

**FINAL**  
**CITY COUNCIL**  
**CITY OF WICHITA**  
**KANSAS**

City Council Meeting  
09:00 a.m. August 7, 2007

City Council Chambers  
455 North Main

**ORDER OF BUSINESS**

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the July 24, 2007 regular meeting

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**AWARDS AND PROCLAMATIONS**

**Proclamations:**

- Sign Up For Scouting Month
- Clown Week

**Distinguished Service Citation:**

- Jack M. Snow

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**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. **Scott Schneider and Sarah Kauffman-Cox Grant Program check presentation.**

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CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated August 6, 2007.

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

2a. Application for Licenses.

Renewals

Valerie Washington	Xcitement Video	3909 West Pawnee
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RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

3. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Hanh Bui	Saigon Restaurant*	1103 North Broadway
Richard Orr	L.W. Clapp Golf Course*	4611 East Harry

<u>New Operator</u>	<u>2007</u>
Mary P. Alcala	Carnitas Rio Grande*

<u>Special Event</u>		
Devin W. Hansen	Wagonmaster 2007 Chili Cookoff	600 East Douglas

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

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

4. Preliminary Estimates:

- a. Wichita Drainage Canal, Phase 3 - along Wichita Canal, south of K-15 and Grove, north to south of Douglas. (468-84119/660794/864409) Does not affect existing traffic. (District I,III) - \$395,000.00
- b. Water Distribution System to serve Gray's 6th Addition - south of MacArthur, west of Hoover. (448-90301/735371/470044) Does not affect existing traffic. (District IV) - \$66,000.00
- c. Stafford from the east line of Lot 9, Block 6 to the west line of Cranbrook; Cranbrook from the south line of Brentwood South Addition to the north line of Lot 9, Block 5 to serve Brentwood South Addition - north of Pawnee, east of Webb. (472-84476/766122/490140) Does not affect existing traffic. (District II) - \$368,500.00
- d. Cost of construction of Water Distribution System to serve Pier 37 Addition south of 37th Street North, west of Ridge. (District V) - \$130,540.00

RECOMMENDED ACTION: Receive and file.

5. Petitions for Public Improvements:

- a. Hillside Bridge at Gypsum Creek. (District III)
- b. Construct Paving, Sanitary Sewer and Water Improvements in Fawn Grove at Sunset Lakes Addition, south of Kellogg, west of Greenwich. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

6. Consideration of Street Closures/Uses.

- a. Third Annual Just About Kids Foundation 5K and 1 Mile Event, September 15, 2007, 8:00 a.m. to 10:00 a.m. (District II)
  - 13th Street North from Webb Road to Raytheon Park entrance. East bound, curb side lane.
  - Webb Road from Raytheon Park entrance to 13th Street North. North bound, curb side lane.
- b. 2007 Wagonmasters Downtown Chili Cookoff, September 29, 2007, 6:00 a.m. to 6:00 p.m. (District I)
  - 500 and 600 block of East Douglas, Emporia to Viaduct Bridge
  - 100 Block of North St. Francis
  - 100 Block of South St. Francis

RECOMMENDED ACTION: Approve the request subject to: 1) hiring off-duty certified law enforcement officers as required; 2) obtaining barricades to close the streets in accordance with requirements of Police, Fire, and Public Works Department; 3) Certificate of Liability Insurance on file with the Community Events Coordinator.

c. Street Closure-21<sup>st</sup> Street, east of Hoover Road. (District IV)

RECOMMENDED ACTION: Approve the street closure.

7. Agreements/Contracts:

- a. Contract Amendment for Cafeteria Services.
- b. Respread Assessments: Gray's Sixth Addition, south of MacArthur, west of Hoover. (District IV)
- c. Construction Engineering and Staking in Monarch Landing Addition, north of 21st Street, west of 159th Street East. (District II)-supplemental
- d. Construction Engineering and Staking in Southwest Passage Addition, south of Pawnee, west of 119th Street West. (District IV)-supplemental

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

8. Design Services Agreement:

- a. Avalon Park Third and Fourth Additions, east of Tyler, north of 37th Street North. (District V)

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

9. Change Order:

- a. Sanitary Sewer Main to serve Stonebridge Addition, south of 13th Street, east of 143rd Street East. (District II)

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

10. Property Acquisition:

- a. Partial Acquisition of 5911 East Skinner for the Gypsum Creek - Pawnee to Woodlawn Flood Control and Stream Restoration Project. (District III)

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

11. Minutes of Advisory Boards/Commissions:

District II Advisory Board, May 7, 2007  
District II Advisory Board, June 4, 2007  
District III Advisory Board, June 6, 2007  
District V Advisory Board, June 4, 2007  
Wichita Historic Preservation Board, May 14, 2007  
Wichita Historic Preservation Board, June 11, 2007

RECOMMENDED ACTION: Receive and file.

12. Old Town Boardwalk Project. (District VI)

RECOMMENDED ACTION: Approve the project and establishment of a project account and authorize the necessary transfers.

13. 2007 Street Rehabilitation Program. (Districts II, IV, V, & VI)

RECOMMENDED ACTION: Approve the project and place the Ordinance on First Reading.

