

**Revised to:**  
**--Add one Presentation**  
**--Add Item No. 29a.**

**FINAL**  
CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
09:00 a.m. May 8, 2007

City Council Chambers  
455 North Main

**ORDER OF BUSINESS**

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the May 1, 2007 regular meeting

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**AWARDS AND PROCLAMATIONS**

- Proclamations:
  - Music Week
  - Arson Awareness Week.
  - Riverfest XXXVI Week
  - Tourism Week
  - National Association of Letter Carriers Branch 201 Food Drive Day
- **Presentation of the Braille Flag. (Added)**
- Presentation of the 2006-2007 MiniMPA Certificates.
- Recognition of Wichita State University's Women's Bowling Team.

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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. Courtney Cloyd-UPKeep Kansas, Inc.-Future of the property located at 2718 East 10th.
2. Eric Henderson-Possible alternative to public funded wireless network for the City.
- 2a. Rickie Coleman, Sunflower Community Action-Cameras in police cars.

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CONSENT AGENDA

3. Report of the Board of Bids and Contracts Dated May 7, 2007.

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

4. Application for License:

<u>Renewal</u>	<u>2007</u>	
Gail R. Crump	GS Entertainment dba Adult Super Store	585 South Broadway

RECOMMENDED ACTION: Approve the license

5. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Dzung Banh	KC Gas and Groceries #3	955 South Washington

<u>New Operator</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Alfonso F. Amaro Sr.	Mexico Café*	555 West Douglas

<u>New Establishment</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Robert Potter	M&R Equipment Leasing LLC* dba R&S BBQ	206 West Kellogg

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

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

6. Preliminary Estimates:

- a. K-96 Bike Path, Trailhead Landscaping at Hillside Avenue south of K-96, west of Hillside (TE-0254-01/472-84003/785008/706928/390140/205394) Does not affect existing traffic. (District I) - \$560,768.
- b. Lateral 1, Main 22 Four Mile Creek Sewer to serve Brentwood South Addition north of Pawnee, east of Webb Road (468-84263/744205/480893) Does not affect existing traffic. (District II) - \$102,000.
- c. Storm Water Drain #301 to serve Southwest Passage Addition south of Pawnee, west of 119th Street West ( 468-84230/751434/485325) Does not affect existing traffic. (District IV) - \$158,000.
- d. Water Distribution System to serve Northgate Addition north of 53rd Street North, west of Meridian (448-90242/735349/470022) Does not affect existing traffic. (District VI) - \$160,000.
- e. Storm Water Drain #318 to serve Krug South Addition south of 21st Street North, west of 143rd Street East (468-84323/751439/485330) Does not affect existing traffic. (District II) - \$400,000.
- f. Flutter Lane/24th Street from the north line of 21st Street to the west line of Lot 1, Block 2; Boxthorn from the east line of Flutter Lane/24th Street to the east line of Lot 2, Block 3; Camden Chase, from the east line of Flutter Lane/24th Street to the east line of Lot 2, Block 4; Chelmsford/Camden Chase/Graystone from the south line of Flutter Lane/24th Street to the north line of Lot 38, Block 1; Chelmsford Circle from the south line of Chelmsford to and including the cul-de-sac serving Lots 16 through 24, Block 1; Camden Chase Court from the north line of Camden Chase to and including the cul-de-sac serving Lots 8 through 19, Block 2; Sidewalk on one side of Graystone, Camden Chase, 24th Street, Flutter Lane and Chelmsford to serve Monarch Landing Addition north of 21st Street North, west of 159th Street East (472-84505/766129/490147) Does not affect existing traffic. (District II) - \$1,060,000.

RECOMMENDED ACTION: Receive and file.

7. Petitions for Public Improvements:

- a. Construct a Storm Water Drain for an area to be platted as Edgewater Addition, south of 45th Street North, west of Hoover. (District V)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

8. Consideration of Street Closures/Uses.

- a. 2007 Wichita Wakefest, June 8, 2007, 9:00 a.m. through June 10, 2007, 11:59 p.m. (Districts I & IV)
  - McLean Boulevard, Douglas Avenue to Lewis Street.
- b. LGBT Pride Parade and Festival 2007, June 24, 2007, 12:00 p.m.-9:00 p.m. (District I)
  - William Street, Main Street to Market Street

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

9. Agreements/Contracts:
  - a. Tennis Services and Management for the Ralph Wulz Tennis Center. (District VI)
  - b. Agreement for Golf Course Pro Shop Sales Services. (District I)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.
  
10. Design Services Agreement:
  - a. Sanitary Sewer Main to serve an area on both sides of Pawnee, east of 127th Street East. (District II)

RECOMMENDED ACTION: Approve Agreement/Contract; authorize the necessary signatures.
  
11. Change Order:
  - a. Change Order, Pawnee/McLean Intersection Improvement. (Districts III and IV)

RECOMMENDED ACTION: Approve the Change Order and authorize the necessary signatures.
  
