

REVISED/ADDITIONS:

Item 10d. Street Closure for Public Works

Item 28-Correction on Districts

Item 32a. Moratorium for Rodeos

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., September 12, 2006

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the August 22, 2006 regular meeting

AWARDS AND PROCLAMATIONS

- **Proclamations and Presentations:**
 - Sign Up for Scouting Month
 - Presentation by Wichita Wagonmasters to the Wichita Police Department
 - Rolling Stones Day
- **Distinguished Service Citations.**

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. **Gordon Bakken-Proposal to combine the Indian Center, Cowtown, Art Museum, Botanical Gardens, Exploration Place and Zoo into one Cultural/Amusement Center.**

2. Bob Pinkstaff-Vietnamese Memorial in Veterans Memorial Park, located in Wichita, Kansas.
3. Mike Harter-Vietnamese Memorial to be placed in Veteran's Park.
4. OmPal S. Chauhan-Property crimes in the northeast neighborhood, Police Beat 44.
5. Matthew D. Day-Parking meters in the 400 block of North Topeka.

CONSENT AGENDA

6. Reports of the Board of Bids and Contracts Dated August 28, 2006 and September 11, 2006.

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

7. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Richard D. Orr	L.W. Clapp Municipal Golf Course*	4611 East Harry
<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
James Smith	Farmers Market, Inc.	2901 North Broadway
<u>New Operator</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Chris Brannan	1st & 10 BBQ*	3207 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.

8. Preliminary Estimates:
 - a) Pawnee, Washington to Hydraulic (KDOT) (87N-0235-01/472-83858/706869/636115/ 204335/772512) Traffic to be maintained during construction using flagpersons & barricades. (District III) - \$5,520,130.00
 - b) 2006 Sanitary Sewer Reconstruction, Phase 3 - various locations north of Pawnee, between Meridian. (468-84195/620456/666575) Traffic to be maintained during construction using flagpersons & barricades. (Districts III, IV, VI) - \$195,000.00

(Item 8 continued)

- c) 2006 CIP Arterial Street Rehabilitation - 135th Street West, Maple to Central. (472-84429/706957/620447/206423/665567) Local traffic will be allowed access during construction unless arrangements are made with the homeowners. (District V) - \$365,000.00
- d) Michelle, from the north line of Tara Falls 3rd Addition to a point 15 feet north of the south line of Tara Falls 3rd Addition, including a temporary turnaround at the south end to serve Tara Falls 3rd Addition - north of Pawnee, west of 127th Street East. (472-84425/766105/490122) Does not affect existing traffic. (District II) - \$57,000.00
- e) Ralph Wulz Tennis Court Reconstruction - north of Central, east of Stackman Drive. (472-84439/785078/602041/396210/862220) Does not affect existing traffic. (District I) - \$609,966.00
- f) Cost of 2005 Contract Maintenance Asphalt Mill & Overlay, & Overlay - south of 13th Street North, west of Seneca. (472-84155/132718/620426) (Districts IV & V). Total Estimated Cost - \$512,439.60

RECOMMENDED ACTION: Receive and file.

9. Petition for Public Improvements:

- a) Construct a Water Distribution System in Emerald Bay Estates Addition, west of West Street, north of 21st Street. (District V)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

10. Consideration of Street Closures/Uses.

- a) Wichita Half-Marathon, September 24, 2006, 6:00 a.m. to 12:00 p.m., Sims Park
 - Nims Street, Stackman Drive to Murdock
 - Stackman Drive, Nims Street to Murdock.
- b) 2006 Komen Wichita Race for the Cure, September 30, 2006, 7:00 a.m. to 11:00 a.m.
 - Douglas Avenue, Rock Road to Whittier Street not including the intersection of Douglas Avenue and Rock Road.
- c) Second Annual Just About Kids Foundation 5K and 1 Mile Event, October 7, 2006, 8:00 a.m.-10:00 a.m.
 - 13th Street North from Webb Road to Raytheon Park Entrance. East bound, curb side lane.
 - Webb Road from Raytheon Park entrance to 13th Street North. North bound, curb side lane.

