

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
9:00 A.M., August 17, 2004

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

- Proclamations

UNFINISHED BUSINESS

1. HPC2004-87-Appeal of Historic Preservation Board Action Regarding Demolition of 640 North Main.  
(District VI) (Deferred from July 13, 2004)

RECOMMENDED ACTION: Affirm the decision of the HPB and deny the request for demolition.

2. City Buildings and Facilities-Americans with Disabilities Act Compliance.  
\*\*\*THIS ITEM WAS PULLED FROM THE AGENDA\*\*\*

NEW BUSINESS

3. Petition to Pave 127<sup>th</sup> Street East from Boxthorn to approximately 900 Feet North of Boxthorn, North of 21<sup>st</sup> Street. (District II)

On September 17, 2002, the City Council approved a Petition to pave 127<sup>th</sup> Street East, from Boxthorn to approximately 900' north of Boxthorn.

RECOMMENDED ACTION: Approve the Petition and adopt the resolution.

4. Petition to Pave Bickel from 8<sup>th</sup> to 9<sup>th</sup> Street, 8<sup>th</sup> Street from Bickel to Gow, and Gow from Murdock to 8<sup>th</sup> Street. (District VI)

District VI Advisory Board sponsored a July 12, 2004, neighborhood hearing on the project and the Board voted 10-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the Petition and adopt the resolution.

5. 2004 Local Law Enforcement Block Grant.

RECOMMENDED ACTION; Close the public hearing; approve the 2004 LLEBG grant application and budget; and authorize the necessary signatures.

(9:30 or soon thereafter)

6. Repair or Removal of Dangerous & Unsafe Structures. (Districts I and III)

On June 22, 2004 a report was submitted with respect to the dangerous and unsafe conditions on two properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or soon thereafter, on August 17, 2004.

	<u>Property Address</u>	<u>Council District</u>
a.	2560 South Roosevelt	III
b.	2361 North Poplar	I

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 structure. Any extension of time granted to repair the structure would be continued on the following: (1) all taxes have been paid to date, as of August 17, 2004; (2) the structures have been secured as of August 17, 2004, and will continue to be kept secured; and (3) the premises are mowed and free of debris as of August 17, 2004, and so will be so maintained during renovation.

7. Changes to the Order of Business at Regular Meetings.

The City Council regular meeting agenda is divided into general sections and the order in which the sections of the agenda are considered by the City Council are established by Ordinance. An Ordinance amendment is proposed to change the order of business at regular City Council meetings.

RECOMMENDED ACTION: Approve the changes to the order of business at regular City Council meetings and place the Ordinance on first reading.

8. Taste & Odor Improvements Agreement, Part 2.

In November 2003, the City Council approved the initiation of a design/build project to implement ozone as a treatment technology for taste and odor control. Requests for Proposals were sent and the team of Utility Contractors/Earth Tech was selected to provide services on February 2004.

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

---

CITY COUNCIL AGENDA

9. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

---

CONSENT AGENDA

10. Report of the Board of Bids and Contracts Dated August 9, 2004.

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

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

Renewal Adult Entertainment

Valerie Washington	Xcitement Video	3909 West Pawnee
Valerie Washington	Xcitement Video	220 East 21st Street

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

12. Application for License to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
----------------	-------------	----------------------------------

Heather L. Soria	Cholita's Mexican Restaurant*	8997 West Central
------------------	-------------------------------	-------------------

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

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

13. Preliminary Estimates:

- a) Lateral 5, Main 26, War Industries Sewer to serve Regency Park Addition - south of 29th Street North, west of Greenwich. (468-83099/744069/480757) Does not affect existing traffic. (District II) - \$40,000
- b) Water distribution system to serve Regency Park Addition - south of 29th Street North, west of Greenwich. (448-89847/735206/470876) Does not affect existing traffic. (District II) - \$37,000
- c) Water distribution system to serve Brentwood South Second Addition - north of Pawnee, east of Webb) (448-89947/735193/470863. Does not affect existing traffic. (District II) - \$34,000
- d) Storm Water Drain #214 to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83694/751372/485263) Does not affect existing traffic. (District V) - \$238,000
- e) Lake Ridge from the south line of Lot 1, Block 4 to the north line of Lot 18, Block 3; Lake Ridge Court from the west line of Lake Ridge to and including the cul-de-sac; Havenhurst from the east line of Lake Ridge to the north line of Lot 12, Block 2; Sidewalk installed along the east line of Lake Ridge and the south line of Havenhurst to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (472-83836/765886/490997) Does not affect existing traffic. (District V) - \$308,600
- f) Fawn Grove from the west line of Lot 29, Block 2 to the west line of Greenwich Road; Leeanne Circle from the north line of Fawn Grove to and including the cul-de-sac to serve Fawn Grove at Sunset Lakes Addition - south of Turnpike, west of Greenwich. (472-83980/765873/490984) Does not affect existing traffic. (District II) - \$426,000
- g) (Amended) – cost of Lateral 37 Cowskin Interceptor Sewer to serve Highland Springs Third Addition – south of Central, west of 135th Street West. (468-83634/744045/480-733) (District V) – Total estimated cost - \$106,328

RECOMMENDED ACTION: Approve and file.

