

**REVISED:**

**--ADDED ITEM 5a) STREET CLOSURE**

**--PULLED ITEM 49/PER AIRPORT AUTHORITY**

**OCTOBER 17, 2006 AGENDA REPORTS**

**Agenda Item No. 5a.**

City of Wichita  
City Council Meeting  
October 17, 2006  
Agenda Report No. 06-1058

TO: Mayor and City Council Members

SUBJECT: Street Closure: Hydraulic north of Harry (District 1)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the partial street closure.

Background: Wildcat Construction Co., Inc. has contracted to reconstruct numerous Sanitary Sewer locations. This project was approved by the City Council in December 20, 2005 as part of the 2006 Sanitary Sewer Reconstruction and Rehabilitation Program. The existing roadway carries two lanes of traffic – one northbound lane and one southbound lane. The planned reconstruction will require the excavation and removal of a section of sanitary sewer and installation of new pipe. The reconstruction will connect to a manhole in the east (northbound) lane of Hydraulic and will not leave enough room for two lanes of traffic past the work area.

The contractor is requesting a closure of the northbound section of Hydraulic St. between Harry and Zimmerly to minimize traffic and related construction safety concerns. The requested street closure is tentatively scheduled to begin approximately 9:00 a.m. Wednesday, October 18th and be completed on or before Friday, October 27, 2006.

Analysis: Wildcat Construction Co., Inc. is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the street closure northbound traffic on Hydraulic will be detoured as follows:

Northbound Hydraulic traffic will be detoured west on Harry to Southeast Blvd., then north to Lincoln and then east to return to Hydraulic.

Financial Considerations: None.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing an improved sanitary sewer system for an existing residential area.

Legal Considerations: None.

Recommendation/Action: It is recommended that the City Council approve the partial street closure.

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

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1007

TO: Mayor and City Council  
SUBJECT: Sim Park Memorial (District VI)  
INITIATED BY: Department of Park and Recreation  
AGENDA: Consent

Recommendation: Approve the contract.

Background: In 1917, Coler L. Sim donated land located just north of the confluence of the Arkansas and Little Arkansas Rivers to the City of Wichita in memory of his son Arthur. The deed associated with this land donation required the City to erect an entry feature. This entry monument was installed circa 1918 and has deteriorated with time and is in need of restoration. On June 13, 2006 City Council adopted a bonding resolution, authorized initiation of the project, and authorized issuance on an RFP.

Analysis: A request for proposal (FP600083) was issued to secure a qualified contractor for the restoration work on the memorial. Only one qualified contractor responded to the RFP. Based upon experience, qualifications, proposed restoration work, and cost, Restoration & Waterproofing Contractors, Inc. is recommended to complete this project.

Financial Considerations: The Park Capital Improvement Plan includes \$100,000 in 2005 for restoration of the Sim Park entry monument. The funding source is General Obligation bonds.

Goal Impact: Enhance the Quality of Life- Sim Park plays an important role in recreational activities for District VI. The entry feature is a reminder of the City of Wichita's appreciation to the Sim family for their donation and also serves as a tie to the history of this Park and the surrounding neighborhood.

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

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

Attachment: Contract agreement.

**Agenda Item No. 8.b.**

City of Wichita  
City Council Meeting  
October 17, 2004

Agenda Report No. 06-1008

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for 135th Street West, Maple to Central (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: On December 13, 2005, the City entered into an Agreement with Schwab-Eaton, P.A. for designing improvements to 135th Street West from Maple to Central. The fee was \$132,460.

Analysis: Schwab-Eaton has been asked to include traffic signalization at the intersection of 135th Street West and Maple. The proposed Supplemental Agreement between the City and Schwab-Eaton provides for additional design services.

Financial Considerations: Payment to Schwab-Eaton will be on a lump sum basis of \$9,300, and will be paid by General Obligation Bonds.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving traffic flow through a high volume arterial street intersection.

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.

Attachment: Supplemental Agreement.

SUPPLEMENTAL AGREEMENT

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED DECEMBER 13, 2005

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

SCHWAB-EATON, P.A

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated December 13, 2005) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to the 135th Street West, Maple to Central (Project No. 472 84308, OCA No. 706938).

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:

Signalization at the Intersection of 135th Street West & Maple  
(Project No. 472 84308, OCA. No. 706938)

B. PAYMENT PROVISIONS

The lump sum fee and the accumulated partial payment limits in Section IV. A. shall be amended as follows:

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:

Project No. 472 84308                      \$9,300.00

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 \_\_\_\_\_; 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, Mayor

ATTEST:

\_\_\_\_\_

Karen Sublett, City Clerk

APPROVED AS TO FORM:

---

Gary Rebenstorf, Director of Law

SCHWAB-EATON, P.A

---

(Name and Title)

ATTEST:

---

**Agenda Item No. 8.c.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1009

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Construction Engineering and Staking in Fox Ridge Addition (north of 29th Street North, east of Maize) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: The City Council approved the water, sanitary sewer and drainage improvements in Fox Ridge Addition on July 11, 2006. On August 15, 2006 the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering and staking services if requested by the City.

Analysis: The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$61,100 and will be paid by special assessments.

Goal Impact: This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water, sanitary sewer and drainage improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

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.

Attachments: Supplemental Agreement

## SUPPLEMENTAL AGREEMENT

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED AUGUST 15, 2006

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 August 15, 2006) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements in FOX RIDGE ADDITION (north of 29th Street North, east of Maize).

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:

**STAKING, AS-BUILT AND CONSTRUCTION ENGINEERING**  
(as per the City of Wichita Standard Construction Engineering Practices)

WATER DISTRIBUTION SYSTEM NO. 448 90204 serving Lots 46 through 101, Block 1; Lots 1 through 12, Block 2, Fox Ridge Addition (north of 29th Street North, east of Maize) (Project No. 448 90204).

LATERAL 3, MAIN 6, (PART D) NOWTHWEST INTERCEPTOR SEWER serving Lots 46 through 101, Block 1; Lots 1 through 12, Block 2; Lots 22 through 41, Block 4, Fox Ridge Addition (north of 29th Street North, east of Maize) (Project No. 468 84202).

STORM WATER DRAIN NO. 263 serving Lots 61 through 101, Block 1; Lots 1 through 12, Block 2, Fox Ridge Addition (north of 29th Street North, west of Tyler) (Project No. 468 83997).

Construction staking and final as-built of all areas included in the project mass grading plan will be the responsibility of the ENGINEER, with final as-built plans submitted and sealed by a licensed land surveyor or registered professional engineer. Minimum construction staking shall consist of the following: grade stakes set at 50 foot centers in tangent sections, and 25 foot centers through curve sections, at the street centerline (to match CL street stationing per paving plans); both right-of-way lines (at lot corners); back lot/easement lines (at lot corners); as well as any other grade break lines. Grade stake cuts and fills shall be to the dirt grade as required by the mass grading plan details, and shall not be set for final pavement grade, nor to actual final subgrade elevation. Final elevations for all areas outside the street right-of-way to be graded per plans, provisions or otherwise, including lots, easements, ponds and reserve areas, shall be within +/-0.2' of plan call-outs, unless otherwise stated in plans or provisions. Final elevations within the street right-of-way shall be within +/-0.1' of plan call-outs. The ENGINEER will be responsible to provide initial as-built(s) to the City's Project Engineer, who will coordinate any rework with the contractor. The ENGINEER'S survey and as-built generation responsibilities will include re-checking all points deemed to be out of compliance by the City project engineer, regardless of the number of times to achieve compliance. Two copies of the project specific mass grading and pond construction plan sheets will be submitted to the Project Engineer within 5 days of completion of final grading, will show original plan and final as-built elevations at all original call-out locations. Submittals will include both standard plan sheets as well as an electronic file.

#### B. PAYMENT PROVISIONS

The lump sum fee and the accumulated partial payment limits in Section IV. A. shall be amended as follows:

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:

|           |             |
|-----------|-------------|
| 448 90204 | \$11,400.00 |
| 468 84202 | \$26,500.00 |
| 468 83997 | \$23,200.00 |

TOTAL \$61,100.00

C. 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, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf, Director of Law  
MKEC ENGINEERING CONSULTANTS, INC.

\_\_\_\_\_  
(Name & Title)

ATTEST:

\_\_\_\_\_

**Agenda Item No. 8.d.**

City of Wichita  
City Council Meeting  
October 17, 2004

Agenda Report No. 06-1010

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Gypsum Creek Channel Improvements  
Between Rock Road and Eastern Avenue (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: On June 13, 2006, the City entered into an Agreement with HNTB Corporation for designing improvements to the natural channel of Gypsum Creek between Rock Road and Eastern Avenue. The fee was \$177,255.

Analysis: HNTB has been asked to include a topographic survey of Gypsum Creek between Armour branch and Rock Road. The proposed Supplemental Agreement between the City and HNTB provides for additional design services.

Financial Considerations: Payment to HNTB will be on a lump sum basis of \$10,000, and will be paid by General Obligation Bonds. The cost of all services are within the current project funding authorization.

Goal Impact: This project addresses the Ensure Efficient Infrastructure goal by improving stormwater channel conveyance and reduces potential flood losses

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.

Attachment: Supplemental Agreement.

SUPPLEMENTAL AGREEMENT

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED JUNE 13, 2006

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

HNTB CORPORATION

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated June 13, 2006) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to the GYPSUM CREEK CHANNEL IMPROVEMENTS, ROCK ROAD TO EASTERN AVENUE (Project No. 468 84178, OCA No. 660800).

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:

Topographic Survey of Gypsum Creek between Rock Road and Armour.  
(see Exhibit "C")

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 will increase the total contract by \$10,000.00.

C. 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, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf, Director of Law

HNTB CORPORATION

---

(Name and Title)

ATTEST:

---

Exhibit "C"

5 April 2006

HNTB Corporation  
Attn: Ryan Robinson  
rrobinson@hntb.com  
715 Kirk Drive  
Kansas City, MO 64105

Fax 816-221-9016

Subject: Surveying services for a topographic survey. And Surveying services for an As-Built survey.

Reference: Gypsum Creek – Rock Road to Armour Drive

Dear Jeff Evans,

We are estimating the cost of a Topographic survey of the above referenced project at \$9,500.00 with an estimated completion date of five (5) weeks after the date of authorization to proceed. With authorization this survey can be accomplished at the same time as the Rock Road to Eastern survey. The survey will be based on the NGVD 1929 vertical datum and the Kansas State Plane Horizontal Coordinate System.

This survey will provide sufficient data to allow HNTB to create a DTM of the project area. The survey will extend from just downstream of the Rock Road Bridge to just downstream of the Armour Branch of Gypsum Creek. Survey limits on the north will be the adjacent property. On the south side, the limits will extend to the KTA right-of-way from downstream of the Armour Branch of Gypsum Creek to Rock Road. The survey deliverable shall include 3D 2-foot contours, spot shots and break-lines, in AutoCAD format, delineating all significant features in the project area, including breaks in grade, channel flow-line, edge of water and utility crossings. The survey will include Utility Mapping of marked utilities, including coordination with utility marking services. The survey will also include an outline drawing of topographic features such

as roads, bridges, fences and utility structures.

The survey will document the Low Opening and Low Adjacent Grade of any structures that are within, are touched by or are adjacent to the 100-yr flood boundary. This might involve 3 or 4 structures.

We are estimating the cost of an As-Built survey of the above referenced project at \$5,920.00 with an estimated completion date of five (5) weeks after the date of authorization to proceed. The As-Built survey for this project is assumed to be over-bank excavation in the floodplain from Rock Road to Armour Drive.

We are looking forward to working with you on this project. If you have any questions, please feel free to call me.

Sincerely,

Mark A. Savoy

**Agenda Item No. 8.e.**

City of Wichita  
City Council Meeting  
October 17, 2004

Agenda Report No. 06-1011

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Dry Creek Channel Improvements Between Lincoln and Orme (District III)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: On June 13, 2006, the City entered into an Agreement with Black & Veatch Corporation for designing improvements to the natural channel of Dry Creek between Lincoln and Orme by constructing a low flow channel with a grassed overbank area and replacing the bridge at Gilbert Avenue. The fee was \$190,000.

Analysis: Black & Veatch has been asked to extend the project limits to include two stream reaches between Orme and Kellogg. The proposed Supplemental Agreement between the City and Black & Veatch provides for additional design services.

Financial Considerations: Payment to Black & Veatch will be on a lump sum basis of \$15,000, and will be paid by General Obligation Bonds.

Goal Impact: This project addresses the Ensure Efficient Infrastructure goal by improving stormwater channel conveyance and reduces potential flood losses

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.

Attachment: Supplemental Agreement.

SUPPLEMENTAL AGREEMENT

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED JUNE 13, 2006

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

BLACK & VEATCH CORPORATION

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated April 16, 2002) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to the DRY CREEK CHANNEL IMPROVEMENTS, LINCOLN TO ORME (Project No. 468 84177, OCA No. 660801).

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:

Extention of Project Limits to include stream reaches  
between Orme and Kellogg.  
(see Exhibit No. 1)

**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 will increase the total contract by \$15,000.00.

**C. 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, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf, Director of Law

**BLACK & VEATCH CORPORATION**

\_\_\_\_\_  
(Name and Title)

ATTEST:

---

EXHIBIT No.1  
SUPPLEMENT TO AGREEMENT FOR PROFESSIONAL SERVICES  
BETWEEN  
THE CITY OF WICHITA, KANSAS AND  
BLACK & VEATCH CORPORATION  
FOR  
DRY CREEK CHANNEL IMPROVEMENTS, LINCOLN TO ORME

---

The purpose of this EXHIBIT No.1 is to define additional engineering services which Black & Veatch, hereinafter called the ENGINEER, is to provide to the City of Wichita, Kansas, hereinafter called the OWNER. This agreement is a supplement to the AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WICHITA, KANSAS, AND BLACK & VEATCH CORPORATION, dated June 13, 2006. The agreement dated June 13, 2006 will hereinafter be called PREVIOUS AGREEMENT.

#### SECTION I – SCOPE OF SERVICES

The ENGINEER agrees to provide the following engineering services for the Dry Creek Channel Improvements, Lincoln to Orme Project:

#### EXTENSION OF PROJECT LIMITS TO INCLUDE STREAM REACHES BETWEEN ORME AND KELLOGG

In addition to and in association with the design work specified in the PREVIOUS AGREEMENT, the owner wishes to study, evaluate, and design necessary improvements to two stream reaches between Orme and Kellogg. The additional stream reaches will be referred to as NEW REACHES, and are generally described as follows: One stream reach is a portion of Dry Creek, while the other is a portion of a tributary of Dry Creek that enters into Dry Creek at Orme, both running from Kellogg downstream to Orme. The scope of services for the design of improvements along these two reaches of stream shall be as follows:

#### DESIGN SERVICES

a. Topographic Survey – ENGINEER will contract with MKEC Engineering Consultants to provide the necessary topographic survey. The topographic survey will supplement the project survey commissioned in the previous agreement. Terms of the previous agreement’s scope of services, Section 2.0 Field Investigations would apply to the NEW REACHES.