14. Replacement of Lost Bond Certificate, Kansas Masonic Home. (District VI)

RECOMMENDED ACTION: Approve the Bond of Indemnity on the lost Series VI, 1997, bond certificate and authorize US Bank Trust Services to replace/pay the lost bond certificate.

15. Utility Easement across a portion of City-owned property at 777 East Waterman. (District I)

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

16. Second Reading Ordinances: (First Read July 24, 2007)

- a. ZON2007-00026-Zone Change from "GO" General Office to "LC" Limited Commercial, northeast corner of West Murdock and North Water. (District VI)

An Ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.

(Item 16 continued)

- b. ZON2007-27-Zone change from “SF-5” Single-Family Residential to “NO” Neighborhood Office and Protective Overlay No. 191; generally located on the west side of Ridge Road, south of Douglas, 109 South Douglas. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.

- c. SUB 2007-23-Plat of I-135 Power Center Second Addition located on the southeast corner of 31st Street South and Hydraulic. (District III)

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended.

RECOMMENDED ACTION: Adopt the Ordinances.

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UNFINISHED BUSINESS

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

RECOMMENDED ACTION: Take appropriate action based on the testimony received at the hearing. Any extension of time granted to repair the structure should be conditioned on the following: (1) the structure is maintained secure as of August 7, 2007 and is kept secured during renovation; and (3) the premise kept clean and free of debris as of August 7, 2007, and will be so maintained during renovation.

18. Repair or Removal of Dangerous and Unsafe Structures, 1149 North Market. (District VI)

RECOMMENDED ACTION: Take appropriate action based on the testimony received at the hearing. Any extension of time granted to repair the structure should be conditioned on the following: (1) the taxes are paid within thirty (30) days; (2) the structure is maintained secure as of August 7, 2007 and is kept secured during renovation; and (3) the premise kept clean and free of debris as of August 7, 2007, and will be so maintained during renovation.

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NEW BUSINESS

9:30 a.m. or soon thereafter.

19. Repair or Removal of Dangerous & Unsafe Structures. (Districts I, IV, and VI)

On June 26, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on August 7, 2007.

<u>Property Address</u>	<u>Council District</u>
a. 1726 South Millwood	IV
b. 1054 North Grove	I
c. 1242 North Grove	I
d. 1228 North Poplar	I
e. 1035 North Green	I
f. 1037 North Green	I
g. 1136 North Green	I
h. 1222 North Green	I
i. 1241 North Green	I
j. 1311 North Estelle	I
k. 1151 North Volusia	I
l. 3101 North Mascot	VI

RECOMMENDED ACTION: Close the public hearing, adopt the resolutions declaring the buildings dangerous and unsafe structures, 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 structures would be contingent on the following: (1) All taxes have been paid to date, as of August 7, 2007; (2) the structures have been secured as of August 7, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of August 7, 2007 and will be so maintained during renovation.

20. Sign Code Amendments, Title 24.04, relating to Electronic Message/"LED" Signs.

During the past year, City Council members have voiced concerns about certain types of illuminated electronic message advertising signs, primarily those using what is known as "LED", "plasma", or "wedgebase" technology to create changeable copy, animation and/or other moving graphics (hereafter referred to as "electronic message/LED signs").

RECOMMENDED ACTION: Approve first reading of the Sign Code ordinance amendments (Title 24.04 of the Code of the City of Wichita).

21. 2008 Annual Operating Budget and 2007 Budget Revisions.

The Proposed 2008 annual operating budget is \$495,619,910-including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund.

RECOMMENDED ACTION: Hold a public hearing and receive public comment.

22. Proposed 2007-2016 Capital Improvement Program.

The proposed 2007-2016 Capital Improvement Program (CIP) was initially prepared by the CIP Administrative Committee and later improved as a result of Council workshop discussions and feedback from the District Advisory Boards.

RECOMMENDED ACTION: Approve the 2007 - 2016 Capital Improvement Program and authorize initiation of projects scheduled for 2007, 2008 and 2009, with appropriate design solicitations and filing of applications for available State and Federal project support.

23. Purchase of Budget Performance Management Software.

When the Performance Series Finance System was implemented in 1999, available software for developing an operating budget was rudimentary and lacked robust functionality.

RECOMMENDED ACTION: Authorize Staff to negotiate contracts with Cognos Corporation and CenterStone Solution, LLC for software and software implementation for an amount not-to-exceed \$275,000; authorize an additional \$39,500 for hardware and other expenses; and approve any necessary budget adjustments. This amount includes goods and services provided by Congos Corporation through CenterStone Solutions, LLC.

24. Amendments to 2007 Non-exempt Salary and Classification Ordinances for IAFF Agreement.

Salary Ordinances set the rates of pay for City employees. Amendments to the subject salary ordinance are needed to implement the International Association of Firefighters (IAFF) Memorandum of Agreement (MOA), approved by the City Council on July 17, 2007.

RECOMMENDED ACTION: Adopt the ordinance and place it on first reading.

