

**CITY COUNCIL PROCEEDINGS  
OCTOBER 7, 2008**

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, October 7, 2008  
Tuesday, 09:05 AM

The City Council met in regular session with Carl Brewer, Sue Schlapp, Lavonta Williams, Paul Gray, Jeff Longwell, and Sharon Fearey. Absent: Jim Skelton.

Staff Members Present: Scott Moore Interim City Manager, Gary Rebenstorf Director of Law, Karen Sublett, City Clerk and Janis Edwards, Deputy City Clerk.

[The Meeting was called to order at 9:05 a.m.](#)

Invocation was given by Reverend Joshua Cole from Hillside Christian Church

Approval of the minutes of the regular meeting on September 23, 2008.

**Motion:**

**Mayor Brewer moved** to approve the regular Minutes of September 23, 2008.  
Motion carried 6 to 0, (Skelton absent)

**AWARDS AND PROCLAMATIONS**

[Mayor Brewer read aloud the following Proclamations:](#)

Pastoral Care Week  
South Central Neighborhood Day  
Lights on Afterschool Day  
Fire Prevention Week  
Community Planning Month

(Council Member Skelton arrived and took his seat at the bench)

I. **PUBLIC AGENDA - NONE**

II. **UNFINISHED COUNCIL BUSINESS**

1. **Budget Revision and Supplemental Agreement for Staking and Construction Engineering in Pearson Commercial Addition, south of 29th Street North, along both sides of Maize, (District V)**

Attachment: [Agenda Report II-1 & Resolution No. 08-475](#)

Attachment: [Supporting Document](#)

Chris Carrier Public Works Director reviewed the item.

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

**Motion:**

**Council Member Longwell moved** to approve the Budget Adjustment, Resolution, Supplemental Agreement, and CIP and authorize the necessary signatures.

Motion carried 7 to 0.

2. **Repair or Removal of Dangerous and Unsafe Structures. (District I)**

<u>Property Address:</u>	<u>Council District:</u>
a) 1344 North Spruce	I
b) 1312 North Wabash	I
c) 2042 East 9 <sup>th</sup> North	I
d) 607 North Ash	I

Attachment: [Summary Table Spreadsheet](#)

Attachment: [OCI Writeups](#)

Attachment: [Agenda Report II-2](#)

(Council Member Fearey momentarily absent)

Kurt Schroeder Office of Central Inspection reported that item a) 1344 North Spruce can be removed from consideration today. Stated the property has been brought up to code compliance.

Stated the property listed as c) 2042 East 9th North was sold at a tax sale in July and the new owner is trying to get the deed and thinks he will have the deed within the next 15 to 30 days. Stated he would recommend that the hearing on this item be deferred for about 90 days and heard again in November so he can come back with his deed and give the Council his plan of action.

Stated there is no one here for item d) 607 North Ash and recommends that the Council precedes with condemnation.

Stated Mr. Ivan Ray is here to speak on item b) 1312 North Wabash.

**Motion:**

**Mayor Brewer moved** to take Staff's recommendation for items a) 1344 North Spruce, c) 2041 East 9th North, and d) 607 North Ash.

Motion carried 7 to 0.

Kurt Schroeder stated that item b) 1312 North Wabash is a tri-plex and OCI has been working a housing case on this for many years. Stated Mr. Ivan Ray has owned this property for quite some time and it has stood vacant for quite some time. Stated Mr. Ray is here today to ask for more time to repair the property and get it up to compliance. Stated the taxes are current.

Mr. Ivan Ray stated he is going to try and revitalize the property and would have done something to it prior to June but the buyer was going to turn it into a church. Stated a few days ago the buyer backed out and if he could get 90 days he could get it in compliance.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Council Member Williams moved** to allow an additional 60 days on this house and if it is not in compliance with the OCI department, then to take Staff's recommendation to proceed with condemnation. Motion carried 7 to 0.

III. **NEW COUNCIL BUSINESS**

1. **Public Hearing and Issuance of Industrial Revenue Bonds, Approval of Related Agreements (DSW Broadview, LLC). (District VI)**

Attachment: [Agenda Report](#)

Attachment: [Administrative Service Agreement Broadview IRB 2008](#)

Attachment: [Bond Ordinance No.](#)

Attachment: [Bonding Resolution No. 08-](#)

Attachment: [BPA Broadview IRB 2008](#)

Attachment: [Covered Drop Off and Encroachment Easement](#)

Attachment: [Declaration of Restrictions](#)

Attachment: [Elevated Walkway Easement](#)

Attachment: [Emergency Declaration](#)

Attachment: [Indenture Broadview IRB 2008](#)

Attachment: [Lease Broadview IRB 2008](#)

Attachment: [Option to Purchase](#)

Attachment: [Parking Garage Agreement](#)

Attachment: [Prepayment Escrow Home Rule Ordinance No.](#)

Attachment: [Special Assessment Escrow Agreement](#)