- b. Bridge At Orme – It has come to light that with the possible development of a Wal-Mart in the vicinity of Dry Creek, the stream crossing at Orme may be closed, and the bridge removed. This supplement allows for one (1) additional alternative to be developed to consider design changes in the stream resulting from the removal of the Orme bridge.
- c. Concept Plan - ENGINEER will incorporate the NEW REACHES into the concept plan phase described in the PREVIOUS AGREEMENT’S scope of services Section 3.0 Dry Creek Improvements – Concept Plan. Existing hydrologic and hydraulic models will be updated to include the NEW REACHES. The NEW REACHES will now be considered in the Value Planning Workshops, however this supplement provides for only one (1) additional conceptual alternative (mentioned in section b above) to be developed beyond the five (5) mentioned in Section 3.5 of the scope of services of the previous agreement.
- d. Final Engineering –ENGINEER will incorporate the NEW REACHES into the final engineering phase described in the PREVIOUS AGREEMENT’S scope of services Section 4.0 Final Engineering. The NEW REACHES will be shown on Field Check, Office Check, and Final Plans.
- e. Permitting – ENGINEER will incorporate the NEW REACHES into the permitting activities described in the PREVIOUS AGREEMENT’S scope of services Section 5.0 Permitting. This supplement includes only those permitting activities mentioned in Section 5.0 Permitting of the PREVIOUS AGREEMENT.
- f. Bidding Phase Services – ENGINEER will incorporate the NEW REACHES into the bidding phase services described in the PREVIOUS AGREEMENT’S scope of services Section 6.0 Bidding Phase Services. This supplement includes no additional time for project team members to answer questions above that mentioned in the PREVIOUS AGREEMENT.

## SECTION II – COMPENSATION

As compensation for the services described by the scope of services in section I, the OWNER agrees to pay ENGINEER a fixed price of Fifteen Thousand Dollars and no cents (\$15,000.00). The total maximum billed under the PREVIOUS AGREEMENT and Supplement No. 1 shall not exceed Two Hundred and Five Thousand Dollars and no cents (\$205,000.00) without further authorization.

Billing procedures and all other items pertaining to compensation not specifically addressed by this Exhibit No.1 shall remain as described in the PREVIOUS AGREEMENT.

## SECTION III – OTHER MATTERS

It is mutually agreed and understood that all terms of the PREVIOUS AGREEMENT not specifically revised by this Exhibit No.1 shall remain unchanged and in full force.

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

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1012

Agenda Report No. 06-1012

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Clear Creek Addition (west of 143rd Street East, south of Kellogg) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the water, sanitary sewer and paving improvements in Clear Creek Addition on September 26, 2006.

Analysis: The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements consisting of water, sanitary sewer and paving in Clear Creek Addition. Per Administrative Regulation 1.10, staff recommends that R&B be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to R&B will be on a lump sum basis of \$42,900 and will be paid by special assessments.

Goal Impact: This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

Legal Considerations: The Agreement has been approved as to form by the Law Department.  
Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Attachments: Agreement

AGREEMENT

for

PROFESSIONAL SERVICES

between

THE CITY OF WICHITA, KANSAS

and

RUGGLES & BOHM, P.A.

for

CLEAR CREEK ADDITION

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between the CITY OF WICHITA, KANSAS, party of the first part, hereinafter called the "CITY" and RUGGLES & BOHM, P.A., party of the second part, hereinafter called the "ENGINEER".

WITNESSETH: That

WHEREAS, the CITY intends to construct;

WATER DISTRIBUTION SYSTEM NO. 448 90232 serving Lots 22 through 28, Block 3; Lots 3 through 6, Block 4; Lots 1 through 20, Block 5; Lots 1 through 6, Block 6, Clear Creek Addition (west of 143rd Street East, south of Kellogg) (Project No. 448 90232).

LATERAL 400, FOUR MILE CREEK SEWER serving Lots 21 through 28, Block 3; Lots 1 through 6, Block 4; Lots 1 through 5, Block 5; Lots 12 through 20, Block 5; Lots 1 through 6, Block 6, Clear Creek Addition (west of 143rd Street East, south of Kellogg) (Project No. 468 84231).

SPRING HOLLOW DRIVE from the north line of Clear Creek Addition to the west line of Creekside Lane; WATSON from the west line of Lot 3, Block 4 to the west line of Creekside Lane; CLEAR CREEK from the north line of Clear Creek Addition to the south line of Lot 2, Block 10; and ST. ANDREWS DRIVE from the north line of Watson to the north line of Clear Creek Addition (west of 143rd Street East, south of Kellogg) (Project NO. 472 84448).

NOW, THEREFORE, the parties hereto do mutually agree as follows:

#### I. SCOPE OF SERVICES

The ENGINEER shall furnish professional services as required for designing improvements in Clear Creek Addition and to perform the PROJECT tasks outlined in Exhibit A.

#### II. IN ADDITION, THE ENGINEER AGREES

A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in the SCOPE OF SERVICES (Exhibit A).

B. To attend meetings with the City and other local, state and federal agencies as necessitated by the SCOPE OF SERVICES.

C. To make available during regular office hours, all calculations, sketches and drawings such as the CITY may wish to examine periodically during performance of this agreement.

D. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of ENGINEER, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.

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

F. 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, and to comply with the CITY'S Affirmative Action Program as set forth in Exhibit "B" which is attached hereto and adopted by reference as though fully set forth herein.

G. To accept compensation for the work herein described in such amounts and at such periods as provided in Article IV and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with such work.

H. To complete the services to be performed by ENGINEER within the time allotted for the PROJECT in accordance with Exhibit A; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond control of the ENGINEER.

I. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, drawings, specifications, plans and/or other work or material

furnished by the ENGINEER under this agreement. ENGINEER further agrees, covenants and represents, that all designs, drawings, specifications, plans, and other work or material furnished by ENGINEER, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.

J. ENGINEER shall procure and maintain such insurance as will protect the ENGINEER from damages resulting from the negligent acts of the ENGINEER, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to a deductible of \$10,000.00. In addition, a Workman's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law. The liability limit shall be not less than:

Workman's Compensation – Statutory  
Employer's Liability - \$500,000 each occurrence.

Further, a comprehensive general liability policy shall be procured and maintained by the ENGINEER that shall be written in a comprehensive form and shall protect ENGINEER against all claims arising from injuries to persons (other than ENGINEER'S employees) or damage to property of the CITY or others arising out of any negligent act or omission of ENGINEER, its agents, officers, employees or subcontractors in the performance of the professional services under this agreement. The liability limit shall not be less than \$500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory Certificates of Insurance shall be filed with the CITY prior to the time ENGINEER starts any work under this agreement. In addition, insurance policies applicable hereto shall contain a provision that provides that the CITY shall be given thirty (30) days written notice by the insurance company before such policy is substantially changed or canceled.

K. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The ENGINEER agrees to advise the CITY, in writing, of the person(s) designated as Project Manager not later than five (5) days following issuance of the notice to proceed on the work required by this agreement. The ENGINEER shall also advise the CITY of any changes in the person designated Project Manager. Written notification shall be provided to the CITY for any changes exceeding one week in length of time.

### III. THE CITY AGREES:

A. To furnish all available data pertaining to the PROJECT now in the CITY'S files at no cost to the ENGINEER. Confidential materials so furnished will be kept confidential by the ENGINEER.

B. To provide standards as required for the PROJECT; however, reproduction costs are the responsibility of the ENGINEER, except as specified in Exhibit A.

C. To pay the ENGINEER for his services in accordance with the requirements of this agreement.

D. To provide the right-of-entry for ENGINEER'S personnel in performing field surveys and inspections.

E. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The CITY agrees to advise, the ENGINEER, in writing, of the person(s) designated as Project Manager with the issuance of the notice to proceed on the work required by this agreement. The CITY shall also advise the ENGINEER of any changes in the person(s) designated Project Manager. Written notification shall be provided to the ENGINEER for any changes exceeding one week in length of time.

F. To examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER in a timely fashion.

#### IV. PAYMENT PROVISIONS

A. Payment to the ENGINEER for the performance of the professional services required by this agreement shall be made on the basis of the lump sum fee amount specified below:

|                       |             |
|-----------------------|-------------|
| Project No. 448 90232 | \$ 5,500.00 |
| Project No. 468 84231 | \$11,800.00 |
| Project No. 472 84448 | \$25,600.00 |
| TOTAL                 | \$42,900.00 |

B. When requested by the CITY, the ENGINEER will enter into a Supplemental Agreement for additional services related to the PROJECT such as, but not limited to:

1. Consultant or witness for the CITY in any litigation, administrative hearing, or other legal proceedings related to the PROJECT.
2. Additional design services not covered by the scope of this agreement.
3. Construction staking, material testing, inspection and administration related to the PROJECT.
4. A major change in the scope of services for the PROJECT.

If additional work should be necessary, the ENGINEER will be given written notice by the CITY along with a request for an estimate of the increase necessary in the not-to-exceed fee for performance of such additions. 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 parties.

#### V. THE PARTIES HERETO MUTUALLY AGREE:

A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the ENGINEER'S inability to proceed with the work.

B. That the field notes and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the ENGINEER'S services in accordance with this agreement; and there shall be no restriction or limitation on their further use by the CITY. Provided, however, that CITY shall hold ENGINEER harmless from any and all claims, damages or causes of action which arise out of such further use when such further use is not in connection with the PROJECT.

C. That the services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.

D. In the event of unavoidable delays in the progress of the work contemplated by this

agreement, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the ENGINEER shall request extensions, in writing, giving the reasons therefor.

E. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.

F. Neither the CITY'S review, approval or acceptance of, nor payment for, any of the work or services required to be performed by the ENGINEER under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this agreement.

G. The rights and remedies of the CITY provided for under this agreement are in addition to any other rights and remedies provided by law.

H. It is specifically agreed between the parties executing this contract, that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this agreement as of the date first written above.

BY ACTION OF THE CITY COUNCIL

\_\_\_\_\_

Carlos Mayans, Mayor

SEAL:

ATTEST:

\_\_\_\_\_

Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

Gary Rebenstorf, Director of Law

RUGGLES & BOHM, P.A.

---

(Name & Title)

ATTEST:

---

**EXHIBIT "A"**  
**SCOPE OF SERVICES**

The ENGINEER shall furnish engineering services as required for the development of plans, supplemental specifications and estimates of the quantities of work for the PROJECT in the format and detail required by the City Engineer for the City of Wichita. Engineering plans shall be prepared in ink on standard 22" x 36" Mylar sheets.

In connection with the services to be provided, the ENGINEER shall:

**A. PHASE I – PLAN DEVELOPMENT**

When authorized by the CITY, proceed with development of Plans for the PROJECT based on the preliminary design concepts approved by the CITY.

1. **Field Surveys.** Provide engineering and technical personnel and equipment to obtain survey data as required for the engineering design. Utility companies shall be requested to flag or otherwise locate their facilities within the PROJECT limits prior to the ENGINEER conducting the field survey for the PROJECT. Utility information shall be clearly noted and identified on the plans.
2. **Soils and Foundation Investigations.** The CITY'S Engineering Division of the Department of Public Works shall provide subsurface borings and soils investigations for the PROJECT. However, the CITY may authorize the ENGINEER to direct an approved Testing Laboratory to perform subsurface borings and soils investigations for the PROJECT, which shall be reported in the format and detail required by the City Engineer for the City of Wichita. The Testing Laboratory shall be responsible for the accuracy and competence of their work. The ENGINEER'S contract with the Testing Laboratory shall provide that the Testing Laboratory is responsible to the City for the accuracy and competence of their work. The cost of soils and boring investigations shall be passed directly to the City of Wichita.
3. **Review Preliminary Design Concepts.** Submit preliminary design concepts for review with the City Engineer or his designated representative prior to progressing to detail aspects of the work unless waived by the City Engineer.
4. **Drainage Study.** Conduct a detailed study to explore alternative design concepts concerning drainage for the PROJECT. Present the findings in writing identifying recommendations to the CITY, including preliminary cost estimates, prior to development of final check plans. Such written findings and recommendations must be in a format which is self explanatory and readily

understood by persons with average backgrounds for the technology involved.

5. Prepare engineering plans, plan quantities and supplemental specifications as required. Engineering plans will include incidental drainage where required and permanent traffic signing. The PROJECT'S plans and proposed special provisions shall address the requirements included in the City's Administrative Regulations 78, "Cleanup, Restoration or Replacement Following Construction." Also, final plans, field notes and other pertinent project mapping records are to be provided to the CITY via floppy diskettes (3 1/2"), CD-ROM, or other media acceptable to the City Engineer. The files are to be AutoCAD drawing files or DXF/DXB files. Layering, text fonts, etc. are to be reviewed and approved during the preliminary concept development phase of the design work. Text fonts other than standard AutoCAD files are to be included with drawing files. In addition to supplying the electronic files of the AutoCAD drawing files of the final plans, ENGINEER will also need to supply electronic files of the drawings in PDF format.
6. Prepare right-of-way tract maps and descriptions as required in clearly drawn detail and with sufficient reference to certificate of title descriptions. ENGINEER will perform all necessary survey work associated with marking the additional right-of-way easements. This shall include the setting monuments of new corners for any additional right-of-way and a one time marking of the right-of-way for utility relocations.
7. Identify all potential utility conflicts and provide prints of preliminary plans showing the problem locations to each utility. ENGINEER shall meet with utility company representatives to review plans and coordinate resolution of utility conflicts prior to PROJECT letting or, if approved by the City Engineer, identify on plans conflicts to be resolved during construction. Provide to CITY utility status report identifying utility conflicts with dates by which the conflicts will be eliminated with signed utility agreements from each involved utility company. ENGINEER shall meet with involved utility company/ies and project contractor to resolve any conflicts with utilities that occur during construction that were not identified and coordinated during design.
8. Deliver the original tracings of the Final approved plans to the CITY for their use in printing plans for prospective bidders.
9. All applicable coordinate control points and related project staking information shall be furnished on a 3-1/2" diskette in a format agreed upon by the CITY. When applicable, this coordinate information will be used by the CITY for construction staking purposes.
10. All shop drawings submitted by the contractor for the PROJECT shall be reviewed and, when acceptable, approved for construction by the ENGINEER for the PROJECT.
11. The ENGINEER shall meet with effected property owners, along with City staff, at a pre-construction Public Information Meeting, as arranged by the City, to explain project design, including such issues as construction phasing and traffic control.
12. The Engineer shall complete permanent monumentation of all new R/W, complete and submit all necessary legal documentation for same.
13. Complete and deliver field notes, plan tracings, specifications and estimates to the CITY within the time allotted for the PROJECTS as stipulated below.
  - a. Plan Development for the water improvements by December 1, 2006. (Project No. 448 90232).
  - b. Plan Development for the sewer improvements by December 1, 2006. (Project No. 468 84231).
  - c. Plan Development for the paving improvements by December 1, 2006. (Project No. 472

84448).

**Agenda Item No. 9.b.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1013

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1013

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Copper Gate North Addition (north of 13th, west of 135th Street West) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the storm water and paving improvements in Copper Gate North Addition on October 12, 2004.

Analysis: The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of storm water and paving in Copper Gate North Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$28,700 and will be paid by special assessments.

Goal Impact: This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

Legal Considerations: The Agreement has been approved as to form by the Law Department.  
Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Attachments: Agreement

AGREEMENT

for

PROFESSIONAL SERVICES

between

THE CITY OF WICHITA, KANSAS

and

BAUGHMAN COMPANY, P.A.

for

COPPER GATE NORTH ADDITION

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between the CITY OF WICHITA, KANSAS, party of the first part, hereinafter called the "CITY" and BAUGHMAN COMPANY, P.A., party of the second part, hereinafter called the "ENGINEER".

WITNESSETH: That

WHEREAS, the CITY intends to construct;

STORM WATER DRAIN NO. 277 serving Lots 20 and 21, Block A; Lots 1 through 6, Block B;

Lots 1 through 12, Block C; Lots 1 through 11, Block D; Lots 17 through 22, Block D; Lots 1 through 6, Block E, Copper Gate North Addition (north of 13th, west of 135th Street West) (Project No. 468 84079).

