

# *MAY 23, 2006 AGENDA REPORTS*

## **Agenda Item No.4a.**

Agenda Item No. 4a

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0528

TO: Mayor and City Council Members

SUBJECT: Petition for Street Paving in Harvest Ridge Addition (west of Maize, south of 31st St. South) (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On July 15, 2003, the City Council approved a Petition to pave streets in Harvest Ridge Addition. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

Analysis: The project will serve a new residential development located west of Maize, south of 31st St. South.

Financial Considerations: The existing Petition totals \$337,000. The new Petition totals \$380,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the new Petition, adopt the Resolution and authorize the necessary signatures.

**Agenda Item No 7a**

City of Wichita  
City Council Meeting  
May 23, 2006  
Agenda Report No. 06-0529

TO: Mayor and City Council

SUBJECT: Community Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closures.

Background: In accordance with the Community Events Procedure, the event promoter is coordinating arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Infinity Films, Inc filming 5 movie scenes June 2, 3 and 4, 2006  
§ 35th Street North between Rock Road and Webb Road.  
o June 2, 2006 9:00 pm – 12:00 am  
o June 3, 2006 2:00 pm – 12:00 am  
o June 4, 2006 2:00 pm – 12:00 am

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Legal Consideration: None

Recommendation/Actions: It is recommended that the City Council 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.

**Agenda Item No. 7b.**

City of Wichita  
City Council Meeting  
May 23, 2006  
Agenda Report No. 06-0530

TO: Mayor and City Council

SUBJECT: Community Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closures.

Background: In accordance with the Community Events Procedure, the event promoter is working with The Independent School and the Forrest Hills Neighborhood Association and is coordinating arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Healing Path Foundation's Journey 2gether 8K run and 2K walk Sunday June 11, 2006 4:30 pm until 6:30 pm

§ This event will begin and end on the campus of The Independent School, 8301 E. Douglas. The run/walk will proceed through Forrest Hills

Client will arrange to remove blockades as necessary to allow residents and emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Legal Consideration: None

Recommendation/Actions: It is recommended that the City Council 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 Departments. (3) Certificate of Liability Insurance on file with the Community Events Coordinator.

## **Agenda Item No. 7c**

City of Wichita  
City Council Meeting  
May 23, 2006  
Agenda Report No. 06-0531

TO: Mayor and City Council

SUBJECT: Community Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closures.

Background: In accordance with the Community Events Procedure, the event promoter is working with Inter-Faith Villa Central and is coordinating arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Inter-Faith Ministries 3rd Annual Block Party, June 22, 2006 4:30 – 7:00 pm  
§ 800 Block of North Market between Murdock and 8th Street, not including intersections.

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Legal Consideration: None

Recommendation/Actions: It is recommended that the City Council 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.

## **Agenda Item No. 7d**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0532

TO: Mayor and City Council

SUBJECT: Community Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closures.

Background: In accordance with the Community Events Procedure, the event promoter is working with area business and is coordinating arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Big Dog Motorcycle's Tornado Rally, June 9, 2006 6:00 am through June 12, 2006 12:00 am.  
§ 1500, 1400 & 1300 Blocks of Douglas Avenue, west and east between Hydraulic and Cleveland Street, including the intersection of Douglas and Hydraulic.  
§ Hydraulic, north and south between Douglas and First Street including the intersection of Douglas and Hydraulic.

Client has worked with Wichita Police Department and Wichita Fire Department and will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Legal Consideration: None

Recommendation/Actions: It is recommended that the City Council 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.

## **Agenda Item No.8a**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0533

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for the 11th Street Bridge over the Wichita Drainage Canal (District I)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: On January 12, 1999, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing improvements to the 11th Street Bridge over the Wichita Drainage Canal. The fee was \$34,250.

Analysis: The original design concept was to rehabilitate the bridge. It has since been determined that the structure has deteriorated to the point that it should be removed and replaced. The proposed Supplemental Agreement between the City and MKEC provides for designing and preparing plans for replacing the bridge, utilizing the existing set of plans.

Financial Considerations: Payment to MKEC will be on a lump sum basis of \$15,180 and will be paid by General Obligation Bonds.

Legal Considerations: The Supplemental Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

SUPPLEMENTAL AGREEMENT NO. 1 TO THE AGREEMENT FOR PROFESSIONAL SERVICES DATED JANUARY 12, 1999, BETWEEN THE CITY OF WICHITA, KANSAS, PARTY OF THE FIRST PART, HEREINAFTER CALLED THE "CITY," AND MKEC , ENGINEERING CONSULTANTS, INC., PARTY OF THE SECOND PART, HEREINAFTER CALLED THE "ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated January 12, 1999) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to the 11TH STREET BRIDGE OVER THE WICHITA DRAINAGE CANAL.

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

Design and prepare a complete set of construction plans utilizing the existing partial set:

- . Inspect the existing bridge and edit the SI&A sheet accordingly.
- . Confirm the locations of current utility and topographic features and update the plans as required.
- . Submit field check plans and construction cost estimate and attend the KDOT field check.
- . Perform a quality control review of the current plans.
- . Redesign abutments to provide auger-cast piling as requested by KDOT at the field check plan review.
- . Update the design to reflect current AASHTO design standards.
- . Perform all remaining design on the bridge not previously completed.
- . Design sanitary sewer manhole rehabilitation as requested by the Water and Sewer Department and include in the plans.
- . Prepare final bridge plans for CITY and KDOT review.
- . Update the construction cost estimate using current unit prices.
- . Present the design to the appropriate District Advisory Board.
- . Present the design to the Design Council (if significant changes to the plans will be required, additional design fees may be necessary).

B. PAYMENT PROVISIONS

The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee specified below:

472 83040 \$15,180.00

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by \_\_\_\_\_; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions of inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

BY ACTION OF THE CITY COUNCIL

Carlos Mayans, City Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

MKEC ENGINEERING CONSULTANTS, INC.

(Name and Title)

ATTEST:

## **Agenda Item No. 9a**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0534

TO: Mayor and City Council Members

SUBJECT: Change Order: Hydraulic Improvement, 63rd St. South to 57th St. South  
(District III)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Change Order.

Background: On November 8, 2005, the City Council approved a construction contract with Cornejo & Sons, Inc. to improve Hydraulic, between 63rd St. South and 57th St. South. During construction of the project, a number of unforeseen items developed that should be addressed as a Change Order:

Concrete valley gutters were constructed at the Hydraulic intersections at 59th and 60th Streets in lieu of asphalt. Modifications were made to the bridge design to avoid potential damage to a water line that was found to be in conflict with the bridge piling. As this was the only water supply line to the area south of 57th St. South, extraordinary measures were taken to avoid any disruption of water service. This resulted in additional bridge construction costs.

Storm sewers were extended to improve drainage from adjacent properties and reduce ditch side slopes. Storm water sewer manholes were lowered to improve the ride and reduce future maintenance costs.

Analysis: A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

Financial Considerations: The cost of the additional work is \$48,147, with the total paid by a combination of City-at-Large (\$9,629) and Federal Grants administered by the Kansas Department of Transportation (\$38,518). The original contract amount is \$1,927,816. This Change Order plus previous change orders represents 2.93% of the original contract amount.

Legal Considerations: The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Recommendation/Action: It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

## **Agenda Item No. 10**

CITY OF WICHITA  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0535

TO: Mayor and City Council Members

SUBJECT: Sale of Surplus Land in the 1800 Block of South Silver (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the sale.

Background: The City owns remnant properties along Greenway Boulevard that were acquired in conjunction with the construction of Greenway Boulevard along the Arkansas River in 1931. These have been surplused since 1995 and on the market as available for sale.

Analysis: An offer has been received for a City-owned parcel on the east side of Greenway Boulevard at Skinner Street and Silver Avenue. The subject is triangular and consists of eight contiguous, irregular shaped lots without improvements. The site is 0.24 acres. The buyer proposes to construct a residence to be occupied by the buyer. The buyer has also expressed interest in purchasing the lots south of the subject, which are privately owned and on the open market, if the subject does not meet zoning requirements of new single-family residence construction. The buyer has offered \$1,925.00, or \$0.18 per square foot, for the City's interest in the land. Based on site configuration, other sales in the area and the nature of the City's title, the proposed offer of \$1,925.00 is deemed reasonable.

Financial Considerations: The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and the City will no longer be responsible for maintenance.

Legal Considerations: The Law Department has approved the contracts as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Real Estate Purchase Contracts; and 2) Authorize all necessary signatures.

## **Agenda Item No. 11**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0536

TO: Mayor and City Council

SUBJECT: 20-inch Water Main in 159th East, from 1/3 Mile South of Kellogg to Lincoln, and a 16-inch Water Main in Lincoln and Brookhaven from 159th East to Harry (District II)

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the project expenditure.

