

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. April 17, 2007

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the April 10, 2007 regular meeting

AWARDS AND PROCLAMATIONS

- Proclamations:
 - Administrative Professionals Week
 - Fair Housing Month
 - Arbor Day
 - Catherine Johnson Day
 - Earth Day
- Update and Presentation for Law Enforcement Project-Captain Randy Landen.

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. Major Rob Hoeritz-Report on the McConnell AFB Open House
2. John Kemp-Speak in opposition of the Boeing Landfill.

CONSENT AGENDA

3. Report of the Board of Bids and Contracts Dated April 16, 2007

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

4. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Special Event:</u>	<u>Wichita River Festival</u>	
	<u>May 11,12,13, 2007</u>	
John E. Thien	Jet BBQ	West Bank Stage
Juanita Elbert	Artichoke	Century II
	<u>May 14,15,16, 2007</u>	
Juanita Elbert	Artichoke	Century II
	<u>May 17,18,19, 2007</u>	
Juanita Elbert	Artichoke	Century II

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

5. Preliminary Estimates:

- a. Water Main Replacement in Estelle from Kellogg to Douglas (448-90209/636163/776556) Traffic to be maintained during construction using flagpersons & barricades. (District I) - \$350,000.00
- b. Main 20 Four Mile Creek Sewer to serve Monarch Landing Addition north of 21st Street North, west of 159th Street East (468-84206/744195/480883) Traffic to be maintained during construction using flagpersons & barricades. (District II) - \$749,000.00
- c. Water Distribution System to serve Valencia Addition south of 53rd Street North, east of Meridian (448-90248/735359/470032) Does not affect existing traffic. (District VI) - \$54,000.00
- d. 2007 Contract Maintenance Residential Overlay south of 45th Street South, east of Ridge Road (472-84514/132720/620469/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District II,VI) - \$313,500.00
- e. 2007 Contract Maintenance Hot in Place Resurfacing north of 47th Street South, east of 119th Street West (472-84511/131532/132720/620469/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District II,III,IV,V) - \$946,200.00

(Item 5 continued)

- f. The cost of Storm Water Drain No. 317 to serve Monarch Landing Addition north of 21 Street North, west of 159th Street East (District II) (468-84318/751442/485-334) Total Estimated Cost \$286,000.00

RECOMMENDED ACTION: Receive and file.

6. Petitions for Public Improvements:

- a. Construct a Storm Water Drain in Meadowlake Beach Addition, West of Clifton, North of 63rd Street North. (District III)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

7. Deeds and Easements:

- a. Sanitary Sewer Easement dated March 14, 2007 from Simpson and Associates, Inc., a Kansas Corporation, and Simpson Properties, LLC, a Kansas Limited Liability Company for a tract of land lying within portions of Lot 1, Block 2, R & P Addition and Lot 1, R & P Second Addition, Wichita, Sedgwick County, Kansas, (OCA # 607861) No cost to City (D18068)
- b. Sanitary Sewer Easement dated March 7, 2007 from F & K Enterprises, LLC for a tract of land in Lot 7, West Park Gardens Addition, Sedgwick County, Kansas, (OCA # 607861) No cost to City (D18069)
- c. Sanitary Sewer Easement dated March 7, 2007 from Cook Construction, LLC for a tract of land in Lot 3, West Park Gardens Addition, Sedgwick County, Kansas, (OCA # 607861) No cost to City (D18070)
- d. Drainage and Utility Easement dated March 1, 2007 from Brentwood Development, Inc. for a tract of land lying within portions of Lots 20 and 21, Block 3, Brentwood South Addition, Wichita, Sedgwick County, Kansas, (OCA # 607861) No cost to City (D18071)
- e. Utility Easement dated February 9, 2007 from Fox Ridge Development Company, Inc. for a tract of land lying in Lots 64 and 65, Block 1, Fox Ridge Addition, an Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City (D18072)
- f. Utility Easement dated February 22, 2007 from BF Owner, L.L.C. for a tract of land lying in Lot 1, Block 1, Bradley Fair 2nd Addition, an Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City (D18073)
- g. Easement dated February 8, 2007 from Development Partnership for a tract of land lying in Lots 4, 5, 6, 7, 8, 9 and 11, Block 5, Southwest Passage Addition, Wichita, Sedgwick County, Kansas, (OCA # 607861), No Cost to City (D18074)
- h. Utility Easement from The Salvation Army, An Illinois Corporation for a tracts of land lying in unplatted tracts of Lot 1, Block 1 Camp Hiawatha Addition to the City of Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City (D18075)
- i. Sidewalk Easement dated February 27, 2007 from Richard G. Fawson and Elizabeth M. Fawson, husband and wife, for a tract of land located in Lot 4, Block A, Auburn Hills 14th Addition, Wichita, Sedgwick County, Kansas, (OCA #766130). No Cost to City