AKSARBEN from the north line of Lot 19, Block A, north to the south line of Autumn Ridge, AUTUMN RIDGE from the west line of the plat, east and south to the north line of Kiwi; KIWI from the west line of Lot 7, Block E, east to the east line of the plat, and on DECKER from the north line of Autumn Ridge, north to the north line of the plat. Sidewalk to be constructed on one side of Autumn Ridge, Aksarben, Kiwi, and Decker (north of 13th, west of 135th Street West) (Project No. 472 84105).

NOW, THEREFORE, the parties hereto do mutually agree as follows:

#### I. SCOPE OF SERVICES

The ENGINEER shall furnish professional services as required for designing improvements in Copper Gate North Addition and to perform the PROJECT tasks outlined in Exhibit A.

#### II. IN ADDITION, THE ENGINEER AGREES

A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in the SCOPE OF SERVICES (Exhibit A).

B. To attend meetings with the City and other local, state and federal agencies as necessitated by the SCOPE OF SERVICES.

C. To make available during regular office hours, all calculations, sketches and drawings such as the CITY may wish to examine periodically during performance of this agreement.

D. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of ENGINEER, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.

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

F. 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, and to comply with the CITY'S Affirmative Action Program as set forth in Exhibit "B" which is attached hereto and adopted by reference as though fully set forth herein.

G. To accept compensation for the work herein described in such amounts and at such periods as provided in Article IV and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with such work.

H. To complete the services to be performed by ENGINEER within the time allotted for the PROJECT in accordance with Exhibit A; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond control of the ENGINEER.

I. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, drawings, specifications, plans and/or other work or material

furnished by the ENGINEER under this agreement. ENGINEER further agrees, covenants and represents, that all designs, drawings, specifications, plans, and other work or material furnished by ENGINEER, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.

J. ENGINEER shall procure and maintain such insurance as will protect the ENGINEER from damages resulting from the negligent acts of the ENGINEER, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to a deductible of \$10,000.00. In addition, a Workman's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law. The liability limit shall be not less than:

Workman's Compensation – Statutory  
Employer's Liability - \$500,000 each occurrence.

Further, a comprehensive general liability policy shall be procured and maintained by the ENGINEER that shall be written in a comprehensive form and shall protect ENGINEER against all claims arising from injuries to persons (other than ENGINEER'S employees) or damage to property of the CITY or others arising out of any negligent act or omission of ENGINEER, its agents, officers, employees or subcontractors in the performance of the professional services under this agreement. The liability limit shall not be less than \$500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory Certificates of Insurance shall be filed with the CITY prior to the time ENGINEER starts any work under this agreement. In addition, insurance policies applicable hereto shall contain a provision that provides that the CITY shall be given thirty (30) days written notice by the insurance company before such policy is substantially changed or canceled.

K. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The ENGINEER agrees to advise the CITY, in writing, of the person(s) designated as Project Manager not later than five (5) days following issuance of the notice to proceed on the work required by this agreement. The ENGINEER shall also advise the CITY of any changes in the person designated Project Manager. Written notification shall be provided to the CITY for any changes exceeding one week in length of time.

### III. THE CITY AGREES:

A. To furnish all available data pertaining to the PROJECT now in the CITY'S files at no cost to the ENGINEER. Confidential materials so furnished will be kept confidential by the ENGINEER.

B. To provide standards as required for the PROJECT; however, reproduction costs are the responsibility of the ENGINEER, except as specified in Exhibit A.

C. To pay the ENGINEER for his services in accordance with the requirements of this agreement.

D. To provide the right-of-entry for ENGINEER'S personnel in performing field surveys and inspections.

E. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The CITY agrees to advise, the ENGINEER, in writing, of the person(s) designated as Project Manager with the issuance of the notice to proceed on the work required by this agreement. The CITY shall also advise the ENGINEER of any changes in the person(s) designated Project Manager. Written notification shall be provided to the ENGINEER for any changes exceeding one week in length of time.

F. To examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER in a timely fashion.

#### IV. PAYMENT PROVISIONS

A. Payment to the ENGINEER for the performance of the professional services required by this agreement shall be made on the basis of the lump sum fee amount specified below:

|                       |             |
|-----------------------|-------------|
| Project No. 468 84079 | \$ 8,900.00 |
| Project No. 472 84105 | \$19,800.00 |
| TOTAL                 | \$28,700.00 |

B. When requested by the CITY, the ENGINEER will enter into a Supplemental Agreement for additional services related to the PROJECT such as, but not limited to:

1. Consultant or witness for the CITY in any litigation, administrative hearing, or other legal proceedings related to the PROJECT.
2. Additional design services not covered by the scope of this agreement.
3. Construction staking, material testing, inspection and administration related to the PROJECT.
4. A major change in the scope of services for the PROJECT.

If additional work should be necessary, the ENGINEER will be given written notice by the CITY along with a request for an estimate of the increase necessary in the not-to-exceed fee for performance of such additions. 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 parties.

#### V. THE PARTIES HERETO MUTUALLY AGREE:

A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the ENGINEER'S inability to proceed with the work.

B. That the field notes and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the ENGINEER'S services in accordance with this agreement; and there shall be no restriction or limitation on their further use by the CITY. Provided, however, that CITY shall hold ENGINEER harmless from any and all claims, damages or causes of action which arise out of such further use when such further use is not in connection with the PROJECT.

C. That the services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.

D. In the event of unavoidable delays in the progress of the work contemplated by this agreement, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the ENGINEER shall request extensions, in writing, giving the reasons

therefor.

E. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.

F. Neither the CITY'S review, approval or acceptance of, nor payment for, any of the work or services required to be performed by the ENGINEER under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this agreement.

G. The rights and remedies of the CITY provided for under this agreement are in addition to any other rights and remedies provided by law.

H. It is specifically agreed between the parties executing this contract, that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this agreement as of the date first written above.

BY ACTION OF THE CITY COUNCIL

\_\_\_\_\_  
Carlos Mayans, Mayor

SEAL:

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf, Director of Law

BAUGHMAN COMPANY, P.A.

---

(Name & Title)

ATTEST:

---

**EXHIBIT "A"**  
**SCOPE OF SERVICES**

The ENGINEER shall furnish engineering services as required for the development of plans, supplemental specifications and estimates of the quantities of work for the PROJECT in the format and detail required by the City Engineer for the City of Wichita. Engineering plans shall be prepared in ink on standard 22" x 36" Mylar sheets.

In connection with the services to be provided, the ENGINEER shall:

**A. PHASE I – PLAN DEVELOPMENT**

When authorized by the CITY, proceed with development of Plans for the PROJECT based on the preliminary design concepts approved by the CITY.

1. **Field Surveys.** Provide engineering and technical personnel and equipment to obtain survey data as required for the engineering design. Utility companies shall be requested to flag or otherwise locate their facilities within the PROJECT limits prior to the ENGINEER conducting the field survey for the PROJECT. Utility information shall be clearly noted and identified on the plans.
2. **Soils and Foundation Investigations.** The CITY'S Engineering Division of the Department of Public Works shall provide subsurface borings and soils investigations for the PROJECT. However, the CITY may authorize the ENGINEER to direct an approved Testing Laboratory to perform subsurface borings and soils investigations for the PROJECT, which shall be reported in the format and detail required by the City Engineer for the City of Wichita. The Testing Laboratory shall be responsible for the accuracy and competence of their work. The ENGINEER'S contract with the Testing Laboratory shall provide that the Testing Laboratory is responsible to the City for the accuracy and competence of their work. The cost of soils and boring investigations shall be passed directly to the City of Wichita.
3. **Review Preliminary Design Concepts.** Submit preliminary design concepts for review with the City Engineer or his designated representative prior to progressing to detail aspects of the work unless waived by the City Engineer.
4. **Drainage Study.** Conduct a detailed study to explore alternative design concepts concerning drainage for the PROJECT. Present the findings in writing identifying recommendations to the CITY, including preliminary cost estimates, prior to development of final check plans. Such written findings and recommendations must be in a format which is self explanatory and readily understood by persons with average backgrounds for the technology involved.
5. **Prepare engineering plans, plan quantities and supplemental specifications as required.**

Engineering plans will include incidental drainage where required and permanent traffic signing. The PROJECT'S plans and proposed special provisions shall address the requirements included in the City's Administrative Regulations 78, "Cleanup, Restoration or Replacement Following Construction." Also, final plans, field notes and other pertinent project mapping records are to be provided to the CITY via floppy diskettes (3 1/2"), CD-ROM, or other media acceptable to the City Engineer. The files are to be AutoCAD drawing files or DXF/DXB files. Layering, text fonts, etc. are to be reviewed and approved during the preliminary concept development phase of the design work. Text fonts other than standard AutoCAD files are to be included with drawing files. In addition to supplying the electronic files of the AutoCAD drawing files of the final plans, ENGINEER will also need to supply electronic files of the drawings in PDF format.

6. Prepare right-of-way tract maps and descriptions as required in clearly drawn detail and with sufficient reference to certificate of title descriptions. ENGINEER will perform all necessary survey work associated with marking the additional right-of-way easements. This shall include the setting monuments of new corners for any additional right-of-way and a one time marking of the right-of-way for utility relocations.

7. Identify all potential utility conflicts and provide prints of preliminary plans showing the problem locations to each utility. ENGINEER shall meet with utility company representatives to review plans and coordinate resolution of utility conflicts prior to PROJECT letting or, if approved by the City Engineer, identify on plans conflicts to be resolved during construction. Provide to CITY utility status report identifying utility conflicts with dates by which the conflicts will be eliminated with signed utility agreements from each involved utility company. ENGINEER shall meet with involved utility company/ies and project contractor to resolve any conflicts with utilities that occur during construction that were not identified and coordinated during design.

8. Deliver the original tracings of the Final approved plans to the CITY for their use in printing plans for prospective bidders.

9. All applicable coordinate control points and related project staking information shall be furnished on a 3-1/2" diskette in a format agreed upon by the CITY. When applicable, this coordinate information will be used by the CITY for construction staking purposes.

10. All shop drawings submitted by the contractor for the PROJECT shall be reviewed and, when acceptable, approved for construction by the ENGINEER for the PROJECT.

11. The ENGINEER shall meet with effected property owners, along with City staff, at a pre-construction Public Information Meeting, as arranged by the City, to explain project design, including such issues as construction phasing and traffic control.

12. The Engineer shall complete permanent monumentation of all new R/W, complete and submit all necessary legal documentation for same.

13. Complete and deliver field notes, plan tracings, specifications and estimates to the CITY within the time allotted for the PROJECTS as stipulated below.

a. Plan Development for the drainage improvements by November 13, 2006.  
(Project No. 468 84079).

b. Plan Development for the paving improvements by November 13, 2006.  
(Project No. 472 84105).

**Agenda Item No. 10.a.**

CITY OF WICHITA  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1014

TO: Mayor and City Council Members

SUBJECT: Partial Acquisition of 1310 and 1332 West MacArthur for the MacArthur Road Improvement Project, Meridian to Seneca (District IV)

INITIATED BY: Office of Property Management

AGENDA: Consent

-----  
-

Recommendation: Approve the acquisition.

Background: On February 7, 2006, City Council approved a project to improve MacArthur, between Meridian and Seneca. The road will be widened to four lanes with left turn lanes and landscaped medians. The intersection of MacArthur and Meridian will be signalized with left turn lanes at all four approaches to the intersection. A new storm water sewer system will be built. To accommodate the project, right-of-way must be acquired from fifteen tracts of land.

Analysis: These acquisitions are the first two for the project. The tracts are adjacent and are owned by the same party. The south ten feet of each tract is needed for the project. 1332 MacArthur is zoned commercial and is improved with retail buildings. The project requires 1,647 square feet of the site. This acquisition was appraised for \$5,764, or \$3.50 per square foot. 1310 MacArthur is zoned residential and is improved with a house and outbuilding. The project requires 1,283.4 square feet of this parcel. The take was appraised for \$744, or \$0.58 per square foot. The appraiser did not take into consideration proximity damages of the house and the new right-of-way line. The house will be less than 10 feet from the road when the project is complete. The total of the two appraisals, \$6,508 was offered to the owner. This offer was rejected. The owner offered to sell the two partial takes at the \$3.50 per square foot that 1332 MacArthur was appraised at. This amounts to a total of \$10,256.

Financial Considerations: A budget of \$11,100 is requested. This includes \$10,256 for the acquisition, \$844 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administrated by the Kansas Department of Transportation.

Goal Impact: The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

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

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

Attachments: Real estate purchase agreement, tract map and aerial.

**Agenda Item No. 10.b.**

CITY OF WICHITA  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1015

TO: Mayor and City Council Members

SUBJECT: Partial Acquisition of 1000 East 13th Street North for the 13th Street and Mosley Intersection Improvement Project (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

-----

-

Recommendation: Approve the acquisition.

Background: On October 18, 2005, City Council approved a project to improve the intersection of Mosley and 13th Street North. The project will provide left turn lanes on 13th Street at Mosley. The traffic signals will be upgraded to provide left turn signal phases at all four approaches to the intersection. To accommodate the project, right-of-way must be acquired from ten tracts of land.

Analysis: This particular acquisition is the second of the ten. It is a triangular corner clip consisting of 198 square feet. A temporary construction easement of 143 square feet is also required. The property is zoned for commercial use and the improvements are distanced from the proposed take, they are unaffected. The owner has agreed to sell the take for \$1,000, \$5.00 per square foot. This is reasonable for the market.

Financial Considerations: A budget of \$1,500.00 is requested. This includes \$1,000.00 for the acquisition, \$500.00 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

Goal Impact: The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

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

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

Attachments: Real estate purchase agreement, tract map and aerial.

**Agenda Item No. 10.c.**

CITY OF WICHITA  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1016

TO: Mayor and City Council Members

SUBJECT: Partial Acquisition of 1003 East 13th Street North for the 13th Street and Mosley Intersection Improvement Project (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

---

-  
Recommendation: Approve the acquisition.

Background: On October 18, 2005, City Council approved a project to improve the intersection of Mosley and 13th Street North. The project will provide left turn lanes on 13th Street at Mosley. The traffic signals will be upgraded to provide left turn signal phases at all four approaches to the intersection. To accommodate the project, right-of-way must be acquired from ten tracts of land.

Analysis: This particular acquisition is the first of the ten. It is a triangular corner clip consisting of 196 square feet. A temporary construction easement of 85 square feet is also required. The tract is vacant and zoned for commercial use. The owner has agreed to sell the take for \$1,000, \$5.00 per square foot. This is reasonable for the market.

Financial Considerations: A budget of \$1,500.00 is requested. This includes \$1,000.00 for the acquisition, \$500.00 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

Goal Impact: The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

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

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

Attachments: Real estate purchase agreement, tract map and aerial.

**Agenda Item No. 11.**

CITY OF WICHITA  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1017

TO: Mayor and City Council Members  
SUBJECT: Lease of 149 South Washington (District I)  
INITIATED BY: Office of Property Management  
AGENDA: Consent

---

-  
Recommendation: Approve the lease.

Background: The property at 149 South Washington is within the Gilbert and Mosley Remediation boundaries and has been identified as part of an area that requires source control remediation for soil and groundwater contamination by the Kansas Department of Health and Environment. The remediation of this area will require unencumbered access to the property and any improvements located on the site. The site is improved with a 6,640 square foot masonry building.

Analysis: Until recently, the property had been leased to a retail business that precluded remediation unless the business was relocated. The business has vacated the property. The City approached the owner about buying or leasing the property. The property owner was not interested in selling but would lease the property. A five-year term was negotiated to allow sufficient time to remediate the site. The City has the right to cancel the lease any time after three years with the payment of a cancellation penalty. Rent is \$37,200 per year (\$5.60 per square foot) for the first three years and \$39,600 (\$5.96) per year for years four and five. In addition to the lease payments, there will be other associated costs related to leasing the property including building and ground maintenance.

