

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. July 10, 2007

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the July 3, 2007 regular meeting

AWARDS AND PROCLAMATIONS

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. Loretta Jackson-Condernnation of 2302 North Piatt.
- 1a. Mark Herndon-International Plumbing Code.

CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated July 9, 2007

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

3. Applications for Licenses to Retail Cereal Malt Beverages:

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

4. Preliminary Estimates:

- a. Pavement and Drainage Improvements to Greenwich, Central Avenue to 13th Street North 472-84435/706959/766140/766141/766142/206425/490158/490159/490160 Greenwich to be closed during construction. (District II) - \$3,279,994.53
- b. Lateral 26, Main 19 Southwest Interceptor Sewer to serve Avalon Park 3rd & 4th Additions north of 37th Street North, east of Tyler (468-84216/744237/480925) Does not affect existing traffic. (District V) - \$312,500.00
- c. Water Distribution System to serve Avalon Park 3rd & 4th Additions north of 37th Street North, east of Tyler (448-90225/735367/470040) Does not affect existing traffic. (District V) - \$114,500.00

RECOMMENDED ACTION: Receive and file.

5. Petitions for Public Improvements:

- a. Street Paving in Fontana Third Addition, east of 119th Street West, north of 29th Street North. (District V)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

6. Statement of Costs:

Paving:

- a. Improving Triple Crown, Mustang, Mustang Court, Mustang Circle, Equestrian and Equestrian Circle to serve Equestrian Estates Addition (south of Harry, east of 127th Street East). Total Cost - \$548,310.22 (plus idle fund interest - \$12,784.60, plus temporary note interest - \$20,005.18). Financing to be issued at this time - \$581,100.00. (765969/472-83430/490-084).
- b. Improving Zimmerly, Zimmerly Court and sidewalk to serve Woodland Lakes Estates 3rd and 4th Additions (north of Harry, west of 127th Street East). Total Cost - \$296,904.59 (plus idle fund interest - \$13,830.13, plus temporary note interest - \$1,065.29). Financing to be issued at this time - \$311,800.00. (765989/472-83718/490-106).
- c. Improving Zimmerly and sidewalk to serve Woodland Lakes Estates 3rd and 4th Additions (north of Harry, west of 127th Street East). Total Cost - \$131,584.98 (plus idle fund interest - \$5,927.22, plus temporary note interest - \$487.80). Financing to be issued at this time - \$138,000.00. (765978/472-83719/490-093).

(Item 6 continued)

