

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., April 10, 2007

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation by Father Pat Malone, Holy Savior Catholic Church
 - Pledge of Allegiance
 - Approve the minutes of the April 3, 2007 regular meeting
 - Approval of Agenda Items:
 - a) Consent Agenda (Items 1-17d.)
 - b) Planning Agenda (Consent items 19-22)
 - Presentation to outgoing Mayor Mayans
 - Recess
-

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ORDER OF BUSINESS

- Call to Order (Reconvene)
- Vice-Mayor Gray recognizes Council Member Brewer.
- Introduction of New Members and Oath of Office
- Ballot Selection of Vice-Mayor
- Vice Mayor – Oath of Office
- Comments from Mayor and Council Members
- Approval of Agenda Item:
 - a) New Business (Item 1, page 8)
 - b) City Council Agenda (Items 2 & 3, page 8)
- Adjournment to Reception City Hall, First Floor-East Lobby

CONSENT AGENDA

1. Report of the Board of Bids and Contracts Dated April 9, 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>
Paul A. Eck	Family Home Association Inc.*	3202 West 13 th Street
Terri S. Webb	Delano Barbecue Co., L.L.C.	710 West Douglas
Troy Hendricks	Auburn Hills Golf Course*	443 South 135 th Street West
Navid Haeri	24 K LLC dba Valero	1622 South West Street
Steven T. Knolla	Knolla's Pizza East LLC	7732 East Central
Juan A Castaneda	Angela's Café *	10901 E Kellogg

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Stephen Diehl	Dillon Store #81	13415 West Maple
Brandon Diep	Speedway	565 South Market

<u>New Operator</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Mai H. Vo	T&T Discount Cigarette	3448 Douglas

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

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

3. Certificate of Canvass.

Certificate of Canvass of the votes cast in the General Election on April 3, 2007, determining that the following candidates were duly elected.

Mayor
Carl Brewer

Council Member, District II
Susan Schlapp

Council Member, District IV
Paul Gray

Council Member, District V
Jeffery Longwell

RECOMMENDED ACTION: Receive and file.

4. Preliminary Estimates:

- a. 2007 Sanitary Sewer Reconstruction, Phase 4 east of Hydraulic at Lincoln Street (468-84331/620474/667592) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$337,000.00
- b. 2007 Condemned Sidewalk & Wheelchair Ramps north of 63rd Street South, east of 119th Street West (472-84543/132100/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District ALL) - \$161,580.00
- c. 2007 Contract Maintenance Thermal Crack Repair (north of 63rd Street South, east of 135th Street West) (472-84509/132720/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,IV,V) - \$261,000.00
- d. 2007 Contract Maintenance Area Concrete Phase I north of MacArthur, east of 119th Street West (472-84512/132720/620469/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District I,III,IV,VI) - \$373,000.00
- e. Stormwater Drain #307 to serve Northgate Addition north of 53rd Street North, west of Meridian (468-84253/751445/485336) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$617,000.00
- f. Onewood from the east line of the plat west to the west line of Lot 1, Block D; City View and City View Circle from the south line of Onewood, southwesterly to and including the cul-de-sac; City View Court from the west line of City View, west to and including the cul-de-sac to serve Auburn Hills 16th Addition south of Maple, west of 135th Street West (472-84393/766130/490148) Does not affect existing traffic. (District V) - \$427,000.00
- g. Lateral 518 Southwest Interceptor Sewer to serve Pier 37 Addition south of 37th Street North, west of Ridge (468-84303/744214/480902) Does not affect existing traffic. (District V) - \$238,000.00
- h. Storm Water Drain #290 to serve Fox Ridge Addition north of 29th Street North, east of Maize (468-84151/751431/485322) Does not affect existing traffic. (District V) - \$531,240.00
- i. Cost of 30th Street South between Custer and St. Paul to serve Builders 14th Addition - south of Pawnee, east of Washington. (472-84251/765944/490-057) (District IV) – Total Estimated Cost \$99,196.38

RECOMMENDED ACTION: Receive and file.

5. Petitions for Public Improvements:

- a) Sanitary Sewers in Silverton and Cheryl's Hollow Second Additions, north of 13th Street, west of 135th Street West. (District V)
- b) Paving and Sanitary Sewer Improvements in Blackstone and Cheryl's Hollow Second Additions, north of 13th Street, west of 135th Street West. (District V)
- c) Sanitary Sewer in Brentwood South Addition, north of Pawnee, east of Webb. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

6. Consideration of Street Closures/Uses.

- a) Wichita River Festival AT&T Concert, May 11, 2007-8:30 a.m. to 10:30 p.m.
- McLean Boulevard, Douglas Street to Second Street
 - Sycamore Street, Douglas Street to McLean Boulevard

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) Topeka and 20th Street North. (District VI)

RECOMMENDED ACTION: Approve the street closures.