Financial Considerations: All costs including annual lease payments, operating expenses and the payment of the cancellation penalty will be funded through the Gilbert and Mosley TIF (tax increment fiancé) district fund. Budget adjustments will be necessary to reallocate budget authority from contingency to appropriate expenditure line items.

Goal Impact: The Gilbert Mosley clean up project promotes a vibrant core area and enhances the quality of life.

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

Recommendation/Action: It is recommended that the City Council; 1) Approve necessary Budget Adjustments; 2) Approve the Lease Agreement; and 3) Authorize all necessary signatures.

Attachments:

Lease Agreement

Aerial Map

**Agenda Item No. 12.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1018

TO: Mayor and City Council  
SUBJECT: Eminent Domain Professional Legal Services  
INITIATED BY: Department of Law  
AGENDA: Consent

-----  
Recommendation: Approve the agreement with Hinkle Elkouri Law Firm L.L.C, Attorneys at Law, to provide eminent domain professional legal services.

Background: In 1996 the City entered into a contract with the law firm of Hinkle Elkouri, L.L.C. to provide legal services to the City in connection with any eminent domain, inverse condemnation or related property acquisition matters. The firm is interested in continuing to provide the City representation in these areas.

Analysis: The Contract for Legal Services is for a term beginning April 21, 2006 to September 30, 2007. Based on the high quality service of the firm and the continuing nature of many of the eminent domain cases currently being managed by the firm it is recommended that the firm be retained to provide eminent domain legal services. The results that the firm has accomplished to date have been excellent.

Financial Considerations: The contract provides a fee schedule that increases the hourly rate for David Rapp to \$200 per hour. The increased rate is below the fees regularly charged by comparable firms in the City for similar legal work. The reason for the increase is to reflect the commitment that the firm has made to have Mr. Rapp available regularly for City matters. The costs of eminent domain legal services are charged to the projects for which real property is being acquired.

Legal Considerations: The Law Department drafted the contract for legal services and approved it as to form.

Recommendations/Actions: Authorize the Mayor to sign the Contract for Legal Services.

**Agenda Item No. 13.**

CITY OF WICHITA  
City Council Meeting  
October 17, 2006

Agenda Report No.06-1019

TO: Mayor and City Council Members

SUBJECT: Approval of Restrictive Covenant for Former Chapin Landfill  
(District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the covenant.

Background: The former Chapin landfill site is located near Hydraulic and MacAurthur in south Wichita. The approximately 190-acre site was utilized as a solid waste landfill until December 1980. Closure was completed in 1988. Currently closure maintenance is ongoing with the City maintaining the protective cap.

Analysis: Kansas Administrative Regulation 28-29-20 requires all solid waste permits where waste will remain in place after closure to have a recorded restrictive covenant. The covenant must restrict future use of the site to applications that will not disturb the final landfill cap. Acceptable uses include storage, green space, pasture or other non-intrusive uses.

Financial Considerations: There is no cost associated with this action.

Goal Impact: Efficient handling of solid waste closure promotes effective infrastructure and enhances the quality of life.

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

Recommendation/Action: It is recommended that the City Council approve the Restrictive Covenant and authorize all necessary signatures.

Attachments:  
Restrictive covenant  
Aerial map.

## **Agenda Item No. 14.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No.06-1020

TO: Mayor and City Council

SUBJECT: Bonding Ordinance for Schematic Design of the West 21st Street Mercado Public Market Facility (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Consent

Recommendation: Approve the ordinance.

Background: The 21st Street North Corridor Revitalization Plan has identified the goal of creating a Mercado, indoor/outdoor public market, in the vicinity of 21st Street North and Market Street. A preliminary business plan has been prepared for the City that evaluated and prioritized existing buildings/properties in the area of Market and 21st Street North for suitability as a Mercado.

The West 21st Street CDC was formed earlier this year as the not-for-profit entity that would develop and operate the Mercado. The CDC is revising the preliminary business plan. In order to complete that task, they will need the assistance of an architect to evaluate and cost out alternative building strategies. Funds allocated in the City's Capital Improvement Program for this project can be used for this purpose.

Analysis: The Department of Law requires the approval of a bonding ordinance to be eligible to issue temporary notes for the schematic design of the Mercado public market facility. This is necessary even though the temporary notes may be paid with cash. The Law Department has drafted the required bonding ordinance.

Financial Considerations: Funding for this project is identified in the 2005-2014 Capital Improvement Program. The bonding ordinance is in the amount of \$50,000 to cover the initial design and planning phases for this project.

Goal Impact: This project will address the Core Area and Neighborhoods Goal by creating a catalyst for commercial revitalization in the West 21st Street North corridor and serving as the focal point for the International Marketplace District that will be established in the vicinity of 21st Street North and Market.

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

Recommendations/Action: It is recommended that the City Council approve the bonding ordinance for the schematic design of the Mercado public market facility and place the ordinance on first reading.

## **Agenda Item No. 15.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1021

TO: Mayor and City Council

SUBJECT: G.R.E.A.T. (Gang Resistance Education and Training) Grant

INITIATED BY: Wichita Police Department

AGENDA: Consent

Recommendations: Authorize signatures for grant application.

Background: The U.S. Department of Justice Office of Justice Programs announced a competitive grant opportunity available to local law enforcement agencies to support the implementation of the G.R.E.A.T. Program. The G.R.E.A.T. Program is a school-based violence prevention curriculum. G.R.E.A.T. lessons, are taught by law enforcement officers, and focus on providing life skills to students to help avoid delinquent behavior and violence to solve problems. The G.R.E.A.T. program is designed to produce attitude and behavior change through a unique combination of skills training, cooperative learning, discussion and role-playing. Grant funding has been awarded.

### Analysis:

The G.R.E.A.T. Program will address the Wichita School District's goal of providing a safe learning environment as well as meet two of Wichita Police Department's goals and objectives regarding the 2004 Gang Plan Response Prevention and Intervention Actions:

- The department will collaborate with USD 259 to integrate the G.R.E.A.T. program into the school curriculum. This program will be presented during summer activities and by School Resource Officers (SROs) next school year.
- SROs will plan a joint education meeting involving USD 259 parents, students, gang unit officers and the District Attorney.

Financial Considerations: Grant funding of \$100,000 was received from the U.S. Department of Justice Office of Justice Programs. This grant does require a 10% (\$10,000) in-kind match of the federal funds received, which will be met through City SROs personnel time dedicated to teaching G.R.E.A.T.

Goal Impact: Provide a safe and secure community by providing education on gang resistance and school violence, services to be provided to City SROs and School Liaison.

Legal Considerations: None

Recommendation/Action: Approve the grant award document and special conditions and authorize the necessary signatures.

**Agenda Item No. 16.**

City of Wichita  
City Council Meeting

October 17, 2006

Agenda Report No. 06-1022

TO: Mayor and City Council

SUBJECT: Amendment to Agreement with The TASA Group, Inc. for Professional Services

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Approve the Amendment to the Agreement with the TASA Group, Inc.

Background: The City has retained The TASA Group, Inc. to provide the professional services of the Employment Research Corporation in connection with litigation. The original contract in August 2006, provided for compensation not to exceed \$25,000.00.

Analysis: It has become necessary to spend additional sums to continue to provide expertise to the City in this matter. This is the first amendment to the original contract. The additional sum covered by the Amendment is \$35,000.00 as necessary to continue to provide services to the City of Wichita. The charges are reasonable in amount for the quality of services involved.

Financial Considerations: The funding for the contract is from the City's Tort Liability Fund.

Goal Impact: Internal Perspective. This expense is related to litigation of employment matters.

Legal Considerations: The appropriate means to approve the additional payment is an Amendment to the original contract, raising the expenditure limit. The City Attorney's Office has prepared the Amendment.

Recommendations/Actions: It is recommended that the City Council approve the Amendment to the August 2006 Agreement between the City and The TASA Group, Inc. and authorize the necessary signatures.

**Agenda Item No. 17.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No.06-1023

TO: Mayor and City Council Members  
SUBJECT: Kansas Aviation Museum (District III)  
INITIATED BY: Department of Public Works  
AGENDA: Consent

Recommendations: Approve the supplemental funding.

Background: In 1998, with the support of the City of Wichita, the Kansas Aviation Museum received Federal Transportation Grants in the amount of \$750,000 to make improvements to the Museum building. On March 25, 2003, and May 6, 2003, the City Council allocated CDBG funds in the amount of \$150,000 for the local match. The work has been completed and an additional \$25,000 is needed for the local match.

Analysis: Prior to the project, the museum structure was deteriorating rapidly. Improvements to the museum included roof, wall and entryway repairs. An old addition was demolished and the original flight observation deck was repaired. Doors, windows, and light fixtures were replaced.

Financial Considerations: The additional funding needed is \$25,000. The funding source is General Obligation Bonds.

Goal Impact: This project addresses the Quality of Life goal by preserving an important community Museum.

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

Recommendation/Actions: It is recommended that the City Council approve the supplemental funding, adopt the Resolution, authorize the necessary signatures and authorize the signing of State/Federal agreements as required.

Attachments: CIP Sheet and Resolution.

**Agenda Item No. 18.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1024

TO: Mayor and City Council

SUBJECT: Homeless Assistance

INITIATED BY: Housing and Community Services Department

AGENDA: Consent

Recommendation: Approve funding for homeless assistance, authorize the City to participate in the RFP and contract process to procure that assistance, and authorize necessary contract signatures.

Background: For the past several years the City of Wichita has participated in funding the winter emergency overflow shelter. This emergency shelter system was originally organized and coordinated by Inter-Faith Ministries, whereby several downtown area churches donated shelter space when the nighttime temperature fell below 30 degrees and other Wichita shelters were at capacity. In 2004, this system was replaced by issuing an RFP for one provider to offer overnight shelter under the same conditions.

Funding for the emergency (overflow) shelter system has been equally shared between the City, Sedgwick County and the United Way. Sedgwick County and the United Way have indicated their willingness to jointly fund the 2006-2007 winter emergency overflow shelter, along with the City.

Analysis: In Wichita, 589 people were identified as being homeless on a 1 day Point-in-Time Count survey conducted on January 25, 2006. Of those individuals and families, 283 were in emergency shelters, 111 were in transitional housing and 195 were unsheltered on the streets.

Financial Considerations: The City's funding source for this purpose has been Community Services Block Grant (CSBG) funds. No General Funds have been used for this purpose and no General Funds are recommended at this time.

Goal Impact: The City's support of emergency housing is consistent with the City's Economic Vitality and Affordable Living goal.

Legal Considerations: Prior to execution, the Law Department will review resulting contract.

Recommendations/Actions: It is recommended that the City Council approve the use of \$12,500 of Community Services Block Grant funds for the 2006-2007 winter emergency overflow shelter, authorize the City to participate in the RFP and contract process used to procure a service provider, and authorize necessary contract signatures.

Attachments: None.

**Agenda Item No. 19.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1025

TO: Mayor and City Council Members  
SUBJECT: 2007 Park Facilities Renovation (All Districts)  
INITIATED BY: Department of Park and Recreation  
AGENDA: Consent

-----  
Recommendation: Approve the bonding resolution and authorize initiation of the project.

Background: The Park and Recreation Department has a number of existing facilities and park amenities that are aging and in need of renovation. This project has been initiated each year since 2001 and has resulted in significant improvements in all parks, recreation centers and park shelters. Recreation center investments were completed at Boston and Linwood in 2002, Evergreen and Lynette Woodard in 2003, as well as other recreation centers improvements in 2004 that included replacement of tables, chairs, storage racks, and recreational game equipment. In 2005 and 2006, improvements were completed at Orchard and Edgemoor Recreation Centers, the downtown skatepark, Southlakes Sports Complex Maintenance Facility and bleachers for both indoor and outdoor football programs.

Analysis: The 2007 Park Capital Improvement Program (CIP) includes funding for the renovation of several park facility projects. These necessary renovation projects will protect the City's investment in these facilities, by keeping them functional and aesthetically attractive to citizen users. Plans call for by these improvements through utilizing labor, materials, and equipment for the improvement and/or renovations to Riverside park facilities; any removal of old equipment and improvements and/or upgrades to equipment and facilities at Edgemoor, Linwood, Orchard, Evergreen and Osage Recreation Centers; and the removal and replacement of fencing and other athletic equipment at various sports complex facilities.

Financial Considerations: The 2007 Park CIP includes \$400,000 for the renovation of park facilities. The funding source is general obligation bonds.

Goal Impacts: This project will impact the Quality of Life and Infrastructure Goal by providing citizens with updated and well-maintained recreational facilities. The improvements and renovations will also maintain the investment that citizens have made in capital improvement to existing recreational facilities.

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

Recommendation/Action: It is recommended that the City Council 1) approve the bonding resolution, 2) authorize initiation of the project, and 3) authorize all necessary signatures.

Attachment: Bonding Resolution

First Published in the Wichita Eagle on \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF WICHITA AT LARGE FOR REMOVAL, IMPROVEMENTS AND/OR RENOVATIONS TO PARK FACILITIES, RECREATION CENTERS, AND SPORTS COMPLEXES.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS;**

**SECTION 1:** That the City of Wichita finds it necessary to make certain related improvements as follows:

Labor, material, and equipment for the improvement and/or renovations to Riverside park facilities; removal of old equipment and improvements and/or upgrades to equipment and facilities at Edgemoor, Linwood, Orchard, Evergreen and Osage Recreation Centers; removal and replacement of fencing and other athletic equipment at various sports complex facilities.

**SECTION 2:** That the cost of said public improvements shall be paid by the issuance and sale of general obligation bonds by the City of Wichita at large, in the manner provided by law and under the authority of City of Wichita Charter Ordinance No. 156. The total cost is estimated not to exceed \$400,000, exclusive of the costs of interest on borrowed money.

**SECTION 3:** That the advisability of said improvements is established as authorized by City of Wichita Charter Ordinance No. 156.

**SECTION 4:** That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

---

CARLOS MAYANS, MAYOR

ATTEST:

---

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

**Agenda Item No. 20.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1026

TO: Mayor and City Council

SUBJECT: FY2006 Weed and Seed Program – District I

INITIATED BY: Police Department

AGENDA: Consent

---

Recommendation: Approve the receipt of funds.

Background: The Weed and Seed Program is a federally-funded grant program that brings together Federal, state, and local law enforcement agencies; social service providers; representatives of the public and private sectors; prosecutors; business owners; and neighborhood residents to "weed" out violent crime and gang activity, while "seeding" the community with social services and economic revitalization. The Weed and Seed Program is administered in "officially recognized" sites. Since 1995, the officially recognized site has the following boundaries: Central on the South, Old Manor from 17th to Central and Hillside from 17th to 27th Street on the East, Mosley on the West, and 27th Street on the North.

Analysis: For federal fiscal year 2006, funding for the "weeding" component of the Weed and Seed Program is provided through federal funds granted to the Wichita Family Services Institute, Inc. for law enforcement activities. The Wichita Police Department will receive \$63,462 from the 2006 Weed and Seed Program for expenses, including overtime, training, equipment, vehicle rental, and buy money.

Financial Considerations: The Wichita Police Department will receive a payment of \$63,462 from the Wichita Family Services Institute, Inc. for expenses related to overtime, training, equipment, vehicle rental, and buy money. No local match is required.

Goal Impact: Provide a safe and secure community by providing police services outside of the regular patrol currently paid for by Wichita Police Department Budget. The three emphasis areas within the Weed and Seed site are Drugs/Gangs, Domestic Violence and Truancy. Money spent will be to provide enforcement on known drug and gang hangouts, domestic violence victim re-contacts and truancy patrols around Weed and Seed schools. A variety of police methods will be employed to combat the illegal activity in the area, including but not limited to,

bike patrol, police vehicle patrols, and mounted patrols.

