

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., November 21, 2006

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the November 14, 2006 regular meeting

AWARDS AND PROCLAMATIONS

- Proclamations:
 - Andy Roddick Day
 - Methamphetamine Awareness Day

CONSENT AGENDA

1. Report of the Board of Bids and Contracts Dated November 20, 2006.

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

2. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
John J. Murphy	Pizza Hut #301008*	1708 East Pawnee
John J. Murphy	Pizza Hut #301020*	8977 West Central
John J. Murphy	Pizza Hut #301073*	1035 North Broadway

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Jayanti B. Patel	Food Mart #210	10723 West Kellogg

(Item 2 continued)

<u>New Operator</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Michael Olderbak	Kabredlos, Inc.	11931 West Central Avenue

*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) Cost of Asphaltic Mat Pavement on Bolin Drive, from the east line of the plat, to West Street to serve Blue Lake Addition - north of MacArthur, west of West Street. (472-84078/765906/490-019) (District IV) – Total Estimated Cost \$170,970.00
- b) Cost of construction of Lateral 58, Main 3, Southwest Interceptor Sewer to serve Sycamore Pond Addition - south of 47th Street South, east of Seneca. (District IV) (468-84191/744193/480-881) – Total Estimated Cost \$241,820.00

RECOMMENDED ACTION: Receive and file.

4. Minutes of Advisory Boards/Commissions:

Board of Park Commissioners Regular Meeting, July 17, 2006
Board of Park Commissioners Interim Meeting, August 03, 2006
Board of Park Commissioners Regular Meeting, August 14, 2006
Design Council, August 17, 2006
District VI Advisory Board, September 20, 2006
Wichita Employees' Retirement Annual Board Meeting, September 20, 2006
Police & Fire Retirement System Regular Meeting, September 27, 2006
District II Advisory Board, October 02, 2006
District VI Advisory Board, October 02, 2006
District IV Advisory Board, October 04, 2006
Wichita Employees' Retirement Board/Police & Fire Retirement Board Joint Investment Committee, October 05, 2006
Wichita Public Library, October 17, 2006
Design Council, October 19, 2006
Wichita Historic Preservation, October 19, 2006

RECOMMENDED ACTION: Receive and file.

5. Consideration of Street Closures/Uses:

- a) Night with Santa, December 7, 2006-5:30 p.m. to 8:00 p.m.
- Douglas Avenue, Main Street to McLean Blvd.
 - Tlalnepantla Drive, Main Street to Douglas Avenue
 - First/Second, Waco to McLean Blvd.
 - Sycamore, Douglas Avenue to McLean blvd.

RECOMMENDED ACTION: Approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department and (3) Certificate of Liability Insurance on file with the Community Events Coordinator.

- b) Street Closure: 37th Street North from Ridge Rd. to Tyler Rd. (District V)

RECOMMENDED ACTION: Approve the street closure.

(Item 5c)

- c) Street Closure: 135th Street West from 13th Street North to Central. (District V)

RECOMMENDED ACTION: Approve the street closure.

6. Agreements/Contracts:

- a) Drainage Agreement, Cheddar's Casual Café, Inc, south of 13th Street, east of Greenwich. (District II)
- b) Construction engineering and staking in Clifton Cove Addition, south of 63rd Street South, west of Clifton. (District III)-supplemental.
- c) 21st Street Kids and Family Empowerment, north of 21st Street, west of Grove. (District I)-supplemental.
- d) Consultant Services for acquisition and relocation: Improvement of West Street from Maple to Central. (Districts III and VI)
- e) Construction engineering and staking in Sycamore Pond Addition, south of 47th Street South, east of Seneca. (District IV)-supplemental.

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

7. Design Services Agreement:

- a) Main 22, Southwest Interceptor Sewer, MacArthur Road and West Street. (District IV)-supplemental.

RECOMMENDED ACTION: Approve Agreement/Contract; authorize necessary signatures.