(Item 7 continued)

- j. Sidewalk Easement dated march 8, 2007 from Andrew J. Roy and Amanda L. Roy, husband and wife, for a tract of land located in Lot 5, Block A, Auburn Hills 14th Addition, Wichita, Sedgwick County, Kansas, (OCA #766130). No Cost to City

RECOMMENDED ACTION: Accept documents.

8. Consideration of Street Closures/Uses.

- a. 2007 Wichita Wakefest, June 9, 2007, 8:00 a.m. through June 10, 2007, 11:59 p.m.
- McLean Boulevard, Douglas Avenue to Lewis Street
 - Lewis Street, McLean Boulevard to Wichita Street including the Lewis Street Bridge
 - Douglas Avenue, McLean Boulevard to Waco Street including the Douglas Street Bridge.
- b. Run Wichita Memorial Day Run 2007, May 28, 2007, 6:00 a.m. to 12:00 p.m.
- McLean Boulevard, Seneca Street to Lewis Street
 - Lewis Street Bridge, McLean Boulevard to Wichita Street

RECOMMENDED ACTION: Approve street closure.

9. Report on Claims Allowed for 2007:

<u>Name of Claimant</u>	<u>Amount</u>
AT&T	\$651.09
AT&T	\$758.04
Auto Motel	\$922.78**
Boles, Robert	\$200.00
Jacob, Jessica	\$387.62
Keiter, Laura	\$3,969.79
Sedgwick County Risk Mgmt.	\$2,011.90

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

10. Property Acquisition:

- a. Partial Acquisition of 934 East 13th Street North for the 13th Street and Mosley Intersection Improvement Project. (District VI)

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

11. Outdoor Advertising Lease-8006 East Kellogg. (District II)

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

12. Board and Commissions Minutes.

District II Advisory Board Minutes, March 5, 2007
District VI Advisory Board Minutes, March 5, 2007
District IV advisory Board Minutes, February 7, 2007
Board of Code Standards and Appeals, March 5, 2007
Wichita Airport Advisory Board, March 5, 2007
Wichita Public Library, March 20, 2007

RECOMMENDED ACTION: Receive and file.

13. Office Supply Contract.

RECOMMENDED ACTION: Approve the selection of Office Depot offering the US Communities contract and authorize the Mayor to sign any necessary documents.

14. Acquisition by Eminent Domain of Land required for the MacArthur, Meridian to Seneca Improvement Project.
(District IV)

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

15. Kansas Foodbank Warehouse EDI-Signatory Authority. (District I)

RECOMMENDED ACTION: Authorize signatures for the Kansas Food Bank EDI Grant Agreement and the Sub-Grant Agreement.

16. Beverage Service Contract Amendment and Extension.

RECOMMENDED ACTION: Approve the amendment and extension of the Beverage Service Agreement and authorize the necessary signatures.

17. Second Reading Ordinances: (April 10, 2007)

a. Nuisance Abatement Assessments.

1. An ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas. Be it ordained by the governing body of the city of Wichita, Kansas:
2. An ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas:

b. DR2005-21-Zone Change from "SF-5" Single-Family and "LI" Limited Industrial to "AFB" Air Force Base. Generally located at the northeast corner of 31st Street South and George Washington Boulevard. (District III)

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. (DR2005-21)

c. A07-05R-Request by Justin and Carolyn Radford to annex land generally located southeast of the intersection of 21st Street North and 135th Street West. (District V)

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. (A07-05)

d. A07-06R-Request by Steve Miller of JBC Investment Inc. to annex land generally located northeast of the intersection of Harry Street and 127th Street East. (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. (A07-06)

RECOMMENDED ACTION: Adopt the Ordinances.