Legal Considerations: The Law Department will review and approve the contract as to form.

Recommendations/Actions: It is recommended that the City Council approve the receipt of funds and authorize the appropriate signatures.

**Agenda Item No.21.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1027

TO: Mayor and City Council

SUBJECT: 2007 Victims of Crime Act (VOCA) Grant (All Districts)

INITIATED BY: Police Department

AGENDA: Consent

Recommendation: Approve the grant award.

Background: The Federal Victims of Crime Act (VOCA) Crime Victim Assistance grant program is administered by the Kansas Governor’s Federal Grants Program. In 2001, the City Council approved the initial grant application for VOCA funding, which established a Victim Assistance Unit (VAU) in the Police Department, staffed by two civilian employees. These employees are responsible for providing direct victim assistance and coordination with established community resources. The Police Department’s VAU staff work closely with several victim services agencies, including the Wichita Area Sexual Assault Center, YWCA Women’s Crisis Shelter, Catholic Charities, U.S. Attorney's Victim Assistance Office, District Attorney's Victim/Witness staff, and Assistant District Attorneys.

Analysis: The VAU is responsible for facilitating a coordinated response to the needs of crime victims, developing and implementing training programs (internally and externally), and administering a contingency fund to meet the emergency needs of crime victims. Victim assistance is focused on the primary and secondary victims of violent crime, including death cases and elderly burglary victims. The VAU has been instrumental in working with the Wichita Police Department’s violent crimes and burglary sections to assist victims with restoring stability to their lives, and aiding in the reduction of secondary victimization.

Financial Considerations: The grant application seeks funding for the continuation of the Victim Assistance Unit for federal FY 2007, beginning October 1, 2006 through September 30, 2007. The total budget request is \$139,784; 80% (\$111,827) provided by VOCA funding and a 20% (\$27,957) local match requirement, which can be funded from anticipated under expenditures in

the Police Department budget or General Fund reserves.

Goal Impact: Provide a safe and secure community by providing assistance to victims of Violent Crimes not provided through other agencies.

Legal Considerations: The City Council has the authority to submit and receive the grant.

Recommendations/Actions: It is recommended that the City Council approve the grant award and authorize the necessary signatures.

**Agenda Item No. 22.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No.06-1028

TO: Mayor and City Council Members

SUBJECT: Sanitary Sewer Main to serve an area along MacArthur, between ½ mile east of West Street and the Wichita-Valley Center Flood Control Ditch (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Project.

Background: On August 15, 2006, the City Council approved a project to construct a sanitary sewer main to be located along MacArthur, from ½ mile east of West Street to the Wichita-Valley Center Flood Control Ditch. An attempt to award a construction contract within the project budget was not successful. Resolutions have been prepared to increase the project budget.

Analysis: The project will provide sanitary sewer main service to a partially developed residential and commercial area. The existing homes and business in the area are served by private septic tank systems. It will also facilitate the development of a new residential area located north of MacArthur, west of West Street.

Financial Considerations: The current budget is \$1,100,000, with \$935,000 paid by the Sewer Utility and \$165,000 assessed to the improvement district. The revised budget is \$2,000,000 with \$1,835,000 paid by the Sewer Utility and \$165,000 assessed to the improvement district. A portion of the service area is outside the City limits and cannot be assessed at this time. Sewer Main Benefit fees will be added to future lateral sewer Petitions in the service area and will recover a large part of the Utility's share of the project cost.

Goal Impact: This project addresses the Efficient Infrastructure goal by extending sanitary sewer main service to homes with septic tank systems and a new residential subdivision.

Legal Considerations: State Statutes provide the City Council authority to increase the project budget.

Recommendation/Action: It is recommended that the City Council approve the Project, adopt

the authorizing Resolution, adopt the Resolution authorizing revenue bonds, approve the notice of intent to issue revenue bonds and authorize the necessary signatures.

Attachments: Map, CIP Sheet and Resolution.

**Agenda Item No. 23.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1029

TO: Mayor and City Council Members

SUBJECT: Water Distribution System for Liberty Park and Copper Gate Additions  
(south of 13th, along both sides of 135th St. West) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: On June 22, 2004, the City Council approved a Petition to construct a Water Distribution System for Liberty Park and Copper Gate Additions. At that time, the budget was based on construction of a 16" water line. The Water and Sewer Department has since determined that a 24" water line is needed. A Resolution has been prepared to increase the budget to accommodate the larger pipe size, with the Water Utility paying for the increased cost.

Analysis: The project will serve residential developments located south of 13th St. South, along both sides of 135th St. West.

Financial Considerations: The existing budget totals \$240,730 with 67.91% assessed to the improvement district and 32.09% paid by the Water Utility. The revised budget totals \$307,000 with 40% assessed to the improvement district and 60% paid by the Water Utility.

Goal Impact: This project will address the Efficient Infrastructure goal by providing water service to new residential developments.

Legal Considerations: State Statutes authorize the City Council to increase the Water Utility funding for the project.

Recommendations/Actions: It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

Attachments: Map, CIP Sheet and Resolution.

**Agenda Item No. 24.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1030

TO: Mayor and City Council Members

SUBJECT: Water Distribution System for Krug North and Krug North 2nd Additions  
(north of 21st, west of 143rd St. East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: On April 13, 2004, the City Council approved a Petition to construct a Water Distribution System for Krug North and Krug North 2nd Additions. At that time, the budget was based on construction of a 12" water line. The Water and Sewer Department has since determined that a 16" water line is needed. A Resolution has been prepared to increase the budget to accommodate the larger pipe size, with the Water Utility paying for the increased cost.

Analysis: The project will serve residential developments located north of 21st, west of 143rd St. East.

Financial Considerations: The existing budget totals \$90,300 with 81.94% assessed to the improvement district and 18.06% paid by the Water Utility. The revised budget totals \$102,000 with 60% assessed to the improvement district and 40% paid by the Water Utility.

Goal Impact: This project will address the Efficient Infrastructure goal by providing water service to new residential developments.

Legal Considerations: State Statutes authorize the City Council to increase the Water Utility funding for the project.

Recommendations/Actions: It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

Attachments: Map, CIP Sheet and Resolution

**Agenda Item No. 25.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1031

TO: Mayor and City Council Members

SUBJECT: Water Distribution System for East Side Community Church Addition  
(north of 21st, west of 143rd St. East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: On August 31, 2004, the City Council approved a Petition to construct a Water Distribution System for East Side Community Church Addition. At that time, the budget was based on construction of a 12” water line. The Water and Sewer Department has since determined that a 16” water line is needed. A Resolution has been prepared to increase the budget to accommodate the larger pipe size, with the Water Utility paying for the increased cost.

Analysis: The project will serve a new church located north of 21st, west of 143rd St. East.

Financial Considerations: The existing budget totals \$60,760 with 82.86% assessed to the improvement district and 17.14% paid by the Water Utility. The revised budget totals \$67,000 with 60% assessed to the improvement district and 40% paid by the Water Utility.

Goal Impact: This project will address the Efficient Infrastructure goal by providing water service to a new church building.

Legal Considerations: State Statutes authorize the City Council to increase the Water Utility funding for the project.

Recommendations/Actions: It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

Attachments: Map, CIP Sheet and Resolution.

**Agenda Item No.26.**

CITY OF WICHITA  
City Council Meeting

October 17, 2006

Agenda Report No.06-1032

TO: Mayor and City Council Members

SUBJECT: Settlement of Lawsuit —Harvatin v. City of Wichita, et al.

INITIATED BY: Law Department

AGENDA: Consent

---

Recommendation: Approve settlement of pending lawsuit.

Background: The plaintiff was injured in a motorcycle accident in November 2003 in the area of Maize and Central while he was driving through a construction zone. West Central was under construction and the City's contractor for the work was Cornejo & Sons. The plaintiff sued both the City and Cornejo for his injuries.

Analysis: The parites participated in a mediation and as a result the plaintiff offered to settle his claims against the City in return for the payment of \$15,000. In addition, the City has incurred approximately \$5,100 in expenses in preparing for trial. While it is likely that the plaintiff may have some fault attributed to him based on his negligence in operating his motorcycle through the construction zone, it is also likely that both the City and Cornejo will have some fault attributed to them based on the fact that there was a 2" ledge that existed in the area for only a few days and the assertion that this ledge was a major cause of the accident. It is estimated that the City would spend in excess of \$20,000 in expenses to try the case and for even a minimal judgment against it for some portion of the fault for the accident. It is recommended that the City accept the plaintiff's offer of settlement.

Financial Considerations: The cost of this settlement will be paid from the City's tort claims fund and ultimately will be allocated to the Department of Public Works.

Legal Considerations: The Law Department recommends acceptance of the plaintiff's offer of settlement of this lawsuit.

Recommendations/Actions: Approve the payment of \$15,000 as a settlement and not to exceed \$5,100 as expense reimbursement for one-half of trial preparation expenses paid by other counsel.

**Agenda Item No. 28.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1033

TO: Mayor and City Council

SUBJECT: Equus Beds Aquifer Storage and Recovery Project Phase I - Change Order

INITIATED BY: Water & Sewer Department

AGENDA: Unfinished Business

Recommendation: Approve Change Order No. 2 with Snodgrass Construction.

Background: On January 10, 2006, City Council approved a Design/Build project with CAS Construction to construct a surface water treatment plant. February 2, 2006, City Council approved a Contract with Snodgrass Construction to construct facilities associated with Phase I of the Equus Beds Aquifer Storage and Recovery. On June 20, 2006, Change Order No. I for the plan with Snodgrass Construction was approved.

Analysis: Phase I with Snodgrass Construction includes a surface water intake, four recharge and recovery wells and two recharge basins. Change Order No. 2 includes the cost to remove an additional two feet of material from the bottom of one of the recharge basins, the cost to install a 6-inch water line to provide the new treatment plant with water from the diversion well system, and the cost to modify installation of electrical services from the high voltage system to the new facilities.

Change Order No. 1 included adding three miles of pipeline to separate the surface water and diversion well recharge systems. The cost for this modification was \$920,000; however, by separating the facilities, construction costs for the surface water treatment plant were reduced by approximately \$3.5 million. When the cost of separating the recharge systems is not considered, total Change Orders for the project have increased the Contract price by only \$95,016 or 1 percent.

Financial Considerations: The original Contract was \$9,173,480. Change Order No. 1 increased the Contract by \$862,934, to \$10,036,414. Change Order No. 2 will increase the Contract by \$152,082 to \$10,188,496. The total of all Change Orders is \$1,015,016, which is 11.06 percent of the original Contract price. Funds are available in CIP W-549, Water Supply Plan, which has over \$26 million available in 2006.

Goal Impact: Change Order No. 2 will ensure efficient infrastructure by providing reliable, compliant and secure utilities. The project assures adequate water supplies now and in the future, and is a critical component of the City's infrastructure.

Legal Considerations: Ordinance No. 198 requires that City Council approve Change Orders in excess of \$25,000. The Ordinance authorizes approval of Change Orders up to 25 percent of the original price on engineering projects, and up to 10 percent of the original price for building contracts. City Council may, by Resolution, approve an exemption to the restrictions when deemed to be in the best interest of the City. Policy further restricts engineering projects to projects that have all line-item bids. Since this project was generally a lump sum bid, it is considered a building project and Change Orders, either individually or collectively, are limited to 10 percent of the original Contract price. The proposed Resolution would allow City Council to consider Change Orders up to 25 percent of the original price for this project.

The Law Department has approved the Resolution and Change Order No. 2 as to form.

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

Attachments: Resolution

Change Order No. 2 with Snodgrass Construction

**Agenda Item No. 29.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1034

TO: Mayor and City Council Members

SUBJECT: Kansas Aviation Museum Community Development Block Grant (CDBG)  
Loan (District III)

INITIATED BY: Division of Arts and Cultural Services

AGENDA: Unfinished Business

---

Recommendation: Approve the conversion of the CDBG loan to a grant and approve cancelation and discharge of promissory note without payment.

Background: On May 06, 2003 the City Council approved the allocation of Community Development Block Grant funds for the Kansas Aviation Museum project in the amount of \$150,000. The funds were made available for the renovation work performed at the City-owned historic terminal building at 3350 George Washington Blvd.

Analysis: On October 8, 2003 the Kansas Aviation Museum, Inc., signed a promissory note, in the amount of \$150,000, for a 3 year term. The first two years were deferred and payment is scheduled as balloon payment in October 2006. On March 25, 2003 the City Council initially approved CDBG funding for the Kansas Aviation Museum. After discussion, the City Council was informed by the City Manager that the City Council may implement forgiveness of any part of the loan.

The CDBG funding provided the necessary match for two other federal grants for a total project budget of \$900,000. The renovation project was completed October 15, 2005

Financial Considerations: Converting the CDBG loan for the Kansas Aviation Museum to a grant will not impact current funding levels.

Goal Impact: The Kansas Aviation Museum preserves the City of Wichita's heritage, of being the Air Capital of the World and enhances the "Quality of Life" goal.

Legal Considerations: The CDBG loan to the Kansas Aviation Museum is evidenced by a Promissory Note. The City Council must approve the cancelation of the Promissory Note.

Recommendation/Action: It is recommended that the City Council approve the conversion of the CDBG loan to a grant and approve cancelation and discharge of promissory note without payment and authorize the necessary signatures.

**Agenda Item No. 30.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1035

TO: Mayor and City Council

SUBJECT: Request for a Letter of Intent for Industrial Revenue Bonds  
(Envision, Inc.) (District III)

INITIATED BY: City Manager's Office

AGENDA: New Business

---

Recommendation: Approve a Letter of Intent for issuance of Industrial Revenue Bonds.

Background: On November 17, 1998, the City Council approved a Letter of Intent for Industrial Revenue Bonds in an amount of \$6 million to Envision, Inc. The funds were used for the acquisition of 10.5 acres of land at Pawnee and Water and the construction of a new training and employment facility designed specifically for people with low vision or no vision. Between 1999 and 2001 the City has issued bonds in the full amount of the 1998 Letter of Intent.

On January 7, 2003, the City Council approved a Letter of Intent to issued Industrial Revenue Refunding Bonds in the amount of \$5.3 million to Envision, Inc. to refinance existing debt and pay costs of issuance. The refinancing of the IRB's resulted in a significant reduction in annual debt service payments and shortens the term of indebtedness by one year. On February 4, 2003, City Council approved the issuance of \$3,035,000. Envision is now requesting a two-year Letter of Intent to issue tax-exempt Industrial Revenue Bonds in the amount not-to-exceed of \$5,000,000 to finance a major expansion in downtown Wichita.

Analysis: Envision, Inc. (Envision) is a not-for-profit firm with the special mission of providing jobs for people with blindness and other disabilities. Envision also provides job training, job placement and rehabilitation services. Envision was organized in 1931. Its staff includes specialists in the field of blindness who teach the blind basis life skills such as public transportation, use of assistive technology, and personal/social skills. Envision employs and provides service for persons who are blind, have low vision, blind and developmentally disabled or deaf/blind.

The Wichita facility serves as corporate headquarters and manufactures a variety of products including: paper towels, seal-closure plastic bags, t-shirt plastic bags, specialty bags, plastic sheeting, high visibility belts, gun slings, and gun sling adapter kits (for U.S. Department of

Defense). These products are manufactured by individuals who are blind or developmentally disabled and may otherwise not be mainstreamed into the Wichita community. Envision also has facilities in Pittsburg, KS and Kansas City.

