

**FINAL**  
**CITY COUNCIL**  
**CITY OF WICHITA**  
**KANSAS**

City Council Meeting  
9:00 A.M., January 9, 2007

City Council Chambers  
455 North Main

**ORDER OF BUSINESS**

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the December 19, 2006 regular meeting

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**AWARDS AND PROCLAMATIONS**

- **Presentations:**
  - Distinguished Service Citation
  - Presentation of "Shining Star" Award
  - The Wichita Black Legends Alliance

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**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 J. Bakken-Combining all the museums in Sims Park into one attraction with a single admission.**

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CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated January 8, 2007.

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

3. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Cheryl L. Gehlen	Annex Lounge*	6305 East Harry
Jo Lynn Blood	Pine Bay Golf Course	6615 South Grove
Guadalupe Cordova	Chico's Restaurant*	3949 West Douglas
Annette Sneckenberg	Godfather's Pizza*	2106 North Amidon

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Jay A. Johnson	Johnson's General Stores, Inc. #6	1003 South Seneca
Jay A. Johnson	Johnson's General Stores, Inc. #32	5400 North Meridian
Mike Hoffmann	Kwik Shop 749	2142 North Webb Road
Lethanh T. Le	Broadway Supermarket	1336 North Broadway

<u>New Establishment</u>	<u>2007</u>	<u>(New Establishment, on Premises)</u>
Terry L. Brown	Bear's Entertainment*	1015 South Meridian

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

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

4. Preliminary Estimates:

- a) 2006 Sanitary Sewer Rehabilitation, Phase E various locations north of 31st Street South, west of Webb Road. (468-84256/620464/666583) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III) - \$354,500.
- b) Cost of Accel/Decel Lane on the south side of 21st Street North from the west property line of Oak Creek Addition to Greenwich Road to serve Oak Creek Addition south of 21st Street North, west of Greenwich. (472-84206/765935/490-048) (District II). – Total Estimated Cost \$267,120.
- c) Cost of construction of Storm Water Drain #224 to serve Avalon Park 2nd Addition north of 37th Street North, east of Tyler. (District V) (468-83750/751374/485-265) – Total Estimated Cost \$309,000.
- d) Cost of Storm Water Drain No. 265 to serve Avalon Park 3rd Addition north of 37th Street North, east of Tyler. (District V) (468-84012/751402/485-293) – Total Estimated Cost \$233,530.
- e) Cost of construction of Storm Water Drain #250 to serve The Waterfront Addition north of 13th Street North, east of Webb. (District II) (468-83950/751394/485-285) – Total Estimated Cost \$304,500.

(Item 4 continued)

- f) Cost of construction of Storm Water Drain #228 to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (District II) (468-83793/751405/485-296) – Total Estimated Cost \$496,080.
- g) Cost of construction of Lateral 6, Main 4, Northwest Interceptor Sewer to serve Whistling Walk Estates 2nd, 3rd, and 4th Additions (south of 13th Street North, west of 119th Street West). (District V) (468-84005/744124/480-812) – Total Estimated Cost \$232,100.
- h) Cost of construction of Water Distribution System to serve R & P Addition (south of Harry, west of West Street). (District IV) (448-90127/735286/470-957) – Total Estimated Cost \$12,000.

RECOMMENDED ACTION: Receive and file.

5. Petitions for Public Improvements:

- a) Construct Paving, Sanitary Sewer, Drainage and Water System Improvements in Tyler's Landing Third Addition, south of 37<sup>th</sup> Street North, east of Tyler. (District V)
- b) Renovate building façade at 154 North Emporia, southeast corner of First Street and Emporia. (District VI)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

