

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. June 5, 2007

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the May 22, 2007 regular meeting

AWARDS AND PROCLAMATIONS

- **Proclamation:**
 - Home Ownership Month
- **Recognition.**
 - Kellogg/Woodlawn Project by American Council of Engineering Companies
- **Recognition of Service.**
 - InaFay Grays-McClellan

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. **Harry Bayouth-Traffic Issues.**

CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated June 4, 2007

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

3. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Kim Huynh	Kimson Asian Food Market	960 East Pawnee
Huong V. Nguyen	Lucky Market, Inc.	7100 East Harry Street
Morrie J Soderberg	Lighthouse Properties, LLC	1550 North Waterfront Parkway
<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Gerardo Guzman	La Posada Inc.*	552 South Oliver

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

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

4. Preliminary Estimates:

- a. 2007 Sanitary Sewer Rehabilitation, Phase B various locations north of Pawnee, west of Broadway (468-84315/620476/667594) Traffic to be maintained during constructions using flagpersons and barricades. (District I,IV,V,VI) - \$334,000.00
- b. Storm Water Drain #308 to serve Northgate Addition north of 53rd Street North, west of Meridian (468-84254/751437/485328) Does not affect traffic. (District VI) - \$930,000.00
- c. Water Distribution System to serve The Fairmont 3rd Addition; north of 21st Street North, west of 127th Street East (448-90028/735364/470037) Does not affect traffic. (District II) - \$53,300.00
- d. Water Distribution System to serve K-96 Business Park Addition north of 29th Street North, west of Greenwich (448-90175/735361/470034) Does not affect traffic. (District II) - \$169,900.00
- e. Lateral 10, Main 4 Northwest Interceptor Sewer to serve Silverton Addition north of 13th Street North, west of 135th Street West (468-84243/744233/480921) Does not affect traffic. (District V) - \$342,000.00
- f. Lateral 15, Main 4 Northwest Interceptor Sewer to serve Silverton Addition north of 13th Street North, west of 135th Street West (468-84345/744234/480922) Does not affect traffic. (District V) - \$146,000.00

(Item 4 continued)

- g. Rutgers from the north line of 37th Street North to the north line of Lot 13, Block 2; Havenhurst from the east line of Lot 20, Block 4, to the west line of Lot 1, Block 5; Rutgers Courts adjacent to Lots 30 through 37 and 39 through 42, Block 1; Waterside from Rutgers to the west line of Lot 29, Block 1, Prairie Pointe Addition; Westbrook from the north line of Havenhurst to the north line of Lot 1, Block 1, Prairie Pointe 2nd Addition; Sidewalk along the north side of Waterside from the east line of Lot 12, Block 4 to the east line of Rutgers, the east side of Rutgers from Waterside to Havenhurst, the south side of Havenhurst adjacent to Lots 17 through 20, Block 4 and the west side of Rutgers from 37th Street North to Waterside to serve Prairie Pointe and Prairie Pointe 2nd Additions north of 37th Street North, west of Maize (472-84043/766127/490145) Does not affect traffic. (District V) - \$591,000.00
- h. Cost of construction of Lateral 84, Main 22 War Industries Sewer to serve Brighton Courts Addition – south of 21st Street North, west of Webb. (District II) (468-3673/744186/480-874) – Total Estimated Cost \$78,880.00
- i. Cost of construction of Main 18 Four Mile Creek Sewer to serve McEvoy and Casa Bella Additions (south of Harry, west of 127th Street East). (District II) (468-4026/744131/480-819) – Total Estimated Cost \$564,000.00
- j. Cost of construction of Lateral 22, Main 13 Southwest Interceptor Sewer to serve an unplatted tract (north of Pawnee, west of Maize). (District IV) (468-84110/744158/480-846) – Total Estimated Cost \$16,400.00
- k. Cost of construction of Lateral 4, Main 20 Southwest Interceptor Sewer to serve Slate Creek Addition (north of 21st Street North, west of Hoover). (District V) (468-84207/744192/480-880) – Total Estimated Cost \$70,000.00
- l. Cost of construction of Storm Water Drain #276 to serve Casa Bella Addition (north of Pawnee, west of 127th Street East). (District II) (468-84073/751414/485-305) – Total Estimated Cost \$688,200.00
- m. Cost of construction of Lateral 7, Main 12 Four Mile Creek Sewer to serve Hawthorne 3rd Addition (north of 21st Street North, east of 127th Street East) (District II) (468-83874/7441874/480-875) – Total Estimated Cost \$99,000.00
- n. Cost of construction of Water Distribution System to serve Krug North and Krug North 2nd Additions(north of 21st Street North, west of 143rd Street East). (District II) (448-89933/735312/470-983) – Total Estimated Cost \$102,900.00
- o. Cost of Gilbert from the east line of 127th Street East to the east line of Lot 1, Block 4 to serve Country Hollow Addition (south of Kellogg, east of 127th Street East) (472-84350/765977/490-092) (District II). – Total Estimated Cost \$227,000.00

RECOMMENDED ACTION: Receive and file.