Allen Bell Urban Development Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Council Member Fearey moved** to close the public hearing and approve a ten-year 100% property tax abatement on all bond financed property; place on first reading the Bond Ordinance authorizing the issuance of Industrial Revenue Bonds in the amount not-to-exceed \$25,000,000 and the execution of the bond documents; approve the Declaration of Public Emergency and adopt the Home Rule Ordinance approving the Special Assessment Escrow Agreement; adopt the Bonding Resolution initiating the Riverbank Improvement Project; approve the Garage Management Agreement and Option to Purchase, the Elevated Walkway Easement, the Drop-off Encroachment Easement, and the Declaration of Restrictions; approve necessary budget adjustments; and authorize necessary signatures.  
Motion carried 5 to 2, (Nays: Skelton and Gray).

2. **Public Hearing and Issuance of Industrial Revenue Bonds, H2 Corporate Office, LLC, (District II)**

Attachment: [Ordinance No. 48-091](#)

Attachment: [Agenda Report III-2](#)

Allan Bell Urban Development Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Vice-Mayor Schlapp moved** to close the public hearing, place on first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount of \$7,200,000, to H2 Corporate Office, LLC, and authorize the necessary signatures.  
Motion carried 7 to 0.

3. **Public Hearing and Request for Letter of Intent for Industrial Revenue Bonds, Cherry Creek Senior Care, LLC, (District II)**

Attachment: [Cherry Creek LOI Application](#)

Attachment: [Agenda Report III-3](#)

Allen Bell Urban Development Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Vice-Mayor Schlapp moved** to close the public hearing and approve a Letter of Intent for Industrial Revenue Bonds to Cherry Creek Assisted Living, LLC, in an amount not-to-exceed \$2,500,000, subject to the Letter of Intent Conditions, authorize staff to apply for a sales tax exemption, and authorize the necessary signatures.  
Motion carried 7 to 0.

4. [Public Hearing, Request for Resolution of Support for Application for Housing Tax Credits; Country Acres Apartments. \(District V\)](#)

Attachment: [Agenda Report III-4 & Resolution No. 08-476](#)

Mary Kay Vaughn Housing Services Director reviewed the item.

(Vice-Mayor Schlapp momentarily absent)

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Council Member Longwell moved** to close the public hearing, adopt the resolution of support for the application for Housing Tax Credits, with waiver of the 20% market-rate unit requirement, subject to all local building and zoning codes, ordinances and any additional design review requirements, and authorize the necessary signatures.

Motion carried 7 to 0.

5. [Public hearing on Proposed Assessments for Twenty-Five \(25\) Paving Projects in February 2009 Bond Sale Series 796. \(Districts I, II, III, IV, V, VI\)](#)

Attachment: [Agenda Report III-5 and Ordinances 48-066 thru 48-090](#)

Jim Armour City Engineer reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard.

Noreen Keroche, President of Newman University requested that the City waive this fee because they invested in the Dugan Library and Campus Center Project, 13 million dollars of their money that they raised using local architects and local construction. Stated they provide the lighting for McCormick Street and asked that the utilities be put underground for the pedestrian mall and paid for those themselves. Stated she is not arguing the point but asking the Council's consideration of waiving the assessment fee.

Jim Armour City Engineer stated he is not aware of any waiver in the past and gave a brief history of the project and Kansas Newman University's petition and assessment.

Council Member Gray suggested that the Council not take any action on this today unless we have to vote on that portion today. Stated this project was accelerated at the request of Newman University and moved it before some other projects. Stated he would like to give this some valid thought and look into it more and would personally recommend that the Council do that.

Council Member Skelton stated if they made an agreement with the City at the conception of this project then they need to follow through on it. Stated he will not favor writing this off and have the City pay for it.

Dottie Riley, Kutak Rock the City's bond counsel, explained procedurally what would happen if the Council chose to waive the assessment.

(Council Member Williams momentarily left the bench)

Noreen Keroche stated she did not know about this until last week and it is clear that there is not a lot of Council support and withdrew her request.

**Motion:**

**Council Member Skelton moved** to close the Public Hearing, approve the proposed assessments, and place the ordinances on first reading.

Motion carried 7 to 0.

6. **Public Hearing on Proposed Assessments for Twenty Seven (27) Water Projects, Twenty Five (25) Sewer Projects, and Thirteen (13) Storm Sewer Projects in February 2009 Bond Sale Series 796.**

Attachment: [Agenda Report III-6 and Ordinances 48-001 thru 48-065](#)

Jim Armour City Engineer reviewed the item.

(Council Member Gray momentarily left the bench)

Mayor Brewer inquired whether anyone from the audience wished to be heard.