Background: The current Water Master Plan Update identified potential water pressure problems in portions of the east Wichita water distribution system and in growth areas in east Sedgwick County, as identified by the Metropolitan Area Planning Department.

Analysis: On April 8, 2003, the City Council approved a Water Master Plan Update. In updating the water distribution water model and analyzing the water distribution system, including the latest growth predictions by MAPD, the Water Master Plan recommended the following two water mains:

- 20-inch water main located in 159th Street East, from 1/3 mile south of Kellogg to Lincoln
- 16-inch water main in Lincoln and Brookhaven from 159th Street East to Harry

These mains will be part of a water system loop in the east portion of the City and will allow for future development of the area.

Financial Considerations: The Capital Improvement Program projects CIP W-877 and W-879 are included in the 2006 approved CIP. The budget for the two projects is \$760,000. They will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Legal Considerations: The Law Department has approved the Resolution as to form.

Recommendations/Actions: It is recommended that the City Council: 1) approve the expenditure; 2) adopt the Resolution; and 3) authorize the necessary signatures.

RESOLUTION NO.

A RESOLUTION OF THE CITY OF WICHITA, KANSAS, DECLARING IT NECESSARY TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER AND SEWER UTILITY OWNED AND OPERATED BY THE CITY, AND TO ISSUE REVENUE BONDS IN A TOTAL PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$760,000 EXCLUSIVE OF THE COST OF INTEREST ON BORROWED MONEY, FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH INTENTION IN THE MANNER REQUIRED BY LAW.

WHEREAS, the Governing Body of the City of Wichita, Kansas (the "City"), has heretofore by Ordinance No. 39-888, adopted May 26, 1987 and published in the official newspaper of the City on May 29, 1987, as required by law, authorized the combining of the City-owned and operated municipal water utility and municipal sewer utility thereby creating the "City of Wichita, Kansas Water and Sewer Utility" (herein sometimes referred to as the "Utility"); and

WHEREAS, the City is authorized under the Constitution and laws of the State of Kansas, including K.S.A. 10-1201 et seq., ( the "Act"), to issue revenue bonds to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility;

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. It is hereby found and determined to be necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility, such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, construction of a 20" water main in 159th St. East, from 1/3 mile South of Kellogg to Lincoln and a 16" water main in Lincoln and Brookhaven from 159th East to Harry (W-877 and W-879) (the "Project"). The total costs of the Project are estimated to be seven hundred sixty thousand dollars (\$760,000) exclusive of the cost of interest on borrowed money. Available and unencumbered funds of the Utility will be used to pay a portion of the costs of the Project.

SECTION 2. It is hereby found and determined that the construction of the Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

SECTION 3. It is hereby found and determined to be necessary and advisable to issue revenue bonds of the City, in a total principal amount which shall not exceed seven hundred sixty thousand dollars (\$760,000) exclusive of the cost of interest on borrowed money, under the authority of the Act, to pay certain costs of the Project, and the expenses of issuing such revenue bonds. Such revenue bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose.

SECTION 4. It is hereby found and determined to be necessary, before such revenue bonds can be issued, to publish one time in the City's official newspaper a Notice of the Governing Body's intention to initiate and complete the Project and to issue such revenue bonds, such Notice to be in the form which is attached hereto and made a part hereof by reference as though fully set forth herein. If, within Fifteen (15) days from and after the date of the publication of the Notice, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the revenue bonds, which protest is signed by not less than Twenty Percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the revenue bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If a sufficient protest to the Project and the issuance of the revenue bonds is not filed within said Fifteen (15) day period, then the Governing Body shall have the authority to authorize and proceed with the Project and the sale and issuance of the revenue bonds.

SECTION 5. This Resolution shall be in force and take effect from and after its adoption and approval.

ADOPTED AND APPROVED by the Governing Body of the City of Wichita, Kansas, not less than two-thirds of the members voting in favor thereof, on \_\_\_\_\_, 2006.

(Seal)

CARLOS MAYANS, Mayor

ATTEST:

KAREN SUBLETT, City Clerk

APPROVED AS TO FORM:

GARY E. REBENSTORF, Director of Law

NOTICE OF INTENT

(Published in the Wichita Eagle, on \_\_\_\_\_, 2006.)

NOTICE OF INTENTION TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER AND SEWER UTILITY OWNED AND OPERATED BY THE CITY OF WICHITA, KANSAS, AND TO ISSUE REVENUE BONDS, IN A TOTAL PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$760,000, FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF.

TO: THE RESIDENTS OF THE CITY OF WICHITA, KANSAS

You and each of you are hereby notified that the Governing Body of the City of Wichita, Kansas, by Resolution No. 06-\_\_\_\_\_, duly adopted \_\_\_\_\_, 2006, has found and determined it to be necessary and declared its intention to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water & Sewer Utility which is owned and operated by the City, such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, construction of a 20" water main in 159th St. East, from 1/3 mile South of Kellogg to Lincoln and a 16" water main in Lincoln and Brookhaven from 159th East to Harry (W-877 and W-879) (called the "Project"). The total costs of the Project are estimated to be seven hundred sixty thousand dollars (\$760,000). The making of the Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

You are hereby further notified that in order to provide financing for certain costs of the Project, the Governing Body has further found and determined it to be necessary and declared its intention to issue revenue bonds in a total principal amount which shall not exceed \$760,000, under the authority of K.S.A. 10-1201 et seq., as amended and supplemented. Such revenue bonds shall not be general obligation bonds of the City payable from taxation, but shall be payable only from the revenues derived from the operations of the Water and Sewer Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the City which will be available for that purpose.

This Notice of Intent shall be published one time in the official newspaper of the City; and if, within Fifteen (15) days from and after the publication date hereof, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the revenue bonds, which protest is signed by not less than Twenty Percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the revenue bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If no sufficient protest to the Project and the issuance of the revenue bonds is filed within said Fifteen (15) day period, then the Governing Body shall have the authority to authorize and proceed with the Project and the issuance of the revenue bonds.

BY ORDER of the Governing Body of the City of Wichita, Kansas, on \_\_\_\_\_, 2006.

MAYANS, Mayor

ATTEST:

KAREN SUBLETT, City Clerk

## **Agenda Item No. 12**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0537

TO: Mayor and City Council

SUBJECT: 16-inch Water Main in 45th Street North, from 1/2 mile East of Rock Road to Webb Road (District II)

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the project expenditure.

Background: The current Water Master Plan Update identified potential water pressure problems in portions of the northeast Wichita water distribution system and in growth areas in northeast Sedgwick County, as identified by the Metropolitan Area Planning Department.

Analysis: On April 8, 2003, the City Council approved a Water Master Plan Update. In the process of updating the water distribution water model and analyzing the water distribution system that includes the latest growth predictions by MAPD, the Water Master Plan recommended a 16-inch water main in 45th Street North, from 1/2 mile east of Rock Road to Webb Road. The water main will be part of a water system loop in the northeast portion of the City and will allow for future development of the area.

Financial Considerations: CIP W-837, 45th N, Rock to Webb (16"), is included in the 2006 approved Capital Improvement Program. The budget for the project is \$310,000. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Legal Considerations: The Law Department has approved the Resolution as to form.

Recommendations/Actions: It is recommended that the City Council: 1) approve the expenditure; 2) adopt the Resolution; and 3) authorize the necessary signatures.

A RESOLUTION OF THE CITY OF WICHITA, KANSAS, DECLARING IT NECESSARY TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER AND SEWER UTILITY OWNED AND OPERATED BY THE CITY, AND TO ISSUE REVENUE BONDS IN A TOTAL PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$310,000 EXCLUSIVE OF THE COST OF INTEREST ON BORROWED MONEY, FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH INTENTION IN THE MANNER REQUIRED BY LAW.

WHEREAS, the Governing Body of the City of Wichita, Kansas (the "City"), has heretofore by Ordinance No. 39-888, adopted May 26, 1987 and published in the official newspaper of the City on May 29, 1987, as required by law, authorized the combining of the City-owned and operated municipal water utility and municipal sewer utility thereby creating the "City of Wichita, Kansas Water and Sewer Utility" (herein sometimes referred to as the "Utility"); and

WHEREAS, the City is authorized under the Constitution and laws of the State of Kansas, including K.S.A. 10-1201 et seq., (the "Act"), to issue revenue bonds to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility;

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. It is hereby found and determined to be necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility, such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, construction of a 16" water main in 45th St. North from 1/2 mile East of Rock Road to Webb Road (W-837) (the "Project"). The total costs of the Project are estimated to be three hundred ten thousand dollars (\$310,000) exclusive of the cost of interest on borrowed money. Available and unencumbered funds of the Utility will be used to pay a portion of the costs of the Project.

SECTION 2. It is hereby found and determined that the construction of the Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

SECTION 3. It is hereby found and determined to be necessary and advisable to issue revenue bonds of the City, in a total principal amount which shall not exceed three hundred ten thousand dollars (\$310,000) exclusive of the cost of interest on borrowed money, under the authority of the Act, to pay certain costs of the Project, and the expenses of issuing such revenue bonds. Such revenue bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose.

