

REVISED

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
August 5, 2003. 9:00 A.M.

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the previous meeting

AWARDS AND PRESENTATIONS

- IPMA-Kansas 2003 HR Best Practices Award
- Proclamations
- Distinguished Service Citations

PUBLIC AGENDA

1. Edward Adkins - Neighborhood Drug Problems.
2. Shukura Sentwali - City Audit.

UNFINISHED BUSINESS

3. CON2003-15 Conditional Use for Wrecking/Salvage Yard, on Property Zoned "GI" General Industrial. Generally Located North of 21st Street North and East of Broadway - 700 East 21st Street North. (District VI)

(Continued from July 1, 2003)

RECOMMENDED ACTION: Approve the Conditional Use, subject to Platting within one-year and to the recommended conditions.

NEW BUSINESS

4. Taxable Industrial Revenue Bonds, Series V, 2000, and Series III 2002 - Big Dog Motorcycles Project: Consent to Easement. (District I)

Waterview Realty, L.L.C., tenant under the Industrial Revenue Bond Leases has asked the City to consent to a utility easement to be granted in connection with relocation of a gas service line.

RECOMMENDED ACTION: Adopt the Resolution; authorize the necessary signatures.

5. Public Hearing - Investment Resources Corporation, Inc.; Resolution of Support for Low-Income Housing Tax Credit Application. (District I)

Investment Resources Corporation, Inc., has requested a Resolution of Support in connection with an application for Low-Income Housing Tax Credits to be submitted to the State of Kansas.

RECOMMENDED ACTION: Close the public hearing; adopt the Resolution.

6. Public Hearing - Starkey, Inc., Resolution of Support for Low-Income Housing Tax Credit Application. (District IV)

Starkey, Inc., has requested a Resolution of Support from the City Council in connection with an application for Low-Income Housing Tax Credits to be submitted to the State of Kansas.

RECOMMENDED ACTION: Close the public hearing; adopt the Resolution, with waiver of the 20 percent market-rate requirement.

- 6A. 2004 Annual Operating Budget and 2005 Budget Revisions

The proposed 2004/2005 Budget has been submitted to the City Council for consideration. The City Council is scheduled to hold its final public hearing on August 12, 2003

RECOMMENDED ACTION: Receive comments.

7. Law Enforcement Memorial.

The Law Enforcement Memorial Committee requests establishment of a permanent memorial on the southwest corner of Central and Main.

RECOMMENDED ACTION: Take desired action.

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

8. Repair or Removal of Dangerous and Unsafe Structures.

On June 17, 2003, the City Council adopted Resolutions providing for a public hearing to be held on the following three properties:

	<u>Property Address</u>	<u>District</u>
a)	131 South Kessler	IV
b)	1604 North Lorraine	I
c)	922-44 North Glendale	I

RECOMMENDED ACTION: Close the public hearing; accept the BCSA Recommended action; and adopt the Resolutions.

9. Water Taste and Odor.

Because of extended algae bloom in the Cheney Reservoir, taste and odor complaints have increased. The City Council is presented with options to study and implement capital investments needed to address this problem in the future.

RECOMMENDED ACTION: Authorize Options #1 and #4; defer Option #3 pending completion of Option #2; OR, take other desired action.

9A. Water - Reverse Osmosis Feasibility Study.

On May 7, 2002, City Council approved a Contract for a feasibility study on the use of reverse osmosis technology to treat water from the Arkansas River.

RECOMMENDED ACTION: Receive and file the Study.

10. Parking Lot for Bridgeport Adult Soccer Fields. (District VI)

On December 10, 2002, a site on Ohio Street, south of 37th Street North, was designated for a new adult soccer facility. Funding is required to construct the required parking lot.

RECOMMENDED ACTION: Approve the parking lot, authorize transfer of \$300,000 from the Main Street Improvement project; adopt the Resolution.