8. Change Order:

- a) Waterline along Hoover, north of Zoo Boulevard. (District V)

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

9. Repair or Removal of Dangerous and Unsafe Structures. (Districts I, III and VI)

<u>Property Address:</u>	<u>Council District:</u>
a) 4301 East Stearman	III
b) 1421 North Madison (garage)	I
c) 416 North Ash	I
d) 2232 North Woodland	VI
e) 2222 South Washington	III

RECOMMENDED ACTION: Adopt the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on January 9, 2007 at 9:30 a.m. or as soon thereafter.

10. Purchase Option, Cherry Creek Village. (District II)

RECOMMENDED ACTION: Adopt the resolution approving the Special Warranty Deed and the Termination of Lease Agreement and authorize the necessary signatures.

11. Sale of Parcel at the northwest corner of Redbarn and Woodchuck. (District V)

RECOMMENDED ACTION: Approve the Real Estate Purchase Contracts, and authorize necessary signatures.

12. Property Acquisition:

- a) Vacant land for the Dry Creek Basin Property Acquisition Project. (District III)

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

13. Settlement of Lawsuit-Young's General Contracting v. City of Wichita.

RECOMMENDED ACTION: Approve the payment of \$40,000 as a settlement of the pending lawsuit.

14. Settlement of Eminent Domain Case No. 05 CV683, Kellogg and Rock Road Project. (District II)

RECOMMENDED ACTION: Approve the settlement and authorize the payment of \$30,000 in settlement of the pending lawsuit.

14a. Amendment to construction and maintenance agreement with BNSF for work on the Central Rail Corridor Project.

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

15. Second Reading Ordinances: (First read November 14, 2006)

a) StopBlight: (1) New Neglected Buildings Code Ordinance (Title 30.01), (1) Amended Housing Code Ordinance (Title 20.04).

1. An Ordinance amending Sections 20.04.010, 20.04.030, 20.04.040, 20.04.050, 20.04.055, 20.04.060, 20.04.100, 20.04.110, 20.04.155 and 20.04.200, of the Code of the City of Wichita, Kansas, all pertaining to the Housing Code of the City of Wichita, Kansas and repealing the originals of Sections 20.04.010, 20.04.030, 20.04.040, 20.04.050, 20.04.055, 20.04.060, 20.04.100, 20.04.110, 20.04.150 and 20.04.200 of the Code of the City of Wichita, Kansas.
2. An Ordinance creating Chapter 30.01 of the Code of the City of Wichita, Kansas, pertaining to the registration of neglected buildings.

b) Public Hearing and Issuance of Taxable Industrial Revenue Bonds, Spirit AeroSystems, Inc. (District III)

An Ordinance approving and authorizing the execution of a lease agreement between Spirit Eerosystems, Inc. and the City of Wichita, Kansas; approving and authorizing the execution of an indenture of trust between said city and the Bank of New York Trust Company, N.A.; pledging certain payments under said lease agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of Industrial Revenue Bonds Series IV, 2006 (Spirit Aerosystems, Inc. Project) of said city in the principal amount of \$252,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of Spirit Aerosystems, Inc., a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said bonds; authorizing the sale of said bonds and the execution of a bond purchase agreement therefor; approving and authorizing the execution of an administrative service fee agreement; and authorizing the execution and delivery of certain related instruments.

RECOMMENDED ACTION: Adopt Ordinances.

NEW BUSINESS

16. Extension of IRB Tax Exemption, Dean and Deluca, Inc. (District I)

On December 31, 2005, the initial five-year period tax exemption expired. On February 14, 2006, City Council approved a one-year extension of the ad valorem property tax exemption. Dean & Deluca requests the City Council approve the remaining four-years tax exemption on bond-financed property.

RECOMMENDED ACTION: Extend the tax exemption on Dean & Deluca's IRB Bond-financed property for a one-year period and review the further extensions at the end of year 2007.