- d. Improving Thoroughbred, Hardtner, Kentucky Lane, Hardtner Court, Binter Circle and sidewalk to serve Highland Springs 3rd Addition (south of Central, west of 135th Street West). Total Cost - \$343,324.91 (plus idle fund interest - \$11,056.02, plus temporary note interest - \$6,119.07). Financing to be issued at this time - \$360,500.00. (765991/472-83780/490-108).
- e. Improving Hollywood, 35th Street South and sidewalk on one side of Hollywood and 35th Street South to serve Harvest Ridge Addition (north of K-42, west of Maize). Total Cost - \$357,742.33 (plus idle fund interest - \$8,053.18, plus temporary note interest - \$10,204.49). Financing to be issued at this time - \$376,000.00. (765984/472-83805/490-101).
- f. Improving Paddock Green Circle to serve Brighton Courts Addition (south of 21st Street North, west of Webb). Total Cost - \$160,710.11 (plus idle fund interest - \$7,629.89, plus temporary note interest - \$660.00). Financing to be issued at this time - \$169,000.00. (765997/472-83817/490-114).
- g. Improving Forestview, Forestview Court, Alderny and Circle, 10th Street North and Court, and sidewalk to serve Liberty Park 2nd and 3rd Additions (south of 13th Street North, west of 135th Street West). Total Cost - \$565,269.79 (plus idle fund interest - \$11,466.33, plus temporary note interest - \$19,063.88). Financing to be issued at this time - \$595,800.00. (765985/472-83881/490-102).
- h. Improving Mosley cul-de-sac to serve Purcells 3rd Addition (south of Pawnee, east of Washington). Total Cost - \$38,152.05 (plus idle fund interest - \$1,947.95, plus temporary note interest - \$0). Financing to be issued at this time - \$40,100.00. (765846/472-83891/490-957).
- i. Drainage, paving and water main improvements to 37th Street North between Tyler and Ridge to serve Avalon Park, unplatted Tracts A through D, Northridge Plaza, North Ridge, Tyler's Landing, and Tyler's Landing 2nd Additions Total Cost - \$245,347.92 (less idle fund interest - \$1,148.57, plus temporary note interest - \$19,200.65). Financing to be issued at this time - \$263,400.00. (765852/472-83941/490-963).
- j. Improving Jewell, Jewell Court, Upland Hills, Upland Hills Court, Grant and sidewalk to serve Turkey Creek 2nd Addition (north of Pawnee, west of 119th Street West). Total Cost - \$450,629.13 (plus idle fund interest - \$10,811.16, plus temporary note interest - \$12,259.71). Financing to be issued at this time - \$473,700.00. (765983/472-84029/490-098).
- k. Improving City View, Burton, Burton Court, Texas Circle and sidewalk to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$377,358.59 (plus idle fund interest - \$16,348.70, plus temporary note interest - \$3,292.71). Financing to be issued at this time - \$397,000.00. (765982/472-84060/490-097).
- l. Improving Covington, Shefford, Covington Court, Fontana Circle, Fontana Court, and Landon Circle to serve Fontana and Fontana 2nd Additions (north of 29th Street North, east of 119th Street West). Total Cost - \$917,991.43 (plus idle fund interest - \$29,476.27, plus temporary note interest - \$17,532.30). Financing to be issued at this time - \$965,000.00. (765976/472-84086/490-091).
- m. Improving Carmax frontage road along the south side of Kellogg from the west line of Pizza Hut Second Addition to approximately 250 feet east of the east line of Pizza Hut Second Addition (south of Kellogg, east of Webb Road). Total Cost - \$115,709.78 (plus idle fund interest - \$191.90, plus temporary note interest - \$4,518.32, less KDOT reimbursement - \$64,320.00). Financing to be issued at this time - \$56,100.00. (765929/472-84141/490-042).
- n. Improving Village Circle from the west line of Ridge Road to the east line of Lot 5, Block 1 to serve North Ridge Village Addition (north of 37th Street North, west of Ridge). Total Cost - \$641,874.68 (plus idle fund interest - \$12,607.99, plus temporary note interest - \$22,217.33). Financing to be issued at this time - \$676,700.00. (765939/472-84201/490-052).
- o. Improving 24th Street North, Quincy Circle, Springdale Circle and sidewalk to serve Krug North 2nd Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$346,318.50 (plus idle fund interest - \$6,288.52, plus temporary note interest - \$11,692.98). Financing to be issued at this time - \$364,300.00. (765988/472-84250/490-105).

(Item 6 continued)

- p. Façade Improvement Program at 919 East Douglas (south of Douglas, west of Washington). Total Cost - \$49,705.19 (plus idle fund interest - \$1,433.99, plus temporary note interest - \$860.82). Financing to be issued at this time - \$52,000.00. (766015/472-84255/491-016).
- q. Improving Peckham/Laguna/Sierra Hills and Peckham Court to serve Country Hollow Addition (south of Kellogg, east of 127th Street East). Total Cost - \$424,644.27 (plus idle fund interest - \$13,236.55, plus temporary note interest - \$8,419.18). Financing to be issued at this time - \$446,300.00. (765974/472-84328/490-089).
- r. Improving Gilbert from the east line of 127th Street East to the east line of Lot 1, Block 4 to serve Country Hollow Addition (south of Kellogg, east of 127th Street East). Total Cost - \$216,123.72 (plus idle fund interest - \$6,914.92, plus temporary note interest - \$3,961.36). Financing to be issued at this time - \$227,000.00. (765977/472-84350/490-092).
- s. Improving Nevada Circle adjoining Blue Sky Addition to serve Blue Sky Addition and Iseminger Addition (north of Douglas, west of West Street). Total Cost - \$87,791.81 (plus idle fund interest - \$1,749.50, plus temporary note interest - \$2,858.69). Financing to be issued at this time - \$92,400.00. (765987/472-84363/490-104).
- t. Improving Rosewood, Hazel Nut, Hazel Nut Circle and Rosewood Court to serve Whispering Lakes Estates Addition (south of Harry, west of 159th Street East). Total Cost - \$266,857.21 (plus idle fund interest - \$11,963.60, plus temporary note interest - \$979.19). Financing to be issued at this time - \$279,800.00. (765980/472-84367/490-095).
- u. Improving Churchill and Churchill Court to serve Reed's Cove Addition Phase I and II (south of 21st Street North, east of 127th Street East). Total Cost - \$393,120.19 (plus idle fund interest - \$9,089.09, plus temporary note interest - \$11,990.72). Financing to be issued at this time - \$414,200.00. (765986/472-84384/490-103).
- v. Improving Fawn Grove to serve Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich). Total Cost - \$222,250.93 (plus idle fund interest - \$10,712.90, plus temporary note interest - \$936.17). Financing to be issued at this time - \$233,900.00. (765995/472-84408/490-112).