Keith Pollis stated he is a homeowner and received disclosure on this project from the previous homeowner who was part of the signature on the petition. Stated the information he has received from the previous owner and other homeowners in the affected area were different than what was sent to him by the City. Stated he was told that the assumed cost would be half of what it is by the previous owner. Stated his neighbors said that when they were talking to the City Engineers they were originally told it would be around \$90,000.00, which is the petition they signed. Stated they were also told that there was some hot shot money that would possibly be used for that project and cutting the cost of that project in half. Stated what actually happened is that when the project was done the hot shot money was put towards the above and beyond cost that was listed in the paper. Stated the assumption of the homeowners had when they signed the petition was that it would cost half of what it did. Stated when he purchased his home he was told that and has no problem paying his fair share. Stated he has the largest lot and was part of an area that did not flood but because he is part of that group he will be assessed. Stated he was hoping this be brought back into the original statement that the homeowner who he purchased his house from, which was around \$45,000.00 instead of the bill he received which was \$135,000.00.

Unidentified speaker said she was appearing on behalf of her 77 year old mother who did not sign the petition and does have the largest lot in her area. Stated this is a hardship for her to get a deferral because the guidelines are ridiculous. Stated the initial cost was going to be an estimated \$150,000.00 and has ended up being \$210,000.00. Stated her mother lives at 440 Rainbow Lake Road #11.

Chris Carrier Public Works Director stated that he was involved in this project when it initially came up years back and before the petition was approved in 2005. Stated he recalls telling the property owners that the estimated project cost was going to be \$90,000.00 to the assessment district and \$45,000.00 in stormwater utility money for a total of \$135,000.00. Stated the total project cost ended up being \$153,400.00 and they are proposing to assess back the assessment district \$108,400.00. Stated they did put the \$45,000.00 in stormwater money and did something else that they were not originally planning on doing, which was that they could not build this project until they put the new storm sewer in Pawnee so they would have a place for this water to drain. Stated the ditches that use to be there when that was a gravel road backed up and would not drain so it would not have done any good until they got the new storm sewer in. Stated they did that and made a new line from the storm sewer, which is out in the street, over to the City right-of-way line at City cost, which was another \$10,000.00 to \$12,000.00 they paid on

top of the original \$45,000.00. Stated this is simply a case of construction cost increases again, which they have seen on all of their projects.

Council Member Longwell stated he has some additional concerns that will address the speaker in Rainbow Lakes. Stated he is requesting that the Council defer item L and item KK for one month. Stated the problem with these two items is that much of our costs have been increasing dramatically and the problem here is that there is some question about when the petition was signed and delivered and the length of time before we initiated anything, which was about a year. Stated there is some concern that year has brought on some additional costs. Stated the homeowner's association contacted him last night and asked for a one month deferral so that they could try and work out some kind of an agreement.

**Motion:**

**Council Member Longwell moved** to defer items L and KK to the first meeting in November. Motion carried 4 to 3 (Nays: Fearey, Skelton and Lavonta Williams).

(Council Member Skelton momentarily absent)

**Motion:**

**Council Member Longwell moved** to adopt the resolution authorizing the sale and purchase of General Obligation Temporary Notes Series 227 and place the Ordinance on first reading. Motion carried 6 to 0, (Skelton absent).

7. **[General Obligation Temporary Note Sale.](#)**

Attachment: [Agenda Report III-7and Ordinance No. 48-092](#)

Attachment: [Resolution No. 08-478](#)

Kelly Carpenter Finance Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Mayor Brewer moved** to adopt the resolution authorizing the sale and purchase of General Obligation Temporary Notes Series 227 and place the Ordinance on first reading. Motion carried 6 to 0, (Skelton absent).

8. **[2009 Health Program Working Rates.](#)**

Attachment: [Agenda Report III-8](#)

Kelly Carpenter Finance Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Mayor Brewer moved** to accept the recommendation of the Health Insurance Advisory Committee and approve the 2009 working rates for the Premium PPO Health Plan and the voluntary Select PPO Health Plan.

Motion carried 7 to 0.

9. **Ordinance Changes to the Fuel-Burning Fireplace Equipment Code, (City Code Title 22.06).**

Attachment: [Agenda Report III-9 and Clean/Delineated Ordinance No. 48-093](#)

Kurt Schroeder Office of Central Inspection reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Mayor Brewer moved** to approve first reading of the ordinance amending the Fuel-Burning Fireplace Equipment Code (Title 22.06 of the Code of the City of Wichita).

Motion carried 7 to 0.

10. **Building Demolition - 458 North Waco. (District VI)**

Attachment: [Agenda Report III-10](#)

Chris Carrier Public Works Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Council Member Fearey moved** to approve the demolition of the property and allow staff to proceed with the construction of this BMP.

Motion carried 7 to 0.

11. **21st and Broadway to Waco. (District VI)**

Attachment: [Agenda Report III-11 and Agreement 21st Broadway West](#)

Attachment: [Letter 21st & Broadway 59 Waco](#)

Attachment: [Map, CIP Bike path along UPR Corridor](#)

Jim Armour City Engineer reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Council Member Fearey moved** to approve the design concept, approve the supplemental agreement, and authorize the necessary signatures.