RECOMMENDED ACTION: Approve the requests 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 Event Coordinator.

(Item 10d)

- d) Street Closure: 135th Street from Maple to Central. (District V)

RECOMMENDED ACTION: Approve the street closure.

11. Proposed Assessment Rolls.

Proposed Assessment Rolls have been prepared for Forty-one (41) paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 2, 2006 at 11:00 a.m.

RECOMMENDED ACTION: Set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, October 17, 2006 and direct the City Clerk to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing.

12. Report on Claims Allowed for August 25, 2006:

<u>Name of Claimant</u>	<u>Amount</u>
Davignon, Amy	\$134.13
Johnson, Elenore	\$150.00
Kansas Gas Service	\$631.64**
Spivey, Ricardo	\$81.00
Wendling, Dave	\$340.00

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

13. Proposed Settlement of Appeal of Water Utility Sales and Use Tax Audit.

RECOMMENDED ACTION: Approve the proposed settlement and authorize the Law Department to communicate that action to the Department of Revenue and to negotiate and deliver a suitable Journal Entry reflecting the settlement.

14. Expense for Senior Management for Month of June 2006.

RECOMMENDED ACTION: Receive and file.

15. Expense for Senior Management for Month of July 2006.

RECOMMENDED ACTION: Receive and file.

16. Agreements/Contracts:

- a) Hydrogeologic Investigations for a Horizontal Collector Well-supplemental.
- b) Respread Assessments, Evergreen Addition, north of 21st Street North, west of Maize. (District V)
- c) Water Line along Hoover, north of Zoo Boulevard. (District V)-supplemental.
- d) Agreement with the Kansas Department of Transportation to install ramp highway lighting along K-254. (District I)

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

17. Design Service Agreements:

- a) Sierra Hills Addition, east of 127th Street East, north of Pawnee. (District II)
- b) Auburn Hills Commercial Fourth Addition, east of 135th Street West, south of Maple. (District V).
- c) Government Addition, Grove from 63rd Street South to 1,350 feet south of 63rd Street South. (District III)

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

18. Nuisance Abatement Assessments.

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

19. Property Acquisitions:

- a) Partial Acquisition of vacant land for Right-of-Way at the southwest corner of 119th Street West and Pawnee Avenue for the Pawnee Road Improvement Project from 119th Street to Maize Road. (District IV)
- b) Partial Acquisition of vacant land for Right-of-Way and Drainage Easement at the southeast corner of 119th Street West and Pawnee Avenue for the Pawnee Road Improvement Project from 119th Street to Maize Road. (District IV)
- c) Acquisition of land in the 1300 Block of North Market along the abandoned Union Pacific Rail Corridor for the Midtown Greenway. (District VI)
- d) Partial Acquisition of 1339 North Broadway for the North Broadway and 13th Street Intersection Improvement Project. (District VI)
- e) Partial Acquisition of land for Right-of-Way at 10720 West 29th Street North for Roadway Project. (District V)

(Item 19 continued)

- f) Partial Acquisition of vacant land for Right-of-Way at the southwest Corner of Maize Road and Pawnee Avenue for the Pawnee Road Improvement Project from 119th Street to Maize Road. (District IV)

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

20. Planeview Community Library Memorandum of Agreement. (District III)

RECOMMENDED ACTION: Endorse the City's participation in the partnership for an additional year and authorize the Mayor to sign the Memorandum of Agreement.

21. Cost of Service Analysis for Water and Sewer Rates and Update of Plant Equity Fees.

RECOMMENDED ACTION: Approve the Contract; approve the update and recalculation of plant equity fees and authorize the necessary signatures.

22. Reconstruction of Old Sanitary Sewers-Transfer of Funds.

RECOMMENDED ACTION: Approve the budget transfer; adopt the amended Resolution and authorize the necessary signatures.

23. Surplus property located at 1137 North Broadway. (District VI)

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

24. Surplus property located at 740 West Second Street. (District IV)

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

25. Southwestern Bell Telephone Franchise Amendment.

RECOMMENDED ACTION: Approve first reading of the ordinance.