RECOMMENDED ACTION: Approve and file.

7. Consideration of Street Closures: (District I)

- a. St. Marks C.E. Tyree Clinic Community Day 2K Walk/Run 7:00 a.m. to 10:00 a.m. and Community Day 7:00 a.m. to 5:00 p.m., July 28, 2007.
- Lorraine Street, 14th Street to 15th Street
 - 14th Street, Lorraine to Vassar
 - 15th Street, Fairmount to Gentry
 - Gentry Street, 15th Street to 16th Street
 - 16th Street, Gentry to Vassar Street
 - Lorraine Street, 14th Street to 15th Street, 7:00 a.m. to 5:00 p.m. for Community Day Activities

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; 3) Certificate of Liability Insurance on file with the Community Events Coordinator.

(Item 7b)

b. Intersection of Maize Road and Pawnee. (District IV)

RECOMMENDED ACTION: Approve the street closure.

8. Agreements/Contracts:

- a. Kellogg Frontage Road near Zelta. (District II)-supplemental.
- b. Engineering Services related to Kellogg Improvements between Webb and Greenwich. (District II)-supplemental.
- c. Waterman Storm Drain and Paving Improvements, BSNF Railway Agreements. (District I)
- d. Respread Assessments-Turkey Creek Third Addition, north of Pawnee, west of 119th Street West. (District IV)

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

9. Design Services Agreement:

- a. Design Services for Edgewater Addition, south of 45th Street North, west of Hoover. (District V)

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

10. Contracts and Agreements for June 2007.

RECOMMENDED ACTION: Receive and file.

11. Property Acquisitions:

- a. Partial Acquisition of 155 South West Street for the improvement of West Street from Maple to Central. (Districts IV and VI)
- b. Partial Acquisition of 220 South West Street for the improvement of West Street from Maple to Central. (Districts IV and VI)

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

12. HOME Program, Housing Development Loan Program Funding, HOMEownership 80 Program Funding. (District VI)

RECOMMENDED ACTION: Approve the recommended HDLP allocation, the HOMEownership 80 allocation and the allocation for HOME Program administration, and authorize the necessary signatures.

13. HOME CHDO Housing Development Funding Agreements. (Districts I, III, IV, V, and VI)

RECOMMENDED ACTION: Approve the HOME funding agreements for MHRS, WIC, and Power CDC and the new funding agreement for the Boarded-up House Program, and authorize the necessary signatures.

14. Neighborhood Revitalization Plan Interlocal Agreement. (Districts I, III, IV, and VI)

RECOMMENDED ACTION: Approve the minor correction and the substitution of the Assistant County Counselor.

15. Second Reading Ordinances: (First Read July 3, 2007)

a. 21st Street Bridge Rehabilitation over the Arkansas River. (District VI)

An ordinance declaring the 21st street bridge at the Arkansas river (472-84569) 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.

b. Mt. Vernon Improvement, between the Arkansas River and Broadway. (District III)

An ordinance amending ordinance no. 46-851 of the city of Wichita, Kansas declaring Mt. Vernon, between Broadway and the Arkansas river (472-84289) 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 the same.

c. A07-13R-Request by Wanda Klein to annex land generally located south of 47th Street South, between West Street and Meridian Avenue. (District IV)

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. (A07-13)

RECOMMENDED ACTION: Adopt the Ordinances.

NEW BUSINESS

16. 2008/2009 Annual Operating Budget and 2007-2016 Capital Improvement Program.

In accordance with state law, the City submits the annual budget to the state for certification of each fund on or before August 25th.

RECOMMENDED ACTION: Receive the 2007-2016 Capital Improvement Program and 2008 Proposed Budget and receive public comment.

17. STAR Bonds for River District Redevelopment Project. (District I)

On September 21, 2004, The City Council adopted Resolution 04-534 to enlarge the East Bank Redevelopment District and amending Resolutions Nos. 02-402 and 03-671, to facilitate the use of STAR bonds for financing a part of the cost of the River Corridor Project.

RECOMMENDED ACTION: Close the Public Hearing and approve the first reading of the ordinance adopting the River District Redevelopment Project Plan.