SECTION 4. It is hereby found and determined to be necessary, before such revenue bonds can be issued, to publish one time in the City's official newspaper a Notice of the Governing Body's intention to initiate and complete the Project and to issue such revenue bonds, such Notice to be in the form which is attached hereto and made a part hereof by reference as though fully set forth herein. If, within Fifteen (15) days from and after the date of the publication of the Notice, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the revenue bonds, which protest is signed by not less than Twenty Percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the revenue bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If a sufficient protest to the Project and the issuance of the revenue bonds is not filed within said Fifteen (15) day period, then the Governing Body shall have the authority to authorize and proceed with the Project and the sale and issuance of the revenue bonds.

SECTION 5. This Resolution shall be in force and take effect from and after its adoption and approval.

ADOPTED AND APPROVED by the Governing Body of the City of Wichita, Kansas, not less than two-thirds of the members voting in favor thereof, on \_\_\_\_\_, 2006.

(Seal) CARLOS MAYANS, Mayor

ATTEST:

KAREN SUBLETT, City Clerk

APPROVED AS TO FORM:

GARY E. REBENSTORF, Director of Law

NOTICE OF INTENT

(Published in the Wichita Eagle, on \_\_\_\_\_, 2006.)

NOTICE OF INTENTION TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER AND SEWER UTILITY OWNED AND OPERATED BY THE CITY OF WICHITA, KANSAS, AND TO ISSUE REVENUE BONDS, IN A TOTAL PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$310,000, FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF.

TO: THE RESIDENTS OF THE CITY OF WICHITA, KANSAS

You and each of you are hereby notified that the Governing Body of the City of Wichita, Kansas, by Resolution No. 06-\_\_\_\_\_, duly adopted \_\_\_\_\_, 2006, has found and determined it to be necessary and declared its intention to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water & Sewer Utility which is owned and operated by the City, such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, construction of a 16" water main in 45th St. North from 1/2 mile East of Rock Road to Webb Road (W-837) (called the "Project"). The total costs of the Project are estimated to be three hundred ten thousand dollars (\$310,000). The making of the Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

You are hereby further notified that in order to provide financing for certain costs of the Project, the Governing Body has further found and determined it to be necessary and declared its intention to issue revenue bonds in a total principal amount which shall not exceed \$310,000, under the authority of K.S.A. 10-1201 et seq., as amended and supplemented. Such revenue bonds shall not be general obligation bonds of the City payable from taxation, but shall be payable only from the revenues derived from the operations of the Water and Sewer Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the City which will be available for that purpose.

This Notice of Intent shall be published one time in the official newspaper of the City; and if, within Fifteen (15) days from and after the publication date hereof, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the revenue bonds, which protest is signed by not less than Twenty Percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the revenue bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If no sufficient protest to the Project and the issuance of the revenue bonds is filed within said Fifteen (15) day period, then the Governing Body shall have the authority to authorize and proceed with the Project and the issuance of the revenue bonds.

BY ORDER of the Governing Body of the City of Wichita, Kansas, on \_\_\_\_\_, 2006.

ARLOS MAYANS, Mayor

ATTEST:  
KAREN SUBLETT, City Clerk

## **Agenda Item No. 13**

City of Wichita  
City Council Meeting  
May 23,2006

Agenda Report No. 06-0538

TO: Mayor and City Council Members

SUBJECT: Public Exigency Project, Replacement of City Hall Chiller #2 (District 6).

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Public Exigency expenditure.

Background: Wichita City Hall has two (2) primary chillers that service the entire building's cooling needs. While comfort can be maintained in City Hall with only one chiller when the outside temperature is in the low nineties, outdoor temperatures in the mid-90's and above require that both chillers operate to maintain acceptable comfort levels.

Analysis: During construction of the atrium renovations, a subcontractor drilling auger cast piers punctured an underground 10" pipe that carried condenser water between the chillers in the City Hall basement and the large exterior cooling towers. When the subcontractor injected high-pressure concrete grout into the auger hole, grout entered the condenser water pipe and flowed down through the pipe into City Hall's largest chiller machine. Due to the time of year, the chiller was not in use, and the damage went undetected for some time. When the grout was discovered, it had already hardened in the heat exchanger tubes, destroying the chiller.

Efforts to recover the costs for repair and replacement of the damaged equipment is currently ongoing. City staff procured the emergency services of Professional Engineering Consultants (PEC) to write equipment specifications for the procurement of a new chiller and act as the owner's representative during repairs. On April 20, 2006 the City Manager exercised his authority to declare an emergency repair in accordance with Purchasing Ordinance 35-856, Section (a), Emergencies, so that repairs could quickly proceed. In accordance with the "Public Exigency" Ordinance 2.64.020, City Council is notified that the 2006 CIP Budget must be amended to cover the cost of the purchase of the needed equipment and professional services from PEC.

Financial Considerations: Funds are currently available in the 2006 Planned Savings CIP (OCA 792463) for the purchase of the replacement equipment and professional services in the amount of \$350,000.00 total to date.

Legal Considerations: City Ordinance 2.64.020, "Public Exigency", allows the City Manager to authorize work to be performed by a contractor without formal bidding, but Council action is needed to amend the budget.

Recommendations/Actions: It is recommended that the City Council affirm the City Managers Public Exigency approval of the project, and that the 2006 budget be amended.

## **Agenda Item No. 14**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0539

TO: Mayor and City Council

SUBJECT: Contract for Professional Services – Railroad Crossing Plan

INITIATED BY: Metropolitan Area Planning Department (MAPD)

AGENDA: City Council Consent

Recommendation: Approve contract with TranSystems for the Railroad Crossing Plan (RRCP).

Background: The RRCP will be financed with funds from the US Department of Transportation (USDOT) and is subject to federal requirements and regulations. This plan will identify and analyze the transportation needs of railroad crossings at intersections across the Wichita Area Metropolitan Planning Organization's (WAMPO) planning region. This plan is regional in nature and is a cooperative effort involving the communities with a railroad crossing, appropriate local units of government and entities in the WAMPO area, the Kansas Department of Transportation (KDOT), the Federal Highway Administration (FHWA) and the Federal Railroad Administration (FRA).

Analysis: The MAPD Transportation Division serves as staff to WAMPO. Professional consulting services are sought to assist staff in completing the study process. The consultant will perform the requested scope of services, followed by an inventory analysis and an action plan recommending Roadway/Railroad Safety and Congestion/Traffic Flow improvement alternatives.

TranSystems was chosen by the twenty-two member Staff Screening and Selection Committee that was comprised of officials from the FHWA, FRA, KDOT, WAMPO, MAPD, staff from the Cities of Wichita, Mulvane and Andover, Sedgwick County Public Works and Sedgwick County Association of Cities (SCAC) representatives.

Financial Considerations: This contract is for a total sum of \$220,000. Federal transportation planning funds available to the MPO will be used to pay 100 percent of the costs associated with the contractual services.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendations/Actions: It is recommended that the City Council approve the selection of TranSystems to complete the Railroad Crossing Plan, and authorize the necessary signatures to execute the contract.

## **Agenda Item No. 15**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0540

TO: Mayor and City Council

SUBJECT: Contract for Professional Services –Regional Pathway System Plan

INITIATED BY: Metropolitan Area Planning Department (MAPD)

AGENDA: City Council Consent

Recommendation: Approve contract with Charlier Associates, Inc. for the Regional Pathway System Plan (RPSP).

Background: The RPSP will be financed with funds from the US Department of Transportation (USDOT) and is subject to federal requirements and regulations. This plan will assess the existing bicycle/pedestrian facilities and identify, prioritize and recommend future connecting links for bicycle/pedestrian use across the Wichita Area Metropolitan Planning Organization's (WAMPO) planning region. This plan is regional in nature and is a cooperative effort involving the communities, appropriate local units of government and entities in the WAMPO area, the Kansas Department of Transportation (KDOT) and the Federal Highway Administration (FHWA).

Analysis: The MAPD Transportation Division serves as staff to WAMPO. Professional consulting services are sought to assist staff in completing the RPSP. This plan will provide an updated inventory and analyze the current bicycle/pedestrian system. It will also provide recommendations/action plan on how best to connect the region's existing and future routes. In determining connection of existing paths, consideration will be given to safety, development feasibility and existing easements approved for public access.

Three proposals were received in response to the Request for Proposals (RFP). One was chosen by the seventeen member Staff Screening and Selection Committee that was comprised of officials from the FHWA, KDOT, WAMPO, MAPD, WAMPO, Wichita Transit, and staff from the Cities of Wichita, Mulvane, Andover, Colwich and Haysville and Sedgwick County Public Works.