17. Extension of IRB Tax Exemption, Airtechnics, Inc. (District II)

On May 1, 2001, City Council approved issuance of Industrial Revenue Bonds in the amount of \$4,300,000 to Airtechnics, Inc. Airtechnics requests City Council extend the tax exemption to include the second five-years on the 2001 bond-financed property.

RECOMMENDED ACTION: Extend the tax exemption on Airtechnics IRB financed property for a one-year period and review the further extensions at the end of year 2007.

18. Extension of IRB Tax Exemption, NMF America, Inc. (District II)

On February 14, 2006, City Council approved a one-year extension of the ad valorem property tax exemption. NMF America, Inc. requests the City Council approve the remaining four-years tax exemption on bond-financed property.

RECOMMENDED ACTION: Extend the tax exemption on NMF's IRB Bond-Financed property for a one-year period and review the further extensions in December 2007.

19. Authorize a Second Five-Year Tax Exemption, ZTM, Inc. (District III)

On December 31, 2006, the initial five-year period for tax exemption will expire. ZTM requests City Council extend the tax exemption to include the second five-years tax exemption on real property only.

RECOMMENDED ACTION: Approve a second five-year ad valorem tax exemption at 49 percent on real property only.

20. Authorize a Second Five-Year Tax Exemption, Excel Manufacturing, Inc. (District VI)

Excel Manufacturing requests City Council extend the tax exemption to include the second five-years tax exemption on real property only.

RECOMMENDED ACTION: Approve a second five-year ad valorem tax exemption at 50 percent on real property only.

21. Authorize a Second Five-Year Tax Exemption, Cox Machine, Inc. (District V)

Cox Machine requests City Council extend the tax exemption to include the second five-years tax exemption on real property only.

RECOMMENDED ACTION: Approve a second five-year ad valorem tax exemption at 49 percent on real property only.

22. 2007 Self-Insurance Health Insurance Program.

The City Council directed staff to receive competitive bids for the City of Wichita's 2005 health insurance plan. On October 12, 2004, the City Council accepted the recommendation of the Health Insurance Advisory Committee to approve Coventry Health Care of Kansas, Inc. as the medical and prescription provider for 2005 and 2006 with an option for renewal in 2007.

RECOMMENDED ACTION: Accept the Coventry Health Care, Inc. Self-Insurance quote for 2007-2009 and authorize staff to negotiate a Third Party Agreement (TPA) with Coventry Health Care, Inc. to be effective January 1, 2007.

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

23. DR2006-10: K-96 Corridor Economic Development Plan.

RECOMMENDED ACTION: Adopt the K-96 Corridor Economic Development Plan, with recommended modifications, as an amendment to The Wichita-Sedgwick County Comprehensive Plan and place the ordinance on first reading.

24. *SUB2006-47-Plat of Fontana Third Addition, located on the north side of 29th Street North and east of 119th Street West. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the resolutions.

25. *SUB200686-Plat of Golden Corral Addition, located west of Greenwich Road and on the north side of Kellogg. (District II)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the resolutions.

26. *Z-3341 and DP-249-Extension of time to complete the platting requirement for the Ewald's South Town Center Commercial Community Unit Plan and a zone change from "SF-5" Single-family to "GC" General Commercial. Generally located south of 47th Street South and east of Broadway. (District IV)

RECOMMENDED ACTION: Approve extended platting deadline of November 23, 2007.

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

27. *Taxiway A and A-1, Change Order No. 3.

RECOMMENDED ACTION: Approve the change order and authorize the necessary signatures.

CITY COUNCIL

28. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

(Item 29)

29. *Approval of travel expenses for Mayor to attend U.S. Conference of Mayors Winter Meeting in Washington, D.C., January 24-26, 2007.*

RECOMMENDED ACTION: Approve the expenditures.

(Item 30)

30. *Approval of travel expenses for Mayor to the League of Kansas Municipalities Governing Body meeting in Topeka, December 14-15, 2006*

RECOMMENDED ACTION: Approve the expenditures.

Adjournment