V)-supplemental.
- c) Contract Services for the North Industrial Corridor Environmental Remediation Project-supplemental.

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

12. Design Services Agreements:

- a) The Fairmont Addition, north of 21st Street, west of 127th Street East. (District II)
- b) Sycamore Pond and South Seneca Gardens Second Additions, south of 47th Street South, east of Seneca. (District IV)

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

13. Property Acquisition:

- a) Partial Acquisition by Eminent Domain for the Oliver and Central Intersection Project. (Districts I and II)

RECOMMENDED ACTION: Adopt and place on first reading the ordinance providing for the acquisition by eminent domain of certain real property and directing the City of Wichita Attorney to file the appropriate proceedings in the District court to accomplish such acquisition.

14. City of Wichita Employers' Deferred Compensation Plan Amendment to Great-West Agreement for Recordkeeping and Communication Services.

RECOMMENDED ACTION: Approve the amendment and authorize the Mayor to sign.

15. Addendum to Mining Lease. (District VI)

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

16. Interagency Agreement with COMCARE.

RECOMMENDED ACTION: Approve the Interagency Agreement and authorize the necessary signatures.

17. 2005/2006 KANSAS CLICKS Special Traffic Enforcement Program (STEP) Grant.

RECOMMENDED ACTION: Approve the STEP grant application and receipt of funds and authorize the necessary signatures.

18. First Reading Ordinances: (First Read September 26, 2006).

a) Sidewalk Repair Assessment Program. (Districts I, II, III)

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas.

b) A06-18R-generally located southwest of 159th Street East and I-35. (District II)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A06-18R)

RECOMMENDED ACTION: Adopt Ordinances.

NEW BUSINESS

19. Public Hearing and Issuance of Industrial Revenue Bonds, KSDD Properties, LLC (District II)

On March 7, 2006, City Council approved an Assignment of the Letter of Intent to change the Tenant entity from Delta Data Systems, Inc. to KSDD Properties, LLC. The construction is nearly complete and Delta Data Systems is requesting the issuance of IRBs at this time, in the amount of \$9,000,000. Delta Data Systems will sublease the project to Delta Dental Plan of Kansas, Inc. ("Delta Dental").

RECOMMENDED ACTION: 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 an amount of \$9,000,000 and authorize the necessary signatures.

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

20. Repair or Removal of Dangerous and Unsafe Structures. (Districts I and III)

On August 22, 2006, a report was submitted with respect to the dangerous and unsafe conditions on the properties listed below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m., or soon thereafter, on October 3, 2006.

| <u>Property Address:</u> | <u>Council District:</u> |
|--------------------------|--------------------------|
| a) 1134 North Poplar | I |
| b) 221 North Spruce | I |
| c) 1055 North Green | I |
| d) 1625 North Grove | I |
| e) 2302 North Piatt | I |
| f) 520 West Clark | III |
| g) 1828 South Santa Fe | III |

RECOMMENDED ACTION: Close the public hearing; adopt the resolutions declaring the buildings dangerous and unsafe structures, 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 structures would be contingent on the following: 1) all taxes have been paid to date, as of October 3, 2006; 2) the structures have been secured as of October 3, 2006 and will continue to be kept secured; and 3) the premises are mowed and free of debris as of October 3, 2006 and will be so maintained during renovation.

21. Amended Interlocal Agreement, Regional Economic Area Partnership.

Currently City of Wichita delegates to REAP are Mayor Mayans and Council Member Martz (alternate). As a result of recent legislation impacting its activities, REAP is requesting approval by the City of Wichita of an amended Interlocal agreement.

RECOMMENDED ACTION: Adopt the resolution approving the amended REAP interlocal agreement and authorize the Mayor to sign and reappoint Mayor Mayans as the City's delegate to REAP and Council Member Martz as the alternate.

22. HUD Consolidated Plan Annual Performance and Evaluation Report.

The City is required to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) for projects covered by the HUD Consolidated Plan. The CAPER documents the activities undertaken during the program year beginning July 1, 2005 and ending June 30, 2006 for the Community Development Block Grant (CDBG), the HOME Investment partnerships (HOME) and the Emergency Shelter Grant (ESG) programs.

RECOMMENDED ACTION: Approve the HUD Consolidated Annual Performance and Evaluation Report; close the Public Hearing and authorize submission to the U.S. Department of Housing and Urban Development.

23. Petition to construct a Sanitary Sewer to serve three lots located north of 8th Street North, east of Arapaho. (District V)

The signatures on the Petition represent 1 of 3 (33.3%) resident owners and 63.6% of the improvement district area. District V Advisory Board sponsored a September 11, 2006, neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the petition; adopt the resolution 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

24. CON2006-000027-Conditional Use for 150-foot Wireless Communication Tower on property zoned GC General Commercial. Generally located east of Porter and south of 29th Street North. (District VI)

RECOMMENDED ACTION: 1) Adopt the recommendation of the MAPC, subject to staff recommended conditions and City Council findings and approve the conditional use to permit the proposed wireless communication facility and adopt the resolution; or
2) Return the application to the MAPC for reconsideration.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, 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.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

25. Public Hearing-Five-Year and Year 2007 Annual Agency Plans.

RECOMMENDED ACTION: Conduct the Public Hearing; adopt the Resolution and authorize the necessary signatures relative to required certifications for the submission of the Wichita Housing Authority Five-Year and Year 2007 Annual Agency Plans.

CITY COUNCIL

26. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

Workshop to follow