Motion carried 7 to 0.

12. [Bike Path along the abandoned Union Pacific Railroad Corridor, from Central at Waco to 15th at Broadway. \(District VI\)](#)

Attachment: [Agenda Report III-12 and Resolution No. 08-477](#)

Jim Armour City Engineer reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Council Member Fearey moved** to approve the revised budget, approve the amending Resolution, and authorize the signing of State/Federal agreements as required.

Motion carried 7 to 0.

13. [21st Street Landscaping, between I-135 and Grove. \(District I\)](#)

Attachment: [Agenda Report III-13](#)

Attachment: [Map 21st St. Landscaping](#)

Jim Armour City Engineer reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Council Member Williams moved** to approve the project design concept.

Motion carried 7 to 0.

14. [Creation of Wichita Transit Advisory Board.](#)

Attachment: [Agenda Report No. III-14.](#)

Attachment: [III-14 Ordinance No 48-101](#)

Mike Vincent Interim Transit Director reviewed the item.

Mayor Brewer inquired whether anyone from the audience wished to be heard and no one appeared.

Council Member Longwell stated he would like to address section 2, item A, where it addresses the nine members at this point in time, to not name the number of members. Stated he thinks it benefits this group to leave in the City Manager's ability to nominate and the Wichita Access Advisory Board's ability to nominate and then try to define the number of members at second reading.

**Motion:**

**Council Member Longwell moved** to approve first reading of the ordinance with the suggested amendment.

Motion carried 7 to 0.

IV. **NON-CONSENT PLANNING AGENDA**

1. **ZON2008-00022-Zone change from SF-5 Single-family Residential (“SF-5”) to LC Limited Commercial (“LC”). Generally located on the southeast corner of Ridge Road and University Avenue. (District V)**

Attachment: [Agenda Report IV-1and Ordinance No.48-094](#)

Attachment: [ZON2008-22 EXCERPT OF MAY 22](#)

Attachment: [ZON2008-22 PROTEST MAP AND DAB RPT](#)

John Schlegel Planning Director reviewed the item.

Council Member Longwell stated this was one of the most difficult zoning issues he has ever had to undertake and his DAB thoroughly beat this up. Stated there were two developers working independently of each other trying to acquire these properties. Stated they did not like the idea of just two properties coming before them and the manner in which they came. Stated it would have made it a lot cleaner if they could have brought all eight properties in that block and at least acquired four of the properties in that block. Stated he has had numerous discussions with both developers that are independently working and has tried to encourage them to work together. Stated he has a short list of recommendations that he can add to hand in with this ordinance that he is going to suggest if the Council is going to go forward with this. Stated a few of the changes that he would like to see that will include on the agenda report, the protective overlay #219. Stated one of the issues with these properties is that there is a main sewer line that runs and divides the front four properties from the back four properties. Stated when you acquire just these two then you would have to go and put a masonry wall up and there is an issue with putting a masonry wall over a sewer line. Stated it is his understanding that the person who is wanting to develop this property wants all of these changes he is suggesting because they were working with another developer in their office that the east 10 feet of the subject property shall at the time of the subject property is replatted into reserve and deeded into the respective property owners and that would allow that masonry wall to be built on the west edge of that and not have to go over the sewer line. Along with that, that they would provide evergreens on the 20 foot center with a minimum of four inch caliper at the time of the planning to provide some screening. Stated the other amendment addresses screening on the south property line because they feel like the south property line would have an opportunity to be developed a little easier even as choppy as this is because it would have some frontage facing to the south and that the masonry wall be substituted with a cedar fence so there is not the added expense of the two developers to pull down that masonry wall because at some point in time they believe that will be developed. Stated the only masonry wall would be dividing the properties east to west and not the south property line and that would include a six to eight foot high cedar fence where it abuts existing family residence and a 15 foot wide landscape buffer with planting every 20 feet with a four inch caliper tree. Stated some additional conditions he would like to see are revising some of the staff's recommendations. The conditional conditions he would like to see are: that the street side of the landscaping should be 1.5 times our normal landscaping ordinance with planting; that the signs that are allowed there be according to the Wichita Sign Code with the exception that all signs have to be monument style signs; and that all deliveries of trash service shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m. Stated moving on to the front of the property, there is a cul-de-sac currently there and the developer would like to see that vacated. Stated he is suggesting that the property be replatted during which time the portion on the Ridge Road line adjacent to the subject property, be vacated and conveyed to the applicant through the planning process that the applicant becomes responsible for the cost of reconstruction of a hammerhead turnaround and the remaining portion of the Ridge Road line south of the subject property, this construction be complete through the petition improvement process. Stated it would come back to them of the way of

special assessments. Stated they are also asking that there should be only one right in and one right out opening to Mid Continent Drive from the subject property along the south portion of this site and there should be one opening on to University, which shall be aligned with the existing opening to the Pizza Hut drive directly to the north.