6. Deeds and Easements:

- a) Grant of Easement dated December 4, 2006 from Family Video Club, Inc. over a tract of land lying in Lot , Knight Acres, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- b) Dedication of Access Control dated December 20, 2006 from St. Albans Episcopal Church over a tract of land lying in Lot 13, Block 2, Cottonwood Village Sixth Addition, an Addition to Wichita, Sedgwick County, Kansas, and (OCA # 607861). No Cost to City
- c) Utility Easement dated December 15, 2006 by Home Bank and Trust Company over a tract of land in Lot 1, Block 1, Home Bank and Trust Company Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- d) Sanitary Sewer Easement dated October 26, 2006 from JBC, LLC over a tract of land lying in the SW 1/4 of Section 26, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- e) Drainage Easement dated October 25, 2006 from 37th & Ridge Development Company, LLC, a Kansas Limited Liability Company and Wichita Northwest Medical Property, LLC, a Kansas Limited Liability Company over a tract of land lying in parts of Lots 2 and 3, Block A, Northridge Plaza Addition, Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- f) Sanitary Sewer Easement dated October 3, 2006 from Cheddar's Casual Cafe, Inc., over a tract of land lying in Lot 11, The Gateway Center 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- g) Waterline Easement dated October 3, 2006 from Cheddar's Casual Cafe, Inc., over a tract of land lying in Lot 11, The Gateway Center 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.

(Item 6 continued)

- h) Utility Easement dated October 18, 2006 from Slawson Commercial Properties, LLC, over a tract of land lying in Lots 1, 3, and 4, Block 1, In Oak Creek 2nd, an Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- i) Drainage and Utility Easement dated November 28, 2006 from Slawson Commercial Properties, LLC, over a tract of land lying in Lots 9, 10, and 11, Block 2, and Reserve "P", Oak Creek 2nd, an Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- j) Utility Easement dated October 19, 2006 from Intrust Properties, Inc., over tracts of land lying in Lot 3, Block 2, In Oak Creek Addition, an Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- k) Utility Easement dated September 29, 2006 from Joel Associates, LLC, a Kansas Limited Liability Company, FBN Corporation, a Kansas Corporation, and MB Properties, LLC, a Kansas Limited Liability Company, over a tract of land lying in Lot 1, Harrison Park 3rd Addition, Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- l) Sanitary Sewer Easement dated September 29, 2006 from Joel Associates, LLC, a Kansas Limited Liability Company, and FBN Corporation, a Kansas Corporation, over a tract of land lying in Lot 1, Harrison Park 3rd Addition, Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- m) Drainage and Utility Easement dated October 6, 2006 from Auburn Pointe LLC, a Kansas limited liability company, over tracts of land lying in Reserve "A" and a portion of Lot1, Block 1, Auburn Hills Commercial 4th Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- n) Utility Easement dated August 8, 2006 from Nuckolls Golf, Inc., over a tract of land lying in Reserve "A", Willowbend First Addition, an Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- o) Water Line Easement dated November 15, 2006 from Clayton Kissack, over a tract of land lying within the east 1/2 of the west 1/2 of the northeast 1/4 quarter of the Northwest 1/4, Section 29, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, (OCA# 735289). No Cost to City.

RECOMMENDED ACTION: Accept documents.

7. Minutes of Advisory Boards/Commissions:

Board of Park Commissioners Interim Meeting, October 16, 2006  
District III Advisory Board, November 01, 2006  
District IV Advisory Board, November 01, 2006  
Wichita Public Library Monthly Report, November 2006  
Board of Code Standards and Appeals, November 06, 2006  
District II Advisory Board, November 06, 2006  
Wichita Airport Advisory Board, November 06, 2006  
Board of Park Commissioners Regular Meeting, November 13, 2006  
Wichita Historic Preservation Board, November 13, 2006  
Board of Electrical Appeals, November 14, 2006  
Housing Advisory Board, November 15, 2006  
Design Council, November 16, 2006

RECOMMENDED ACTION: Receive and file.

8. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

9. Report on Claims Allowed for November 2006.

<u>Name of Claimant</u>	<u>Amount</u>
AT&T Risk Management	\$972.21
Jenkinson, Marvia	\$136.00
Kimmel, Kevin	\$75.00
Lopez, Lorenzo	\$230.31
Richardson, Diane	\$100.00
Rishel, James	\$60.00
Thomas, David & Christina	\$75.00
Westar Energy	\$1,244.90

RECOMMENDED ACTION: Receive and file.

10. Expense for Senior Management for Month of November 2006.

RECOMMENDED ACTION: Receive and file.

11. Agreements/Contracts:

- a) Contract with Inter-Faith Ministries GoZones. (District VI)
- b) Supplemental Agreement for Pawnee from Meridian to Seneca. (District IV).
- c) TreeCycle Program.

