

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. September 18, 2007

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the September 11, 2007 regular meeting

AWARDS AND PROCLAMATIONS

Proclamations:

- Young @ Art Day
- Constitution Week

Distinguished Service Citations:

- Willie Whitaker
- Richard J. Clark

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. Eric Williams-Express appreciation to the City of Wichita regarding KenMar Neighborhood Association.

CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated September 17, 2007

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

3. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u> Kulwinder Jaswal	<u>2007</u> Petro America	<u>(Consumption off Premises)</u> 223 East 21 Street
Nelson A. Chamay Wayne R. Larson	El Bahia* Sierra Hills Golf Club	<u>(Consumption on Premises)</u> 2855 South Hydraulic Street 13420 East Pawnee
<u>New Operator</u> Marilyn Knedgen	<u>2007</u> Crescent Stores Corp dba CSC #72	<u>(Consumption off Premises)</u> 12728 East Central
Mohammad N. Islam Shan Bin Zheng	Abeg Enterprises China Café*	3805 West 21st 511 South West Street

*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. Douglas Avenue Drainage Outfall Phase I; Wabash Sanitary Sewer Replacement; Douglas Water Main Replacement (west of the Wichita Drainage Canal, north of Douglas) (468-84060/468-84352/448-90289/660798/620477/636183/864501/667595/777574) See Special Provisions. (District I, VI) - \$5,904,682.00
- b. 2007 Contract Maintenance Pedestrian Bridge Replacement (Fabrique & Funston over the Fabrique Branch of Gypsum Creek) (472-84510/132720/) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$90,000.00
- c. 2007 Sanitary Sewer Reconstruction, Phase 9 (various locations north of Central, east of I-135) (468-84392/620488/667606) Traffic to be maintained during construction using flagpersons and barricades. (District I,II) - \$267,000.00
- d. Arkansas River Bike Path Enhancement Project (Central to 13th Street North) (87 TE-158-01/472-84405/706963/207429) Does not affect existing traffic. (District VI) - \$844,000.00
- e. Water Distribution System to serve West Ridge Commercial Addition (south of 29th Street North, east of 119th Street West) (/735175/470845) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$78,180.00
- f. Water Distribution System to serve Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich) (448-90306/735373/470046) Does not affect existing traffic. (District II) - \$52,000.00

- g. Water Distribution System to serve Maple Shade Addition (north of Pawnee, east of Webb) (448-90318/735375/470048) Does not affect existing traffic. (District II) - \$45,000.00

(Item 4 continued)

- h. Lateral 407 Four Mile Creek Sewer to serve Maple Shade Addition (north of Pawnee, east of Webb) (468-84391/744244/480932) Does not affect existing traffic. (District II) - \$65,000.00

RECOMMENDED ACTION: Receive and file.

5. Petitions for Public Improvements:

- a. Water Distribution System in Waterfront Fourth Addition, north of 13th, east of Webb. (District II)
- b. Sanitary Sewer for Lot 1, Block A, Metal-Fab Addition, east of Sheridan, south of May. (District IV)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

6. Deeds and Easements:

- a. Drainage and Utility Easement dated August 6, 2007 from Fox Ridge Development Company, Inc.; AND Craig Stuart Homes Inc. for a tracts of land lying within portions Lots 59, 60, 63, 64, 90, 91, 98, and 99, Block 1, AND Reserve "B" AND Lot 6, Block 2, Fox Ridge Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861) No cost to City
- b. Easement dated July 26, 2007 from Trace J. McDermott, Karen B. McDermott, Dana M. Lies and Leigh A. Lies for a tract of land lying in Lot 25, Block 25, Block A, Teal Brook Estates, An Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City

RECOMMENDED ACTION: Accept documents.

7. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closure.

8. Minutes of Advisory Boards/Commissions:

Design Council, August 3, 2007
Wichita Public Library, August 1, 2007
District II Advisory Board, August 6, 2007

RECOMMENDED ACTION: Receive and file.

9. Proposed Assessment Rolls.

Proposed Assessment Rolls have been provided for twenty (20) water projects, eighteen (18) sewer projects, and ten (10) storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 8, 2007 at 11:00 a.m.

RECOMMENDED ACTION: Set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, October 16, 2007.

10. Contracts and Agreements for August 2007.

RECOMMENDED ACTION: Receive and file.

11. Agreements/Contracts:

- a. United States Geological Survey (USGS) Surface Water Agreement October 1, 2007 through September 30, 2008.
- b. Staking in Fontana Third Addition, east of 119th Street West, north of 29th Street North. (District V)- supplemental

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

12. Change Orders:

- a. Street Paving in Auburn Hills 16th Addition, south of Maple, west of 135th Street West. (District V)

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

Resolution reflecting The Intent and Policy of the City Council with respect to Council Members' Federal Pension and 457 Replacement Plan Offsets.

RECOMMENDED ACTION: Take appropriate action.