14. Petitions for Public Improvements:

- a) Pave streets in Hidden Glen Addition, west of Hydraulic, south of 44<sup>th</sup> Street South. (District III)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

15. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

16. Agreement/Contract: Biosolids Agreements with the City of Kingman.

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

17. Repair or Removal of Dangerous and Unsafe Structures.

	<u>Address</u>	<u>District</u>
a.	2311 North Piatt	I
b.	2626 North Madison	I
c.	309 East Lincoln	I

RECOMMENDED ACTION: Adopt Resolution (s) setting the Public Hearing on October 12, 2004 at 9:30 a.m. or soon thereafter.

18. General Obligation Temporary Notes.

RECOMMENDED ACTION: Find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Note Ordinance on the date of their introduction, adopt the Note Resolution and Ordinance, and authorize the publication thereof.

19. Conveyance of Portion of Land, Wesley Retirement Communities, Inc. (District II)

RECOMMENDED ACTION: Adopt the Resolution authorizing execution of The Special Warranty Deed, and execution and delivery of a Partial Release of Indenture and a Partial Release and Amendment of Lease for the purpose of releasing the Unimproved Land from the Lease, and effecting a technical correction of the legal description of the Facility; and authorize the necessary signatures.

20. Off-Site Billboard Sign Moratorium Extension Request.

RECOMMENDED ACTION: Extend the Off-Site Billboard Moratorium target completion deadline from September 4, 2004 until November 4, 2004.

21. 2004 Bulletproof Vest Partnership Grant.

RECOMMENDED ACTION: Approve the receipt of funds from the 2004 Bulletproof Vest Partnership grant.

22. Feasibility Study Resolution for the Flint Hills Lake Project.

RECOMMENDED ACTION: Adopt the Resolution.

23. Second Reading Ordinances: (First read August 10, 2004)

a) Industrial Revenue Bonds - BeautyFirst Project. (District II)

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of Taxable Industrial Revenue Bonds, Series IV-A, 2004 (Beautyfirst, Inc. Project) in the aggregate principal amount of not to exceed \$2,350,000 and its Subordinated Taxable Industrial Revenue Bonds, Series IV-B, 2004 (Beautyfirst, Inc. Project) in the aggregate principal amount of \$650,000 for the purpose of providing funds to purchase, acquire, construct and equip a corporate office and warehouse distribution facility; prescribing the form and authorizing execution of a trust indenture by and between the City and Sunflower Bank, N.A., as Trustee with respect to the bonds; prescribing the form and authorizing the execution of a lease by and between the City and River Sharpe Properties, LLC; approving the form of a sublease between River Sharpe Properties, LLC, and Beautyfirst, Inc.; approving the form of a guaranty agreement and an individual guaranty agreement; authorizing the execution of a bond purchase agreement by and among the City, River Sharpe Properties, LLC, and Sunflower Bank, N.A., as purchaser of the Series IV-A, 2004 Bonds and the execution of a bond purchase agreement by and between the City and River Sharpe Properties, LLC, as purchaser of the Series IV-B, 2004 Bonds.

b) Sidewalk repair assessments.

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas.

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

24. \*VAC2003-20-Request to Vacate Portion of a Platted Setback, Generally Located North of Kellogg between Hoover Street and Ridge Road. (District V)

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

25. \*VAC2003-51-Request to Vacate a Portion of Easement and a Portion of a Reserve's Uses Located East of Webb Road, North of Mount Vernon Street and Southeast of the Stoneybrooke-Goebel Streets Intersection. (District II)

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

26. \*VAC2004-09-Request to Vacate a Utility Easement Dedicated by Separate Instrument and a Platted Drainage and Utility Easement, Generally Located North of Douglas, Midway between Meridian Avenue and West Street, on the Northeast Corner of Mt. Carmel and Sheridan. (District VI)

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

27. \*VAC2004-00020-Request to Vacate Platted Access Control and a Portion of a Platted Setback, Generally Located on the Southeast Corner of the 37<sup>th</sup> Street North-Ridge Road Intersection. (District V)

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

28. \*VAC2004-00021-Request to Vacate a Portion of a Platted Setback, Generally Located Northeast of the 53<sup>rd</sup> Street North-Meridian Avenue Intersection. (District VI)

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

29. \*SUB2004-33-Plat of Hawthorne Third Addition, Located on the North Side of 21<sup>st</sup> Street North and East of 127<sup>th</sup> Street West. (District II)

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

30. \*SUB2004-76-Plat of Hawthorne Fourth Addition, Located on the North Side of 21<sup>st</sup> Street North and East of 127<sup>th</sup> Street West. (District II)

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

31. \*A04-20-Request by Mr. Wayne J. Linnebur to Annex Land Generally Located North of 13<sup>th</sup> Street between 135<sup>th</sup> and 151<sup>st</sup> Street West. (District V)

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

Adjournment

\*\*\*\*\*