

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 373

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 27, 2007  
Tuesday, 9:35 A.M.

The City Council met in regular session with Mayor Brewer in the Chair. Council Members Fearey, Gray, Longwell, Skelton, and Williams present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the regular meeting of November 20, 2007, approved 6 to 0, (Schlapp absent with prior notice)

### CONSENT AGENDA

Council Member Skelton Council Member Skelton requested that item 8a. be pulled for discussion.

Motion-- Brewer moved that Consent Agenda items 1-15f be approved in accordance with the recommended  
--carried action shown thereon, excluding item 8a. Motion carried 6 to 0, (Schlapp absent).

### CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Michael Olderbak	Kabredlo's Inc.	2601 West L Street Suite A
Don Farquhar	Rolling Hills CC Golf Club	9612 West Maple
<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
John J Murphy	Pizza Hut of America, Inc.* dba Pizza Hut #301008	1708 East Pawnee Street
John J. Murphy	Pizza Hut of America, Inc.* dba Pizza Hut #301020	8977 West Central Street
John J. Murphy	Pizza Hut of America, Inc.* dba Pizza Hut #301073	1035 North Broadway
Richard J Renollet	Wichita State University* dba Rhatigan Student Center	1845 North Fairmount, Campus Box 56
<u>New Operator</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Jose Guzman	Los Zarragas Inc.	1530 West 21st Street

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

Motion-- Brewer moved that the licenses be approved subject to Staff review and approval. Motion carried  
--carried 6 to 0, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 374

## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a. Hillside Bridge at Range Road over Gypsum Creek (87N-0359-01/472-84395/715711/636148/246127/775542) Traffic shall be maintained during construction using flagpersons and barricades. (District III) - \$2,039,250.90
- b. 2007 Sanitary Sewer Reconstruction, Phase 11 (various locations east of Maize, north of Pawnee) (468-84443/620492/667610) Traffic shall be maintained during construction using flagpersons and barricades. (District I, II, III, V, VI) - \$187,000.00
- c. Lateral 501 Southwest Interceptor Sewer to serve Shady Ridge Addition (south of Central, east of Ridge) (468-83838/744248/480936) Does not affect existing traffic. (District V) - \$62,720.00
- d. Water Distribution System to serve Tara Creek Addition (north of Pawnee, west of 127th Street East) (448-90297/735376/470049) Does not affect existing traffic. (District II) - \$55,000.00
- e. Lateral 53 War Industry Sewer to serve Greenwich Office Park (north of 13th Street North, west of Greenwich) (468-84408/744251/480939) Does not affect existing traffic. (District II) - \$106,000.00
- f. Lateral 55 War Industry Sewer to serve Waterfront 6th Addition (north of 13th Street North, west of Greenwich) (468-84427/744253/480942) Does not affect existing traffic. (District II) - \$94,000.00
- g. Lateral 56 War Industry Sewer to serve Waterfront 6th Addition (north of 13th Street North, west of Greenwich) (468-84428/744254/480943) Does not affect existing traffic. (District II) - \$52,000.00
- h. High Point, from the east line of Lot 5, Block B, west and south to the north line of Conrey; Conrey from the west line of Lot 9, Block C, west to the west line of High Point; High Court from the east line of High Point east to and including the cul-de-sac; sidewalk on High Point and Conrey to serve Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler) (472-84496/766168/490186) Does not affect existing traffic. (District V) - \$330,000.00
- i. Water Distribution System to serve Falcon Falls 2nd Addition (north of 45th Street North, west of Hillside) (448-90107/735385/470058) Does not affect existing traffic. (District I) - \$104,000.00
- j. The cost of Hydraulic Improvement between Harry and Kellogg (472-84310/706942/205-408) (District I). – Total Estimated Cost \$277,500.00
- k. The cost of Bridge Inspection Program (472-84564/715712/247-128) (All Districts). – Total Estimated Cost \$100,000.00

Motion--carried

Brewer moved to receive and file. Motion carried 6 to 0, (Schlapp absent).

## STREET CLOSURES

### STREET CLOSURES.

There were no street closures to consider.