13. Second Reading Ordinances: (First Read September 11, 2007)

- a. Adoption of Tax Exemption Ordinance, Eck Leasing/C.E. Machine Co., Inc. (District IV)

An ordinance exempting property from Ad Valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas constitution; providing the terms and conditions for Ad Valorem tax exemption; and describing the property of Eck Leasing/C.E. Machine Co., Inc., so exempted.

- b. Public Hearing and Issuance of Health Care Facilities Improvement Revenue Bonds, Larksfield Place. (District II)

An ordinance authorizing the city of Wichita, Kansas, to issue its health care facilities improvement revenue bonds, series iv, 2007 (Larksfield Place), in the aggregate principal amount of not to exceed \$13,000,000 for the purposes of paying the cost of purchasing, acquiring, constructing, furnishing and equipping certain additions to an existing facility; prescribing the form and authorizing execution of a first supplemental trust indenture by and between the issuer and Commerce Bank, N.A., as trustee; prescribing the form and authorizing the execution of a first supplemental lease agreement by and between the issuer and Wesley Retirement Communities, Inc. d/b/a Larksfield Place; approving the form of a guaranty agreement to be executed in connection with the issuance of said bonds; authorizing execution of a tax compliance agreement by and among the issuer, the trustee and the corporation; authorizing the execution of a bond purchase agreement by and among the issuer, the corporation and Ziegler Capital Markets, as underwriter of the bonds.

- c. Sister Cities Program-Board.

An ordinance of the city of Wichita pertaining to the merger of the sister cities advisory board; amending sections 2.12.1008 of the code of the city of Wichita; and repealing the original of said section and repealing sections 2.12.1010, 2.12.1012, and 2.12.1014.

- d. SUB 2007-22-Plat of Koch Community Park Addition located north of 29th Street North and on the west side of Oliver. (District I)

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.

- e. A07-17R-Request by Eugene Vitarelli of Palladio Developers, Inc., to annex land generally located north of Pawnee Road, between 127th Street East and 143rd Street East. (District II)

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas, introduced and under the rules laid over second time. Brewer moved that the Ordinance be placed upon its passage and adopted.

RECOMMENDED ACTION: Adopt the Ordinances.

UNFINISHED BUSINESS

14. Repair or Removal of Dangerous & Unsafe Structures, 1117 South Main. (District I)

RECOMMENDED ACTION: Take appropriate action based on the testimony received at the hearing. Any extension of time granted to repair the structure should be conditioned on the following: (1) the asbestos survey costs and pending assessment are paid within 30 days; (2) the structure is maintained secure as of September 18, 2007 and is kept secured during renovation; and (3) the premise kept clean and free of debris as of September 18, 2007, and will be so maintained during renovation.

15. Repair or Removal of Dangerous & Unsafe Structures, 856 North Oliver. (District I)

RECOMMENDED ACTION: Take appropriate action based on the testimony received at the hearing. Any extension of time granted to repair the structure should be conditioned on the following: (1) the structure is maintained secure as of September 11, 2007 and is kept secured during renovation; and (2) the premise kept clean and free of debris as of September 11, 2007, and will be so maintained during renovation.

16. Wichita Animal Care Campus, City and Humane Society. (District I)

RECOMMENDED ACTION: Adopt the Resolution, approve the Contract Amendment, and authorize necessary signatures.

NEW BUSINESS

17. Report of the Task Force to End Chronic Homelessness.

The task force's charge is to study the problems created by homelessness and to create a plan to eliminate chronic homelessness in our community. Over the past year, the task force has heard presentations from approximately 20 area homeless service providers and stakeholders. With this information, the taskforce facilitated a gap analysis and is seeking public comment on this document.

RECOMMENDED ACTION: Receive and file the report.

18. New Communities Initiative Program Support.

On December 20, 2005, City Council authorized prepayment of the U.S. Department of Housing and Urban Development Section 108 note. Section 108 funds had been used to fund the Wichita Biz Loan program. Upon prepayment of the funds to HUD, the Biz Loan program was closed.

RECOMMENDED ACTION: Close the public comment period and approve reallocation of Section 108 Biz Loan Program Income funds to establish the New Communities Initiative program and authorize the necessary signatures.

20. 2006 HUD Consolidated Plan Annual Performance and Evaluation Report. (Districts I, III, IV and VI)

The City is required to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) for projects covered by the HUD Consolidated Plan.

RECOMMENDED ACTION: Approve the HUD Consolidated Annual Performance and Evaluation Report, close the Public Hearing and authorize submission to the U.S. Department of Housing and Urban Development.

21. South Broadway Streetscape. (Districts I and III)

The South Central Alliance has requested that the City review ways to enhance the viability of the South Broadway area and 2007-2008 CDBG Capital Improvement Funds have been tentatively slated for portions of this project.

RECOMMENDED ACTION: Close the public comment period and approve reallocation of Section 108 Biz Loan Program Income and the 1982 Energy Loan funds to authorize the South Broadway Streetscape architectural design and the necessary signatures.