5. Statement of Cost:

- a. Second partial estimated Cost, \$20,753,000.00; less financing previously issued, (\$8,975,000.00). Financing to be issued at this time, \$11,778,000.00; taxable TIF Bonds, \$4,390,000; Non-taxable TIF Bonds, \$7,388,000.00 (792382/435-352).

RECOMMENDED ACTION: Approve and file.

6. Petitions for Public Improvements:

- a. Construct Water Distribution Systems for Southwest Passage and Turkey Creek Third Addition, along Pawnee, west of 119th Street West. (District IV)
- b. Paving, Drainage, and Sanitary Sewer Improvements in Avalon Park Third and Fourth Additions, east of Tyler, north of 37th Street North. (District V)
- c. Street Paving in Valencia Addition, east of Meridian, south of 51st Street North. (District VI)
- d. Petition for Drainage Improvements to serve Hampton Square Addition, west of Maize, north of 37th Street North. (District V)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

(Item 7a.)

7. Consideration of Street Closures/Uses.

- a) **Construction of Kellogg and Rock Road. (District II)**

RECOMMENDED ACTION: Approve street closure.

8. Agreements/Contracts:

- a. Waterman Storm Drain and Paving Improvements, Utility Agreements. (District I)
- b. Consent Agreement for encroachment into existing easement for Four Mile Creek Sanitary Sewer in Krug South Addition, south of 21st Street, east of 143rd Street. (District II)
- c. Cost of Service Analysis for water and sewer rates and update of plant equity fees.
- d. Transit Service Agreement for Oaklawn Improvement District. (District III)

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

9. Change Order:

- a. Water Distribution System in The Fairmont Addition, north of 21st Street, west of 127th Street East. (District II)

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

10. Property Acquisitions:

- a. Partial Acquisition of 123 North West Street for the improvement of West Street from Maple to Central. (Districts IV and VI)
- b. Partial Acquisition of 438 North West Street for the improvement of West Street from Maple to Central. (Districts IV and VI)
- c. Partial Acquisition of 5811 East Skinner for the Gypsum Creek-Pawnee to Woodlawn Flood Control and Stream Restoration Project. (District III)
- d. Partial Acquisition of 5919 East Skinner for the Gypsum Creek-Pawnee to Woodlawn Flood Control and Stream Restoration Project. (District III)
- e. Partial Acquisition of 4001 South Seneca and 1525 West MacArthur for the MacArthur, Meridian to Seneca Improvement Project. (District IV)

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

11. Repair or Removal of Dangerous & Unsafe Structures. (Districts I, IV, and VI)

<u>Property Address</u>	<u>Council District</u>
a. 2612 East 13 th Street North	I
b. 1645 North Mathewson	I
c. 2215 North Minneapolis	I
d. 1927 East Looman	I
e. 917 North Oliver	I
f. 856 North Oliver	I
g. 1117 South Main	I
h. 319 South Dodge	IV
I. 2402 West 29 th St. N. #20	VI

RECOMMENDED ACTION: Adopt the resolutions to schedule a hearing before the Governing Body on July 17, 2007 at 9:30 a.m. or soon thereafter.

12. Weapons Destruction.

RECOMMENDED ACTION: Receive and file the list of weapons.

13. Resolution ordering a Public Hearing: Mead Street improvement, between Third Street and Central.
(District VI)

RECOMMENDED ACTION: Adopt the resolution and authorize the necessary signatures.

14. Relocation of gas lines in Crestlake Addition, north of Central, west of 127th Street East. (District II)

RECOMMENDED ACTION: Authorize payment in the amount of \$11,391.33.

15. Water Distribution Inventory Budget.

RECOMMENDED ACTION: Approve increasing the inventory budget by \$1.1 million.

16. Grant Application-Homeless Assistance Programs.

RECOMMENDED ACTION: 1) Approve the submission of Shelter Plus Care Grant application and authorize the Mayor to sign the requisite application and subsequent contract award documents; 2) authorize signature on the letter of support for the Continuum of Care Application; and 3) authorize signatures for the Consistency with the Consolidated Plan forms required for all projects (Form HUD 2991).

17. Surplus of vacant lot located adjacent to 1048 North Mathewson. (District I)

RECOMMENDED ACTION: Declare the property as surplus and designate it as available for sale to the general public.