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 375

## CONTRACT

### DESIGN BUILD IRRIGATION SYSTEM, PLANEVIEW PARK (DISTRICT III)

Agenda Item No. 5a.

On January 16, 2007, City Council approved the initiation of the 2007 Capital Improvement Program general obligation funding for irrigation systems. Since that time, the Park and Recreation Department has developed a Request for Proposal (RFP) to select a company best qualified to provide upgrade, replacement and installation of a design build irrigation system for the Planeview Park softball and baseball fields. The current irrigation system is outdated and in need of replacement.

On October 24, 2007, the city received and reviewed one proposal from Lawn Sprinkler Services, LLC. Lawn Sprinkler Services, LLC has provided services to the City of Wichita on several other irrigation projects and has demonstrated performance to provide quality and competent services. The amount of \$99,813 is fair and reasonable and within the budgeted funds.

Financial Considerations: The Park Capital Improvement Plan includes \$200,000 in 2007 for irrigation system renovation and replacement. The funding source is General Obligation bonds.

Investment into irrigation systems on athletic fields will help to ensure quality turfgrass and safe playing surfaces satisfying citizens with recreational opportunities and improving quality of life as citizens receive a positive return on their investment.

The Law Department has approved the contract as to form.

Motion--  
--carried

Brewer moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## AGREEMENT

### STORM WATER PUMP STATION NO. 1-PUMPS 1 AND 5. (DISTRICTS IV AND VI)

Agenda Item No. 5b.

There are four pumps at pump station #1, located on Maple at the Big Ditch. Two of the pumps are large and two are small. When the pump station was built many years ago, the two large pumps were incorrectly designed for the pressure they need to pump against. This problem results in the failure of these pumps at certain levels during the wet well pumping process.

On March 19, 2002, the Council authorized Capital Improvement Project No. 562-862002, in the amount of \$140,000 to install larger motors along with associated electrical rewiring to solve the pump problems. Since the installation of the new motors in 2002, the two larger pumps have continued to be problematic requiring manual operation during each rain event. Operating the pumps manually has kept staff from being able to address other flooding concerns around the City during a rain event and more frequent flooding on Maple Ave. and surrounding streets.

The source of the pumping problems has been isolated to the 1962 pumps, reconditioned in 2000. This project will solve the pump problems by installing new pumps and investigate the need for new motors along with associated electrical rewiring, if required by the new pump manufacture. We will require the pump manufacture to provide a minimum two-year guarantee on their pumps and assuring the station will operate properly.

MKEC Engineering Consultants, Wichita, Kansas, have been the design engineers for rehabilitation work on Pump Station 2, 3, and 4, as well as other major electrical and mechanical work in 2000 and 2002 at Pump Station #1. Since they are the most familiar with our pump station equipment and processes, staff recommends that they be retained to provide the design and construction engineering services for this project. The proposed engineering services agreement is attached.

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 376

MKEC Engineering Consultants has proposed a not-to-exceed fee for the design and construction engineering services in the amount of \$46,500. Payment to MKEC will be paid by the Storm Water Utility using a portion of the remaining funds in Capital Improvement Project No. 562-862002.

This project addresses the Ensure Efficient Infrastructure goal by improving stormwater conveyance and reducing flood losses.

The Law Department has approved the professional services agreement as to form.

Motion--  
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## AGREEMENT

### WATERFRONT RESIDENTIAL, WATERFRONT SIXTH AND GREENWICH OFFICE PARK ADDITIONS, NORTH OF 13TH STREET, WEST OF GREENWICH. (DISTRICT II)

Agenda Item No. 6a.

The City Council approved the water, sanitary sewer, drainage and paving improvements in Waterfront Residential, Waterfront 6th and Greenwich Office Park Additions on October 16, 2007.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of water, sanitary sewer, drainage and paving in Waterfront Residential, Waterfront 6th and Greenwich Office Park Additions. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$96,575 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water, sanitary sewer, drainage and paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## AGREEMENT

### TWO LOW IMPACT DEVELOPMENT (LID) PROJECTS ON CITY OF WICHITA PARKING LOTS. (DISTRICTS III AND VI)

Agenda Item No. 6b.

