

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. July 3, 2007

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the June 26, 2007 regular meeting

AWARDS AND PROCLAMATIONS

- **Recognitions:**
 - Kansas Society of Professional Engineers-Special Recognition Award.
 - American Water Works Association-George Warren Fuller Award

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. **Jake Lowen-Support of the Wichita Labor Federation for the City firefighters in their efforts to secure a contract from the City and appeal to the City Council to take appropriate action in negotiating.**

CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated July 2, 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 off Premises)</u>
Robin Ezell Forbis	Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #3283	10600 West 21st Street

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

4. Preliminary Estimates:

- a. 29th Street North, 119th Street West to Maize Road (KDOT) (87N-0348-01/472-84185/706919/766134/766133/766131/766132/205385/490152/490151/490149/490150) See special provisions. (District V) - \$5,441,000.00
- b. 2007 Sanitary Sewer Rehabilitation, Phase C - various locations east of Meridian, north of Pawnee. (468-84362/620481/667599) Traffic to be maintained during construction using flagpersons & barricades. (Districts I,II,III,IV,VI) - \$260,000.00
- c. Water Distribution System to serve Silverton Addition - north of 13th Street North, west of 135th Street West. (448-90238/735366/470039) Does not affect existing traffic. (District V) - \$148,000.00
- d. Woodridge from the north line of The Fairmont 3rd Addition south to the north line of Lot 22, Block A; Woodridge Circle from the north line of Lot 22, Block A, south to and including the cul-de-sac; Woodridge Court from the west line of Woodridge south to an including the cul-de-sac to serve The Fairmont 3rd Addition - north of 21st Street North, west of 127th Street East. (472-84137/766143/490161) Does not affect existing traffic. (District II) - \$188,640.00

RECOMMENDED ACTION: Receive and file.

5. Deeds and Easements:

- a. Storm Water Drainage and Detention Basin Improvements Easement dated June 19, 2007 from SNAR LLC for a pond lying within Reserve C, Emerald Bay Estates, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751417) No cost to City.

RECOMMENDED ACTION: Accept documents.

6. Minutes of Advisory Boards/Commissions:

District III, Advisory Board, April 4, 2007
Wichita Public Library Monthly Report, May 2007
District III Advisory Board, May 2, 2007
Wichita Employees' Retirement board/Police & Fire Retirement Board, May 3, 2007
District VI Advisory Board, May 7, 2007
Wichita Airport Advisory Board, May 7, 2007
Board of Electrical Appeals, May 8, 2007
Wichita Public Library-Regular Meeting of the Board of Directors, May 15, 2007

RECOMMENDED ACTION: Receive and file.

7. Consideration of Street Closures/Uses.

- a. Wichita Flight Festival, August 24, 25, and 26, Jabara Airport, 3512 North Webb Road. (District II)

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 Event Coordinator.

8. Agreements/Contracts:

- a. Construction Engineering and Staking in Northgate Addition, north of 53rd Street North, west of Meridian. (District VI)-supplemental.

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

9. Change Orders:

- a. Phase I, 2007 Sanitary Sewer Reconstruction Program, north of 2nd Street, west of Meridian.
(District VI)
- b. Sanitary Sewer in Whistling Walk Estates Additions, south of 13th Street, west of 119th Street West.
(District V)

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

10. Report on Claims Allowed for the month of May, 2007:

<u>Name of Claimant</u>	<u>Amount</u>
Adams, Valera	\$415.25
Briley, Clifford	\$30,000.00**
Edwards, Pamela	\$250.00
Halsey, Cynthia	\$659.90
Huggins, Phillip	\$448.14
Jamaledine, Sam	\$4,457.63
Pierce, Ricky	\$9,226.08
Rowe, L. Mark	\$64.95
Sharp, Greg	\$2,637.41
Westar Energy	\$2,748.35**

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

11. Municipal Court Debt Collections Agreement for the Collection of Court Fines and Costs.

RECOMMENDED ACTION: Approve the contract with Gila Corporation, d/b/a Municipal Services Bureau and authorize the necessary signatures.

12. Park Lighting. (Districts I, V, and VI)

RECOMMENDED ACTION: Adopt the bonding resolution; authorize the initiation of the project; and authorize the necessary signatures.

13. Consumer Price Index (CPI) Adjustment for Brooks C&D (Construction and Demolition) Landfill Contractor. (District VI)

RECOMMENDED ACTION: 1) **Increase the current total tipping fee from \$20 to \$24 effective August 1, 2007; 2) Increase the total tipping fee from \$24 to \$25 effective January 1, 2008; and 3) Approve a \$2 increase in the contractor's portion of the tipping fee to become effective August 1, 2007.**

14. Transfer of CIP Funds.

RECOMMENDED ACTION: Approve the transfer of funds; amend the CIP; adopt the amended Resolutions; and authorize the necessary signatures.