Financial Considerations: This contract is for a total sum of \$150,000. Federal transportation planning funds available to the MPO will be used to pay 100 percent of the costs associated with the contractual services.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendations/Actions: It is recommended that the City Council approve the selection of Charlier Associates, Inc. to complete the Regional Pathway System Plan, and authorize the necessary signatures to execute the contract.

Attachment:

1. Contract For Professional Services.

WICHITA AREA METROPOLITAN PLANNING ORGANIZATION

DATE: May 5, 2006  
TO: Gary E. Rebenstorf, City Attorney  
FROM: WAMPO – Nancy Harvieux  
SUBJECT: Law Department signature on Contract documents.

There are four copies of the final contract between the City of Wichita and Charlier Associates, Inc. to conduct the Regional Pathway System Plan (RPSP). This plan will assess the existing bicycle/pedestrian facilities and identify, prioritize, and recommend future connecting links for bicycle/pedestrian use across the Wichita Area Metropolitan Planning Organization’s (WAMPO) planning region.

We are planning to take this to the May 23, 2006 City Council meeting. Please call Aprajit (Jeet) Desai at 268-4391 for pickup once you have signed the four attached copies. WAMPO, City Clerk, and Charlier Associates, Inc. will each receive a signed copy.

Thank you.  
Nancy Harvieux

CONTRACT FOR PROFESSIONAL SERVICES

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2006, by and between the City of Wichita, represented by the Wichita Area Metropolitan Planning Organization (WAMPO), Kansas, party of the first part (hereinafter referred to as “the Client”); and Charlier Associates, Inc., party of the second part (hereinafter referred to as “the Consultant”)

WHEREAS, the Client wants to conduct a bike path plan that will assess the existing bicycle/pedestrian facilities and identify, prioritize, and recommend future connecting links for bicycle/pedestrian across the WAMPO region. This plan is hereinafter referred to as “ the Regional Pathway System Plan (RPSP)”. The proposed plan is financed in part with funding from the Federal Highway Administration (FHWA) and is subject to federal requirements and regulations. The services performed under any resulting agreement shall comply with all federal, state and the City of Wichita laws and regulations. In addition, this contract will be subject to the requirements of 49 CFR 18 and cost eligibility reimbursement will be subject to 48 CFR 31.2; and

WHEREAS, the Consultant has the knowledge, experience and expertise in transportation planning to undertake this Project on behalf of the Client; and

WHEREAS, the Client desires to retain the services of the Consultant to complete the WAMPO RPSP.

NOW, THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. DESCRIPTION OF SERVICES. The Consultant will provide the services and deliver the documents required by the Scope of Services as set forth in Exhibit "A" in accordance with the guidelines set forth by the FHWA – Revised Non Discrimination & Equal Opportunity Statement, in Exhibit "B", and Kansas Department of Transportation (KDOT) –Contracts and Agreements, in Exhibit "C", the copies of which are attached hereto and incorporated herein by reference. In addition, the Consultant agrees:

A. To attend meetings with the Client and other local, state and federal agencies as necessitated by the Scope of Services as set forth in Exhibit "A".

B. To make available during regular office hours, all calculations, maps, drawings, and all other appropriate forms of representation such as the Client may wish to examine periodically during performance of this agreement.

C. To save and hold the Client harmless against all suits, claims, and losses arising from or caused by errors, omissions or negligent acts of the Consultant, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.

D. To maintain books, documents, papers, accounting records and other evidence pertaining to costs incurred by the Consultant and, where relevant to method of payment, to make such material available to the Client.

E. To comply with all federal, state and local laws, ordinances and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964.

F. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, maps and presentation, drawings, specifications, plans and/or other work or material furnished by the Consultant under this agreement. The Consultant further agrees, covenants and represents, that all designs, drawings, specifications, plans, and other work or material furnished by the Consultant, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.

2. PERFORMANCE OF SERVICES. The Consultant shall determine the manner in which its services hereunder are to be performed and the specific hours to be worked in performing such services; provided, the Consultant will follow the approved and accepted the Project Management Plan as set forth in Exhibit "D", a copy of which is attached hereto and incorporated herein by reference, and deliver the RPSP no later than May, 2007.

3. PAYMENT. The Client will compensate upon finding that services and deliverables provided by the Consultant are acceptable under the terms of the agreement for the actual cost plus a fixed net fee for a maximum not to exceed dollar amount of \$150,000. The actual cost shall be incurred in conformity with the cost principles established in 23 CFR 172 and 48 CFR et seq. Unless acceptable by the Client, the maximum cost not to exceed dollar amount for the compensation for services detailed in this agreement is \$ 150,000 including reimbursable expenses. During the progress of work covered by this agreement, partial payments with a retainage of 5% will be made to the Consultant at intervals of 90 days based on the statements provided by the Consultant itemizing the number of hours of work performed, the percentage of the services hereunder completed and in compliance with the Cost Proposal as set forth in Exhibit "E", a copy of which is attached hereto and incorporated herein by reference. Client will make payment within 30 days of a reconciled and approved invoice reflecting deliverables as outlined by the scope of work. The Consultant will negotiate with the Client if there are any changes in deliverable dates. In addition, the Consultant agrees that;

A. The reimbursement for the professional services required by this agreement will be based on the Consultant's actual costs, which can be less than the estimated amount. If additional work should be necessary, the Client will negotiate with the Consultant if there are any changes in the deliverables. No additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the Client and the Consultant.

B. The accumulated partial payments shall not exceed \$112,500 (seventy-five percent of the maximum fee payment amount) until the preliminary draft report has been received and approved by the Client. Accumulated partial payments shall not exceed \$135,000 (ninety percent of the maximum fee payment amount) until the final draft report has been received and approved by the WAMPO Policy Body.

C. The Client may withhold reimbursement of payment at the end of each 30-day cycle and the accrued retainage dollar amount in the situation where deliverables applicable to the invoiced amount get delayed by more than two weeks without the Client's approval. Any payment withheld will be proportional to a reasonable estimate of the work effort that may be delayed. Reimbursement will be made promptly upon completion of the associated services to the satisfaction of the Client. The Consultant will not be responsible or held liable for delays occasioned by the actions or inactions on the part of the Client or for other unavoidable delays beyond the control of the Consultant.

D. At scheduled project meetings the Consultant will review with the Client the Consultant's progress with regard to both completed and ongoing work efforts. Progress will be assessed with regard to the status of completion of deliverables that are ongoing and the Consultant's efforts to resolve issues that may affect schedule. Deliverables as identified within the scope of services will be discussed as well as any known project issues that may be beyond the control of the Consultant that could affect the schedule. Client may withhold payment in part or in whole for services not completed or for which work progress is not proportional to the level of effort invoiced. Any withheld payment will be proportional to the effort deemed necessary to bring the associated tasks or deliverables up to the level of effort that has been invoiced. Client will inform Consultant promptly of any dissatisfaction with deliverables or invoicing and will reimburse to the Consultant any withheld payment upon completion of the associated work effort to the Client's satisfaction.

E. To the extent the Client is satisfied with Consultant's work progress, accrued retainage held by the Client from prior invoice payments will be released to the Consultant every six months or every sixth invoice. Retainage due will be included in the applicable invoice from Consultant. At the Client's discretion, retainage may continue to be withheld from future payments for work not yet invoiced. Upon completion of all services accepted by the Client, Client will release all remaining retainage to Consultant within 30 days of final approved and reconciled invoicing from Consultant.

4. **TERM/TERMINATION.** This agreement shall terminate upon the satisfactory completion by the Consultant of the services and documents required to be provided hereunder, or upon 20 days written notice of cancellation by the Client. Upon receipt of such notice of termination the Consultant shall discontinue and cause all such work to terminate upon the date specified in the notice from the Client. The Consultant will be entitled to compensation for actual effort performed up to the date of termination. Any invoice for completed work or termination claim including the total accumulated retainage dollar amount must be submitted to the Client within thirty (30) days after the effective date of termination.

5. **PROPRIETARY MATERIALS.** Upon the successful completion of contract, all data provided by the Client, and any new data and electronic files prepared by the Consultant under this contract will be returned to the Client. The Consultant agrees to not keep an electronic copy of the RPSP after the successful completion of the contract, or transfer data or electronic files to any other party without the written approval from the Client.

6. **RELATIONSHIP OF PARTIES.** It is understood and agreed that the Consultant is an independent contractor.

7. NOTICES. All notices required or permitted under this Agreement shall be in writing and shall be deemed sufficient if delivered in person or deposited in the United States mail, postage prepaid, and addressed as follows:

For the City: Nancy K Harvieux, AICP, Transportation Manager  
Wichita Area Metropolitan Planning Organization  
455 N. Main St. – 10th Floor  
Wichita, Kansas 67202-1688

For the Consultant: James F. Charlier, AICP  
Principal  
Charlier Associates, Inc.  
2511 31st Street  
Boulder, CO 80301

8. ENTIRE AGREEMENT. This Agreement contains the entire agreement of the parties and there are no other promises or conditions in any other agreement, either oral or written. This Agreement supersedes any prior written or oral agreement between the parties pertaining to the same subject matter.