The City of Wichita is required by the Clean Water Act and the Kansas Department of Health and Environment's Stormwater Permit to implement projects to reduce stormwater pollution into our creeks, rivers and other drainage systems. Traditional site design and developments have not incorporated alternative methods to help reduce urban runoff and improve the stormwater quality. To investigate other design practices and satisfy our stormwater permit requirements, two locations have been chosen to demonstrate these alternative designs that address stormwater quality. The purpose is to learn what practices work best for Wichita, to be able to recommend their uses in the future.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for designing two Low Impact Development (LID) projects on City of Wichita parking lots. The first location is the parking lot of the Rounds & Porter building located at the southeast corner of Central and Waco. The second is the parking lot for the Water Center located at 101 E. Pawnee. The second lot is very small and its frequent visitation by school age children would compliment the other educational opportunities provided by the Center's staff. The City will use these two projects as a LID

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 377

demonstration. The Staff Screening and Selection Committee selected MKEC for the design on October 15, 2007.

Payment to MKEC will be on a lump sum basis of \$46,040 and will be paid by Storm Water Utility.

This project addresses the Ensure Efficient Infrastructure goal by improving stormwater conveyance, reducing flood losses and improving stormwater quality.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## **AGREEMENT.**

### **FALCON FALLS SECOND ADDITION, NORTH OF 45TH STREET NORTH, WEST OF HILLSIDE. (DISTRICT I)**

Agenda Item No. 6c.

Background: The City Council approved the water and paving improvements in Falcon Falls 2nd Addition on October 4, 2005.

Analysis: The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water and paving in Falcon Falls 2nd Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$42,400 and will be paid by special assessments.

Goal Impact: This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water and paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## **AGREEMENT**

### **AUBURN HILLS 16TH ADDITION, SOUTH OF MAPLE, EAST OF 151ST STREET WEST. (DISTRICT V)**

Agenda Item No. 6d.

The City Council approved the water, sanitary sewer and paving improvements in Auburn Hills 16th Addition on March 21, 2006.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sanitary sewer and paving in Auburn Hills 16th Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$78,100 and will be paid by special assessments.

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 378

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water, sanitary sewer and paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## CHANGE ORDEER

### **143RD STREET EAST PAVING, BETWEEN 21ST STREET AND 24TH STREET, (DISTRICT II)**

Agenda Item No. 7a.

On January 9, 2007, the City Council approved a construction contract with Cornejo & Sons, Inc. to pave 143rd St. East, between 21st and 24th Streets. The paving adjoins the Wichita City limits, but is located in Sedgwick County. After the work began, the County Public Works Department requested that rock shoulders and improved subgrade treatment be incorporated into the project. In addition, a rural water line was relocated. The cost of the project is funded by special assessments.

A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

The total cost of the additional work is \$18,816 with the total paid by Special Assessments. The original contract amount is \$152,760. The change order represents 12.32% of the original contract amount.

This project addresses the Efficient Infrastructure goal by providing pavement for a new residential development.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--  
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## CHANGE ORDER

### **STORM DRAIN IN KRUG SOUTH ADDITION, SOUTH OF 21ST STREET WEST OF 143RD STREET EAST. (DISTRICT II)**

Agenda Item No. 7b.

On May 1, 2007, the City Council approved a construction contract with Wildcat Construction Company to construct a storm water drain in Krug South Addition. After the contract was awarded, the developer requested that an ornamental stone veneer and handrail be added to a bridge that is part of the project. All of the additional cost will be assessed to the developer.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$29,789 with the total paid by Special Assessments. The original contract amount is \$238,000. This Change Order represents 12.52% of the original contract amount.

This project addresses the Efficient Infrastructure goal enhancing the appearance of a bridge in a new residential development.

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 379

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--  
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## CHANGE ORDER

### 29TH STREET IMPROVEMENT, 119TH STREET WEST TO MAIZE. (DISTRICT V)

Agenda Item No. 7c.