14a. Settlement of Litigation.

RECOMMENDED ACTION: Ratify the mediated agreement and authorize payment of \$280,000.00 divided between Diane Wingate, Travelers Indemnity Company, and Triplett, Woolf & Garretson, LLC., as their interests may appear and \$907.50 to Depew Gillen Rathburn & McInteer, LC for mediation services.

15. Second Reading Ordinance: (First Read June 26, 2007)

a. Acquisition of Eminent Domain of Tracts required for improvement project of West Street from Maple to Central. (Districts IV and VI)

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 West Street Road and Storm Water Project between Maple Avenue and Central Avenue 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.

RECOMMENDED ACTION: Adopt the Ordinance.

UNFINISHED BUSINESS

(Item 16)

16. Century II Performing Arts & Convention Center Booking Policy. (District I)

(Pulled June 29, 2007)

17. Public Hearing-Request for Resolution of Support for Application for Low-Income Housing Tax Credits, Brentwood Apartments. (District II)

RECOMMENDED ACTION: Close the public hearing; adopt the resolution of support for the ICDC application for Low-Income Housing Tax Credits subject to all local building and zoning codes, ordinances, design recommendations provided by the Planning Department and the Office of Central Inspection, and any additional design review requirements and subject to the conditions specified in the resolution document; approve the issuance of a letter of intent to issue the qualified residential housing revenue bonds in the amount not to exceed \$8,000,000 and application for a sales tax exemption certificate; and authorize the necessary signatures.

NEW BUSINESS

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

18. Repair or Removal of Dangerous & Unsafe Structures. (District VI)

Property Address

a. 1149 North Market

Council District

VI

On April 24, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the property below. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on July 3, 2007.

RECOMMENDED ACTION: Close the public hearing; adopt the resolutions declaring the building a dangerous and unsafe structure; 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 structure would be contingent on the following: 1) all taxes have been paid to date, as of July 3, 2007; 2) the structure has been secured as of July 3, 2007 and will continue to be kept secured; and 3) the premises are mowed and free of debris as of July 3, 2007 and will be so maintained during renovation.

(Item 19)

19. Sign Code Amendments (Title 24.04) relating to Electronic Message/"LED" Signs.

(Pulled June 29, 2007)

20. Henry Helgerson Company Storage Lease Agreement. (District I)

Henry Helgerson Company, an independent decorator at Century II has stored decorating equipment and supplies inside Century II for many years.

RECOMMENDED ACTION: Approve the Storage Lease Agreement with the Henry Helgerson Company and authorize the necessary signatures.

21. Mixed Martial Arts Event(s) at Century II. (District I)

Promoters Mr. Dave Mains and Mr. Joshua Lebeda of Wichita Mixed Martial Arts (MMA) Promotions, LLC, has requested usage of Century II for a MMA event on September 1, 2007.

RECOMMENDED ACTION: Approve Wichita Mixed Martial Arts Promotions, LLC, to hold the September 1, 2007 event and any other future events at Century II.

(Item 22)

22. New Staffing Position. (District VI)

(Pulled June 29, 2007)

(Item 23)

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

(Pulled July 2, 2007, per City Manager)

24. 21st Street Bridge Rehabilitation over the Arkansas River. (District VI)

The 2005-2014 Capital Improvement Program (CIP) adopted by the City Council includes a project to rehabilitate the 21st Street Bridge over the Arkansas River at Westridge.

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

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

The 2005-2014 Capital Improvement Program includes funding to reconstruct Mt. Vernon between the Arkansas River and Broadway.

RECOMMENDED ACTION: Approve the design concept, Supplement Design Agreement, increased budget; place the amending ordinance on first reading; and authorize the signing of State/Federal Agreements as required.

26. Petition to pave Baehr between Newell and St. Louis. (District IV)

The signatures on the Petition represent 13 of 23 (57%) resident owners and 43% of the improvement district area.

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

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

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

28. *SUB2007-38-Plat of Hidden Estates Second Addition located on the north side of 39th Street South and west of 159th Street East. (County)

RECOMMENDED ACTION: Approve the document and plat; authorize the necessary signatures; and adopt the Resolutions.

29. *VAC2005-00037-Request to vacate a platted alley right-of-way, generally located between Central Avenue and Elm Street, on the east side of Broadway. (District VI)

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

CITY COUNCIL

30. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

31. Approval of travel expenditures for Mayor Brewer and Council Members Gray and Williams attend Visioneering Wichita 2007 Region to Region Leadership visit in Jacksonville, Florida, September 11-14, 2007.

RECOMMENDED ACTION: Approve the expenditures

Adjournment