12. Minutes of Advisory Boards/Commissions.

Historic Preservation Board, February 12, 2007  
Public Library, March 2007 monthly report  
Wichita Employees' Retirement Board, March 1, 2007  
Police & Fire Retirement Board, March 1, 2007  
Historic Preservation Board, March 12, 2007  
Board of Electrical Appeals, March 13, 2007  
Wichita Employees' Retirement Board, March 20, 2007  
Police & Fire Retirement Board, March 20, 2007

RECOMMENDED ACTION: Receive and file.
  
13. Contracts and Agreements for April 2007.

RECOMMENDED ACTION: Receive and file.
  
14. 2008 CSBG Discretionary Fund Application.

RECOMMENDED ACTION: Approve the 2008 CSBG Discretionary Fund Application and authorize the necessary signatures.
  
15. Amending Resolutions for Paving and Water System Improvements in Southern Ridge Fourth Addition, south of Pawnee, west of Maize. (District IV)

RECOMMENDED ACTION: Adopt the amending Resolutions and authorize the necessary signatures.

16. Chapin Park Design Services. (District III)

RECOMMENDED ACTION: 1) Approve the vendor selection, 2) Approve the contract and scope of services and 3) Authorize all necessary signatures.

17. 2006 Bulletproof Vest Partnership Grant.

RECOMMENDED ACTION: Approve the receipt of funds from the 2006 Bulletproof Vest Partnership Grant.

18. Public Exigency-Repair of Water Transmission Main. (District II)

RECOMMENDED ACTION: Affirm the City Manager's Public Exigency approval of the project.

19. Amendment to the Contract-International Trade Processing Center Study.

RECOMMENDED ACTION: Approve the contract amendment and authorize the appropriate signatures.

20. Second Reading Ordinances: (First Read May 1, 2007)

a. Establishment of the City Center South Redevelopment District, Tax Increment Financing.  
(Districts I and VI)

An Ordinance of the City of Wichita, Kansas establishing the City Center South Redevelopment District.

b. Issuance of Industrial Revenue Bonds, Harlow Aerostructures, LLC. (District IV)

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$4,000,000 aggregate principal amount of industrial revenue bonds, Series II, 2007 (Harlow Aerostructures LLC) for the purpose of providing funds to purchase and acquire machinery and equipment for use in an existing manufacturing facility; prescribing the form and authorizing execution of a trust indenture by and between the city and Security Bank of Kansas City, Kansas City, Kansas, as trustee with respect to the bonds; prescribing the form and authorizing the execution of a lease agreement by and among GE Capital Public Finance, Inc., as Bondholder, the City and Harlow Aerostructures LLC; approving the form of a guaranty agreement; and authorizing the execution of a bond purchase agreement by and among the city, Harlow Aerostructures LLC and GE Capital Public Finance, Inc. as Bondholder of the bonds.

c. A07-07R-generally located northwest of the Intersection of K-96 Highway and Hoover Road.  
(District VI)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A07-07)

(Item 20 continued)

- d. A07-08R Request by George E. Laham, of Greenwich 13, LLC, and Kevin Mullen, of Waterfront Residential Company, LLC, to annex land generally located north of 13th Street and west of Greenwich Road. (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. (A07-08)

RECOMMENDED ACTION: Adopt Ordinances.

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UNFINISHED BUSINESS

- 21. Public Hearing: Request for Resolution of Support for application for Low-Income Housing Tax Credits, Inwood Crossings Apartments. (District I)  
(Deferred March 13, 2007)

RECOMMENDED ACTION: Close the public hearing; adopt the resolution of support for the LDG Application for Low-Income Housing Tax Credits subject to all local building and zoning codes, ordinances, design recommendations provided by the Planning Department and the Office of Central Inspection and any additional design review requirements; and subject to the conditions specified in the resolution document; approve the issuance of a letter of intent to issue industrial revenue bonds in the amount not to exceed \$22,000,000 and application for a sales tax exemption certificate; and authorize the necessary signatures

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NEW BUSINESS

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

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

<u>Property Address</u>	<u>Council District</u>
a. 2305 North Waco	VI
b. 2718 East 10th Street	I
c. 1748 North Estelle	I
d. 1954 North Minneapolis	I
e. 623 South Martinson (Front)	IV

On March 27, 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 May 8, 2007.

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 May 8, 2007; (2) the structures have been secured as of May 8, 2007, and will continue to be kept secured; and (3) the premises are mowed and free of debris as of May 8, 2007, and will be so maintained during renovation.

23. Quarterly Financial Report for the quarter ending March 31, 2007.

The Finance Department prepares quarterly unaudited financial reports to monitor and review the financial activities of the operating and capital funds.

RECOMMENDED ACTION: Receive and file the Quarterly Financial Report for the quarter ended December 31, 2007.

24. Ordinance Amendment-Section 15.01.480 of the City Code, Overcrowding.

On October 12, 2004, the Wichita City Council adopted the 2000 International Fire Code. Since the adoption, we have noted that provisions in the current Code do not adequately address overcrowding violations.