One June 26, 2007, the City Council approved a construction contract with LaFarge North America to reconstruct 29th St. North, between 119th St. West and Maize. After the work began, it was determined that an offsite drainage structure needed to be extended to avoid conflict with existing utility lines.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$16,620 with the \$3,320 paid by City General Obligation bonds and \$13,300 paid by Federal grants. The original contract amount is \$3,377,324. The Change Order represents 00.05% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving the traffic capacity and safety along a major transportation corridor.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--  
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## (ITEM 8a) FIRE STATION

### ACQUISITION OF LAND AT HYDRAULIC AND DENKER FOR FIRE STATION 22. (DISTRICT III)

Agenda Item No. 8a.

The City Council has previously reviewed and approved the Fire Station Location Study. The study anticipates the relocation of eight existing fire stations and the construction of two new stations in the near term. One area for a new station is near the intersection of Wassall and Hydraulic. A City staff team consisting of representatives from the Fire Department, Public Works, and City Manager's Office conducted a review of multiple sites. A site on the northwest corner of Denker and Hydraulic, approximately 650 feet north of Wassall has been selected pursuant to the requirements of the Fire Station Location Study. The site is part of a 2.08-acre parcel owned by the Indian Southern Baptist Church.

The station site will utilize the east 230 feet (36,800 square feet) of the site. The church structure sits on the westerly 312 feet of the site and is not directly impacted by the acquisition. There is a 1,553 square foot single-family residence on the acquisition parcel that is currently occupied by the church caretaker. This structure will be removed to allow station construction. The church has agreed to sell the site for the fire station for \$225,000.

A budget of \$240,000 is requested. This includes \$225,000 for the acquisition, \$8,000 for relocation and moving, \$5,000 for demolition and \$2,000 for surveys, title insurance and miscellaneous closing costs. Funding for the land acquisition is included in the adopted Capital Improvement Program.

The acquisition of this parcel is necessary to ensure efficient infrastructure to serve this rapidly growing area and provide a safe and secure community.

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 380

The Law Department has approved the contract as to form.

- Council Member Skelton Council Member Skelton stated he had questions about why this location was chosen and why it costs so much.
- Ron Blackwell Fire Chief stated they looked further south but this location was selected because it provided the best opportunity for the citizens in that area and would reduce the response time as much as three minutes. Stated that the Hydraulic and Denker locations better serves the community and won out.
- John Philbrick Property Management Director stated that the brokers estimated value of \$60,000.00 was made to the owners and it was rejected. Stated that the fire department gave them a search range, which would require acquisition of property. Stated this was a negotiated value based on a lot of factors.
- Council Member Gray Council Member Gray stated this is public use for a public purpose and asked if we would have gotten it less if an eminent domain was done. Stated there is no commercial in the surrounding area and that it is all residential.
- John Philbrick Property Management Director explained the requirements for eminent domain and property acquisitions.
- Council Member Skelton Council Member Skelton stated this is a lot of money for this piece of land. Stated he would like to defer this issue for today in order to further investigate this matter and to see if there are other areas that could be acquired for less money.
- Motion--carried Skelton moved to defer to the next regular meeting. Motion carried 6 to 0, (Schlapp absent).

## BOARD MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS, NOVEMBER 27, 2007.

District V Advisory Board, November 05, 2007  
District III Advisory Board, October 03, 2007  
Wichita Public Library, October 2007

- Motion--carried Brewer moved to receive and file. Motion carried 6 to 0, (Schlapp absent).

## CONTRACT

### ENGINEERING AND MANAGEMENT BOND SERVICES.

Agenda Item No. 10.

The Water Utilities is legally required to hire an independent engineering firm every three years to evaluate and report on the condition and operation of the utility. The last report was completed in 2004.

In addition, a Bond Feasibility Study must be conducted prior to selling revenue bonds. It is the intent of the utility to sell revenue bonds in January 2008. The utility may also sell revenue bonds in 2009 and/or 2010.

Much of the information required in these two reports is the same. Staff proposes hiring one engineering firm to provide both documents, and any subsequent bond feasibility studies required through the year 2010. This will avoid paying two firms to collect the same information.

One firm, Burns & McDonnell, submitted a proposal. Since only one proposal was received and the proposed price was fair and equitable, a Staff Screening and Selection Committee was not required.