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

12. Design Services Agreement:

- a) 21<sup>st</sup> Street Improvement, between the K-96 Expressway and 159<sup>th</sup> Street East. (District II)

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

13. Change Orders:

- a) Sanitary Sewer Main along Meridian, north of the K-96 Freeway. (District VI)
- b) River Corridor Improvements. (District VI)

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

**(Item 14a)**

14. Property Acquisition:

- a) Acquisition of land at Kinkaid and Greenwich for Fire Station 20. (*County*)

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

15. Surplus of vacant parcel at Acadia and Hale. (District V)

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

16. Renaming of Reflection Square Park. (District I)

RECOMMENDED ACTION: Rename Reflection Square Park to the "Chester I. Lewis Reflection Park."

17. Evaluation of Membrane Filtration for ASR Project.

RECOMMENDED ACTION: Approve the contract and the use of unexpended funds from the ASR Water Treatment Plant Project; and authorize the necessary signatures.

18. Amending Resolution: Sanitary Sewer Lateral to serve the Whistling Walk Estates Additions, south of 13<sup>th</sup> Street, west of 119<sup>th</sup> Street West. (District V)

RECOMMENDED ACTION: Adopt the amending resolution.

19. Amendment of Industrial Revenue Bond Documents, Airtechnics, Inc. (District II)

RECOMMENDED ACTION: Approve document amendments needed to restructure the debt services payments for each series in accordance with lower interest rates and place the Ordinances on first reading.

20. Sale of parking lot at 220 South Emporia. (District I)

RECOMMENDED ACTION: Approve the Quit Claim Deed and authorize the necessary signatures.

21. Second Reading Ordinances: (First read December 19, 2007)

a) Amending Ordinance, Kellogg/Rock Interchange. (District II)

An Ordinance of the City of Wichita, Kansas, amending sections 1 and 2 of ordinance no. 47-276 of the city, in order to restate the estimated cost of improvements and the manner of payment of said improvements therein authorized.

b) ZON2006-00046-generally located south of Central and on the west side of Sheridan. (District VI)

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.

RECOMMENDED ACTION: Adopt Ordinances.

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NEW BUSINESS

22. Pawnee Improvement, between 119<sup>th</sup> Street West and Maize. (District IV)

On September 12, 2006, the City Council approved a revised project budget because of increased construction costs. Since that time, Kansas Department of Transportation (KDOT) Officials have advised that the amount of Federal Transportation Grants available for the project have been reduced. As a result, additional City funding is needed. 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.

23. General Obligation Bond and Note Sale.

The City is offering for sale two series of general obligation temporary notes totaling \$62,093,000 (Series 218 and 219) and two series of general obligation bonds (Series 788 and 788A) in an amount not to exceed \$19,915,000 for the purpose of providing permanent financing for capital improvement projects of the City.

RECOMMENDED ACTION: (1) Direct the opening and reading of the bids;  
(2) award the sale of the Bonds and Temporary Notes; and  
(3) find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction; adopt the Bond and Note Ordinances and Resolutions; and authorize publication of the Bond and Note Ordinances.

24. (9:30 a.m. or soon thereafter)  
Repair or removal of dangerous and unsafe structures. (Districts I, III, and VI)

On November 21, 2006 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 January 9, 2007.

<u>Property Address:</u>	<u>Council District:</u>
a) 4031 East Stearman	III
b) 1421 North Madison	I
c) 416 North Ash	I
d) 2232 North Woodland	VI
e) 2222 South Washington	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 January 9, 2007; (2) the structures have been secured as of January 9, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of January 9, 2007 and will be so maintained during renovation.

25. Public Hearing and Tax Exemption Request, Leading Technology Composites, Inc. (District IV)

Leading Technology Composites recently expanded its manufacturing capacity through the acquisition of new machinery and equipment. Based on a letter of intent, Leading Technology Composites is now requesting approval of an Economic Development Tax Exemption on the manufacturing equipment in conjunction with the expansion project.

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

26. Public Hearing and Tax Exemption Request, The Print Source, Inc. (District IV)

Print Source recently expanded its manufacturing capacity through acquisition and renovation of an existing building at a cost of \$2,981,044. Print Source is now requesting approval of a five-plus-five year 100% Economic Development Tax Exemption on the building acquisition and renovation in conjunction with the expansion project.