18. General Obligation Bond and Note Sale.

The City is offering for sale one series of general obligation temporary notes in an amount not to exceed \$65,140,000 (Series 220) and two series of general obligation bonds (Series 790 and 790A) in an amount not to exceed \$15,315,000 for the purpose of providing interim and permanent financing for capital improvement projects of the City, and two series of general obligation bonds (Series 959 and 960) in an amount not to exceed \$11,775,000 for the purpose of providing permanent financing for Tax Increment Finance (TIF) related 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 the publication thereof.

(Item 19)

19. 2008 Insurance Program.

(Pulled per Finance Director)

20. Petition to pave Alta from approximately 325' west of Ellis to Hydraulic. (District III)

The signatures of the Petition represent 26 of 54 (48.1%) resident owners and 50.5% of the improvement district area.

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

21. Mead Street Improvement between Third Street and Central. (District VI)

Mead Street between Third Street and Central is an unpaved road that drains poorly and is very difficult to maintain.

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

22. Equus Beds Recharge Project, Phase II.

On August 15, 2005, the City Council approved modifications to the plan with a greater emphasis on using direct surface water withdrawals from the Little Arkansas River. In 2006, Phase I of the Equus Beds Aquifer Storage and Recovery Project was constructed.

RECOMMENDED ACTION: Authorize Staff to proceed with Phase II; approve the expenditures; adopt the amended Resolution; and authorize the necessary signatures.

(Item 23)

23. Special Election for Sunday Liquor Sales.

(Pulled per Law Dept.)

23a. Water Utilities Rate Adjustment and Plant Equity Fee Increases.

The City Council has on several occasions, considered water and sewer rate adjustments to address major capital costs associated with the replacement of utility infrastructure and the expansion of the treatment. Distribution and collection systems needed to keep pace with urban growth.

RECOMMENDED ACTION: Approve the rate adjustment for the water utility; approve the plant equity fee increases; place the ordinances on first reading; 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

24. ZON2007-16-Zone Change from "SF-5" Single-family Residential to "NO" Neighborhood Office with a Protective Overlay; located on the northwest corner of 21st Street North and Salina Avenue. (District VI)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC and approve the zone change subject to the additional recommended provisions of the Protective Overlay; and place the ordinance establishing the zone change on first reading; instruct the Clerk to withhold publication until the provisions of the Protective Overlay are completed; OR 2) Return the application to the MAPC for reconsideration.

25. ZON2007-20-Zone Change from "SF-5" Single-family Residential to "LC" Limited Commercial; generally located on the north side of Kellogg, east of Heather Road (8225, 8223, 8301, and 8307, East Peach Tree Lane and 8300 East Kellogg Drive). (District II)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to the installation of a concrete wall prior to occupancy of 8300 East Kellogg Drive; OR 2) Return the application to the MAPC for reconsideration.

26. *ZON2007-17-City zone change from "SF-5" Single-family Residential to "LC" Limited Commercial. Generally located one quarter-mile north of 21st Street North on the east side of Greenwich Road, 2400 North Greenwich Road. (District II)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to platting within one year; withhold publishing the ordinance until the plat is recorded; OR 2) Return the application to the MAPC for reconsideration.

27. *ZON2007-21-Zone Change from "B" Multi-family Residential to "U" University; generally located south of McCormick Avenue between Southwest Boulevard/K-42 and Sheridan Avenue. (District IV)

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

28. *CUP2006-06-, DP-295 and ZON2006-07-Extension of time to complete the platting requirement for the Stonebridge Commercial Community Unit Plan and a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial. Generally located east of Maize Road and south of 37th Street North. (District V)

RECOMMENDED ACTION: Approve extended platting deadline of June 6, 2009.

29. *SUB2005-145-Plat of Martin Estates Second Addition, located west of 151st Street West and south of Central. (County)

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

30. *SUB2006-102-Plat of Palace East Addition, located on the north side of Kellogg and on the west side of Greenwich Road. (District II)

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

31. *VAC2007-00015-Request to vacate a portion of platted complete access control, generally located southwest of 25th Street North and Grove Avenue. (District I)

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

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

32. *Supplement No. 4, FAA Contract No. DTFA09-91-L-10547.

RECOMMENDED ACTION: Approve Supplement No. 4 and authorize the necessary signatures.

33. *Assignment and Assumption-America West Airlines to US Airways.

RECOMMENDED ACTION: Approve the Consent to Assignment of Leases and authorize the necessary signatures.

CITY COUNCIL

34. Board Appointments.

Adjournment

Workshop to follow