The proposed expansion includes acquisition and refurbishment of an existing facility in downtown Wichita. Envision plans to acquire the Eby Construction building located at 610 N. Main and to convert the building into a vision rehabilitation clinic. Envision is currently providing vision rehabilitation services at their facility at 2301 South Water. By moving their clinic to 601 N. Main, Envision will expand this service and hire additional optometrists and other vision rehabilitation professionals that are specifically trained and certified to handle low vision assessments and services.

An analysis of the estimated sources and uses of project funds is:

#### USES OF FUNDS

|                                       |             |         |
|---------------------------------------|-------------|---------|
| Phase 1:                              |             |         |
| Property acquisition                  | \$2,700,000 |         |
| Costs of Issuance                     |             | 40,000  |
| Estimated Cost of Phase 1 Bond Issue: | 2,740,000   |         |
| Phase 2:                              |             |         |
| Building rehabilitation               | 2,000,000   |         |
| Equipment                             |             | 260,000 |
| Estimated Cost of Phase 2 Bond Issue: | 2,260,000   |         |
| Total cost of Project                 | \$5,000,000 |         |

GE Capital Public Finance, Inc. will purchase the bonds to hold as an investment, and as a result the bonds will not be offered to the public. Envision has a current approved EEO/AA Plan on file with the City's Purchasing Department.

Financial Considerations: Envision agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative service fee for the term of the bonds. Envision is not requesting a tax exemption in connection with issuance of IRBs. The cost/benefit analysis showing the proposed expansion project's fiscal impact on the state and local government has been conducted and the results of the study give the following ratios of benefits to costs:

|                 |             |
|-----------------|-------------|
| City of Wichita | 1.41 to one |
| Sedgwick County | 1.18 to one |

Goal Impact: The Economic Vitality of the community is being enhanced with the improvement of quality rehabilitation services delivered.

Legal Considerations: Ordinarily, Kutak Rock, LLP, the City's general bond counsel, acts as bond counsel in City IRB financings; however, that firm represents the Bondholder in many business matters. In this case, City policy calls for selection of a different firm to act as bond counsel, to avoid any conflict of interest. The City's Law Department has solicited competitive fee quotes from other bond counsel firms that have indicated an interest in handling City matters and will recommend a replacement bond counsel to the City Council.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City's Law Department will review and approve all final bond documents prior to the issuance of the bonds.

Recommendations/Actions: It is recommended that the City Council: 1) approve a two-year Letter of Intent to Envision, Inc. for Industrial Revenue Bonds in the approximate amount of \$5,000,000, subject to the Standard Letter of Intent Conditions, and authorize the necessary signatures; and 2) appoint the recommended law firm to serve as bond counsel.

Attachments: Letter of Intent Application.

**Agenda Item No. 31.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1036

TO: Mayor and City Council Members

SUBJECT: Public Hearing on Proposed Assessments for Thirty-three (33) Water Projects, Thirty-three (33) Sewer Projects, and Eighteen (18) Storm Sewer Projects in February 2007 Bond Sale Series 788 (All Districts)

INITIATED BY: Department of Public Works

AGENDA: New Business

---

Recommendation: Approve the proposed assessments and ordinances.

Background: The City Council was notified on September 19, 2006 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

Analysis: Notice of hearing letters were published September 22, 2006 in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing. Department of Finance and Public Works staff held an informal hearing October 9, 2006 at 11:00 a.m. for the water, sewer and storm sewer projects.

Financial Considerations: Statements of Special Assessment will be mailed to the property owners on October 27, 2006. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the February 2007 Bond Sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2007 tax roll.

Goal Impact: The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

Legal Considerations: These projects were initiated pursuant to provisions of KSA 12-6a01 et seq. as amended. All of the projects were 100% petitions with the exception of:

|                   |         |           |  |
|-------------------|---------|-----------|--|
|                   | 470-903 | 448-90029 | Water Distribution System (95.32% Petition)    |
|                   | 470-927 | 448-90071 | Water Distribution System (55.57% Petition)    |
|                   | 480-744 | 468-83796 | Main 20, Southwest Interceptor Sewer (Ordered  |
| In)               |         |           |  |
| (53.70% Petition) | 480-812 | 468-84005 | Lateral 6, Main 4, Northwest Interceptor Sewer |
| Petition)         | 480-813 | 468-84006 | Main 4, Northwest Interceptor Sewer (50.88%    |

Recommendation/Action: It is recommended that the City Council close the Public Hearing, approve the proposed assessments and place the ordinances on first reading.

Attachments: Special Assessments projects list.

**HEARING ON PROPOSED ASSESSMENTS FOR CONSTRUCTION OF WATER, SEWER, AND STORM SEWER PROJECTS:**

On September 19, 2006 the Council was notified that the Proposed Assessment Rolls for construction of the following water, sewer and storm sewer projects has been prepared and were on file in the office of Debt Management in the Finance Department for public inspection:

**WATER PROJECTS:**

A. (470-937/448-89661) Construction of Water Distribution System No. 448-89661 TO SERVE THE FAIRMONT & THE FAIRMONT 4TH ADDITIONS, North of 21st, West of 127th Street East, as authorized by Resolution No. R-02-092, rescinded by Resolution No. R-05-415, rescinded by Resolution No. R-05-497, adopted February 5, 2002, August 9, 2005 & October 4, 2005, and published February 9, 2002, August 12, 2005 & October 7, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$47,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

B. (470-941/448-89696) Construction of Water Distribution System No. 448-89696 TO SERVE NORTHRIDGE PLAZA ADDITION, North of 37th Street North, West of Ridge, as authorized by Resolution No. R-02-247, adopted May 21, 2002, and published May 25, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$211,700.00 is to be apportioned 79.47% payable by the improvement district & 20.53% payable by the City of Wichita Water Utility Improvement Funds to the improvement district. The cost has been assessed on a fractional basis.

C. (470-884/448-89757) Construction of Water Distribution System No. 448-89757 TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, as authorized by Resolution No. R-02-546, adopted December 10, 2002, and published December 14, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$85,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

D. (470-910/448-89787) Construction of Water Distribution System No. 448-89787 TO SERVE WOODLAND LAKES ESTATES 3RD ADDITION, South of Lincoln, West of 127th Street East, as authorized by Resolution No. R-03-132, adopted March 18, 2003, and published April 4, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$75,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

E. (470-930/448-89853) Construction of Water Distribution System No. 448-89853 TO SERVE REED'S COVE ADDITION, South of 21st, East of 127th Street East, as authorized by Resolution No. R-03-512, rescinded by Resolution No. R-05-312, adopted September 16, 2003 & June 14, 2005, and published September 19, 2003 & June 17, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$56,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

F. (470-954/448-89888) Construction of Water Distribution System No. 448-89888 TO SERVE RIVENDALE ADDITION, North of 55th Street South, West of Hydraulic, as authorized by Resolution No. R-04-391, adopted August 3, 2004, and published August 6, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$68,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

G. (470-938/448-89913) Construction of Water Distribution System No. 448-89913 TO SERVE ENGLISH COUNTRY GARDENS ADDITION, East of Tyler, North of 13th, as authorized by Resolution No. R-04-064, adopted February 10, 2004, and published February 13, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$31,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

H. (470-931/448-89935) Construction of Water Distribution System No. 448-89935 TO SERVE KRUG NORTH & KRUG NORTH 2ND ADDITIONS, North of 21st, West of 143rd Street East, as authorized by Resolution No. R-04-178, rescinded by Resolution No. R-05-392,

adopted April 13, 2004 & August 2, 2005, and published April 16, 2004 corrected & republished May 14, 2004, & August 5, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$79,700.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

I. (470-947/448-89951) Construction of Water Distribution System No. 448-89951 TO SERVE PRAIRIE POINTE & PRAIRIE POINTE 2ND ADDITIONS, North of 37th Street North, West of Maize, as authorized by Resolution No. R-04-218, rescinded by Resolution No. R-05-358, adopted May 4, 2004 & July 12, 2005, and published May 7, 2004 & July 16, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$39,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

J. (470-918/448-89981) Construction of Water Distribution System No. 448-89981 TO SERVE RIO VISTA ESTATES 4TH ADDITION, North of 61st Street North, West of Meridian, as authorized by Resolution No. R-04-323, adopted June 15, 2004, and published June 18, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$94,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

K. (470-948/448-89994) Construction of Water Distribution System No. 448-89994 TO SERVE HAWTHORNE 2ND & 3RD ADDITIONS, North of 21st, East of 127th Street East, as authorized by Resolution No. R-05-082, adopted March 1, 2005, and published March 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$49,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

L. (470-933/448-89995) Construction of Water Distribution System No. 448-89995 TO SERVE HAWTHORNE 3RD ADDITION, North of 21st, East of 127th Street East, as authorized by Resolution No. R-05-083, adopted March 1, 2005, and published March 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$41,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

M. (470-943/448-90009) Construction of Water Distribution System No. 448-90009 TO SERVE SOUTHERN RIDGE 2ND ADDITION, South of Pawnee, West of Maize, as authorized by Resolution No. R-04-509, adopted September 14, 2004, and published September 17, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$66,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has

been assessed on a fractional basis.

N. (470-923/448-90014) Construction of Water Distribution System No. 448-90014 TO SERVE COPPER GATE NORTH ADDITION, North of 13th, West of 135th Street West, as authorized by Resolution No. R-04-555, adopted October 12, 2004, and published October 15, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$83,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

O. (470-946/448-90023) Construction of Water Distribution System No. 448-90023 TO SERVE FOX RIDGE ADDITION, East of Maize, North of 29th Street North, as authorized by Resolution No. R-04-627, adopted November 23, 2004, and published November 29, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$104,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

P. (470-903/448-90029) Construction of Water Distribution System No. 448-90029 TO SERVE CHERYL'S HOLLOW ADDITION & UNPLATTED TRACT, North of 13th, West of 135th Street West, as authorized by Resolution No. R-04-683, rescinded by Resolution No. R-06-454, adopted December 21, 2004 & August 22, 2006, and published December 28, 2004 corrected & republished February 3, 2005, & August 25, 2006 corrected & republished September 1, 2006. Petition for this improvement was signed by owners representing 95.32% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$79,300.00 is to be apportioned 50% payable by the improvement district & 50% payable by the City of Wichita Water Utility Fund to the improvement district. The cost has been assessed on a fractional basis.

Q. (470-904/448-90030) Construction of Water Distribution System No. 448-90030 TO SERVE CHERYL'S HOLLOW ADDITION, North of 13th, West of 135th Street West, as authorized by Resolution No. R-04-684, adopted December 21, 2004, and published December 28, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$82,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

R. (470-914/448-90043) Construction of Water Distribution System No. 448-90043 TO SERVE NORTHWEST YMCA ADDITION, North of 21st, West of 135th Street West, as authorized by Resolution No. R-05-070, adopted February 15, 2005, and published February 18, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$256,100.00 is to be apportioned 15.618899% payable by the improvement district & 84.381101% payable by the City of Wichita Water Utility Fund to the improvement district. The cost has been assessed on a fractional basis.

S. (470-915/448-90044) Construction of Water Distribution System No. 448-90044 TO SERVE NORTHWEST YMCA ADDITION, North of 21st, West of 135th Street West, as authorized by Resolution No. R-05-071, adopted February 15, 2005, and published February 18, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$21,700.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

T. (470-951/448-90055) Construction of Water Distribution System No. 448-90055 TO SERVE SOUTHERN RIDGE 3RD ADDITION, South of Pawnee, West of Maize, as authorized by Resolution No. R-05-159, adopted March 22, 2005, and published March 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$36,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

U. (470-939/448-90059) Construction of Water Distribution System No. 448-90059 TO SERVE PARCELS 'A' & 'B', North of 2nd, East of Ridge, as authorized by Resolution No. R-05-136, adopted March 22, 2005, and published March 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$60,700.00 is to be apportioned 48.65% payable by the improvement district & 51.35% payable by the City of Wichita Water Utility Funds to the improvement district. The cost has been assessed on a fractional basis.

V. (470-928/448-90061) Construction of Water Distribution System No. 448-90061 TO SERVE NORTH RIDGE VILLAGE ADDITION, North of 37th Street North, West of Ridge, as authorized by Resolution No. R-05-144, rescinded by Resolution No. R-05-468, adopted March 22, 2005 & September 20, 2005, and published March 28, 2005 & September 23, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$89,100.00 is to be apportioned 40% payable by the improvement district & 60% payable by the City at Large to the improvement district. The cost has been assessed on a fractional basis.

W. (470-924/448-90067) Construction of Water Distribution System No. 448-90067 TO SERVE OAK CREEK ADDITION, South of 21st, West of Greenwich, as authorized by Resolution No. R-05-236, adopted May 3, 2005, and published May 6, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$132,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

X. (470-934/448-90070) Construction of Water Distribution System No. 448-90070 TO SERVE MAPLE SHADE ADDITION, East of Webb, North of Pawnee, as authorized by Resolution No. R-05-217, adopted April 26, 2005, and published April 30, 2005, corrected & republished January 11, 2006. Petition for this improvement was signed by owners representing

100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$63,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Y. (470-927/448-90071) Construction of Water Distribution System No. 448-90071 TO SERVE WHISTLING WALK ESTATES, WHISTLING WALK ESTATES 2ND, 3RD & 4TH ADDITIONS, South of 13th, West of 119th Street West, as authorized by Resolution No. R-05-234, adopted May 3, 2005, and published May 6, 2005. Petition for this improvement was signed by owners representing 55.57% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$194,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Z. (470-940/448-90077) Construction of Water Distribution System No. 448-90077 TO SERVE KILLARNEY PLAZA EAST ADDITION, North of 29th Street North, West of Rock, as authorized by Resolution No. R-05-277, adopted May 17, 2005, and published May 21, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$34,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AA. (470-925/448-90079) Construction of Water Distribution System No. 448-90079 TO SERVE FOX RIDGE ADDITION, North of 29th Street North, West of Tyler, as authorized by Resolution No. R-05-297, adopted June 7, 2005, and published June 10, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$86,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AB. (470-936/448-90089) Construction of Water Distribution System No. 448-90089 TO SERVE REGENCY PARK 3RD ADDITION, South of 29th Street North, West of Greenwich, as authorized by Resolution No. R-05-317, adopted June 14, 2005, and published June 17, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$24,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AC. (470-953/448-90095) Construction of Water Distribution System No. 448-90095 TO SERVE KRUG NORTH 2ND ADDITION, North of 21st, West of 143rd Street East, as authorized by Resolution No. R-05-393, rescinded by Resolution No. R-05-571, & rescinded by Resolution No. R-06-004, adopted August 2, 2005, November 8, 2005, & January 10, 2006, and published August 5, 2005, November 17, 2005, & January 13, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$82,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been

assessed on a fractional basis.