9. AMENDMENT. This Agreement may be modified or amended if the modification or amendment is made in writing and signed by the Client and the Consultant.

10. SEVERABILITY. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds any provision of this Agreement is invalid or unenforceable, but by limiting the applicability of such provision the entire Agreement would be valid and enforceable, then such provision shall be deemed to be written, construed and enforced as limited.

11. WAIVER OF CONTRACTUAL RIGHT. The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

12. APPLICABLE LAW. This Agreement shall be governed by the law of the State of Kansas. The Consultant will comply with all the requirements listed in the Contractual Provisions Attachment as set forth in Exhibit "F", a copy of which is attached hereto and incorporated herein by reference.  
APPROVED AS TO FORM:

CITY OF WICHITA, KANSAS

ATTEST:

Karen Sublett  
City Clerk

Carlos Mayans  
Mayor

Gary E. Rebenstorf  
City Attorney

y

Charlier Associates, Inc.

James F. Charlier, AICP Principal

## **Agenda Item No. 16**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0541

TO: Mayor and City Council

SUBJECT: Grant with the Kansas Department of Transportation (All Districts)

INITIATED BY: Wichita Transit

AGENDA: Consent Agenda

Recommendation: Apply for Grant and authorize the Mayor to execute the contract with the Kansas Department of Transportation (KDOT).

Background: On May 10, 1999, Governor Bill Graves signed into law House Bill 2071 which provides for a new state Comprehensive Transportation Program (CTP). The CTP provides funding to address highway, shortline railroad, aviation and public transportation needs over the next ten years.

Under the provision of the CTP, the City of Wichita has been allotted \$1,085,375 for FY 2007 (July 1, 2006 through June 30, 2007) which may be used for capital or operating expenditures.

The KDOT grant application process requires official action by the governing body authorizing the filing of grant applications, execution of approved grants, and receiving funds to administer the grant's Program. The purpose of this action is to authorize the City of Wichita - Wichita Transit to file for eligible State funds in support of the City's Transit services for capital purchases and operations. This action is similar to what the City filed for KDOT's FY 2006 funds last year.

A public hearing is scheduled to be held on May 22, 2006 at the Transit Operations Center to solicit public comment.

Analysis: The grant will provide for the following: Continued KDOT-funded service enhancements, including enhanced midday fixed route operations, purchase of associated fuels, transit security program, and ADA paratransit support; and Local capital match for replacement vans and on-board security cameras.

Financial Considerations: The \$1,085,375 funds are 100% grant supported and requires no matching funds. There will be \$1,035,375 used for operations and \$50,000 for capital match. There are no City funds involved in this project.

Legal Consideration: The City Law Department will review the contract prior to execution as to form.

Recommendations/Actions: It is recommended that the City Council approve the filing for the Grant with KDOT and authorize the Mayor to execute the contract.

## **Agenda Item No. 17**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0542

TO: Mayor and City Council Members

SUBJECT: State Office Building Fund Budget Adjustment (District 6)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the budget transfers.

Background: The State Office Building and garage facilities are maintained by the City's Public Works Department. Revenue from the State finances the custodial, maintenance and operating expenses of the State Office Building and garage. Under the terms of the lease, the City's annual operating expenses in excess of the maximum amounts stated in the lease are to be reimbursed by the State during the end-of-year reconciliation.

Analysis: In addition to their day-to-day maintenance responsibilities, Public Works technicians monitor major building systems for mechanical and structural soundness. A recent review of the State Office Building heating, ventilation and air conditioning (HVAC) systems revealed that the cooling tower has developed serious corrosion problems and must be replaced. Attempts have been made in past years to extend its life with the hope of delaying its replacement, but the current condition of this critical air conditioning component dictates that it must be replaced before summer.

Financial Considerations: The State Office Building Fund 2006 Adopted Budget includes a contingency for major building repairs. In order to begin the cooling tower replacement project immediately, a budget transfer is required. The estimated cost is \$75,000. All transfers would occur within the State Office Building Fund.

Legal Considerations: Budget transfers over \$25,000 require City Council approval.

Recommendations/Actions: It is recommended that the City Council approve the budget transfer.

## **Agenda Item No. 17**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0542

TO: Mayor and City Council Members

SUBJECT: State Office Building Fund Budget Adjustment (District 6)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the budget transfers.

Background: The State Office Building and garage facilities are maintained by the City's Public Works Department. Revenue from the State finances the custodial, maintenance and operating expenses of the State Office Building and garage. Under the terms of the lease, the City's annual operating expenses in excess of the maximum amounts stated in the lease are to be reimbursed by the State during the end-of-year reconciliation.

Analysis: In addition to their day-to-day maintenance responsibilities, Public Works technicians monitor major building systems for mechanical and structural soundness. A recent review of the State Office Building heating, ventilation and air conditioning (HVAC) systems revealed that the cooling tower has developed serious corrosion problems and must be replaced. Attempts have been made in past years to extend its life with the hope of delaying its replacement, but the current condition of this critical air conditioning component dictates that it must be replaced before summer.

Financial Considerations: The State Office Building Fund 2006 Adopted Budget includes a contingency for major building repairs. In order to begin the cooling tower replacement project immediately, a budget transfer is required. The estimated cost is \$75,000. All transfers would occur within the State Office Building Fund.

Legal Considerations: Budget transfers over \$25,000 require City Council approval.

Recommendations/Actions: It is recommended that the City Council approve the budget transfer.

## **Agenda Item No. 18**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0543

TO: Mayor and City Council Members

SUBJECT: Revision to Economic Development Administration Application for Aviation Technical Center Funding

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve revision.

Background: On April 12, the Council approved a joint application with Sedgwick County for a \$1,500,000 grant from the Economic Development Administration (EDA) for the Aviation Technical Center at Jabara Airport. Of the \$36 million required for the project, the City's commitment is a not to exceed amount of \$1,600,000, contingent upon successful negotiation of a lease agreement between the Airport Authority and Sedgwick County.

In early May, the South Central Economic Development District (the local administrator of the grant) negotiated with EDA to increase the grant amount by \$500,000 to \$2 million, based on the recent announcement of lay-offs by the Boeing Company.

Analysis: The change in grant amount requires a revision to the original application.

Financial Considerations: The increase in the EDA grant does not affect the City's financial commitment to the project. It will reduce the County's share of the funding.

Legal Considerations: The Law Office has reviewed the revised application.

Recommendation/Action: Approve revision and authorize Mayor to sign.

## **Agenda Item No. 19**

CITY OF WICHITA  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0544

TO: Mayor and City Council Members

SUBJECT: Amendment of Right-of-Way Easement at West 29th Street North and West Street (District V)

INITIATED BY: Office of Property Management

AGENDA: Consent

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Recommendation: Grant the easement.

Background: The City of Wichita owns an 80-acre parcel at the southwest corner of West 29th Street North and North West Street. The rear portion of the site is used for lime disposal by the Water Department. Phillips Petroleum has an easement over the entire parcel dating back to the 1930's. It has been determined that to serve new subdivisions in the area, a sewer lift station needs to be constructed on this parcel. Because of the blanket easement, this cannot be accomplished.

Analysis: In order to get permits to build the lift station, the easement must be modified to include only that part of the parcel actually impacted by the pipeline. Phillips Petroleum has agreed to enter into a revised easement that includes only that actual corridor occupied by the pipeline. The property has been surveyed and an Amendment of the Right-of-Way Agreement drafted. This agreement will supplement the blanket easement.

Financial Considerations: There is no financial impact associated with amending the easement.

Legal Considerations: The Law Department has approved the easement as to form.

Recommendation/Action: It is recommended that the City Council grant the easement and authorize all necessary signatures.

## **Agenda Item No. 20**

CITY OF WICHITA  
City Council Meeting

May 23, 2006

Agenda Report No. 06-0545

TO: Mayor and City Council Members

SUBJECT: Payment of Condemnation Award (Case No. 05 CV 4026)—Hillside, Kellogg to Central Project (Districts I and .II)

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Authorize payment of the appraisers' award, together with appraisers' fees and court costs.

Background: The City has identified the need to acquire a portion of the three tracts of land along Hillside in connection with improvements to Hillside from Kellogg to Central. One tract is located at the southwest corner of Hillside and Douglas and is improved with a Kentucky Fried Chicken restaurant. This property is owned by the Jack Pearce Revocable Trust. The second tract is at the northwest corner of Hillside and Douglas and is improved with a used car lot. This property is owned by Bijan Moussavi. The third tract is located along the west side of Hillside between First and Second Streets. It is owned by Kandy L.L.C. and is improved with a strip center. Earlier this year the City initiated eminent domain proceedings to acquire this property. On May 5, 2006, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition of the Pearce property to be \$330,000.00; the Moussavi property to be \$152,000.00; and the Kandy L.L.C. property to be \$21,100. The court awarded the three appraisers fees in the amount of \$43,500.00. Court costs are \$111.