26. Transfer of land near 43rd Street North and Hydraulic and near 52nd Street North and Sullivan between the City of Wichita and USD 259. (District VI)

RECOMMENDED ACTION: Approve the Real Estate Exchange Agreement and authorize the necessary signatures

27. Donation of Vacant Lot at 1212 North Green. (District I)

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

(Item 28)

28. HOME CHDO Operating Support Funding. (Districts I, ~~H~~-III, IV, V and VI)

RECOMMENDED ACTION: Approve the recommended allocations and the funding agreements and authorize the necessary signatures.

29. Greenwich Road Improvement, between Central and 13th Street. (District II)

RECOMMENDED ACTION: Approve the design project and design agreement; place the ordinance on first reading and authorize the signing of State/Federal agreements as required.

30. HUD Economic Development Initiative Grant, Veteran's Memorial Park. (District VI)

RECOMMENDED ACTION: Approve the grant and authorize the signatures for HUD Economic Development Initiative grant award and authorize the necessary signatures.

31. Second Reading Ordinances:

(First read August 22, 2006)

a) Property acquisition - permanent easements by eminent domain for Main 19, Four Mile Creek Sewer Project. (District II)

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of sanitary sewer to serve an area north of 13th Street North and west of 159th Street east in Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof.

b) ZON2006-26-southwest corner of 47th Street South and Broadway. (District IV)

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 (ZON2006-26)

(Item 31 continued)

(First read August 8, 2006)

c) Gilbert & Mosley TIF Extension.

An Ordinance extending the completion date of the Redevelopment Project for the Gilbert and Mosley Redevelopment District as adopted in City of Wichita Ordinance No. 41-446 and No. 41-461.

RECOMMENDED ACTION: Adopt Ordinances.

UNFINISHED BUSINESS

32. Development Agreement for the Northeast Baseball Complex. (District II)

RECOMMENDED ACTION: Close the public hearing and place the ordinance approving the Development agreement on first reading; authorize the necessary signatures and authorize the amendment to Charter Ordinance No. 177.

(Item 32a)

32a. *Amend Resolution No. 06-204, regarding Moratorium on the Acceptance Licensing Applications for Rodeos, pursuant to Section 3.08.040 of the Code of the City of Wichita.*
(Continued May 2, 2006)

RECOMMENDED ACTION: Adopt the resolution amending Resolution No. 06-204 regarding the Moratorium on the Issuance of Rodeo licenses.

NEW BUSINESS

33. Public Hearing and Tax Exemption Request, Custom Cupboards, Inc. (District IV)

On July 20, 2004, City Council approved a five-plus-five year 97.5% ad valorem tax exemption to Custom Cupboards, Inc. (Custom Cupboards) for an expansion that included construction of a building addition and purchase of new equipment. On May 3, 2005, City Council also approved a 75% five-plus-five year tax exemption on a building addition and new manufacturing equipment.

RECOMMENDED ACTION: Close the public hearing and place on first reading the ordinance granting a 72% tax exemption on the identified personal property improvements for a five year term, subject to City Council review.

34. Public Hearing and Tax Exemption Request, Harlow Aerostructures, LLC. (District IV)

Harlow Aerostructures, LLC, located at 1501 South McLean Boulevard in southwest Wichita, was locally formed in 1954. Harlow Aerostructures recently expanded its manufacturing capacity through the acquisition of new machinery and equipment and is requesting approval of an Economic Development Tax Exemption on the manufacturing equipment in conjunction with the expansion project.

RECOMMENDED ACTION: Close the public hearing and place on first reading the ordinance granting a 100% tax exemption on the identified personal property improvements for a five year term and authorize the Mayor to sign.

35. Public Hearing and Request for Letter of Intent for Industrial Revenue Bonds, Ethanol Products, LLC. (District II)

Ethanol Products is now planning to expand its company headquarters facility and requests the issuance of a two-year Letter of Intent for IRBs in the amount not-to-exceed \$4,000,000. Ethanol Products is also requesting the City Council' approval of a 100% five-year tax exemption on bond-financed property and a second five-year exemption upon City Council approval.