The cost proposed to provide the Condition and Operation Report and the Bond Feasibility Study is \$21,300 and \$19,900 respectively. There is an agreement with Burns & McDonnell that fees to complete the 2009 and 2010 Bond Feasibility Studies will be similar to that of the 2008 study. The Condition and Operation report is an operational expense paid from the operating budget, and the cost of the Bond Feasibility Study will be included in bond issuance expenses.

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 381

This action will ensure efficient infrastructure by providing reliable, compliant and secure utilities.

The triennial Condition and Operation Report is required by the bond ordinance. The Contract has been submitted to the Law Department for approval as to form.

Motion--

Brewer moved that the Contract be awarded to Burns & McDonnell and the necessary signatures authorized subject to review and approval of the Contract by the Law Department. Motion carried 6 to 0, (Schlapp absent).

--carried

## EASEMENT

### **RELEASE OF PART OF PERMANENT EASEMENT AT 7310 EAST KELLOGG. (DISTRICT II)**

Agenda Item No. 11.

On September 13, 2005 the City Council accepted the dedication of a permanent easement for public purpose over 3,069 square feet of Lot 1, Rusty Eck Ford Addition. The triangular parcel was dedicated to facilitate the improvement of the intersection of Kellogg and Armour. Subsequently, it has been determined that 1,153 square feet of the dedicated area is not required for the project. The owner has requested that the excess land be returned to them.

The parcel was dedicated to the City at no cost. The release of the surplus parcel will not impact the highway project. Once it is returned to the original owner, it will be incorporated into his automobile sales facility and will return to the tax rolls.

There is no cost to the City associated with this transaction.

The original dedication and subsequent release help ensure efficient infrastructure development in the area.

The Law Department has approved the quitclaim deed as to form.

Motion--

Brewer moved that the Quitclaim Deed be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

## CONDEMNATIONS

### **REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICT I)**

Agenda Item No. 12.

On November 5, 2007, the Board of Code Standards and Appeals (BCSA) held a hearing on the following property. The property is considered dangerous and unsafe structure, and is being presented to schedule a condemnation hearing before the Governing Body.

Violation notices have been issued on this structure; however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove this property.

Property Address

a. 713 North Minneapolis

Council District

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On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 382

This structure have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause it to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--

Brewer moved that the resolutions to schedule a hearing and place this matter on the agenda for a Hearing before the Governing Body on January 8, 2008 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 6 to 0, (Schlapp absent).

--carried

## RESOLUTION NO. 07-666

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the south 16 feet of Lot 11 and all of Lot 13, and the north 6 feet of Lot 15, Minneapolis Ave., Oakland Addition to Wichita, Sedgwick County, Kansas, known as 713 N. Minneapolis may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Williams moved that the Resolution be adopted. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer. Motion carried 6 to 0. (Schlapp absent.)

## PLAYGROUND

### PLAYGROUND REHABILITATION AND DEVELOPMENT. (DISTRICTS III & V)

Agenda Item No. 13.

In 2000, the City began the process of renovating and replacing playground equipment across the city of Wichita to enhance these community resources and address safety concerns associated with current configurations.

The 2008 and 2009 Park Capital Improvement Program (CIP) includes \$100,000 in funding each year to rehabilitate or construct new park playgrounds in various locations. The Park and Recreation Department has a Memorandum of Understanding (MOU) with the Water Services Department on an 18-acre parcel located at 55th Street South and Hydraulic. Currently, we are working on plans and coordinating with the neighborhood and District Advisory Board III to develop this parcel of land into a new park. The 2008 CIP playground funding will allow for the construction of a new playground at this site. The 2009 CIP funding will go towards the rehabilitation of the existing playground in Barrington Park.

Investment in the 55th Street South and Hydraulic site will allow the construction of a new playground with rubberized safety surfacing. Renovation of Barrington Park will also include removing the old playground features that do not meet safety standards and replacing them with a new playground system with independent play elements and rubber safety surfacing.

The 2008 and 2009 Park CIP includes \$100,000 each year for renovating playgrounds and replacing playground equipment. The funding source is general obligation bonds.

Playground improvements will help improve quality of life within the community by providing safe activities for citizens.

The Law Department has approved the bonding resolution as to form and will examine all future bond agreements.