Analysis: In order for the City to acquire this property, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before June 4, 2006.

Financial Considerations: The costs of acquiring these properties will be paid from project funds.

Legal Considerations: The City has until June 4, 2006, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Recommendations/Actions: Authorize payment to the Clerk of the District Court in the amount of \$546,711.00 for acquisition of property interests condemned in Case No. 05 CV 4026.

## **Agenda Item No. 22**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0546

TO: Mayor and City Council

SUBJECT: VAC2006-00006 Request to vacate a portion of a platted reserve and the restriction of uses in that portion of the vacated platted reserve, generally located northwest of the 37th Street North and Rock Road intersection. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

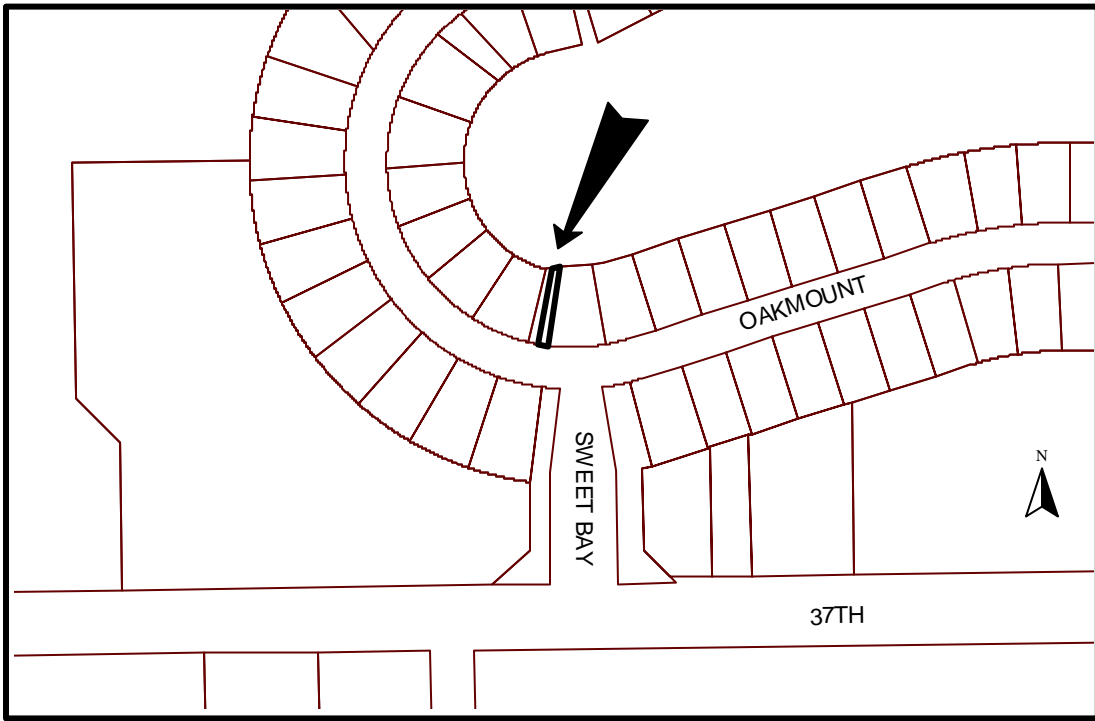
Background: The applicant is requesting consideration for the vacation of the east 10-feet of the platted Reserve "E" that abuts the west side yard lot line of Lot 1, Block 3, Willowbend Third Addition and to vacate the restriction of uses in the plat's text for the platted reserve to allow additional space to construct a single-family residence. The uses that Reserve "E" has been set aside for include public utilities, drainage and open space. There are no manholes, sewer or water lines in the reserve. Storm Water has no objection to the vacation, which will leave a 23.17-feet of the reserve on the south end and 11.87-feet of the reserve on the north end. Westar has equipment in the north end of the reserve and will require retention of the north 10-feet of the reserve. Per the plat's text, the homeowner's association owns the reserve and is responsible for its maintenance. The Willowbend Homeowners Association has sold the described portion of the reserve to the contract purchasers. The Willowbend Third Addition was recorded with the Register of Deeds on November 3, 1986.

Analysis: The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order, including language retaining a portion, as a utility easement and a covenant will be recorded with the Register of Deeds.

Financial Considerations: None.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.



## **Agenda Item No. 23**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0547

TO: Mayor and City Council

SUBJECT: VAC2006-00017 Request to vacate platted setbacks and platted half street right-of-way, generally located south of Maple Street and east of 151st Street West. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

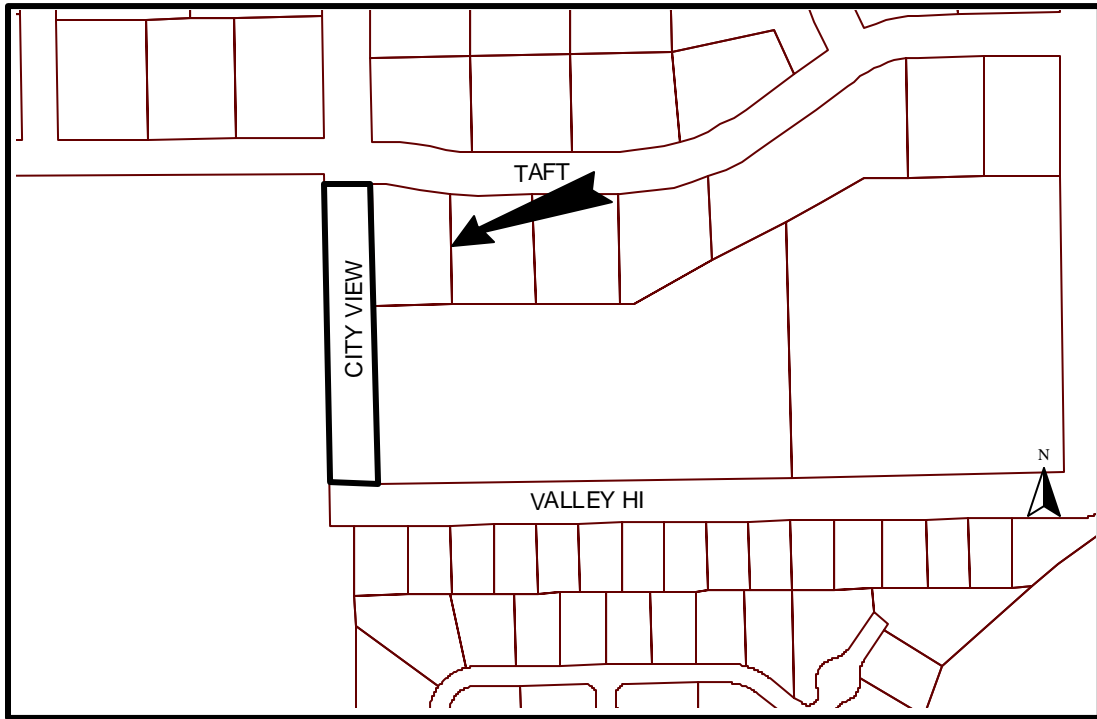
Background: The 40-foot wide, unimproved half-street City View Street right-of-way (ROW) was recorded in the north 202 feet of Maple Hill Fifth Addition on January 31, 1969 and the south 291.02 feet of O'Dell - White Addition on June 18, 1975. The properties abutting the west side of the half-street ROW are located in the Auburn Hills 16th Addition that was recorded on October 7, 2005. This plat did not dedicate the needed half-street ROW to complete City View at this location, thus this portion of City View will not meet the subdivision standards for residential street ROW width. City View continues north of Taft, but there is no dedicated ROW for City View south of the subject portion. The Goddard School District's buses use this portion of City View to turn off of Valley Hi Road. This street, although platted to continue west of the City View and Valley Hi intersection, has not been improved. A temporary paved cul-de-sac will be constructed (construction project #468-84092) over unimproved portions in the Auburn Hills 16th Addition to allow the Goddard School District a turn around for their buses. There are no manholes, sewer or water line in this portion of the ROW. Westar and SBC have utilities in portions of the ROW; those portions will be retained as a utility easement. There are considerations for drainage in the ROW and portions of the ROW will be retained as drainage easement.

Analysis: The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order, describing the vacated setbacks and vacated ROW, extending described platted setbacks and describing those portions of the ROW to be retained as utility and drainage easements will be recorded with the Register of Deeds.

Financial Considerations: None.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.