**Motion:**

**Council Member Longwell moved** to approve the zoning change with the protective overlay and the amended conditions.

Motion carried 7 to 0

*(Mayor Brewer and Council Member Williams momentarily absent. Vice-Mayor Schlapp in the chair)*

2. [ZON2008-36– Amendment to Protective Overlay #130 \(PO-130\) to eliminate the prohibition on drive through service, to increase the permitted size of restaurants from 2,000 to 5,000 square feet in size, and to increase signage from 72 square feet with a 12-foot height limit to 132 square feet with a 16.5 foot height limit. Generally located south of Maple and 800 feet east of 135th Street West. \(District V \)](#)

Attachment: [Agenda Report IV-2 and Ordinance No 48-095](#)

Attachment: [ZON08-36 EXCERPT OF JULY 24 MAPC](#)

Attachment: [ZON2008-36 SITE PLAN](#)

John Schlegel Planning Director reviewed the item.

Council Member Longwell stated he has one more change on this item. Stated he spoke to the developer again and the only part confusing on this was the discussion about screening in the trash receptacles. Stated the developer has agreed to screen in all of the trash receptacles and not just the restaurant trash receptacles, which will keep it consistent and hopefully cleaner on the backside of that, which is the residential area. Stated the only change that they are suggesting is that every trash receptacle on the back side of the building be screened in also and the developer is fine with this change.

Vice-Mayor Schlapp inquired that since there is currently only five Council Members at this time and there is a change to the MAPC recommendation, if they would need all five votes to proceed?

John Schlegel Planning Director stated there is no protest petition on this so if the Council were to vote for approval it would take all five votes since there is a recommended change to the MAPC's recommendation.

**Motion:**

**Council Member Longwell moved** to approve the amendments to the protective overlay with the amendment of the trash screening.

Motion carried 5 to 0, (Brewer and Williams absent).

Vice-Mayor Schlapp suggested that Non-Consent Planning items 3 and 4 be delayed until the other two members return to the bench.

**Motion:**

**Vice-Mayor Schlapp moved** to take items 3 and 4 of the Non-Consent Planning Agenda and delay them for the vote today as soon as the other two members join them.

Motion carried 5 to 0, (Brewer and Williams absent).

**(Item 3, action shown in agenda order)**

3. [ZON2008-00040 – Zone change from B Multi-family Residential \(“B”\) to LI Limited Industrial \(“LI”\); generally located west of Main Street, between 11th and 12th Streets. \(District VI\)](#)

Attachment: [Agenda Report IV-3 ZON2008-40](#)

Attachment: [ZON08-00040 ORDINANCE NO. 48-096](#)

Attachment: [ZON08-00040 APPLICANT’S DESIRED ORDINANCE](#)

Attachment: [ZON2008-40 EXCERPT OF THE AUGUST 21 MAPC](#)

Attachment: [ZON2008-00040 DAB VI MEMO 8-20-08](#)

Attachment: [Resolution No. 08-483](#)

John Schlegel Planning Director reviewed the item.

**Motion:**

**Council Member Fearey moved** to approve the Conditional Use on Lots 25-39 (odd), the east 100 feet of Lot 4, and the south 10 feet of the east 100 feet of Lot 43, all in Allen’s Resurvey of Turner’s Addition, as approved by the District Advisory Board (an override of the MAPC’s recommendation requires a two-thirds majority vote of the City Council on first hearing); and approve LI zoning for Lot 13 in Allen’s Resurvey of Turner’s Addition.

Motion carried 7 to 0.

**(Item 4, action shown in agenda order)**

4. [CUP2008-28– DP-154 Hanley Residential and Commercial Community Unit Plan Amendment #4 to permit an electronic message board on Parcel 4; generally located on the southeast corner of 19th Street North and Webb Road. \(District II\)](#)

Attachment: [AGENDA REPORT IV-4](#)

Attachment: [SIGN ELEVATION](#)

Attachment: [EXCERPT OF THE AUGUST 21 MAPC](#)

Attachment: [E-MAIL FROM TOM TONGUE](#)

Attachment: [DAB II MEMO](#)

John Schlegel reviewed the item.

**Motion:**

**Vice-Mayor Schlapp moved** to adopt the findings of the MAPC and DAB II findings and approve the community unit plan amendment as recommended by the DAB.

Motion carried 7 to 0.

V. **CONSENT PLANNING AGENDA (ITEMS 1 AND 2)**

**Motion:**

**Vice-Mayor Schlapp moved** to approve items 1 and 2 on the Consent Planning Agenda in accordance with the recommended actions shown thereon.

