

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. August 21, 2007

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the August 14, 2007 regular meeting
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AWARDS AND PROCLAMATIONS

- **Proclamations:**
 - Project ReDirectory Month
 - Kansas Food Safety Month
-

CONSENT AGENDA

1. **Report of the Board of Bids and Contracts Dated August 20, 2007**

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

2. **Applications for Licenses to Retail Cereal Malt Beverages:**

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Linda M. Coria	Cholita's Mexican Restaurant Inc.*	8987 West Central
Roberto Beltran	Taco's Mexican Fast Food*	1930 East Pawnee Street
Damon P. Jones	Taco Tico Operations Inc.*	3257 East Harry
Damon P. Jones	Taco Tico Operations Inc.*	2051 South Seneca
Damon P. Jones	Taco Tico Operations Inc. *	311 East Pawnee
<u>New Operator</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Damon P. Jones	Taco Tico Operations Inc.*	3131 North Rock Road
Damon P. Jones	Taco Tico Operations Inc.*	460 North West

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

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

3. Preliminary Estimates:

- a. Lateral 523, Southwest Interceptor Sewer to serve Gray's 6th Addition (south of MacArthur, west of Hoover) (468-84360/744240/480928) Does not affect existing traffic. (District IV) - \$37,000.00
- b. 2007 Park Lighting for Orchard Park, Park Villa at Riverside, & Linwood Park (472-84506/472-84507/472-84508/785095/785096/785108/397215) Does not affect existing traffic. (District I,VI) - \$150,000.00
- c. Zelta Drive from the north line of Kellogg Drive to the south line of Waterman (north of Kellogg, east of Greenwich) (472-84300/765972/490078) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$296,100.00
- d. 2007 Sanitary Sewer Rehabilitation, Phase D (various locations north of MacArthur, east of West Street) (468-84382/620484/667602) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,IV) - \$389,000.00
- e. Water Distribution System to serve Blackstone Addition (north of 13th Street North, east of 151st Street West) (448-90185/735365/470038) Does not affect existing traffic. (District V) - \$115,000.00
- f. Storm Water Drain #323 to serve Legacy 3rd Addition (north of 47th Street South, west of Meridian) (468-84330/751447/485338) Does not affect existing traffic. (District IV) - \$390,000.00

RECOMMENDED ACTION: Receive and file.

4. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closure.

5. Agreements/Contracts:

- a. Agreement for Staking in Northgate Addition, north of 53rd Street North, west of Meridian. (District VI)- Supplemental
- b. Agreement to Respread Assessments: Fox Ridge Second Addition, north of 29th Street, between Maize and Tyler. (District V)

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

6. Change Orders:

- a. Phase B, 2007 Sanitary Sewer Rehabilitation Program, between Everett, St. Clair, 32nd and 31st Streets South. (District IV)
- b. Asbestos removal at 7700 East Kellogg, former La Quinta Inn. (District II)

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

7. Property Acquisitions:

- a. Partial Acquisition of 811 East Waterman for the East Waterman Street Improvement Project from Main Street to Washington Street. (District I)
- b. Partial Acquisition of 4001 West MacArthur for Main 22 Sanitary Sewer Project. (District IV)
- c. Acquisition of Land in the Southwest Quadrant of Kellogg and 119th Street West for Improvement of West Kellogg. (District V)

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

8. Sidewalk Repair Assessment Program. (Districts I, II, III, & IV)

RECOMMENDED ACTION: Approve the proposed Assessments and place the Ordinances on First Reading.

9. Abatement of Dangerous & Unsafe Structures.

RECOMMENDED ACTION: Approve the proposed assessments and place the ordinances on first reading.

10. Nuisance Abatement Assessments.

RECOMMENDED ACTION: Approve the proposed assessments and place the ordinances on first reading.

11. Minutes of Advisory Boards/Commissions, August 21, 2007.

Wichita Employees' Retirement System, April 25, 2007
Wichita Employee/Police & Fire Retirement Board, April 26, 2007
Police & Fire Retirement System, May 23, 2007
Wichita Employees' Retirement Board & Police & Fire Retirement Board, June 7, 2007
Wichita Employees' Retirement System, June 20, 2007
Police & Fire Retirement System, June 27, 2007

RECOMMENDED ACTION: Receive and file.

12. Second Reading Ordinances: (First Read August 14, 2007)

- a. Amendments to Title 18 - Adoption of 2006 International Building Code, 2006 International Residential Code and Revised Building Permit Fee Schedule.
 1. An ordinance adopting the 2006 International Building Code and City of Wichita amendments thereto, creating Chapter 18.50 and repealing the original of Chapter 18.05 of said code.
 2. An ordinance adopting the 2006 International Residential Code and City of Wichita amendments thereto creating Chapter 18.51 of the Code of the City of Wichita, Kansas and repealing Chapter 18.06 of the code of the City of Wichita, Kansas.
 3. An ordinance amending Section 18.08.010 of the Code of the City of Wichita, Kansas, and pertaining to building permit fees of the City of Wichita, Kansas.
- b. MacArthur Improvement, between Meridian and Seneca. (District IV)

An ordinance declaring Macarthur, between Meridian and Seneca (472-84580) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.
- c. Improvement to the Intersection of Broadway and 55th Street South.

An ordinance declaring the intersection of 55th St. South and Broadway (472-84581) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.
- d. Grease Interceptor Requirements - Amended Ordinance.