11. Main Street Improvement - Douglas to Murdock. (District VI)

On July 15, 2003, the City Council considered a proposal to reconstruct and rehabilitate Main Street and retain one-way traffic. The Council deferred action on the proposal in order to reconsider conversion to two-way traffic.

RECOMMENDED ACTION: Approve the two-way conversion, with the CIP to be reprogrammed to provide additional funding; OR

Approve the rehabilitation option, retain one-way traffic; approve the supplemental Agreement and first reading of the Ordinance; authorize the necessary signatures.

12. Sales Tax Interest and Penalty Liability Amnesty Application.

An Agreement has been negotiated with the Kansas Department of Revenue to settle disputed utility sales taxes. An Agreement for the Amnesty Program has been proposed.

RECOMMENDED ACTION: Approve the Agreement; authorize the necessary signatures.

CITY COUNCIL AGENDA

13. Disparity Study. (Requested by Mayor Mayans)

RECOMMENDED ACTION: Take desired action.

14. Approval of Proclamation:

Fetal Alcohol Syndrome Awareness Day

RECOMMENDED ACTION: Approve issuance of the Proclamation.

15. SSMID Board Appointments.

RECOMMENDED ACTION: Make the appointments.

16. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

CONSENT AGENDA

17. Report of the Board of Bids and Contracts Dated August 4, 2003.

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

18. Application for Licenses for Adult Entertainment Establishments/Services:

Renewal Adult Entertainment

Valerie Washington	Xcitement Video	3909 West Pawnee
Valerie Washington	Xcitement Video	220 East 21 st Street North
David A. Cherry	Kansas Video dba Video Adventure	2726 North Amidon

19. New Escort Service

Vicki Maness	Babes	211 South Washington
Robert Collins	Mana 2 #1ABAdult Service	333 East English

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

20. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Mark T. Ryan	Ryan Boys, Inc.*	300 South Greenwich Road #21
		<u>(Consumption off Premises)</u>
Thuy Thi Thu Nguyen Jay D. Brichacek	Quick Pick* On the Road Inc.*	3733 North Arkansas 801 South Oliver
<u>New Operator</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Cynthia Morris	Fleming Food Store #F-536	3233 North Rock Road
		<u>(Consumption on Premises)</u>
Donald H. Harrison, Jr. Donald H. Harrison, Jr.	L.W. Clapp Municipal Golf* MacDonald Municipal Golf*	4611 East Harry 840 North Yale