RECOMMENDED ACTION: Approve first reading of the ordinance.

25. Assistance to Firefighters Grant Program.

The FY 2005 Defense Authorization Act authorized the Federal Department of Homeland Security and the Federal Emergency Management Agency (FEMA) to make the \$547 million in grants available to fire departments.

RECOMMENDED ACTION: Approve the grant application and matching funds of \$135,609 from the Fire Department's capital projects fund as grant match funding, subject to an award by the granting agency.

26. 13th Street Bridge Rehabilitation over the Little Arkansas River. (District VI)

The 2005-2014 Capital Improvement Program (CIP) includes funding to reconstruct the 13th Street Bridge over the Little Arkansas River.

RECOMMENDED ACTION: Approve the project; place the ordinance of first reading; and authorize the signing of State/Federal Agreements as required.

27. 2007-2008 HUD Combined Allocations/One Year Action Plan. (Districts I, III, IV, VI)

To receive these federal funds, HUD requires cities to prepare an Annual Action Plan listing eligible projects and services to be undertaken with Community Development Block Grant (CDBG).

RECOMMENDED ACTION: Close the public comment period; approve reallocation of prior year funds; approve the proposed 2007/2008 Annual Action Plan as an amendment to the City's Consolidated Plan; and authorize the necessary signatures.

28. City of Wichita, Sedgwick County, and USD 259 Wireless Data Network Services.

In October of 2006 an RFP was released for solicitations for wireless network services with the intent to purchase high bandwidth wireless network services for both mobile units and fixed sites.

RECOMMENDED ACTION: Approve the vendor selection of Azulstar Inc, and permit contract negotiations should a successful negotiation occur, the Council will be requested to approve the negotiated contract.

29. Administrative Departments Name Changes.

In recent years, City departments have been reorganized and names changed. The code book has not kept up with those changes and is out of date.

RECOMMENDED ACTION: Approve first reading of the ordinance changing the names of certain departments.

***Item 29a – Added per City Manager’s Office.***

**29a. Resolution - Emergency Response to Greensburg Tornado Disaster.**

On May 4, 2007, a tornado struck and destroyed most of Greensburg, Kansas. The area is receiving aid from FEMA, pursuant to a Presidential Disaster Declaration, DR #1699.

RECOMMENDED ACTION: Adopt the resolution.

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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

30. ZON2007-00005-Zone Change from “SF-5” Single-family Residential to “TF-3” Two-family Residential. Generally located midway between North Rock Road and North Webb Road, on the south side of East 45<sup>th</sup> Street North, 8801 and 8823 East 45<sup>th</sup> Street North. (District II)  
(Deferred May 1, 2007)

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

31. ZON2007-07/CON2007-09-Zone Change from "SF-5" Single-Family Residential to "GO" General Office and Conditional Use request for a bank in "GO" General Office zoning; generally located on the east side of Maize Road, north of Kellogg, 1424 South Maize Road. (District V)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change and Conditional Use subject to replatting within one year; withhold publishing the ordinance and resolution until the plat is recorded; OR 2) Return the application to the MAPC for reconsideration.

32. ZON2007-00006-Zone Change from "TF-3" Two-family Residential to "LI" Limited Industrial with a Protective Overlay located west of Meridian Avenue between Kellogg and McCormick Avenue, 831 South Richmond. (District IV)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC and approve the zone change subject to the additional recommended provisions of the Protective Overlay; place the ordinance establishing the zone change on first reading; or adopt the findings of the MAPC and approve the zone change; OR 2) Return the application to the MAPC for reconsideration.

33. \*SUB2006-82-Plat of Pearson Commercial Addition located south of 29th Street North and on the east side of Maize Road. (District V)

RECOMMENDED ACTION: Approve the document and plat; authorize the necessary signatures; adopt the resolutions; and approve first reading of the Ordinance.

34. \*SUB2006-101-Plat of Groendyke Addition located north of 29th Street North and west of Hydraulic. (District VI)

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

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#### HOUSING AGENDA

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

\* Consent Items

35. \*Submission of Proposed KS004016 Development Plan. (District I)

RECOMMENDED ACTION: Authorize the submission of the proposed KS004016 Development Plan to the Department of HUD and authorize the necessary signatures.

36. \*Housing Choice Voucher Family Self-Sufficiency Grant Application.

RECOMMENDED ACTION: Approve the application and the grant award upon receipt and authorize the necessary signatures.

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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.

\*Consent items

37. \*Agreement-INTRUST Bank, NA.

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

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CITY COUNCIL

38. Board Appointments.

RECOMMENDED ACTION: Approve the appointments

39. Approval of travel expenses for Mayor to attend National League of Cities Community and Economic Development Committee meeting in New Heaven, CT, June 14-17, 2007.

RECOMMENDED ACTION: Approve the expenditures.

Adjournment

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