7. Contracts & Agreements for March 2007.

RECOMMENDED ACTION: Receive and file.

8. Agreements/Contracts:

- a) Agreement between City of Wichita and Andover, 24 inch Water Main.
- b) Controlled Substances and Alcohol Testing Program Third-Party Administrator.
- c) Audio/Visual System 10th Floor MAPD Remodel.
- d) Project Cooperation Agreement, Cowskin Creek Improvement, between Kellogg and Maple. (District V)
- e) Telecommunications Franchise-Extension.

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

9. Design Service Agreements:

- a) Lillie Addition, south of Maple, west of Maize. (District V)
- b) Auburn Hills 16th Addition, south of Maple, east of 151st Street. (District V)

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

10. Change Order:

- a) Sanitary Sewer to serve Cross Pointe Addition, south of 21st Street east of Greenwich. (District II)

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

11. Property Acquisitions:

- a) Partial Acquisition of 141 North West Street for the improvement of West Street from Maple to Central. (Districts IV and VI)
- b) Partial Acquisition of 219 North West Street for the improvement of West Street from Maple to Central. (Districts IV and VI)
- c) Acquisition of Sanitary Sewer Easement for the Main 5 Sewer Sanitary Lateral Line near 13th Street North and Hoover. (District VI)

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

12. Nuisance Abatement Assessments.

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

13. Purchase Option, Printing, Inc. (District VI)

RECOMMENDED ACTION: Adopt the Resolution approving the Special Warranty Deed, Termination and Release of Lease and Easement, Satisfaction, Discharge and Release of Indenture, Bill of Sale, and authorize the necessary signatures.

14. Resolution ordering a Public Hearing, 51st Street North paving, between Meridian and Athenian. (District VI)

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

15. *Dedication of Property near 55th Street South and Clifton for public purposes.* (District III)

(ITEM PULLED)

16. Sale of 1631 East 17th Street North. (District I)

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

17. Second Reading Ordinances: (First read April 3, 2007)

a. Acquisition by Eminent Domain of tracts required for the East 13th Street and North

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 the planned East 13th Street and North Mosley road improvement project in the city of Wichita 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. Transient Guest Registration.

An ordinance amending Sections 5.38.010 and 5.38.020 of the code of the City of Wichita, Kansas, pertaining to transient guests pertaining to registration at places of lodging and sleeping accommodations.

c. Approval of Forgivable Loan for Convergys Corporation. (District II)

An ordinance of the City of Wichita, Kansas, authorizing, prescribing the form and authorizing the execution of a forgivable loan agreement and promissory note by and between Convergys Customer Management Group, Inc. and the City of Wichita, Kansas.

d. ZON2007-00002-Zone Change request from "LI" Limited Industrial to "SF-5" Single-Family Residential zoning for residential. Generally located east of Ridge Road and south of 29th Street North. (District V)

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. (ZON2007-00002)

RECOMMENDED ACTION: Adopt Ordinances.

18. (THIS ITEM MOVED TO CITY COUNCIL AGENDA, ITEM 3, and PAGE 8)

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

19. *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)

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.

20. *SUB2006-108-Plat of South Lakes Sports Complex Addition located north of 55th Street South and on the east side of Meridian. (District IV)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures for both approval of the plat and as to the City's ownership; and adopt the Resolutions.

21. *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)

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

22. *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)

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

(AGENDA ITEMS TO BE APPROVED BY INCOMING COUNCIL)

NEW BUSINESS

(9:30 a.m. or soon thereafter)

1. Repair or Removal of Dangerous and Unsafe Structures. (Districts I and III)

On February 27, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on April 10, 2007.

<u>Property Address</u>	<u>Council District</u>
a. 814 West Clark	III
b. 1021 North Spruce	I
c. 1602 North Kansas (garage)	I
d. 1612 North Kansas	I
e. 1547 North Estelle	I
f. 1502 East 16 th	I
g. 2502-04 East 20 th	I
h. 2508 East 20 th	I
i. 2635 East Stadium	I
j. 1401 North Battin	I
k. 2137 South Emporia	III

RECOMMENDED ACTION: Close the public hearing; adopt the resolutions declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be contingent on the following: 1) all taxes have been paid to date, as of April 10, 2007; 2) the structures have been secured as of April 10, 2007 and will continue to be kept secured; and 3) the premises are mowed and free of debris as of April 10, 2007 and will be so maintained during renovation.

CITY COUNCIL

2. Tribute to former Council Member Bob Martz & Recognition of DAB V

3. Naming of Park Facility. (District V)

RECOMMENDED ACTION: Rename a park facility in honor of Bob Martz.