UNFINISHED BUSINESS

18. Repair or Removal of Dangerous and Unsafe Structures, 814 West Clark and 1021 North Spruce.
(Districts I and III) (Deferred April 10, 2007)

RECOMMENDED ACTION: Take appropriate action based on the testimony received at the hearing. Any extension of time granted to repair the structure should be conditioned on the following: 1) any delinquent taxes and/or specials are paid within fourteen (14) days; 2) the structures are maintained secure as of April 17, 2007 and are kept secured during renovation; and 3) the premises are kept clean and free of debris as of April 17, 2007 and will be so maintained during renovation.

NEW BUSINESS

19. Neighborhood Revitalization Areas and Local Investment Areas. (Districts I, III, IV, and VI)

On November 14, 2006, the City Council approved the recommended boundaries for the Neighborhood Revitalization Areas and the Local Investment Areas and authorized staff to develop the required Neighborhood Revitalization Plan.

RECOMMENDED ACTION: Close the Public Hearing, receive any written comments, and 1) approve the Neighborhood Revitalization Plan as a substantial amendment to the 2004-2008 City of Wichita Consolidated Plan and place the ordinance of first reading; 2) request the support and participation from Sedgwick County and Unified School District #259 and authorize the Interlocal Agreements necessary to implement the Kansas Tax Rebate Program; 3) authorize the necessary signatures.

20. Comprehensive Compliance Report.

The Comprehensive Compliance Report provides an analysis of the current status of compliance relative to participating businesses and agencies for the years 1996 through 2006.

RECOMMENDED ACTION: Receive and file the Comprehensive Compliance Report.

21. 29th Street North Improvement Between 119th Street West and Maize. (District V)

On March 8, 2005, the City Council approved a project to improve 29th Street North, between 119th Street West and Maize. An amending Ordinance has been prepared to revise the project budget.

RECOMMENDED ACTION: Approve the revised budget; place the amending Ordinance on first reading; and authorize the signing of State/Federal agreements as required.

21a. Sunday Liquor Sales.

In 2005, the Kansas Legislature enacted a law giving local cities and counties the option to allow the sale of cereal malt beverage (beer) or alcoholic liquor at retail on Sundays.

RECOMMENDED ACTION: Approve first reading of the ordinances.

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

22. *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.

23. *PUD2006-03-Create PUD#23 Firepoint Planned Unit Development. Generally located north of K-96 and west of Webb Road along Toben Street North. (District II)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the community unit plan and the zone change subject to replatting within one year; withhold the publication of the ordinance until the plat is recorded; or
2) Return the application to the MAPC for recommendation.

24. *SUB2006-96-Plat of Walsh Addition located east of West Street and north of Maple. (District VI)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the Resolution; and approve first reading of the Ordinance.

25. *SUB2006-98-Plat of Hunter's Health Clinic Second Addition, located on the north side of Central and east of Hydraulic. (District I)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; place the Ordinance on first reading; and adopt the Resolutions.

26. *VAC2006-00037-Request to vacate the plat's text to allow additional uses in a portion of a platted reserve, located on the southwest corner of Mainsgate Street and 127th Street East. (District II)

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

27. *VAC2006-00043-Request to vacate portions of platted setbacks located on the northeast corner of Rock Road and Bradley Fair Parkway. (District II)

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

CITY COUNCIL

28. Procedure for Filling Vacancy in City Council District #1.

RECOMMENDED ACTION: 1) Hereby announces the Notice of Vacancy for the position of City Council Member for District I, because of the resignation of City Council Member Carl Brewer, that was effective on April 10, 2007; 2) Sets (May 1 or earlier) _____, 2007, at noon, as the deadline for candidate petitions to be filed with the City Clerk of the City of Wichita; 3) The District Advisory Board for City Council District I is hereby designated to conduct a public forum within seven days of the above candidate petition deadline to screen all candidates who file a lawful petition for candidacy and forward to the City Council in writing the names of the candidates nominated in alphabetical order, and 4) All other procedures for filing for the vacant position and filling the vacancy will be in accordance with City Code 2.04.040, unless otherwise designated by the City Council.

29. Discussion of City Wide Paving of Dirt Streets-(Council Member Skelton).

Adjournment