An ordinance pertaining to grease interceptor requirements for sanitary sewer system; amending Chapter 16.24 of the code of the City of Wichita; and repealing the original of Chapter 16.24 of the code of the City of Wichita.
- e. 2008 Annual Operating Budget and Revisions to the 2007 Budget.
 1. An ordinance declaring Macarthur, between Meridian and Seneca (472-84580) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.
 2. An ordinance declaring the intersection of 55th St. South and Broadway (472-84581) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

RECOMMENDED ACTION: Adopt the Ordinances.

UNFINISHED BUSINESS

13. Appeal of Historic Preservation board action regarding placement of an LED projecting sign at 300 North Mead, Suite 107. (District VI)-HPC2006-00586.

RECOMMENDED ACTION: Return the case to the Historic Preservation Office for administrative approval of one electronic message sign as per Section 24.04.223(1) (a-e) of the amended sign code.

14. Appeal of Historic Preservation Board action regarding placement of three LED signs at 2307 east Central. (District I)-HPC2006-00370

RECOMMENDED ACTION: Return the case to the Historic Preservation Office for administrative approval of one electronic message sign as per Section 24.04.223(1)(a-e) of the amended sign code.

15. Appeal of Historic Preservation Board action regarding placement of a LED sign at 825 east Second. (District I) HPC2006-00572

RECOMMENDED ACTION: Deny the application for an electronic signboard as provided for in the sign code adopted August 7, 2007.

NEW BUSINESS

16. Public Hearing and Tax Exemption Request, Eck Leasing/C. E. Machine Co., Inc. (District IV)

C.E. Machine is now requesting approval of an Economic Development Tax Exemption on the construction of a building addition and newly acquired equipment in conjunction with the expansion project.

RECOMMENDED ACTION: Close the public hearing, and approve first reading of the Ordinance, granting an 85% tax exemption on the identified real and personal property improvements for a five year term, plus a 85% tax exemption for a second five-year term on real property only, subject to City Council approval.

17. Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

Created by Congress in 2003, the SAFER grant is designed to provide funding to communities with career, volunteer and combination fire departments to “meet industry minimum standards prescribed by National Fire Protection Association (NFPA) Standards 1710 (Section 5.2.4.2 – Initial Full Alarm Assignment Capability) and 1720 and to attain 24-hour staffing that will provide adequate protection from fire and fire-related hazards.

RECOMMENDED ACTION: It is recommended that the City Council approve the grant application, authorize the necessary signatures, and approve any necessary budget transfers.

18. Baehr Street Paving, between Newell and Central. (District IV)

On July 3, 2007, the City Council approved a Petition to pave Baehr between St. Louis and Newell. Baehr Street between Newell and Central is also unpaved. The road is difficult to maintain and drains poorly. On July 11, 2007, District IV Advisory Board sponsored a neighborhood hearing on the project. The Board voted 7-2 to recommend approval of ordering in the project.

RECOMMENDED ACTION: Approve the Project, adopt the Resolution and authorize the necessary signatures.

19. Amendment to Title 18-Adoption of 2006 International Existing Building Code, Chapter 18.45, to replace the City of Wichita Existing Buildings Rehabilitation and Change of Use Code Chapter 18.44.

In May 2001, the City of Wichita adopted the City of Wichita Existing Buildings Rehabilitation and Change of Use Code.

RECOMMENDED ACTION: Approve first reading of the ordinance adopting the 2006 Edition of the International Existing Building Code, (creating Chapter 18.45 of the Code of the City of Wichita) and deleting the City of Wichita Existing Buildings Rehabilitation and Change of Use Code (Chapter 18.44 of the Code of the City of Wichita).

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

20. PUD2006-02#24-Creation of the Wal-Mart at Oliver Planned Unit Development to allow general retail sales. Generally located south of Kellogg Avenue, east of Oliver Avenue. (District III)-Remand.

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

21. ZON2007-13 – Zone change from “SF-5” Single-family Residential to “TF-3” Two-family Residential for duplex development; generally located west of Florence and south of Second Street. (District IV)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change; OR 2. Return the application to the MAPC for reconsideration.

22. DR2005-21: Proposed Amendments to the Unified Zoning Code Pertaining to McConnell Air Force Base Airport Overlay Districts and Anti-Terrorism/Force Protection Overlay Districts. (Districts II and III)

RECOMMENDED ACTION: Adopt the proposed amendments to the Wichita-Sedgwick County Unified Zoning Code and approve first reading of the ordinance.

23. *A07-15R Request by Jay Russell, of R&R Realty, to annex land generally located northeast of the intersection of K-96 and Ridge Road, island annexation. (District VI)

RECOMMENDED ACTION: Initiate the annexation process and adopt the resolution.

24. *SUB 2007-43-Plat of Kansas State Bank Addition located east of Maize Road and north of Kellogg. (District V)

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

CITY COUNCIL

25. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

26. Approval of travel expenses for Mayor Brewer, ~~Vice Mayor Fearey~~ and City Council Members Schlapp, Skelton, Longwell, Gray and Williams to attend League of Kansas Municipalities Meeting in Overland Park, October 6-9, 2007.

RECOMMENDED ACTION: Approve the expenditures.

27. Approval of travel expenses for Mayor Brewer to attend League of Kansas Municipalities Legislative Policy Committee Meeting in Topeka, Kansas, August 23, 2007.

RECOMMENDED ACTION: Approve the expenditures.

28. Approval of travel expenses for Mayor Brewer to attend League of Kansas Municipalities Governing Body Meeting in Hoisington, Kansas, September 13-14, 2007.

RECOMMENDED ACTION: Approve the expenditures.

Adjournment