25. Construct Water Distribution System for an area along West Street, from 47th Street South to approximately 620' south of 47th Street South. (District IV)

The signatures on the Petition represent 4 of 5 (80%) owners and 52% of the improvement district area. District IV Advisory Board sponsored a July 11, 2007, neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the Petition, adopt the Resolution and authorize the necessary signatures.

26. Construct a Water Distribution System for an area along Hoover, from 23rd Street North to 25th Street North.  
(District V)

The signatures on the Petition represent 10 of 20 (50%) resident owners and 54% of the improvement district area. District V Advisory Board sponsored a July 2, 2007, neighborhood hearing on the project. The Board voted 10-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the Petition, adopt the Resolution and authorize the necessary signatures.

27. Wichita Baseball Inc. Exit Agreement for Lawrence –Dumont Stadium. (District IV)

Wichita Baseball, Inc. (WBI) has been the lessee of Lawrence Dumont Stadium and owner/operator of the Wranglers Baseball team since January 1989. WBI has a current lease obligation for Lawrence Dumont Stadium through the 2009 baseball season. WBI desires to take its baseball organization to a different community.

RECOMMENDED ACTION: Approve the Lease amendment that serves as a termination of the lease of Lawrence-Dumont Stadium and a buy-out agreement for all rights to maintain and operate the National Baseball Congress and tournament, budget transfers as required, and authorize the Mayor to sign Addendum Number Two for the Lease Agreement to Lawrence-Dumont Stadium and related documents.

28. Lawrence Dumont Stadium-Architectural and Engineering of Improvements.  
(District IV)

On July 18, 2006, City Council approved a contract between the City of Wichita and Schaefer Johnson Cox and Frey to provide services including a schematic design and construction estimate for the needed improvements.

RECOMMENDED ACTION: Receive the Schematic Design and file for future consideration.

29. Selection of a Preferred Operator for a Professional Baseball Team.

The City of Wichita and Rich Baseball are negotiating an Exit Agreement for the end of the 2007 baseball season and the City's purchase of the National Baseball Congress.

RECOMMENDED ACTION: Select WB LLC as the Preferred Operator for a Professional Baseball Team and direct Staff to negotiate a lease agreement for Lawrence-Dumont Stadium and the National Baseball Congress to be returned to the Council for approval.

30. Cultural Arts Plan Proposal.

Due to high profile financial and governance challenges of some cultural institutions in the past few years, in addition to continued financial requests and assistance from other organizations, there is a need to bring stakeholders, community members and governing bodies together to address the long-term plan and priorities for cultural attractions in the community.

RECOMMENDED ACTION: Approve the formation of a steering committee and enlist the Hugo Wall School of Urban Affairs at WSU to create an updated Cultural Arts Plan for Wichita and Sedgwick County in the amount of \$25,000, which will be divided equally between the City and County.

31. Visioneering Wichita.

On May 4, 2004, the Wichita City Council was asked to support a strategic Visioneering process to assist leaders and newly emerging leaders with defining a direction for the greater Wichita community.

RECOMMENDED ACTION: Approve funding in the amount of \$50,000 per year for years, 2006, 2007, and 2008.

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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

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

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC, approve the amendment and zone change to the CUP DP-8, Parcel 9, and approve the first reading of the ordinance establishing the zone change; OR 2. Return the application to the MAPC for reconsideration.

33. CUP2007-25 Associated with ZON2007-25–Create DP-305 Scholfield-Honda Commercial Community Unit Plan; zone change to “LC” Limited Commercial. Generally located between Kellogg Drive, Gouverneur Road, Orme Street and Mission Road. (District II)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the community unit plan and the zone change subject to replatting or dedication of access controls within one year; withhold the publication of the ordinance until conditions of conditions of approval have been met; OR 2. Return the application to the MAPC for reconsideration.

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

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

35. \*DED 2007-13-Dedication of access control, DED 2007-14-Dedication of a sidewalk and utility easement, DED 2007-15-Dedication of a utility easement and DED 2007-16-Dedication of street right-of-way located on the east side of Broadway and south of 13th Street North. (District VI)

RECOMMENDED ACTION: Accept the Dedications.

36. \*DED 2007-17-Dedication of access control and DED 2007-18-Dedication of a sidewalk and utility easement located west of 127th Street East and on the north side of Central Avenue. (District II)

RECOMMENDED ACTION: Accept the Dedications.

37. \*SUB 2006-100-Plat of Edge Water Addition located on the southwest corner of 45th Street North and Hoover Road. (District VI)

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

38. \*VAC2007-00016-Request to vacate a portion of a drainage easement dedicated by separate instrument; generally located south of 21st Street North, between K-96 and Founders Circle. (District II)

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

39. \*VAC2007-00019-Request to vacate a platted parking easement and a platted reserve's restriction of uses; generally located south of 21st Street North and west of Webb Road. (District II)

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

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CITY COUNCIL

40. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

41. Approval of travel expenses for Mayor to attend National League of Cities Community and Economic Development Committee meeting in Grand Junction, CO, September 6-9, 2007.

RECOMMENDED ACTION: Approve the expenditures.

Adjournment

\*\*\*Workshop to follow in the 10<sup>th</sup> Floor MAPC Room\*\*\*