RECOMMENDED ACTION: Close the public hearing and approve a Letter of Intent to Ethanol Products, LLC for Industrial Revenue Bonds in an amount not-to-exceed \$4,000,000, subject to the Standard Letter of Intent Conditions, for a term of two-years and approve a 100% tax abatement on all bond-financed improvements for an initial five-year period plus an additional five years following City Council review and authorize the necessary signatures.

36. Authorization of Change of Tenant Entity, Dean & DeLuca, Inc. (District I)

Dean & DeLuca is now requesting City Council consent to an assignment and amendment of the Lease. Dean & DeLuca, Inc. will remain a subtenant, and Standard Liquor, a short-term subtenant, will become a long-term subtenant.

RECOMMENDED ACTION: Place on first reading the ordinance authorizing the assignment and amendment of the Lease and authorize the necessary signatures.

37. Kansas World Trade Center 2006-2007 Contract.

The City of Wichita has contracted for economic development services from the Kansas World Trade Center ("KWTC") in annual amounts of \$50,000, starting in 1998 and continuing through 2005. In 2005, KWTC moved to its present leased office space at 111 South Market in downtown Wichita.

RECOMMENDED ACTION: Approve the proposed 2006-2007 contract with the Kansas World Trade Center and authorize its execution.

38. Ordinance to allow Wholesale Customers a Conditional Option.

Wholesale customers are customers who buy water from Wichita at wholesale rates through a master meter, then redistribute the water to their retail customers. A wholesale rate was created using the same concept that applied to retail customers, a tiered rate structure based on winter averages.

RECOMMENDED ACTION: Approve first reading of the ordinance.

39. Master Planning Update.

The Wichita Public Library has used master plans to guide development, relocation and realignment of its library facilities dating back to at least 1965. The current plan adopted in 1999 was the basis for creation of the Evergreen and Lionel D. Alford branch libraries.

RECOMMENDED ACTION: Endorse the plan as adopted by the Library Board of Directors.

40. Amendment to Franchise Ordinance No. 42-264 with Cox Communication Kansas, LLC.

The current cable television franchise was granted for the operation of a broadband telecommunications network on February 8, 1994 and effective April 10, 1994. Cox has now requested a reduction in the public, education and governmental (PEG) channels to three. The change will require an amendment to the franchise ordinance.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

41. Fire Stations Number 20, 21 and 22. (Districts II, III and V)

In August 2000, the City Council adopted the Fire Station Construction and Relocation Study. The Study performed by the TriData Company, recommended a multi-year plan to construct ten fire stations. Under the plan, some stations would be relocated and some would be new stations, and to date, six stations have been relocated.

RECOMMENDED ACTION: Approve the project; adopt the bonding resolution and authorize staff to begin land acquisition activities.

42. StopBlight: Amended Housing Code Ordinance, Title 20.04 and New Vacant and Neglected Buildings Ordinance, Title 30.01.

At the August 15, 2006 Council workshop, staff presented an overview of proposed ordinances, processes and procedures focusing primarily on proposed revisions to the current Housing Code, Chapter 20.04 of the Code of the City of Wichita and a proposed new Vacant and Neglected Building Code, Chapter 30.01.

RECOMMENDED ACTION: Approve first reading of the ordinances amending Chapter 28.04 of the Code of the City of Wichita and creating Chapter 30.01 of the Code of the City of Wichita.

43. Pawnee Improvement between 119th Street West and Maize. (District IV)

On January 10, 2006, the City Council approved a project to improve Pawnee between 119th Street West and Maize. An amending ordinance has been prepared to increase 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.

44. 11th Street Bridge at the Drainage Canal. (District I)

On April 4, 2006, the City Council approved a project to improve the 11th Street Bridge at the Drainage Canal. 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.

45. Petition to pave Brookside, north of Central. (District II)

The signatures on the Petition represent 3 of 7 (42%) resident owners and 65% of the improvement district area. District II Advisory Board sponsored an August 7, 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.