18. Surplus and disposition of vacant land at the southeast corner of North Hillside and East Second Street.
(District II)

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

19. Amendment to FY2005 Section 5307 Grant from Federal Transportation Administration, (FTA).

RECOMMENDED ACTION: Approve the amendment to FY2005 Section 5307 grant from FTA.

20. Funding for Public Transportation.

RECOMMENDED ACTION: Approve the interlocal agreements.

21. Purchase of six paratransit vans.

RECOMMENDED ACTION Approve the purchase of six paratransit vans from El Dorado National.

22. Purchase Option, KBP Reprographics, Inc. (District I)

RECOMMENDED ACTION: Authorize the bond call; adopt the resolution approving the Special Warranty Deed and the Termination of Lease Agreement; and authorize the necessary signatures.

23. Extend Agreement with Wichita State University Self-Help Network to continue work with the West 21st Street Community Development Corporation. (District VI)

RECOMMENDED ACTION: Approve the proposed extension on the Agreement with the Wichita State University Self-Help Network and authorize the necessary signatures.

24. Application for Street Resurfacing Project for Southeast Boulevard, K-15 Highway, between the I-135 Freeway and the Kansas Turnpike Bridge. (District III)

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

25. Wichita Art Museum Improvements. (District VI)

RECOMMENDED ACTION: Approve the Contract Amendment; the use of the CIP Planned Savings Project; and authorize the necessary signatures.

26. Purchase of audio-visual equipment for studio/field production and digital editing equipment in support of Cable Channel 7 programming.

RECOMMENDED ACTION: Approve the equipment purchase in the amount of \$53,571.25.

27. Resolution authorizing Section 5309 Grant from Federal Transit Administration, FTA.

RECOMMENDED ACTION: Adopt the resolution and authorize all necessary signatures.

28. Second Reading Ordinances: (First Read May 22, 2007)

a. Abatement of Dangerous and Unsafe Structures. (Districts I, II, III, IV, and VI)

1. An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (Building Condemnation Demolition) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the city of Wichita, Kansas.
2. An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (Building Emergency Board-Up) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the city of Wichita, Kansas.

RECOMMENDED ACTION: Adopt the Ordinances.

NEW BUSINESS

29. Amendment of a Redevelopment Plan and Development Agreement, Broadway and 47th Street Redevelopment District. (District IV)

On April 25, 2006, the City council adopted an ordinance establishing a redevelopment district in the area of Broadway and 47th Street South, for the purpose of providing tax increment financing (TIF) to pay a portion of the costs of constructing a commercial redevelopment project in that area.

RECOMMENDED ACTION: Close the public hearing; approve the first amendment to the development agreement; and place on first reading the ordinance approving the amendments to the Broadway and 47th Street Redevelopment District Project Plan; and authorize the necessary signatures.

30. Request for Letter of Intent for Industrial Revenue Bonds, Lee Real Estate, LLC. (District II)

On August 15, 2006, City Council approved of an amendment of the Letter of Intent to change the name from Lee Aerospace, Inc. to Lee Real Estate, LLC. as originally intended. Lee Real Estate, LLC is now planning to expand its plant space and request the issuance of a six-month Letter of Intent for IRB's in the amount not-to-exceed \$3,000,000.

RECOMMENDED ACTION: 1) Close the public hearing and approve a Letter of Intent to Lee Real Estate, LLC, for Industrial Revenue Bonds in an amount not-to exceed \$3,000,000, subject to the Standard Letter of Intent Conditions for a term of six months; 2) approve a 100% tax abatement on all bond-financed property for an initial five-year period plus an additional five-years following City Council review; 3) authorize staff to apply for a sales tax exemption; and 4) authorize the necessary signatures.

31. Wichita Employees' Retirement and Police & Fire Retirement Systems Actuarial Valuation Reports. (January 1, 2006 - December 31, 2006)

The Board of Trustees for both the Wichita Employees' Retirement (WER) System and the Police & Fire (P&F) Retirement System employ Milliman, Inc. to serve as technical advisor/consultant, supplying the Boards with required actuarial services and information pertaining to the Retirement Systems.

RECOMMENDED ACTION: Receive and file the Wichita Employee's Retirement and Police & Fire Retirement Systems' Actuarial Valuation Reports (January 1, 2006-December 31, 2006) as submitted and approve the 2008 employer retirement fund contribution rates.

32. Amendments to Non-exempt Salary Ordinance to implement New Fraternal Order of Police Agreement.

Salary Ordinance sets rates of pay for City employees. An amendment to the Ordinance is required to fully implement the Fraternal Order of Police (FOP) Memorandum of Agreement (MOA) approved by the City Council on May 15, 2007.

RECOMMENDED ACTION: Approve the amended ordinance and place it on first reading.

33. Resolution authorizing Section 5309 Grant from the Federal Transit Administration for Van Maintenance Facility.

The Federal Transit Administration (FTA) grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program.