Motion carried 5 to 0, (Brewer and Williams absent)

1. **[A08-10R-Request by Laurence M Holzman, Jr. to annex land generally located north of Harry Street and east of 127th Street East. \(District II\)](#)**

Attachment: [Agenda Report V-1 and Ordinance No.48-097](#)

Attachment: [A08-10vr Map](#)

2. **[\\*A08-11R-Request by Jay W. Russell, of JRD, LLC, to annex land generally located north of 63rd Street South, west of Clifton Avenue. \(District III\)](#)**

Attachment: [Agenda Report V-2 and Ordinance No.48-098](#)

Attachment: [A08-11vr Map](#)

VI. **NON-CONSENT HOUSING AGENDA**

1. **[Public Hearing – Five-Year and Year 2009 Annual Agency Plans.](#)**

Attachment: [Annual Plan Certifications-3](#)

Attachment: [Annual Plan - 50077](#)

Attachment: [Annual Plan-ks004a01](#)

Attachment: [Annual Plan-ks004d01](#)

Attachment: [Annual Plan-ks004e01](#)

Attachment: [Annual Plan-ks004f01](#)

Attachment: [Annual Plan-ks004g01](#)

Attachment: [Annual Plan-ks004h01](#)

Attachment: [Annual Plan-ks004i01](#)

Attachment: [Annual Plan-ks004j01](#)

Attachment: [Annual Plan-ks004k01](#)

Attachment: [Annual Plan-ks004l01](#)

Attachment: [Annual Plan-ks004m01](#)

Attachment: [Annual Plan-ks004v01](#)

Attachment: [Agenda Report VI-1](#)

Mary Kay Vaughn Housing Services Director reviewed the item.

(Council Member Skelton momentarily absent)

Vice-Mayor Schlapp inquired whether anyone from the audience wished to be heard and no one appeared.

**Motion:**

**Vice-Mayor Schlapp moved** to conduct the Public Hearing, close the Hearing, adopt the Resolution and authorize the necessary signatures relative to required certifications for the submission of the Wichita Housing Authority Five-Year and Year 2009 Annual Agency Plans.

(Motion carried 5 to 0, Skelton, Brewer and Williams absent)

VII. **CONSENT HOUSING AGENDA - NONE**

IX. **CONSENT AIRPORT AGENDA (ITEMS 1 THROUGH 2)**

**Motion:**

**Vice-Mayor Schlapp moved** to approve the Consent Airport Agenda items in accordance with the recommended actions shown thereon.

Motion carried 5 to 0, (Brewer and Williams absent)

1. **Agreement - Kansas Gas Service.**

Attachment: [Agenda Report IX-1](#)

Attachment: [Kansas Gas Service Line Relocation](#)

2. **Terminal Area Redevelopment Program, Terminal Apron Phase II, Wichita Mid-Continent Airport.**

Attachment: [Agenda Report IX-2 TARP Phase II Apron Budget Adjust](#)

X. **COUNCIL MEMBER AGENDA**

1. [Approval of travel expenditures for the National League of Cities Conference, November 11-16, 2008, for Mayor Carl Brewer, Vice-Mayor Sue Schlapp, Council Member Lavonta Williams, and Council Member Paul Gray.](#)

**Motion:**

**Council Member Fearey moved** to approve the expenditures.  
Motion carried 5 to 0, (Brewer and Williams absent)

XI. **COUNCIL MEMBER APPOINTMENTS - NONE**

Council Member Gray requested that Sharon Fearey be appointed to Sedgwick County Technical and Education Authority to serve in place of him.

**Motion:**

**Council Member Gray moved** to approve the appointments.  
Motion carried 5 to 0, (Brewer and Williams absent).

XII. **CONSENT AGENDA (ITEMS 1 THROUGH 30A)**

**Motion:**

**Vice-Mayor Schlapp moved** to approve Consent Agenda items 1 through 30a in accordance with the recommended actions shown thereon.  
Motion carried 5 to 0, (Brewer and Williams absent)

1. **Report of Board of Bids and Contracts dated October 6, 2008.**
2. **Applications for Licenses - NONE**
3. **Applications for Licenses to Retail Cereal Malt Beverages:**

<u>New</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Mary Gerges	Shesha Coffee Shop, LLC*	2628 East 21st North

  

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Doug Wald	Presto Convenience Stores, LLC	250 South Rock
Doug Wald	Presto Convenience Stores, LLC	1254 South Tyler Road
Doug Wald	Presto Convenience Stores, LLC	4414 West Maple
Doug Wald	Presto Convenience Stores, LLC	7136 West Central
Doug Wald	Presto Convenience Stores, LLC	7990 East Central
Doug Wald	Presto Convenience Stores, LLC	2001 South Oliver
Doug Wald	Presto Convenience Stores, LLC	7236 West 21st
Doug Wald	Presto Convenience Stores, LLC	4821 South Broadway
Doug Wald	Presto Convenience Stores, LLC	515 North Seneca
Doug Wald	Presto Convenience Stores, LLC	2356 South Seneca
Doug Wald	Presto Convenience Stores, LLC	3311 North Rock Road
Doug Wald	Presto Convenience Stores, LLC	2190 North Rock Road
Doug Wald	Presto Convenience Stores, LLC	1350 North Oliver