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

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

21. Preliminary Estimates:

- a) 2003-2004 CDBG street, curb, gutter & sidewalk improvements (concrete repairs): Hydraulic, 11th to 15th; Kansas, 12th to 13th; Jackson, 21st to 22nd - north of Central, east of Arkansas. (472-83809/602500/800301) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, VI) - \$300,000
- b) Flora, from 3rd Street to St. Louis to serve Fruitvale Park Addition - south of Central, east of Hoover. (472-83621/765752/490863) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$151,000
- c) 21st & Rock Road Phase 2, Landscaping - 21st Street North & Rock Road. (472-83438/706829/201295) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$45,500
- d) 2003 sanitary sewer reconstruction Phase 7 (various locations) - north of Pawnee, east of Meridian. (468-83649/620383/663504) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV) - \$200,000
- e) Storm Water Sewer #591 to serve Reed's Cove Addition; Reed Commercial Addition - south of 21st Street North, east of 127th Street East. (468-83656/751338/485229) Does not affect existing traffic. (District II) - \$125,000
- f) Peregrine from the west line of Hillside to the south line of Kite; on Peregrine Court adjacent to Lots 16 through 21, Block 3; on Lanners Circle and Lanners Court adjacent to Lots 36 through 45, Block 2 and Lots 1 through 15, Block 6; Kite from Peregrine to the west line and on Osprey Circle adjacent to Lots 1 through 26, Block 2; Sidewalk along one side of Peregrine, and on one side of Kite to serve Falcon Falls Addition - south of 53rd Street North, west of Hillside. (472-83687/765782/490893) Does not affect existing traffic. (District I) - \$950,000
- g) Smithmoor Street, south of the north line of Lot 1, Block 2, including the cul-de-sacs; Bluestem Circle, east of Smithmoor including the cul-de-sac to serve Smithmoor 10th Addition - north of Pawnee, west of Greenwich. (472-83499/765795/490906) Does not affect existing traffic. (District II) - \$269,100
- h) Kinkaid from the north line of Lot 21, Block 7 to the west line of Brentwood South Addition; Stoneybrook from the south line of Kinkaid to the south line of Lot 13, Block 7; Kinkaid Court, from the east line of Kinkaid to and including cul-de-sac (Lots 43 thru 48, Block 3); Stoneybrook Court from the east line of Stoneybrook to and including cul-de-sac (Lots 31 thru 36, Block 3); and Stoneybrook Court from the south line of Stoneybrook to and including cul-de-sac (Lots 15 thru 20, Block 7) to serve Brentwood South Addition - north of Pawnee, east of Webb. (472-83445/765790/490901) Does not affect existing traffic. (District II) - \$354,000
- i) Glenwood from the south line of Bridlewood to the south line of 21st Street North; Glenwood Circle from the south line of Bridlewood serving Lots 7 thru 16, Block 2, to and including the cul-de-sacs; Glenwood Court from the west line of Glenwood serving Lots 1 thru 13, Block 1, to and including the cul-de-sac; Glenwood Court from the west line of Glenwood serving Lots 14 thru 23, Block 1 to and including the cul-de-sac; Glenwood Court from the west line of Glenwood serving Lots 24 thru 33, Block 1 to and including the cul-de-sac; Bridlewood from the west line of Glenwood to the west line of Lot 16, Block 2 with a sidewalk on one side. Sidewalk on one side of Greenwood from the north line of Bridlewood, to the north line of Lot 1, Block 2. An 8 foot sidewalk on one side of Glenwood from Reed's Cove to 21st Street North to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East) (472-83680/765779/490890) Does not affect existing traffic. (District II) - \$287,000

- j) Lateral 95, Sanitary Sewer #23 to serve an unplatted tract – south of 37th Street North, west of Woodlawn. (District I) - \$90,000
- k) Water distribution system to serve the McClaren Addition – north of Central, east of Webb. (District II) - \$3,000
- l) (Amended) Water distribution system to serve Valley Acres Addition – south of 13th, west of Meridian. (District VI) - \$9,500
- m) (Amended) 29th Street North to serve Regency Park, soccer fields, baseball fields – 29th Street North, west of Greenwich. (District II) - \$224,341

RECOMMENDED ACTION: Approve and file.

22. Statements of Cost:

- a) (Amended) Improving Lateral 1, Main 12, Four Mile Creek Sewer to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East) Total Cost - \$30,088.69 (plus idle fund interest - \$605.31 plus temporary note interest - \$0). Financing to be issued at this time - \$30,694.00. (743953/468-83510 /480-641).

RECOMMENDED ACTION: Approve and file.

23. Petitions for Public Improvements:

- a) Street paving, sanitary sewer, and drainage improvements to serve Fox Ridge Addition - north of 29th Street North, between Maize and Tyler. (District V)
- b) Renovate building façade at 111 West Douglas - south of Douglas, west of Main. (District I)
- c) Sanitary sewer to serve The Collective Addition - east of K-96, south of 21st. (District II)
- d) Sanitary sewer and water distribution system to serve parts of Savanna at Castle Rock Ranch Fifth and Seventh Additions - north of 13th, east of 143rd Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

24. Minutes of Advisory Boards/Commissions:

Wichita Airport Advisory Board, May 5, 2003
Wichita Public Building Commission, May 7, 15, 2003
District VI Advisory Board, May 21, June 2, 2003
Code of Standards and Appeals Board, June 2, 2003
Board of Park Commissioners, June 9, 2003
Electrical Appeals Board, June 10, 2003
Wichita Public Library Board, June 17, 2003

RECOMMENDED ACTION: Receive and file.

25. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

26. Agreements/Contracts:

- a) CDBG - Kansas Foodbank Warehouse, Inc.
- b) CDBG - YWCA Women's Crisis Center.
- c) Construction engineering and staking for Tara Falls Addition - south of Harry, east of Greenwich - supplemental. (District I)
- d) Lincoln Bridge at Fabrique Ditch - supplemental. (District III)
- e) Easement encroachment - 4829 Pembroke Court. (District I)
- f) South Lakes Softball Complex Irrigation Improvements.
- g) Strategic Master Plan for Tourism.
- h) KDHE Environmental Lead Investigation.

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

27. Design Services Agreements:

- a) Shelly's Orchard Addition - east of Maize, north of Pawnee. (District I)
- b) Regency Park Addition - north of 21st, west of Greenwich. (District II)
- c) Pine Meadow Addition - east of Greenwich, south of 13th. (District II)
- d) Fairmount Addition - north of 21st, west of 127th Street East. (District II)
- e) Shadow Woods Addition - west of 135th Street West, north of Maple. (District V)
- f) Ridge Port and Ridge Port Third Additions - east of Ridge, north of 29th Street North. (District II)
- g) Grace Park Addition - north of Harry, east of Greenwich. (District II)
- h) Air Quality Program Grant.

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

28. Change Orders:

- a) This Item intentionally left blank.
- b) Water supply line to serve Skyway Industrial Park - north of K-42 Highway, east of Maize Road. (District IV)
- c) Street paving in Remington Place Addition - south of 21st, east of Webb. (District II)

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

29. Assignment of Agreement - Sewage Treatment Plant No. 1 Modifications.

RECOMMENDED ACTION: Approve the Assignment; authorize necessary Signatures.

30. Gilbert and Mosley - Water Center Furniture.

RECOMMENDED ACTION: Approve the purchase.

31. 2003 Street Rehabilitation Program. (District II)

RECOMMENDED ACTION: Approve the project revision and first reading of the Ordinance.

32. CHDO Operating Grants. (Districts I, III, IV, V, and VI)

RECOMMENDED ACTION: Approve the funding allocations; authorize negotiation of Agreements and the necessary signatures.

33. Repair or Removal of Dangerous and Unsafe Structures.

- | a) | <u>Address</u> | <u>District</u> |
|----|---------------------|-----------------|
| 1) | 617 North Grove | I |
| 2) | 932 North Ohio | I |
| 3) | 2027 North Grove | I |
| 4) | 3054 North Park Pl. | VI |
-
- | b) | <u>Address</u> | <u>District</u> |
|----|----------------------|-----------------|
| 1) | 542 North Spruce | I |
| 2) | 655 North Estelle | I |
| 3) | 1631 North Minnesota | I |
| 4) | 1822 East 22nd North | I |
| 5) | 149 South Mt. Carmel | IV |
| 6) | 2564 South Mosley | III |

(Item 33b continued)

7) 1416-18 South Bluffview III

RECOMMENDED ACTION: Adopt Resolution (s) setting the Public Hearing on September 16, 2003, at 9:30 a.m. or soon thereafter.

34. Amending Resolution - Bike Path along Chisholm Creek - from Grove Park to Oliver. (District I)

RECOMMENDED ACTION: Adopt Resolution.

35. Second Reading Ordinances: (First read July 15, 2003)

a) ZON2003-03 - south side of 31st Street South, west side of Maize Road. (District IV)

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. (ZON2003-03)

b) PUD2003-01 - north side of Kellogg, west of Rock Road. (District II)

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. (PUD2003-01)

c) ZON2003-00027 - north of 31st Street South between K-15 and Hillside. (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. (ZON2003-00027)

Charter Ordinance (first read July 15, 2003)

a) A Charter Ordinance of the City of Wichita, Kansas, relating to the membership of the board of appeals of plumbers and gas fitters; amending section 4 of charter ordinance no. 106; and repealing the original of said section.