46. Petition to pave 50th Street South, Osage and Osage Circle east of Seneca. (District IV)

The signature on the Petition represents 1 of 12 (8.33%) resident owners and 75.67% of the improvement district area. District IV Advisory Board sponsored an August 12, 2006, neighborhood hearing on the project. The Board voted 5-0 to recommend approval of the project.

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

47. Petition to pave 37th Street South, Flora and York in Skyline Heights and Wheatland Place Additions, north of MacArthur, east of Hoover. (District IV)

The signatures on the Petition represent 28 of 53 (52.83%) resident owners and 43.23% of the improvement district area. District III Advisory Board sponsored an August 2, 2006, neighborhood hearing on the project. The Board voted 4-1 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

48. DR2004-10-Proposed Amendments to the Wichita Sedgwick-County Subdivision Regulations, Utility Easements.

RECOMMENDED ACTION: Approve the amendments to the Wichita-Sedgwick County Subdivision Regulations as recommended by the Metropolitan Area Planning Commission and place the ordinance on first reading.

49. *SUB2006-53-Plat of Quiktrip Ninth Addition, located east of West Street and on the south side of Maple Street. (District IV)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and a place the ordinance on first reading.

50. *SUB2005-136-Plat of Nicholson Commercial Addition, located on the northwest corner of 53rd Street North and Ridge Road. (County)

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

51. *VAC2006-00015-Request to vacate a portion of a platted utility easement located at the northeast corner of Kellogg Drive and Armour Drive. (District II)

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

52. *ZON2006-00017-Zone Change from "SF-5" Single-family Residential to "MF-18" Multi-family Residential. Generally located north of Lewis and east of Greenwich Road. (District II)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC; approve the zone change and place the ordinance on first reading;
OR
2) Adopt the recommendation of the DAB; approve the zone change subject to the recommended Protective Overlay and place the ordinance on first reading; OR
3) Return the application to the MAPC for reconsideration.

53. *DED2006-23-Dedication of a utility easement, located east of West Street and north of Central. (District VI)

RECOMMENDED ACTION: Accept the Dedication.

54. *Home Rule Bonding Ordinance for preparing the Hilltop Neighborhood Master Plan. (District III)

RECOMMENDED ACTION: Approve the home rule bonding ordinance for the Hilltop Neighborhood Master Plan and place the ordinance on first reading.

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

55. Host International-S.A. No. 4-Restaurant and Concession Operations, Wichita Mid-Continent Airport.

(ITEM PULLED PER CITY MANAGER & DIRECTOR OF AIRPORTS)

56. *Contract for Outside Legal Services, Delta Airlines complaint with FAA regarding Airtran Airlines.

RECOMMENDED ACTION: Authorize the Mayor to execute the amendment to the contract on behalf of the Wichita Airport Authority increasing the amount of fees and expenses that may be expended under the agreement with Edwards, Angell, Palmer & Dodge by \$5,500, increasing the maximum amount to \$130,500 and approving payment of not-to-exceed \$5,000.00 in legal fees to Kaplan, Kirsch & Rockwell, L.L.C.

57. *Agreement-U.S. Department of Agriculture.

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

58. *Fuel Contract Consulting Services.

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

59. *Taxiway L, H and H-1, Change Order No. 2, Mid-Continent Airport.

RECOMMENDED ACTION: Approve the change order; adopt the resolution; approve the budget adjustment and authorize the necessary signatures.

60. *Southwest Area Site Development, Supplemental Agreement No. 1, Colonel James Jabara Airport.

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

CITY COUNCIL

61. Approval of travel expenses for Council Member Gray to participate in Visioneering City-to-City Visit in Richmond, VA, September 13-15, 2006

RECOMMENDED ACTION: Approve the expenditures.

62. Approval of travel expenses for Mayor Mayans to attend the Mayor's Hemispheric Forum in Miami, Florida, September 24-26, 2006.

RECOMMENDED ACTION: Approve the expenditures.

63. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

Workshop to follow