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

4. **Preliminary Estimates:**

- a. Preliminary Estimates. (See attached)

Attachment: [List of Preliminary Estimates](#)

5. **Petitions for Public Improvements:**

- a. Street Paving in Cedar View Village Addition, east of Greenwich, south of Kellogg. (District II)

Attachment: [Agenda Report and Resolution No. 08-](#)

Attachment: [Map, CIP, Petition Paving in Cedar View Village](#)

6. **Deeds and Easements:**

- a. Deeds and Easements. (See attached)

Attachment: [List of Deeds and Easements](#)

7. **Statement of Costs - NONE**

8. **Consideration of Street Closures/Uses.**

Midtown Historic Walking Tour, October 11 and 12, 2008, 11:00 am – 5:00 pm (District VI)  
Fairview, 13th Street to 15th Street.

Attachment: [Agenda Report XII-8a Midtown Historic Walking Tour](#)

Attachment: [Midtown Historic Walking Tour Site Map](#)

Kansas Fallen Firefighters Memorial October 12, 2008 1:00 pm – 3:00 pm (District IV)  
Broadway, 1300 block of South Broadway

Attachment: [Agenda Report XII-8b Kansas Fallen Firefighters Memorial](#)

Monster October Extreme Jam.com October 18, 2008 12:00 pm – 11:00 pm (Districts I and VI)  
McLean Blvd, Douglas to 1st Street Douglas Avenue, Waco to McLean Blvd.

Monster October Extreme Jam.com October 18, 2008 4:00 pm – 8:00 pm (Districts I and VI)  
1st Street, Waco to McLean Blvd. Waco Street, Douglas to 1st Street.

Attachment: [Agenda Report](#)

9. **Agreements/Contracts:**

- a. Agreement to Respread Assessments: Monarch Landing Addition, northwest corner of 159th Street East and 21st Street North. (District II)

Attachment: [Agenda Report XII-9a](#)

Attachment: [Monarch Landing Respread Agreement](#)

- b. Agreement to Respread Assessments: Wilson Farms Addition south of 21st Street, on the east side of North Bradley Fair Parkway. (District II)

Attachment: [Agenda Report XII-9b](#)

Attachment: [Wilson Farms Respread Agreement](#)

- c. United States Geological Survey (USGS) Surface Water Agreement October 1, 2008 through September 30, 2009.

Attachment: [Agenda Report XII-9c](#)

Attachment: [Joint Funding Agreement USGS](#)

- d. Citywide Storm Water System Inventory Study-Supplemental.

Attachment: [Agenda Report XII-9d, Ordinance No.48-098 and Agreement Stormwater Inventory](#)

Attachment: [CIP Citywide SWS study](#)

- e. Private Lot Cleanup Services.

Attachment: [Agenda Report XII-9e](#)

Attachment: [Contract for Private Lot Cleanup H.D. Mills & Sons Inc](#)

Attachment: [Contract for Private Lot Cleanup T&G Mowing & Excavating Inc](#)

10. **Design Services Agreement:**

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

Attachment: [Agenda Report XII-10a, Supplemental Agreement, and Scope of Services](#)

11. **Change Orders:**

- a. Bike Path under the 13th Street Bridge at the Little Arkansas River. (District VI)

Attachment: [Agenda Report XII-11a Change Order Bike Path under 13th St Bridge](#)

- b. 2008 Street Maintenance Program. (Districts II and III)

Attachment: [Agenda Report XII-11c and Change Order](#)

- c. 2008 Street Maintenance Program, Lincoln and Hillside Intersection. (Districts I and II)

Attachment: [Agenda Report and Change Order](#)

- d. Water Line along Rock, between 53rd St. North and K-254 Highway. (District II)

Attachment: [Agenda Report XII- 11d and Change Order](#)

- e. Gypsum Creek Improvement, north of Pawnee, west of Woodlawn. (District III)

Attachment: [Agenda Report XII-11e and Change Order](#)

- f. MacArthur Improvement, between Meridian and Seneca. (District IV)

Attachment: [Agenda Report XII-11f and Change Order](#)

- g. 37th St. North Improvement, between Tyler and Ridge. (District V)

Attachment: [Agenda Report XII-11g and Change order](#)

12. **Property Acquisition - NONE**

13. **Minutes of Advisory Boards/Commissions**

Board of Code Standards and Appeals, July 14, 2008

Board of Electrical Appeals, August 12, 2008

Wichita Employees' Retirement Board/Police & Fire Retirement Board, August 7, 2008

Wichita Public Library, August 19, 2008

Wichita Airport Advisory Board, August 4, 2008

District VI Advisory Board, July 7, 2008

District VI Advisory Board, August 4, 2008

District VI Advisory Board, August 20, 2008

Arts Council Minutes, September 11, 2008

14. **Senior Management Report for the month of August 2008.**

Attachment: [Agenda Report XII-14](#)