AD. (470-942/448-90103) Construction of Water Distribution System No. 448-90103 TO SERVE TYLER'S LANDING 3RD ADDITION, South of 37th Street North, East of Tyler, as authorized by Resolution No. R-05-434, adopted August 16, 2005, and published August 19, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$85,700.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AE. (470-956/448-90106) Construction of Water Distribution System No. 448-90106 TO SERVE FALCON FALLS 2ND ADDITION, North of 45th Street North, West of Hillside, as authorized by Resolution No. R-05-428, adopted August 16, 2005, and published August 19, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$80,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AF. (470-945/448-90111) Construction of Water Distribution System No. 448-90111 TO SERVE BRENTWOOD SOUTH ADDITION, East of Webb, North of Pawnee, as authorized by Resolution No. R-05-446, adopted September 13, 2005, and published September 16, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$64,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AG. (470-952/448-90115) Construction of Water Distribution System No. 448-90115 TO SERVE FAWN GROVE AT SUNSET LAKES ADDITION, South of Kellogg, West of Greenwich, as authorized by Resolution No. R-05-507, adopted October 18, 2005, and published October 21, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$47,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

#### SEWER PROJECTS:

AH. (480-823/468-83402) Construction of LATERAL 3, MAIN 11, FOUR MILE CREEK SEWER, North of 21st Street, West of 127th Street East, as authorized by Resolution No. R-02-097, rescinded by Resolution No. R-05-417, rescinded by Resolution No. R-05-470, adopted February 5, 2002, August 9, 2005, & September 20, 2005, and published February 9, 2002 corrected & republished July 18, 2003, August 12, 2005, & September 23, 2005 corrected & republished October 16, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount

of \$460,000.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AI. (480-838/468-83415) Construction of LATERAL 330, FOUR MILE CREEK SEWER, North of Kellogg, East of 127th Street East, as authorized by Resolution No. R-02-163, rescinded by Resolution No. R-05-514, adopted March 19, 2002 & October 18, 2005, and published March 23, 2002 & October 21, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$72,600.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AJ. (480-827/468-83451) Construction of LATERAL 5, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, West of Ridge, as authorized by Resolution No. R-02-249, adopted May 21, 2002, and published May 25, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$312,600.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AK. (480-796/468-83590) Construction of LATERAL 347, FOUR MILE CREEK SEWER, South of Lincoln, West of 127th Street East, as authorized by Resolution No. R-03-137, adopted March 18, 2003, and published April 4, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$60,600.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AL. (480-815/468-83789) Construction of LATERAL 366, FOUR MILE CREEK SEWER, North of 21st Street North, West of 143rd Street East, as authorized by Resolution No. R-04-376, rescinded by Resolution No. R-05-166, rescinded by Resolution No. R-05-395, adopted July 20, 2004, April 5, 2005 & August 2, 2005, and published July 23, 2004, April 8, 2005, & August 5, 2005 corrected & republished August 15, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$195,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AM. (480-744/468-83796) Construction of MAIN 20, SOUTHWEST INTERCEPTOR SEWER, an area generally bounded by the Wichita Valley Center Flood Control Ditch, The Kansas Southwestern Railroad Tracks & 25th Street, as authorized by Resolution No. R-04-213, rescinded by Resolution No. R-06-431, adopted May 4, 2004 & August 15, 2006, and published May 7, 2004 & August 18, 2006 corrected & republished August 25, 2006 corrected & republished September 1, 2006. Petition for this improvement was Ordered In. The Statement of Cost approved July 18, 2006, in the amount of \$843,800.00 is to be apportioned 15.663664375% payable by the improvement district & 84.336335625% payable by the City of Wichita Sewer Utility Fund. The cost has been assessed on a square foot basis.

AN. (480-803/468-83803) Construction of MAIN 16, FOUR MILE CREEK SEWER, at

Greenwich from 1/2 mile south of 21st to K-96 Highway, as authorized by Resolution No. R-05-216, adopted April 26, 2005, and published April 30, 2005, corrected & republished July 21, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$1,130,900.00 is to be apportioned 33% payable by the improvement district & 67% payable by the Sewer Utility Fund. The cost has been assessed on a square foot basis.

AO. (480-832/468-83808) Construction of LATERAL 2, MAIN 7, NORTHWEST INTERCEPTOR SEWER, North of 37th Street North, West of Maize, as authorized by Resolution No. R-04-369, rescinded by Resolution No. R-05-359, adopted July 20, 2004 & July 12, 2005, and published July 23, 2004 & July 16, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$86,500.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AP. (480-769/468-83817) Construction of MAIN 6, COWSKIN INTERCEPTOR SEWER, North of Pawnee, West of 119th Street West, as authorized by Resolution No. R-04-257, rescinded by Resolution No. R-05-103, adopted May 18, 2004 & March 1, 2005, and published May 21, 2004 & March 4, 2005, corrected & republished March 23, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$582,100.00 is to be apportioned 50% payable by the improvement district & 50% payable by the City of Wichita Sewer Utility Improvement Funds. The cost has been assessed on a fractional basis.

AQ. (480-761/468-83822) Construction of LATERAL 108, SANITARY SEWER NO. 23, South of 45th Street North, West of Webb, as authorized by Resolution No. R-04-246, rescinded by Resolution No. R-04-625, rescinded by Resolution No. R-05-201, adopted May 18, 2004, November 23, 2004 & April 19, 2005, and published May 21, 2004, November 29, 2004 & April 22, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$222,100.00 is to be apportioned 93.246285% payable by the improvement district & 6.753715% payable by the City of Wichita Sewer Utility Improvement Funds. The cost has been assessed on a fractional basis.

AR. (480-774/468-83862) Construction of LATERAL 1, MAIN 22, SOUTHWEST INTERCEPTOR SEWER, West of West Street, North of MacArthur, as authorized by Resolution No. R-04-476, adopted September 14, 2004, and published September 17, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$272,600.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AS. (480-833/468-83872) Construction of LATERAL 7, MAIN 13, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, as authorized by Resolution No. R-05-085, adopted March 1, 2005, and published March 4, 2005. Petition for this improvement was signed

by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$65,200.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AT. (480-817/468-83873) Construction of LATERAL 6, MAIN 12, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, as authorized by Resolution No. R-05-086, adopted March 1, 2005, and published March 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$92,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AU. (480-834/468-83900) Construction of LATERAL 11, MAIN 7, NORTHWEST INTERCEPTOR SEWER, South of 29th Street North, West of Maize, as authorized by Resolution No. R-04-529, adopted September 21, 2004, and published September 24, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$67,900.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AV. (480-781/468-83901) Construction of LATERAL 14, MAIN 6, SANITARY SEWER NO. 23, South of 29th Street North, East of Woodlawn, as authorized by Resolution No. R-04-568, adopted October 12, 2004, and published October 15, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$62,400.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AW. (480-808/468-83907) Construction of LATERAL 3, MAIN 4, NORTHWEST INTERCEPTOR SEWER, North of 13th, West of 135th Street West, as authorized by Resolution No. R-04-557, rescinded by Resolution No. R-05-176, adopted October 12, 2004 & April 5, 2005, and published October 15, 2004 & April 8, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$240,500.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AX. (480-780/468-83918) Construction of LATERAL 48, MAIN 24, WAR INDUSTRIES SEWER, North of 13th, East of Webb, as authorized by Resolution No. R-04-591, adopted November 2, 2004, and published November 19, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$63,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AY. (480-788/468-83937) Construction of LATERAL 4, MAIN 4, NORTHWEST INTERCEPTOR SEWER, North of 13th, West of 135th Street West, as authorized by Resolution No. R-04-685, rescinded by Resolution No. R-05-177, adopted December 21, 2004 & April 5, 2005, and published December 28, 2004 & April 8, 2005. Petition for this improvement

was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$132,200.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AZ. (480-810/468-83940) Construction of LATERAL 373, FOUR MILE CREEK SEWER, North of Kellogg, East of 143rd Street East, as authorized by Resolution No. R-05-034, adopted January 4, 2005, and published January 10, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$123,700.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BA. (480-799/468-83957) Construction of LATERAL 1, MAIN 10, NORTHWEST INTERCEPTOR SEWER, North of 21st, West of 135th Street West, as authorized by Resolution No. R-05-072, rescinded by Resolution No. R-05-546, adopted February 15, 2005 & November 1, 2005, and published February 18, 2005, corrected & republished March 2, 2005, & November 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$172,800.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BB. (480-816/468-83965) Construction of LATERAL 45, COWSKIN INTERCEPTOR SEWER, South of Pawnee, West of Maize, as authorized by Resolution No. R-05-152, adopted March 22, 2005, and published March 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$69,900.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BC. (480-830/468-83966) Construction of LATERAL 46, COWSKIN INTERCEPTOR SEWER, South of Pawnee, West of Maize, as authorized by Resolution No. R-05-153, adopted March 22, 2005, and published March 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$109,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BD. (480-809/468-83984) Construction of LATERAL 1, MAIN 16, FOUR MILE CREEK SEWER, South of 21st, West of Greenwich, as authorized by Resolution No. R-05-255, adopted May 3, 2005, and published May 6, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$213,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BE. (480-818/468-83994) Construction of LATERAL 375, FOUR MILE CREEK SEWER, East of Webb, North of Pawnee, as authorized by Resolution No. R-05-218, rescinded by Resolution No. R-05-348, adopted April 26, 2005 & July 12, 2005, and published April 30, 2005 & July 20, 2005. Petition for this improvement was signed by owners representing 100% of the

property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$64,700.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BF. (480-812/468-84005) Construction of LATERAL 6, MAIN 4, NORTHWEST INTERCEPTOR SEWER, South of 13th, West of 119th Street West, as authorized by Resolution No. R-05-233, adopted May 3, 2005, and published May 6, 2005. Petition for this improvement was signed by owners representing 53.70% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$215,400.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BG. (480-813/468-84006) Construction of MAIN 4, NORTHWEST INTERCEPTOR SEWER, South of 13th, West of 119th Street West, as authorized by Resolution No. R-05-232, rescinded by Resolution No. R-05-456, adopted May 3, 2005 & September 13, 2005, and published May 6, 2005 & September 16, 2005, corrected & republished October 12, 2005. Petition for this improvement was signed by owners representing 50.88% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$102,575.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BH. (480-811/468-84021) Construction of LATERAL 2, MAIN 6, NORTHWEST INTERCEPTOR SEWER, North of 29th Street North, West of Tyler, as authorized by Resolution No. R-05-298, adopted June 7, 2005, and published June 10, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$152,600.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BI. (480-821/468-84035) Construction of LATERAL 7, MAIN 26, WAR INDUSTRIES SEWER, South of 29th Street North, West of Greenwich, as authorized by Resolution No. R-05-318, adopted June 14, 2005, and published June 17, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$51,000.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BJ. (480-841/468-84050) Construction of LATERAL 377, FOUR MILE CREEK SEWER, North of 13th, West of Greenwich, as authorized by Resolution No. R-05-364, adopted July 12, 2005, and published July 16, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$37,000.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BK. (480-840/468-84054) Construction of LATERAL 378, FOUR MILE CREEK SEWER, North of 21st, West of 143rd Street East, as authorized by Resolution No. R-05-397, rescinded by Resolution No. R-05-570, adopted August 2, 2005 & November 8, 2005, and published August 5, 2005 & November 17, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in

the amount of \$122,200.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BL. (480-829/468-84063) Construction of LATERAL 24, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Tyler, as authorized by Resolution No. R-05-436, adopted August 16, 2005, and published August 19, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$313,500.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BM. (480-831/468-84071) Construction of LATERAL 381, FOUR MILE CREEK SEWER, East of Webb, North of Pawnee, as authorized by Resolution No. R-05-447, adopted September 13, 2005, and published September 16, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$102,800.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BN. (480-839/468-84082) Construction of LATERAL 383, FOUR MILE CREEK SEWER, South of Kellogg, West of Greenwich, as authorized by Resolution No. R-05-508, adopted October 18, 2005, and published October 21, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$87,000.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

#### STORM SEWER PROJECTS:

BO. (485-284/468-83592) Construction of SWD NO. 199, TO SERVE WOODLAND LAKES ESTATES 3RD ADDITION, South of Lincoln, West of 127th Street East, as authorized by Resolution No. R-03-139, adopted March 18, 2003, and published March 22, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$449,400.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BP. (485-291/468-83598) Construction of SWD NO. 201, TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, as authorized by Resolution No. R-03-084, adopted February 11, 2003, and published February 20, 2003, corrected and republished February 7, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$129,200.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BQ. (485-265/468-83750) Construction of SWD NO. 224, TO SERVE AVALON PARK 2ND ADDITION, North of 37th Street North, East of Tyler, as authorized by Resolution No. R-04-349, amended by R-05-042, amended by R-05-118, adopted July 13, 2004, January 11, 2005 &

March 8, 2005, and published July 19, 2004, January 14, 2005 & March 14, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$306,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BR. (485-260/468-83813) Construction of SWD NO. 232, TO SERVE FOX RIDGE ADDITION, East of Maize, North of 29th Street North, as authorized by Resolution No. R-04-237, adopted May 18, 2004, and published May 21, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$408,000.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BS. (485-274/468-83899) Construction of SWD NO. 240, TO SERVE THE PLAZA AT CHERRY CREEK HILLS, East of Rock, North of Oak Knoll, as authorized by Resolution No. R-04-539, adopted September 28, 2004, and published October 1, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$41,400.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BT. (485-287/468-83908) Construction of SWD NO. 241, TO SERVE COPPER GATE NORTH ADDITION, North of 13th, West of 135th Street West, as authorized by Resolution No. R-04-558, rescinded by R-05-482, adopted October 12, 2004 & October 4, 2005, and published October 15, 2004 & October 7, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$154,900.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BU. (485-276/468-83929) Construction of SWD NO. 245, TO SERVE FOX RIDGE ADDITION, East of Maize, North of 29th Street North, as authorized by Resolution No. R-04-628, adopted November 23, 2004, and published November 29, 2004, corrected & republished July 13, 2005, corrected & republished July 27, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$240,500.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BV. (485-280/468-83938) Construction of SWD NO. 249, TO SERVE CHERYL'S HOLLOW ADDITION & UNPLATTED TRACT A, North of 13th, West of 135th Street West, as authorized by Resolution No. R-04-686, amended by R-06-455, adopted December 21, 2004 & August 22, 2006, and published December 28, 2004 & August 25, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$193,700.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BW. (485-285/468-83950) Construction of SWD NO. 250, TO SERVE THE WATERFRONT ADDITION, North of 13th, East of Webb, as authorized by Resolution No. R-05-129, rescinded

by R-05-424, adopted March 22, 2005 & August 16, 2005, and published March 28, 2005 & August 19, 2005, corrected & republished September 2, 2005, corrected & republished June 8, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$304,100.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

BX. (485-297/468-83968) Construction of SWD NO. 253, TO SERVE SOUTHERN RIDGE 3RD ADDITION, South of Pawnee, West of Maize, as authorized by Resolution No. R-05-155, adopted March 22, 2005, and published March 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$665,800.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BY. (485-298/468-83995) Construction of SWS NO. 614, TO SERVE MAPLE SHADE ADDITION, East of Webb, North of Pawnee, as authorized by Resolution No. R-05-219, adopted April 26, 2005, and published April 30, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$78,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BZ. (485-289/468-83996) Construction of SWD NO. 262, TO SERVE FOX RIDGE ADDITION, North of 29th Street North, West of Tyler, as authorized by Resolution No. R-05-220, adopted April 26, 2005, and published April 30, 2005, corrected & republished June 14, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$173,700.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CA. (485-290/468-83998) Construction of SWS NO. 615, TO SERVE FOX RIDGE ADDITION, North of 29th Street North, West of Tyler, as authorized by Resolution No. R-05-222, adopted April 26, 2005, and published April 30, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$152,800.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CB. (485-292/468-84011) Construction of SWD NO. 264, TO SERVE AVALON PARK 3RD ADDITION, North of 37th Street North, East of Tyler, as authorized by Resolution No. R-05-272, adopted May 17, 2005, and published May 21, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$169,800.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CC. (485-293/468-84012) Construction of SWD NO. 265, TO SERVE AVALON PARK 3RD ADDITION & AVALON PARK, North of 37th Street North, East of Tyler, as authorized by

Resolution No. R-05-273, adopted May 17, 2005, and published May 21, 2005, corrected & republished June 8, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$232,100.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CD. (485-288/468-84014) Construction of SWD NO. 267, TO SERVE PRAIRIE POND PLAZA ADDITION, North of Kellogg, East of 143rd Street East, as authorized by Resolution No. R-05-295, adopted May 24, 2005, and published May 27, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$126,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CE. (485-300/468-84015) Construction of SWD # 268, TO SERVE RIVENDALE ADDITION, North of 55th Street South, West of Hydraulic, as authorized by Resolution No. R-05-256, adopted May 10, 2005, and published May 13, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$166,200.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CF. (485-295/468-84029) Construction of SWS NO. 617, TO SERVE REED'S COVE ADDITION, South of 21st, East of 127th Street East, as authorized by Resolution No. R-05-313, adopted June 14, 2005, and published June 17, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 18, 2006, in the amount of \$110,500.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

**Agenda Item No. 32.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1037

TO: Mayor and City Council Members

SUBJECT: Public Hearing on Proposed Assessments for Forty-one (41) Paving Projects in February 2007 Bond Sale Series 788 (All Districts)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the proposed assessments and ordinances.