RECOMMENDED ACTION: Close the public hearing; approve first reading of the Ordinance granting Print Source, Inc. a 100% tax exemption on the identified real property, plus a 100% tax exemption for a second five-year term, subject to City Council approval.

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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

27. 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)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve PUD2005-00002 subject to the conditions contained in the staff report including re-platting within one-year; instruct the Planning Department to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds; or  
2) Return the application to the MAPC for reconsideration.

28. ZON2006-00038-Zone change from "LI" Limited Industries to "B" Multi-family Residential. Generally located north of Kellogg between Pattie and Laura. (District I)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC, and deny the zone change; or  
2) Override the MAPC decision, approve the zone change and place the ordinance on first reading; or  
3) Return the application to the MAPC for reconsideration.

29. Appeal of Historic Preservation Board action regarding demolition of structures in the immediate area of the footprint of the Sedgwick County Arena. HPC 2006-00685, HPC2006-00686, HPC2006-00687, HPC2006-00688, HPC2006-00689, HPC2006-00690, and HPC2006-00694. (District I)

RECOMMENDED ACTION: 1) Uphold the decision of the Historic Preservation Board;  
or 2) Overturn the decision of the Historic Preservation Board.

30. Appeal the authority of the Historic Preservation Board to issue Certificates of Appropriateness regarding demolition of structures in the immediate area of the footprint of the Sedgwick County Arena. HPC2006-00693 and HPC2006-00702. (District I)

RECOMMENDED ACTION: 1) Find the action of the HPB to be in compliance with K.S.A. 75-2724 and affirm the authority of the Historic Preservation Board; or  
2) Find the action of the HPC to not be in compliance with K.S.A. 75-2724 and nullify the action of the Historic Preservation Board.

31. \*A07-02R-Request by Shonda Chapa, of Rain Link, LLC to annex land generally located east of West Street, between I-235 and MacArthur Road. (District IV)

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

32. \*A07-03R-Request by Rob Ramseyer, of Ritchie Development Corp., to annex land generally located southwest of the intersection of 21<sup>st</sup> Street North and 143<sup>rd</sup> Street East. (District II)

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

33. \*ZON2004-00041-Extension of time to complete the platting requirement for a zone change from "SF-5" Single-Family to "GO" General Office. Generally located north of 29<sup>th</sup> Street North and west of Maize Road. (District V)

RECOMMENDED ACTION: Approve extended platting deadline of April 13, 2007.

34. \*ZON2006-49-Zone change from "TF-3" Two-family Residential to "GO" General Office. Generally located north of Central and west of Grove, east of Spruce Street. (District I)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve 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 reconsideration.

35. \*CUP2006-45-Associated with ZON2006-44-Create DP-302 Krug South Community Unit Plan; zone change to "LC" Limited Commercial. Generally located on the southwest corner of 21<sup>st</sup> Street North and 143<sup>rd</sup> Street East. (District II)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to platting within one year and approve the CUP; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; or  
2) Return the application to the MAPC for reconsideration.

36. \*SUB2006-88-Plat of Southwest Passage Addition located on the south side of Pawnee and east of 135th Street West. (District IV)

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

37. \*SUB2004-93-Plat of Mesa Verde Addition, located south of 37<sup>th</sup> Street North and on the east side of Meridian. (District VI)

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

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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

38. \*Airline Use Agreements-Supplemental Agreements.

RECOMMENDED ACTION: Approve the Supplemental Agreements and authorize the necessary signatures.

39. \*Airparts Company-S.A. No. 11.

RECOMMENDED ACTION: Approve the Supplemental Agreement and authorize the necessary signatures.

40. \*Sublease Agreement-AON Service Corporation.

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

41. \*Airline Use Agreement-Delta Airlines.

RECOMMENDED ACTION: Approve the agreement and Supplemental No. 1 to the agreement and authorize the necessary signatures.

42. \*2007 Schedule of Fees and Charges and Resolution for use of Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Adopt the schedule of fees and charges and the Resolution of the Wichita Airport Authority implementing a schedule of fees and charges for passenger airlines, all to be retroactively effective January 1, 2007.

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CITY COUNCIL

43. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

\*\*\*Workshop to follow\*\*\*