15. **Payment for Settlement of Lawsuit.**

Attachment: [Agenda Report XII-15](#)

16. **Payment for Settlement of Lawsuit - Karagianis v. City of Wichita et al.**

Attachment: [Agenda Report XII-16](#)

17. **Notice of Intent to Use Debt Financing Terminal Area Redevelopment - Apron Phase II.**

Attachment: [Agenda Report XII-17 and Resolution No. 08-480](#)

18. **Sale of Surplus Parcel at the Southwest Corner of Kellogg and Oliver. (District III)**

Attachment: [Agenda Report XII-18](#)

Attachment: [Maps](#)

Attachment: [Sale Contract](#)

19. **Home Repair Fund Transfer. (Districts I, III, IV, V, and VI)**

Attachment: [Agenda Report XII-19](#)

20. **2008 CSBG Discretionary Fund Application.**

Attachment: [Agenda Report XII-20](#)

Attachment: [Application](#)

21. **Renewal of Air Quality Program Grants.**

Attachment: [Agenda Report XII-21](#)

Attachment: [Contract](#)

22. **Grant Application - Mental Health Court.**

Attachment: [Agenda Report XII-22](#)

Attachment: [Grant Award](#)

23. **Mid-Continent Water Reclamation Facility - Budget Adjustment Funding. (District IV)**

Attachment: [Agenda Report XII-23 and Resolution No. 08-479](#)

24. **In-Patient and Out-Patient Drug Treatment for Drug Court.**

Attachment: [Agenda Report XII-24](#)

Attachment: [Contract](#)

25. **Authorization to Request Joinder in Exemption Application - Envision Project 2301 South Water. (District III)**

Attachment: [Agenda Report XII-25](#)

26. **Acquisition of Utility Easement at 14920 West 21st Street North for a Water Line. (District V)**

Attachment: [Agenda Report XII-26](#)

Attachment: [Tract Map and Easement](#)

27. **Perspectives on Profiling Training.**

Attachment: [Grant Application](#)

Attachment: [Agenda Report XII-27](#)

28. **Contract with Via-Christi for Medical Expenses for Prisoners – Police Department.**

Attachment: [Agenda Report XII-28](#)

Attachment: [Contract](#)

29. **Disposal of 2222 East 9th Street. (District I)**

Attachment: [Agenda Report XII-29](#)

Attachment: [Deed and Aerial Map](#)

30. **Second Reading Ordinances:**

a. Second Reading Ordinances. (See attached)

Attachment: [List of Second Reading Ordinances No. 47-991, 47-999, and 48-000.](#)

**EXECUTIVE SESSION**

**Motion:**

**Vice-Mayor Schlapp moved** to that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation and legal advice and that the Council returns from Executive Session no earlier than 12:15 p.m. and reconvene in the City Council Chambers on the first floor of City Hall.

Council Member Fearey asked if the Council could recess for lunch and go into Executive Session later when the other two members are present.

**Withdrawn**

**Vice-Mayor Schlapp moved** to rescind her motion for the Executive Session at this time with consent of the second.

Motion carried 5 to 0, (Brewer and Williams absent)

**RECESS:**

**Motion:**

**Vice-Mayor Schlapp moved** to recess for lunch for 45 minutes resuming to the City Council Chambers at 1:15 p.m.

Motion carried 5 to 0, (Brewer and Williams absent)

**RECONVENED:**

Mayor Brewer stated there are two non-consent planning items that need to be addressed before they go into Executive Session.

3. ZON2008-00040 – Zone change from B Multi-family Residential (“B”) to LI Limited Industrial (“LI”); generally located west of Main Street, between 11th and 12th Streets. (District VI)

**(ACTION SHOWN IN ORDER OF AGENDA)**

4. CUP2008-28-DP-154 Hanley Residential and Commercial Community Unit Plan Amendment #4 to permit an electronic message board on Parcel 4; generally located on the southeast corner of 19th Street North and Webb Road. (District II)

**(ACTION SHOWN IN ORDER OF AGENDA)**

**EXECUTIVE SESSION.**

**Motion:**

**Mayor Brewer moved** to that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation and legal advice and that the Council returns from Executive Session no earlier than 2:00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall.

Motion carried 6 to 0, (Gray absent)

**RECONVENED**

The City Council reconvened in the Council Chambers at 2:10. Mayor Brewer announced that no action was needed or taken as a result of the Executive Session.

**Motion:**

**Mayor Brewer moved** to close the Executive Session.

Motion carried 4 to 0, (Gray, Longwell, and Skelton absent)

**Motion:**

**Mayor Brewer moved** to adjourn the regular meeting.

Motion carried 4 to 0, (Gray, Longwell, and Skelton absent)

**ADJOURNMENT**

The meeting was adjourned at 2:11 p.m.

Respectfully submitted,

Karen Sublett, CMC  
City Clerk

\*\*\*workshop followed in the first floor boardroom\*\*\*