## **Agenda Item No. 24**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0548

TO: Mayor and City Council

SUBJECT: VAC2006-00018 Request to vacate platted access control and a utility easement dedicated by separate instrument, generally located on the southeast corner of the 21st Street North and Greenwich Rd. intersection. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

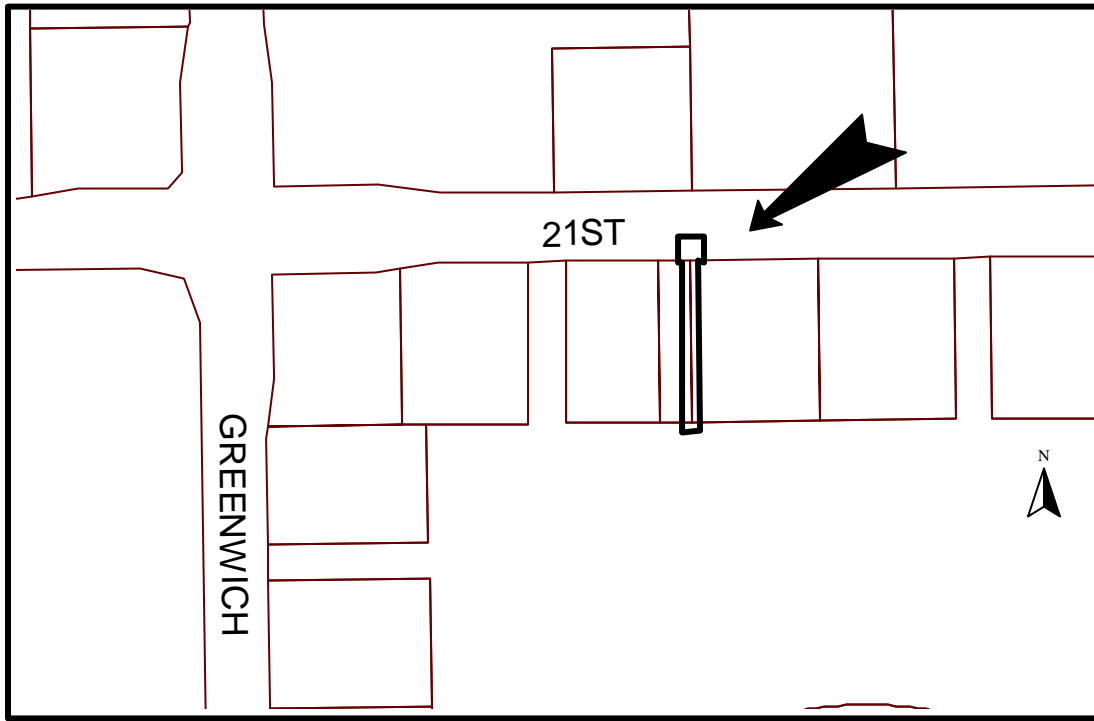
Background: The applicant has applied for the vacation of a portion of the platted complete access control along the site's 21st Street North frontage. The request will remove a platted ingress - egress drive and relocate it as approved by the Traffic Engineer. The subject site is part of CUP DP-279, which has integrated access, circulation and parking, including six (6) existing/permitted platted ingress - egress drives, with three (3) of them having full movement onto 21st Street North. At this location, 21st Street is a four-lane arterial with a center turn lane. There are manholes and a sewer line located in an easement dedicated by separate instrument (Film 1716, Page 940), which the applicant has also requested to be vacated. The applicant has recorded a 20-foot wide replacement utility easement (Film Page 28764840, recorded March 17, 2006) for all utilities that have been relocated (City construction project #468-84044), from the proposed vacated easement dedicated by separate instrument. A boundary shift (and subsequent development) on Lots 5 & 6, Block 1, Cross Pointe Addition has made the requested vacations necessary. The Cross Pointe Addition was recorded with the Register of Deeds on July 22, 2005.

Analysis: The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order, dedications by separate instrument of complete access control and a utility easement will be recorded with the Register of Deeds.

Financial Considerations: None.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.



## Agenda Item No. 25

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0549

TO: Mayor and City Council Members

SUBJECT: A06-13R Request by Kim Bufford of Initial Investment Co. and Willie Joe land generally located southeast of 51st Street North and Meridian Avenue. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Recommendation: Place the annexation ordinance on first reading.

Background: The City has received a request to annex 27.36 acres of land generally located southeast of the intersection of 51st Street North and Meridian Avenue. The annexation area abuts the City of Wichita to the north, east, south and west. The property owner anticipates that the proposed property will be developed with 50 single-family units. A plat was approved by the Metropolitan Area Planning Commission on March 9, 2006, which is known as Northcrest Estates.

### Analysis:

Land Use and Zoning: The proposed annexation consists of approximately 27.36 acres of property currently zoned "SF-20" Single-Family Residential, which upon annexation will convert to "SF-5" Single-Family Residential. Property directly to the north, west and south is zoned "SF-5" Single-Family Residential. The property to the north is developed with single-family housing, while property to the west is undeveloped and agricultural in nature. Property to the south has been subdivided, but is primarily undeveloped, with a few scattered single-family houses. The property to the east is zoned as "B" Multi-Family District and consists of a developed campground known as Camp Hiawatha.

Public Services: The closest water line to the subject property is a 20" water line in the north half of 51st Street North. In addition, a 20" sewer main has been designed for the south half of 51st Street North that is scheduled for construction later this year.

Street System: The subject property borders 51st Street to the north, which is a dirt road. The Sedgwick County Capital Improvement Program 2006-2010, the 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 do not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a two (2) to three (3) minute approximate response time from City Station No. 13, located at 3162 W 42nd Street North. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 East 21st Street North.

Parks: The Brooks Tract Park, a 272-acre park, is located approximately 1/2 mile to the southwest of the subject property and is currently undeveloped. The Hellers Park, a 32-acre park, is located approximately 1/2 mile to the southeast of the subject property, contains one nature trail and has been designated as a Wichita Wild Habitat Area.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

Financial Considerations: The current approximate appraised value of the proposed annexation lands, according to County records, is \$4,710 with a total assessed value of \$1,413. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$44 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 50 single-family residential units will be developed within the next five years. The total appraised value of this residential development after completion is estimated at \$7,500,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$27,088 in City annual tax revenues.

Legal Considerations: The property is eligible for annexation under K.S.A. 12-519, et seq.

Recommendations/Actions: Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN BLOCKS, PARCELS, PIECES AND TRACTS OF LAND WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF WICHITA, KANSAS. (A06-13)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The governing body, under the authority of K.S.A. 12-519, et seq, hereby annexes the following blocks, parcels, pieces and tracts of land and they are hereby included and brought within the corporate limits of the City of Wichita, Kansas and designated as being part of City Council District VI respectively:

The East 34-1/2 acres of the Southeast Quarter of the Northwest Quarter of Section 19, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT a tract described as commencing at the center of said Section 19, in the Southeast corner of said tract; thence N 89°35'53" W, along the South line of said tract, a distance of 0.87 feet to the point of beginning; thence continuing on said South line, a distance of 1142.68 feet to the Southwest corner of said tract; then N 0°03'38" W along the West line of said tract, a distance of 540.78 feet to a point on a curve on the South line of a Sedgwick County Drainage Easement; thence on said South line on said curve with a radius of 980.74 feet, and a beginning tangent of S 71°34'39" E, an arc distance of 189.35 feet; thence continuing on said South line of said Drainage Easement with a bearing of S 63°30'55" E, a distance of 1080.01 feet to the point of beginning.

SECTION 2. That if any part or portion of this ordinance shall be held or determined to be illegal, ultra vires or void the same shall not be held or construed to alter, change or annul any terms or provisions hereof which may be legal or lawful. And in the event this ordinance in its entirety shall be held to be ultra vires, illegal or void, then in such event the boundaries and limits of said City shall be held to be those heretofore established by law.

SECTION 3. That the City Attorney be and he is hereby instructed at the proper time to draw a resolution redefining the boundaries and limits of the City of Wichita, Kansas, under and pursuant to K.S.A. 12-517, et seq.

SECTION 4. This ordinance shall become effective and be in force from and after its adoption and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, Director of Law

## **Agenda Item No. 26**

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0550

TO: Mayor and City Council Members

SUBJECT: A06-14R Request by Jay Russell of JRD, LLC to annex land generally t of the intersection of 55th Street South and Clifton Avenue. (District III)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Recommendation: Place the annexation ordinance on first reading.

Background: The City has received a request to annex two parcels of land that total approximately 20 acres generally located northeast of the intersection of 55th Street South and Clifton Avenue. These parcels are referred to as Clifton Heights Commercial Addition and Clifton Heights Commercial 2nd Addition. For purposes of this report, Clifton Heights Commercial Addition, a 16.78-acre parcel, will be referred to as Property A, and Clifton Heights Commercial 2nd Addition, a 3.19-acre parcel, will be referred to as Property B.

Property A abuts the City of Wichita to the north and east and is currently undeveloped. Property B abuts the City of Wichita to the west and is also undeveloped. The property owner anticipates that the proposed property will be developed as commercial property within the next 10 years.