22. Regional Economic Area Partnership Water Resources Committee.

In January, 2004, the Regional Economic Area Partnership (REAP) executive committee invited member jurisdictions to participate in discussions to develop and recommend a strategy for joint action among local governments to address regional water issues. In October 2004, the REAP membership voted to approve the formation of the South Central Kansas Water Coalition.

RECOMMENDED ACTION: Approve the City's participation; approve payment of the assessment; and authorize the necessary signatures.

23. Midtown Bike Path along the abandoned Union Pacific Railroad Corridor, from Central at Waco to 15th Street at Broadway. (District VI)

2007-2016 Capital Improvement Program (CIP) adopted by the City Council includes a project to construct a bike path along the abandoned Union Pacific Railroad corridor, from Central near Waco to 15th near Broadway. District VI Advisory Board sponsored a November 1, 2004, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project, adopt the Resolution, and authorize the signing of State/Federal agreements as required.

24. 25th Street Bridge Rehabilitation over Little Arkansas River. (District VI)

The 2007-2016 Capital Improvement Program (CIP) adopted by the City Council includes a project to rehabilitate the 25th St. Bridge over the Little Arkansas River. District VI Advisory Board sponsored a June 5, 2006, neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project, place the authorizing Ordinance on first reading, and authorize the signing of State/Federal agreements as required.

25. Bike Path along the west bank of the Arkansas River, between Central and 13th Street. (District VI)

On March 6, 2007, the City Council approved a project for bike path improvements along the west bank of the Arkansas River, between Central and 13th. An attempt to award a construction contract within the project budget was not successful. An amending Resolution has been prepared to revise the budget.

RECOMMENDED ACTION: Approve the revised budget, adopt the amending Resolution, and authorize the signing of State/Federal agreements as required.

26. 21st Street and Broadway Intersection Improvement. (District VI)

The 2007-2016 Capital Improvement Program includes funding to improve the intersection of 21st Street and Broadway. On August 7, 2006, District VI Advisory Board held a neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the design concept and project.

RECOMMENDED ACTION: Approve the design concept; place the Amending Ordinance on First Reading; and authorize the signing of State/Federal Agreements as required.

27. Amendment to Section 1.04.070 of the Code of the City of Wichita setting forth costs in the Municipal Court.

The ordinance amends Section 1.04.070 of the City Code and allows for increased court costs to partially offset the cost of Court operations.

RECOMMENDED ACTION: Place the ordinance on first reading

28. Replacement of Fleet Heavy Equipment.

The 2007 Adopted Budget includes a reduction in Fleet rates on heavy equipment and shifts heavy equipment replacement to the Capital Improvement Program (CIP).

RECOMMENDED ACTION: Approve the project; place the Ordinance on first reading; and authorize the necessary signatures.

29. Local Sales Tax General Obligation Bond Sale.

The City is offering for sale one series of local sales tax general obligation bonds in an amount not to exceed \$40,500,000 (Series 2007) for the purpose of providing permanent financing for freeway capital improvements of the City.

RECOMMENDED ACTION: Direct the opening and reading of the bids; award the sale of the Bonds; and find and declare, upon the request of the Mayor that a public emergency exists, requiring the final passage of the Bond Ordinance on the date of its introduction; adopt the Bond Ordinance, and Resolution; and authorize the publication thereof.

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

30. CON2007-00028-City Conditional Use for a drinking establishment on property zoned "LC" Limited Commercial. Generally located on the southeast corner of 13th Street North and Lorraine Avenue, 3105 East 13th Street. (District I)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC and deny the request for a conditional use; OR 2) Return the application to the MAPC for reconsideration.

31. CUP2007-00007 and ZON2007-00004 DP-8, University Gardens Community Unit Plan, Amendment #11 to alter allowed uses, maximum building coverage, gross floor area; the number of buildings allowed and zone change to LC Limited Commercial on Parcel 9. (District I)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC; approve the amendment and zone change to the CUP DP-9, Parcel 9; and approve the first reading of the ordinance establishing the zone change; OR 2) Return the application to the MAPC for reconsideration.

32. ZON2007-18 – Zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial; located on the north side of Kellogg, east of Heather Road, 8201 East Peach Tree Lane. (District II)

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

33. ZON2007-00030 – Zone change request from “LC” Limited Commercial to “MF-29” Multi-family Residential zoning. Generally located west of Oliver and south of extended 29th Street North. (District I)

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

(7:00 p.m., East Point Church of Christ, 747 North 127th Street East)

34. A07-10R-The unilateral annexation of eligible properties generally located north of 13th Street North, to the east and west of 143rd Street East. (District II)

RECOMMENDED ACTION: In the event that City Council wishes to proceed with the annexation, the appropriate action would be: 1) Close the public hearing 2) Approve the unilateral annexation, place the ordinance on first reading and authorize the necessary signatures.

35. *SUB 2007-58-Plat of King's Court Addition located west of Hoover and south of Maple. (District V)

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

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

36. *Mid-Continent Airport - Taxiway L, H, and H-1 - Change Order No.4.

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

CITY COUNCIL

37. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

Adjournment

Workshop to follow in the 10th Floor MAPC Conference Room