Motion--

Brewer moved that the bonding resolution be adopted; the initiation of the project authorized; and all necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 383

## RESOLUTION NO. 07-667

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the construction of a new playground at 55<sup>th</sup> Street south and Hydraulic. Brewer moved that the Resolution be adopted. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer. Motion carried 6 to 0. (Schlapp absent.)

## RESOLUTION NO. 07-668

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the playground rehabilitation and improvements at Barrington Park. Brewer moved that the Resolution be adopted. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer. Motion carried 6 to 0. (Schlapp absent.)

## BUDGET ADJ.

### BUDGET ADJUSTMENT-GPS SURVEY EQUIPMENT.

Agenda Item No. 14.

Public Works-Engineering survey crews provide construction staking services necessary to construct and administer Capital Improvements Projects ranging from arterial street/bridge projects to infrastructure needed for new commercial and residential development. Efforts are underway to incorporate new technology that will help insure the accuracy of the survey stakes set in the field and improve services to our customers. To that end, base stations have been established at several locations that will allow for more accurate survey results. To allow staff to fully utilize this improved technology, mobile rover units are needed along with electronic data collectors.

The equipment to be acquired at this time is two GPS rovers and two data collectors that will be used in conjunction with the current survey equipment.

The total purchase cost is estimated to be \$56,640. An additional \$42,000 will be needed to supplement the current \$14,640 Capital Outlay Budget. Funds are available in Public Works-Engineering contractual services savings.

This project will support the Efficient Infrastructure Goal by providing improved survey and data collection for Capital Improvement Program projects.

Budget adjustments over \$25,000 require City Council approval.

Motion--  
--carried

Brewer moved that the budget adjustment be approved and staff authorized to make the necessary transfers. Motion carried 6 to 0, (Schlapp absent).

## SECOND READ ORD.

### SECOND READING ORDINANCES: (FIRST READ NOVEMBER 20, 2007)

#### a. 2007-2008 Railroad Crossing Improvement Program.

An ordinance declaring the railroad crossings at Harry, west of southeast boulevard; 29th, east of Broadway; Kellogg frontage road between meridian and Edwards; west street, south of Pawnee; 45th, east of rock road; 29th, west of St. Francis; Pawnee, west of southeast Boulevard; Washington, north of Zimmerly; Lincoln, at Mosley; Lincoln, west of Mosley; 26th, east of mead; Dodge, North of Orient Boulevard; Mclean, north of water; Pawnee, east of West street 472-84629 (2007-2008 railroad crossing improvement program) 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.

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 384

- b. Public Hearing and Tax Exemption Request, Kamen Wiping Materials Co., Inc. (District VI)
- 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 Kamen Wiping Materials Co., Inc., so exempted.
- c. Amendment to Chaucer Estates Land Use Restriction Agreement and Approval of Assumption and Consent Agreement. (District II)
- An ordinance of the City of Wichita, Kansas, approving a second amendment to the land use restriction agreement executed in connection with the issuance by the city of its assisted care and independent living facility revenue bonds, series ix, 1996 (Chaucer Estates, L.L.C.)
- d. Hydraulic Improvement between Harry & Kellogg. (District I)
- An ordinance amending ordinance no. 46-847 of the city of Wichita, Kansas declaring hydraulic, between Harry and Kellogg (472-84310) to be a main traffic way 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.
- e. A07-18R-Request by Victor White, Director of Airports, on behalf of the Wichita Airport Authority, to annex land generally located east of Webb Road, to the north and south of 45th Street. (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. (A07-18)
- f. A07-22R-Request by Rob Ramseyer of Ritchie Development Corporation & Greenwich/4, LLC to annex land generally located to the southwest of the intersection of 29th Street North and 127th 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. (A07-22)

Motion--carried

Brewer moved that the Ordinances be adopted. Motion carried 6 to 0.

## PLANNING AGENDA

Motion--  
--carried

Brewer moved that Planning Consent items 16 through 18 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Schlapp absent).

**SUB2007-56**

### **SUB 2007-56-CAMPUS CREST ADDITION LOCATED ON THE SOUTHWEST CORNER OF 29TH STREET NORTH AND OLIVER.** (DISTRICT I)

Agenda Item No. 16.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site consists of one lot on 18.65 acres. A zone change (ZON 2007-30) from "LC" Limited Commercial District to "MF-29" Multi-Family Residential District has been approved for the northwest portion of the site.