RECOMMENDED ACTION: Adopt Ordinances.

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

*36. DED2003-14 - Dedication of Utility Easement - West of Meridian, North of Central. (District VI)

RECOMMENDED ACTION: Accept the Dedication.

- *37. ZON2003-30 - Zone Change from Single-Family Residential to Limited Commercial - Southeast Corner of Central and Baehr. (District IV)

RECOMMENDED ACTION: Approve the Zoning change, subject to the recommended conditions and first reading of the Ordinance.

- *38. ZON2003-31 - Zone Change from Single-family Residential to Limited Industrial -Northwest of the Maize Road/K-42 Highway Intersection. (District IV)

RECOMMENDED ACTION: Approve the Zoning change, subject to platting within one-year; Ordinance to be forwarded to City Council with the plat.

- *39. CUP2003-33 - (Associated with ZON2003-33) – Amendment to DP-9 Westlink C.U.P. and a Zone Change to General Commercial - Southwest Corner of Central and Tyler. (District V)

RECOMMENDED ACTION: Approve the Zoning change and C.U.P. Amendment, subject to recommended conditions and first reading of the Ordinance.

- *40. CUP2003-23 - DP265- Creation of Crystal Creek Commercial Plaza Community Unit Plan.

RECOMMENDED ACTION: Approve the Zoning change and C.U.P., subject to platting within one-year and recommended conditions; Ordinance to be forwarded to City Council with the plat.

- *41. SUB2002-134 - Plat of Ann Walenta Addition - Southeast and Southwest Corners of Kellogg and Oliver. (District III)

RECOMMENDED ACTION: Approve the plat and first reading of the ZON2002-26 Ordinance; authorize the necessary signatures; and adopt the Resolutions.

- *42. SUB2003-28 - Plat of Crystal Creek Addition - North of Harry, West of Greenwich Road. (District II)

RECOMMENDED ACTION: Approve the plat and first reading of ZO2003-23 Ordinance; authorize the necessary signatures; and adopt the Resolutions.

- *43. SUB2003-36 - Plat of James Krok Addition - South Side of 47th Street South, East of Greenwich Road.

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

- *44. VAC2003-19 - Request to Vacate Byron Avenue - Southwest of the Tyler Road-Kellogg (US 54) Intersection. (District IV)

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

- *45. VAC2003-29 - Request to Vacate a Portion of a Platted Easement - between Harry Street and Esthner Avenue, West of Sheridan, and approximately 160-feet East of Sabine/Esthner Avenue Intersection. (District IV)

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

- *46. VAC2003-43 - Request to Vacate Portions of the Platted Floodways - Southwest of the 13th Street North/Maize Road Intersection. (District V)

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

- *47. A03-18 - Request to Annex Land South of 37th Street North between Tyler Road and Maize Road. (District V)

RECOMMENDED ACTION: Approve the Annexation request and first reading of the Ordinance.

- *48. A03-19 - Request to Annex Land South of 37th Street North between 119th Street West and Maize Road. (District V)

RECOMMENDED ACTION: Approve the annexation request and first reading of the Ordinance.

- *49. A03-20 Request to Annex Land South of 37th Street North between 119th Street West and Maize Road. (District V)

RECOMMENDED ACTION: Approve the Annexation request and first reading of the Ordinance.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

50. United States Department of Justice, Drug Enforcement Administration-State and Local Task Force Agreement-Addendum.

RECOMMENDED ACTION: Approve the Agreement; authorize the necessary signatures.

51. Airport Liability Insurance

RECOMMENDED ACTION: Approve Option 4 and Budget revisions;
authorize the necessary signatures.

52. System Planning Contracts.

RECOMMENDED ACTION: Approve the Contracts; authorize necessary
signatures.

53. Purchase of Multi-Purpose Snow Removal Unit and Two Snowplows.

RECOMMENDED ACTION: Approve the purchase; authorize solicitation
of bids.

Adjournment