RECOMMENDED ACTION: Adopt the resolution authorizing Section 5309 grant from the Federal Transit Administration for a van maintenance facility.

34. Petition to pave 43rd Street South, between Dodge and Seneca. (District IV)

The signatures on the Petition represent 4 of 7 (57%) resident owners and 50% of the improvement district area.

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

35. Greenwich improvement, between Central and 13th Street. (District II)

The 2005-2014 Capital Improvement Program (CIP) adopted by the City Council includes a project to improve Greenwich between Central and 13th Street.

RECOMMENDED ACTION: Approve the project; place the ordinance on first reading; 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

36. DR2005-21-Establish the AT/FP-O, Anti-Terrorism/Force Protection Overlay District on properties generally located south of Pawnee, west of Webb, north of 31st Street South and east of Oliver. (Districts II and III)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC and approve first reading of the ordinance establishing the overlay district; or 2) Return the application to the MAPC for reconsideration.

37. CUP2007-00007 and ZON2007-00004 DP-8 University Gardens Community Unit Plan - Amendment #11 to alter allowed uses, maximum building coverage, gross floor area; the number of buildings allowed and zone change to LC Limited Commercial on Parcel 9. (District I)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC, approve the amendment and zone change to the CUP DP-8, Parcel 9, and approve the first reading of the ordinance establishing the zone change or 2) Return the application to the MAPC for reconsideration.

38. *DR2007-05-Proposed Amendments to the Unified Zoning Code pertaining to Wireless Communication Facilities.

RECOMMENDED ACTION: Authorize the initiation of the proposed amendments to the zoning code text pertaining to the regulation of wireless communication facilities.

39. *DR2005-35-Resolution 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 US-54 west of the City of Wichita. (County)

RECOMMENDED ACTION: Return the request to MAPC.

40. *ZON2000-00045 - Extension of time to complete the platting requirement for a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial. Generally located south of Central and west of Tyler Road. (District V)

RECOMMENDED ACTION: Approve a two-year extension of time to complete platting to May 14, 2008.

41. *CUP2004-29, CUP2004-30 (DP-277) and ZON2004-34, ZON2004-35 - Extension of time to complete the platting requirement for the Bruce Brown Commercial Community Unit Plan and a zone change from "SF-5" and "SF-20" Single-Family Residential to "LC" Limited Commercial. Generally located east of Greenwich Road and 1/4 mile south of 21st Street North. (District II)

RECOMMENDED ACTION: Approve extended platting deadline of March 21, 2008.

42. *SUB2007-06-Plat of Cornejo East Second Addition located north of Central and on the east side of Webb Road. (District II)

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

43. *SUB2007-19-Plat of Fox Ridge Second Addition located on the north side of 29th Street North and east of Maize Road. (District V)

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

44. *SUB2006-20-Plat of Gray's Sixth Addition located on the south side of MacArthur Road and on the west side of Hoover Road. (District IV)

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

45. *VAC2007-00011 Request to vacate a portion of platted utility and drainage easement and portions of platted reserves and the restriction of uses to allow additional uses in those portions of the vacated platted reserves. (District II)

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

46. *DED2007-08-Dedication of Street Right-of-Way and DED2007-09-Dedication of a utility easement located east of Seneca and north of 53rd Street North. (District VI)

RECOMMENDED ACTION: Accept the Dedications.

47. *A07-12R-Request by Charles and Connie Woodard, of Charles R and Connie L Woodard Trust, to annex land generally located north of 45th Street North and west of Hoover Road. (District VI)

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

48. *A07-14R-Request by Eugene Vitarelli to annex land generally located southwest of the intersection at 127th Street East and Mount Vernon Road. (District II)

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

49. *Consent to Assignment of Leases-Koch Business Holdings.

RECOMMENDED ACTION: Approve the Consent to Assignment of Leases and authorize the necessary signatures.

50. *Lease - Wichita Airport Hotel Associates, L.P.

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

51. *Sublease Agreement-Wichita Airport Hotel Association and Cingular Wireless.

RECOMMENDED ACTION: Approve the sublease agreement and authorize the necessary signatures.

52. *Smarte Carte, Inc. -Supplemental Agreement No. 1.

RECOMMENDED ACTION: Approve the Supplemental Agreement No. 1, and authorize the necessary signatures.

53. *Supplemental Agreement No. 4-Professional Insurance Management 2120 Airport Road, Wichita Mid-Continent Airport

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

CITY COUNCIL

54. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

55. Approval of travel expenses for Mayor to attend U.S. Conference of Mayors Annual Meeting in Los Angeles, CA. June 21-26.

RECOMMENDED ACTION: Approve the expenditures.

Adjournment

Water Utilities Tour to follow