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 385

A Petition, 100 percent, and a Certificate of Petition have been submitted for sewer improvements. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the proposed reserves being platted.

This plat has been approved by the Planning Commission, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Certificate of Petition and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--  
--carried

Brewer moved that the documents and plat be approved; the necessary signatures authorized; adopt the resolution; and first reading of the Ordinance approved. Motion carried 6 to 0, (Schlapp absent).

## RESOLUTION NO. 07-669

A Resolution of findings of advisability and Resolution authorizing construction of Later 124, Sanitary Sewer No. 23. (south of 29<sup>th</sup> St. North, west of Oliver) 468-84457 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer. Motion carried 6 to 0. (Schlapp absent.)

**SUB2007-93**

### **SUB2007-93-PLAT OF SUNFLOWER BROADCASTING, INC. ADDITION, LOCATED WEST OF HILLSIDE AND ON THE SOUTH SIDE OF 37TH STREET NORTH. (DISTRICT I)**

Agenda Item 17.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of one lot on 25.63 acres, is located within Wichita's city limits and is zoned "LI" Limited Industrial District.

City water and sewer services are available to serve the site.

The plat has been reviewed and approved by the Planning Commission, subject to conditions.

Ensure Efficient Infrastructure.

Motion--carried

Brewer moved that the plat be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 386

ZON2007-00042

**ZON2007-00042 – ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL. GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF ROCK ROAD AND HARRY AVENUE. (DISTRICT II)**

Agenda Item No. 18.

MAPC Recommendation: Approve, vote 12-0.

MAPD Staff Recommendation: Approve

The applicant requests a zone change from “SF-5” Single-family Residential to “LC” Limited Commercial on a 20 x 105 foot narrow strip of property located along the northern edge of Lot 1, Block 2, Cedar Lakes Second Addition. This strip of land was a part of CUP DP-51, Cedar Lakes Village Community Unit Plan, but CUP2007-00023 administratively removed this piece of land from DP-51. The site is located southeast of the intersection of Rock Road and Harry Street. The applicant intends to continue using the site for parking.

The strip of land is currently paved and has parking stalls to serve the abutting commercial property to the north. The current use of the lot for commercial parking appears to be in violation of the provisions and restrictions of the CUP, which it was a part of, and the Unified Zoning Code (“UZC”) by not having a conditional use for the ancillary commercial parking lot in a SF-5 zone. This zone change from SF-5 to LC will resolve these issues stated above.

North of the site is an LC zoned auto repair shop with used car sales, approved as a conditional use (CON2002-00011) in 2002. East of the site are LC and GO-General Office zoning which contains drainage and an apartment complex. South of the site is SF-5 zoned apartment complex within CUP DP-51, which was approved in 1973 as the Cedar Lakes Community Unit Plan, and west of the site is LC zoning and the site of a shopping center (Cherry Creek Shopping Center CUP DP-98) with retail and restaurant uses.

At the MAPC meeting held September 20, 2007, the MAPC voted (12-0) to approve the requested for LC zoning. At the MAPC meeting there were not any citizens present to discuss the case. No formal protest petitions have been filed. This case is being heard again due to an error in the recommendation written on the agenda report for the City Council meeting on October 20, 2007. The Staff Report and the MAPC recommendation did not include the requirement to plat; yet the recommendation in the report for the October 20th meeting recommended platting. The revised recommendation eliminates that requirement and recommends the approval of the zone change without the platting requirement.

Promote Economic Vitality.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--  
--carried

Brewer moved to concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change. Motion carried 6 to 0, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 190

NOVEMBER 27, 2007

PAGE 387

## CITY COUNCIL

### **BOARD APPTS.**

### **BOARD APPOINTMENTS.**

There were no appointments to be made.

Motion--carried

Brewer moved that the City Council be adjourned. Motion carried 6 to 0, (Schlapp absent).

### **ADJOURNMENT**

The meeting was adjourned at 9:57 a.m.

\*\*\*Workshop followed in the MAPC 10<sup>th</sup> Floor Training Room\*\*\*