Analysis:

Land Use and Zoning: The proposed annexation consists of two parcels of land that total approximately 20 acres of property currently zoned "SF-20" Single-Family Residential.

Property A

Property directly to the north and east of Property A is zoned "SF-5" Single-Family Residential and is currently undeveloped and agricultural in nature. Property to the south and west of Property A is zoned as "SF-20" Single-Family Residential and is also undeveloped and agricultural in nature with the exception of a few single-family residential units directly to the southwest of the Property A. On April 19, 2006, the Board of County Commissioners approved a zone change for Property A from "SF-20" Single-Family Residential to "LC" Limited Commercial subject to being platted within one year after approval of the Community Unit Plan by the Governing Body. The zone change will not be published until the plat has been recorded with the Register of Deeds. On April 27, 2006, the Metropolitan Area Planning Commission recommended approval of the plat pertaining to Property A.

## Property B

Property directly to the west of Property B is zoned "SF-5" Single-Family Residential and currently is developed with one single-family residential unit and an outbuilding. Property to the north, east and south of Property B is zoned as "SF-20" Single-Family Residential and is undeveloped. On April 19, 2006, the Board of County Commissioners approved a zone change for Property B from "SF-20" Single-Family Residential to "GC" General Commercial subject to platting within one year and provisions as outlined in Protective Overlay #168. The zone change will not be published until the plat has been recorded with the Register of Deeds. On April 27, 2006, the Metropolitan Area Planning Commission recommended approval of the plat pertaining to Property B.

Comprehensive Plan: Property A and Property B fall within the 2030 Wichita Urban Growth Area and within an Employment/Industry Center land use designation of the 2030 Wichita Functional Land Use Guide of the Wichita-Sedgwick County Comprehensive Plan. Property A and Property B also lie within the boundaries of the Oaklawn/Sunview Neighborhood Revitalization Plan, adopted on March 20, 2002, as an amendment to the Wichita-Sedgwick County Comprehensive Plan. The Plan specifically addresses the area east of Clifton Avenue, from Oaklawn Elementary School to 55th Street South, recommending warehousing and light manufacturing as an appropriate future land use.

The subject property is also located within the Maximum Mission Area of the McConnell AFB, as identified in the McConnell AFB Joint Land Use Study, accepted by the Wichita City Council on May 13, 2005. An Implementation Committee with representatives from the City of Derby, the City of Wichita, Sedgwick County, McConnell AFB and other key stakeholders are evaluating the implications of implementing the proposed recommendations contained in the JLUS that may affect the subject property. The governing bodies have made no definite decisions as to which recommendations to implement at this time.

Public Services: The nearest water line to the subject property is a 12" stub in Clifton Avenue at the trailer park entrance, northwest of the property. The nearest sewer line to the subject property is a 24"-27" sewer main in Clifton Avenue.

Street and Drainage System: Property A borders Clifton Avenue to the west and 55th Street to the south. Property B borders K-15 to the east and a portion of 55th Street to the south. K-15 is a paved, four-lane highway, while 55th Street and Clifton Avenue are both paved, two-lane roads. The 2006 Transportation Improvement Program, the City of Wichita Capital Improvement Program (CIP) 2005-2014 and the Sedgwick County Capital Improvement Program 2006-2010 do not call for street improvements near the proposed annexation site. The Sedgwick County Capital Improvement Program 2006-2010 has scheduled drainage improvements on the subject property, between Clifton Avenue and K-15, to construct a channel to convey drainage from the bridge under K-15 to the existing channel west of Clifton Avenue.

Public Safety: Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City Station No. 19, located at 4440 S. Broadway. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

Parks: Emery Park, a 30-acre park, is located approximately 2 miles to the northwest of the proposed annexation site and contains two tennis courts, a BMX track, a concession stand, a basketball court, a children's play area, a restroom, a drinking fountain and a parking area. Chapin Park, a 190-acre park, is located approximately 2 1/2 miles to the northwest from the proposed annexation site and is currently open space that is used by the Radio Control Club for model airplane flying. Palisade Park, a 5-acre park, is located approximately 2 miles to the west of the subject property and is an open space neighborhood park. South Lakes Park, a 250-acre park, is approximately 2 1/2 miles to the west of the proposed site and contains 16 soccer fields, 8 softball diamonds, 1 football field, 3 concession stands, 4 fishing lakes and 2 parking areas. In addition, the South Arkansas River Greenway, a 158-acre park, is approximately 2 miles to the south of the subject property and is undeveloped parkland along the Arkansas River. According to the 1996 Parks and Open Space Master Plan, a pathway has been proposed that would run along the east edge of the Arkansas River. In addition, a potential future park site has been identified immediately west of the subject property.

School District: The subject property is part of the Unified School District 260 (Derby School District). Annexation will not change the school district.

Financial Considerations: The current approximate appraised value of the proposed annexation lands, according to County records, is \$3,510 with a total assessed value of \$1,053. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$33 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that the commercial property will be developed within the next ten years, but the total appraised value after development completion is undetermined at this time.

Legal Considerations: The property is eligible for annexation under K.S.A. 12-519, et seq.

Recommendations/Actions: Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN BLOCKS, PARCELS, PIECES AND TRACTS OF LAND WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF WICHITA, KANSAS. (A06-14)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The governing body, under the authority of K.S.A. 12-519, et seq, hereby annexes the following blocks, parcels, pieces and tracts of land and they are hereby included and brought within the corporate limits of the City of Wichita, Kansas and designated as being part of City Council District III respectively:

That part of the SE ¼ of Sec. 23, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the SW corner of the SE ¼ of said Sec. 23; thence N89°55'38"E along the south line of said SE ¼, 786.61 feet for a point of beginning; thence N00°04'22"W, 60.00 feet; thence N21°07'06"W, 80.00 feet; thence N01°38'53"W, 132.71 feet; thence N21°23'51"W, 228.92 feet; thence N21°53'29"E, 161.84 feet; thence N55°39'31"E, 83.82 feet to a point on the westerly right-of-way line of The Atchison, Topeka, and Santa Fe Railway Company, Deed Book 564, Page 289, (now Burlington Northern and Santa Fe Railroad); thence S25°04'46"E along said westerly right-of-way line, (Deed Book 564, Page 289), 747.98 feet to a point on the south line of said SE ¼; thence S89°55'38"W along the south line of said SE ¼, 330.36 feet to the point of beginning, subject to road rights-of-way of record, TOGETHER with that part of the E ½ of said SW ¼ described as follows: Beginning at the SW corner of the E ½ of said SW ¼; thence N00°00'06"W along the west line of the E ½ of said SW ¼, 1185.00 feet; thence N89°59'00"E, 721.77 feet; thence S00°01'00"E, 88.00 feet; thence S17°54'31"E, 288.38 feet; thence S17°41'49"W, 234.62 feet; thence S06°06'51"W, 362.27 feet; thence S66°59'10"W, 158.00 feet; thence S00°01'00"E, 177.15 feet to a point on the south line of the E ½ of said SW ¼; thence S89°59'00"W along the south line of the E ½ of said SW ¼, 555.16 feet to the point of beginning, subject to road rights-of-way of record.

SECTION 2. That if any part or portion of this ordinance shall be held or determined to be illegal, ultra vires or void the same shall not be held or construed to alter, change or annul any terms or provisions hereof which may be legal or lawful. And in the event this ordinance in its entirety shall be held to be ultra vires, illegal or void, then in such event the boundaries and limits of said City shall be held to be those heretofore established by law.

SECTION 3. That the City Attorney be and he is hereby instructed at the proper time to draw a resolution redefining the boundaries and limits of the City of Wichita, Kansas, under and pursuant to K.S.A. 12-517, et seq.

SECTION 4. This ordinance shall become effective and be in force from and after its adoption and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, Director of Law

## Agenda Report No. 27

City of Wichita  
City Council Meeting  
May 23, 2006

Agenda Report No. 06-0551

TO: Wichita Airport Authority

SUBJECT: Hangar 16- Study  
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the contract.

Background: A request for proposals was issued seeking consulting services for the rehabilitation of Hangar 16. A submittal was received from Haney and Associates Architects and a contract has been prepared for the study phase.

Analysis: The facility is in poor condition and rehabilitation must be done prior to leasing to a new tenant. This study will identify the scope of work necessary to rehabilitate Hangar 16. The study will address, but not be limited to heating, ventilation, plumbing, fire protection, structural, roofing and code-related issues. It will also include a landscape concept, and propose a new parking area.

Financial Considerations: The cost of the study is \$8,000 and funds are available in the operating budget. It is expected that with the inclusion of the supplemental agreement for the design services, the total will exceed the \$25,000 limit, which requires Wichita Airport Authority approval. Once the study is complete, a design contract and project budget will be requested.

Legal Considerations: The Law Department has approved the contract.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the contract and authorize necessary signatures.

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