Background: The Council was notified on September 12, 2006 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

Analysis: Notice of hearing letters were published September 15, 2006 in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing. Department of Finance and Public Works staff held an informal hearing October 2, 2006 at 11:00 a.m. for the paving projects.

Financial Considerations: Statements of Special Assessment will be mailed to the property owners on October 27, 2006. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the February 2007 bond sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2007 tax roll.

Goal Impact: The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

Legal Considerations: These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. as amended. All of the projects were 100% petitions with the exception of:

490-006 472-83909 Improving 45th Street South (75.29% Petition)  
490-005 472-83910 Improving Lulu (50.27% Petition)

490-007 472-84034 Improving Pine Bay, Madison Avenue, Madison Court (85.25% Petition)

490-025 472-84111 Improving Fire Fly, Azure Lane (59.46% Petition)

Recommendation/Action: It is recommended that the City Council close the Public Hearing, approve the proposed assessments and place the ordinances on first reading.

Attachments: Special Assessments projects list.

## HEARING ON PROPOSED ASSESSMENTS FOR IMPROVING PAVING PROJECTS

On September 12, 2006, the Council was notified that the proposed assessment rolls for improving of paving projects had been prepared and were on file in the office of Debt Management in the Finance Department for public inspection:

### PAVING PROJECTS:

A. (490-961/472-83095) CONSTRUCTING A TRAFFIC SIGNAL ON 13TH FOR A "T" INTERSECTION (South of 13th, East of Greenwich), as authorized by Resolution No. R-99-116, rescinded by R-05-050, adopted March 23, 1999 & February 1, 2005, and published March 26, 1999 & February 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$111,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

B. (490-995/472-83269) IMPROVING KILLENWOOD COURT (South of 13th, East of Greenwich), as authorized by Resolution No. R-00-347, adopted September 26, 2000, and published September 30, 2000. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$144,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

C. (490-885/472-83644) IMPROVING WILLIAMSGATE/CAMDEN CHASE (North of 21st, East of 127th Street East), as authorized by Resolution No. R-02-505, R-03-490, R-03-493, rescinded by R-04-433, adopted November 19, 2002, September 9, 2003, August 17, 2004, and published November 25, 2002, September 12, 2003, August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The

Statement of Cost approved July 11, 2006 in the amount of \$1,510,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

D. (490-014/472-83671) IMPROVING AKSARBEN, LOST CREEK, HARVEST LANE, HARVEST LANE CT., AKSARBEN CT., LOST CREEK CIRCLE, INCLUDING THE CUL-DE-SAC & SIDEWALK (South of 13th, West of 135th Street West), as authorized by Resolution No. R-02-556, adopted December 10, 2002, and published December 14, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$327,700.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

E. (490-902/472-83703) IMPROVING CHERRY CREEK, HORSEBACK, SIERRA HILLS/SIERRA HILLS CIRCLE, SIERRA HILLS CT., TRIPLE CROWN, TRIPLE CROWN CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (East of 127th St. East, North of Pawnee), as authorized by Resolution No. R-03-096, rescinded by Resolution No. R-04-635, adopted February 11, 2003 & November 23, 2004, and published February 15, 2003 & November 29, 2004 corrected & republished August 25, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$902,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

F. (490-040/472-83717) IMPROVING GLENMOOR, GLENMOOR CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (South of Lincoln, West of 127th Street East), as authorized by Resolution No. R-03-143, adopted March 18, 2003, and published March 22, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$292,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

G. (490-051/472-83723) IMPROVING DECKER, DECKER CIRCLE, TEXAS, TEXAS COURT, INCLUDING CUL-DE-SAC & SIDEWALK (West of 135th Street West, North of Maple), as authorized by Resolution No. R-03-087, rescinded by R-04-365, adopted February 11, 2003 & July 20, 2004, and published February 15, 2003 & July 23, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$358,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

H. (491-005/472-83763) IMPROVING FACADE AT 504 E. DOUGLAS (North of Douglas, East of Emporia), as authorized by Resolution No. R-03-197, adopted May 6, 2003, and published May 9, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$68,100.00 is to be apportioned 75% payable by the improvement district & 25% payable by the City at Large to the improvement district. The cost has been assessed on a square foot basis.

I. (490-053/472-83771) IMPROVING REED'S COVE COURT, REED'S COVE, BRIDLEWOOD, BRIDLEWOOD COURT & INCLUDING THE CUL-DE-SAC (South of 21st, East of 127th Street East), as authorized by Resolution No. R-03-515, rescinded by R-05-010, rescinded by R-05-314, adopted September 16, 2003, January 4, 2005 & June 14, 2005, and published September 19, 2003, January 10, 2005 & June 17, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$130,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

J. (490-011/472-83779) IMPROVING THOROUGHbred, TAYLOR CIRCLE, THOROUGHbred CT., INCLUDING CUL-DE-SAC & SIDEWALK (West of 135th Street West, South of Central), as authorized by Resolution No. R-03-259, adopted May 20, 2003, and published May 23, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$375,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

K. (490-031/472-83857) IMPROVING GLENWOOD CT., REED'S COVE, INCLUDING THE CUL-DE-SAC & SIDEWALK (South of 21st, East of 127th Street East), as authorized by Resolution No. R-05-011, adopted January 4, 2005, and published January 10, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$151,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

L. (490-942/472-83860) IMPROVING 27TH STREET SOUTH (North of 31st Street South, West of Seneca), as authorized by Resolution No. R-03-539, amended by Resolution No. R-04-215, rescinded by Resolution No. R-04-389, adopted October 21, 2003, May 4, 2004 & August 3, 2004, and published October 24, 2003, May 7, 2004, corrected & republished May 18, 2004, & August 6, 2004, corrected & republished August 14, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$125,300.00 is to be apportioned 100% payable by the

improvement district to the improvement district. The cost has been assessed on a fractional basis.

M. (490-083/472-83867) IMPROVING MONA CIR., PATTIE CT., VICTORIA CT., MONA, PATTIE, VICTORIA, INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 55th Street South, West of Hydraulic), as authorized by Resolution No. R-03-559, adopted October 21, 2003, and published October 24, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$268,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

N. (490-998/472-83899) IMPROVING PEPPER RIDGE/HAVENHURST, HAVENHURST CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 37th Street North, East of Tyler), as authorized by Resolution No. R-03-662, adopted December 16, 2003, and published December 22, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$326,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

O. (490-006/472-83909) IMPROVING 45TH STREET SOUTH (North of 47th Street South, West of Hydraulic), as authorized by Resolution No. R-04-022, adopted January 13, 2004, and published January 16, 2004 corrected & republished February 9, 2006 & March 5, 2006. Petition for this improvement was signed by owners representing 75.29% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$256,600.00 is to be apportioned 77% payable by the improvement district & 23% payable by City at Large to the improvement district. The cost has been assessed on a square foot basis.

P. (490-005/472-83910) IMPROVING LULU (North of 47th Street South, West of Hydraulic), as authorized by Resolution No. R-04-035, adopted January 13, 2004, and published January 23, 2004, corrected & republished March 22, 2005. Petition for this improvement was signed by owners representing 50.27% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$92,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

Q. (490-038/472-83931) IMPROVING AUBURN HILLS, AUBURN HILLS CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (West of 135th Street West, North of Kellogg), as authorized by Resolution No. R-04-018, rescinded by R-04-121, rescinded by R-05-079, adopted January 6, 2004, March 16, 2004 & March 1, 2005, and published January 9, 2004, March 19, 2004 & March 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in

the amount of \$207,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

R. (490-061/472-83936) IMPROVING RECA, NANTUCKET & 15TH ST. N. (East of Tyler, North of 13th), as authorized by Resolution No. R-04-069, adopted February 10, 2004, and published February 13, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$123,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

S. (490-977/472-83973) IMPROVING CASTLE ROCK, PEPPERTREE, BURNING TREE, 22ND ST. N., CASTLE ROCK CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 21st, West of 143rd St. East), as authorized by Resolution No. R-04-184, adopted April 13, 2004, and published April 16, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$360,700.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

T. (490-054/472-83974) IMPROVING CASTLE ROCK, BURNING TREE, AYESBURY, CAMDEN CHASE, CAMDEN CHASE CT., AYESBURY CIR., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 21st, West of 143rd Street East), as authorized by Resolution No. R-04-185, rescinded by R-05-399, rescinded by R-05-481, adopted April 13, 2004, August 2, 2005 & October 4, 2005, and published April 16, 2004, August 5, 2005 & October 7, 2005 corrected & republished January 13, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$463,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

U. (490-009/472-84027) IMPROVING 43RD STREET CIRCLE NORTH (South of 45th Street North, West of Webb), as authorized by Resolution No. R-04-247, rescinded by R-05-202, adopted May 18, 2004 & April 19, 2005, and published May 21, 2004 & April 22, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$222,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

V. (490-007/472-84034) IMPROVING PINE BAY STREET, MADISON AVENUE, MADISON COURT, INCLUDING THE CUL-DE-SAC (East of Hydraulic, South of 63rd Street South), as authorized by Resolution No. R-04-340, adopted July 13, 2004, and published July 19, 2004. Petition for this improvement was signed by owners representing 85.25% of the

property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$264,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

W. (490-071/472-84042) IMPROVING MANCHESTER, HAVENHURST & SIDEWALK (North of 37th Street North, West of Maize), as authorized by Resolution No. R-04-372, rescinded by R-05-361, adopted July 20, 2004 & July 12, 2005, and published July 23, 2004 & July 16, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$274,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

X. (490-073/472-84044) IMPROVING ASPHALT MAT PAVING ON 37TH STREET NORTH (North of 37th Street North, West of Maize), as authorized by Resolution No. R-04-374, amended by R-04-464, rescinded by R-05-363, rescinded by R-05-480, rescinded by R-05-664, adopted July 20, 2004, September 14, 2004, July 12, 2005, October 4, 2005, December 20, 2005, and published July 23, 2004, September 17, 2004, July 16, 2005, October 7, 2005, December 29, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$106,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Y. (490-016/472-84049) IMPROVING W. 56TH CIR. S., WAYNE CIRCLE & INCLUDING THE CUL-DE-SAC (South of 55th Street South, West of Broadway), as authorized by Resolution No. R-04-318, adopted June 8, 2004, and published June 11, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$127,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Z. (490-062/472-84056) IMPROVING EDWARDS, RIO VISTA, RICHMOND, W. 62ND ST. N., RICHMOND CT., RIO VISTA CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 61st St. North, West of Meridian), as authorized by Resolution No. R-04-325, adopted June 15, 2004, and published June 18, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$748,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AA. (490-026/472-84081) IMPROVING CAMDEN CHASE, ROSEMONT CT., LOCH LOMOND CT., CAMDEN CHASE/LOCH LOMOND & INCLUDING THE CUL-DE-SAC

(North of 21st, East of 127th Street East), as authorized by Resolution No. R-04-436, adopted August 17, 2004, and published August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$456,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AB. (490-056/472-84083) IMPROVING WILLIAMSGATE COURT INCLUDING THE CUL-DE-SAC (North of 21st, East of 127th Street East), as authorized by Resolution No. R-05-089, adopted March 1, 2005, and published March 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$242,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AC. (490-068/472-84098) IMPROVING FIELDCREST ST., MAXWELL, PRESCOTT, SAVANNAH, FIELDCREST CIR., MAXWELL CIR., PRESCOTT CIR., INCLUDING THE CUL-DE-SAC & SIDEWALK (South of Pawnee, West of Maize), as authorized by Resolution No. R-04-513, adopted September 14, 2004, and published September 17, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$267,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AD. (490-081/472-84103) IMPROVING PARKDALE, PARKDALE COURTS (4), INCLUDING THE CUL-DE-SACS & SIDEWALK (South of 29th Street North, West of Maize), as authorized by Resolution No. R-04-531, adopted September 21, 2004, and published September 24, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$392,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AE. (490-047/472-84104) IMPROVING AKSARBEN, DECKER, KIWI, AKSARBEN CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 13th, West of 135th Street West), as authorized by Resolution No. R-04-559, adopted October 12, 2004, and published October 15, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$346,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AF. (490-025/472-84111) IMPROVING FIREFLY DRIVE, AZURE LANE & INCLUDING

THE CUL-DE-SAC (South of 13th, West of 119th St. West), as authorized by Resolution No. R-04-580, adopted October 19, 2004, and published January 18, 2005. Petition for this improvement was signed by owners representing 59.46% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$564,100.00 is to be apportioned 97% payable by the improvement district & 3% payable by the City at Large to the improvement district. The cost has been assessed on a fractional basis.

AG. (490-034/472-84123) IMPROVING BLADE, MILL RUN, SCRAGG CIR., SCRAGG, BLADE CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (East of Rock, North of 45th St. North), as authorized by Resolution No. R-04-622, adopted November 16, 2004, and published November 19, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$405,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AH. (490-032/472-84136) IMPROVING N. 127TH CT. E. & INCLUDING CUL-DE-SAC (West of 127th St. East, North of 21st), as authorized by Resolution No. R-04-650, rescinded by R-05-567, adopted December 7, 2004 & November 8, 2005, and published December 10, 2004 & November 17, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$103,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AI. (490-041/472-84145) IMPROVING MONTEREY, OCALA, OCALA CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (West of 135th St. West, North of Kellogg), as authorized by Resolution No. R-05-080, adopted March 1, 2005, and published March 4, 2005, corrected & republished July 20, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$163,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AJ. (490-039/472-84146) IMPROVING AUBURN HILLS (West of 135th St. West, North of Kellogg), as authorized by Resolution No. R-05-081, adopted March 1, 2005, and published March 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$51,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AK. (490-055/472-84188) IMPROVING YOSEMITE, DALLAS, GREENFIELD & SIDEWALK (South of Pawnee, West of Maize Road), as authorized by Resolution No. R-05-

146, adopted March 22, 2005, and published March 28, 2005, corrected & republished November 22, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$140,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AL. (490-079/472-84191) IMPROVING GREENFIELD, DALLAS, DALLAS CIR., INCLUDING THE CUL-DE-SAC & SIDEWALK (South of Pawnee, West of Maize Road), as authorized by Resolution No. R-05-149, adopted March 22, 2005, and published March 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$158,700.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AM. (490-065/472-84238) IMPROVING BRIDLEWOOD, BRIDLEWOOD CT., INCLUDING THE CUL-DE-SAC (South of 21st, East of 127th St. East), as authorized by Resolution No. R-05-315, adopted June 14, 2005, and published June 17, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$143,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AN. (490-066/472-84253) IMPROVING TIMBERIDGE CIRCLE (North of Harry, West of 159th St. East), as authorized by Resolution No. R-05-382, adopted July 26, 2005, and published July 29, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$60,700.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AO. (490-075/472-84276) CONSTRUCTING A TRAFFIC SIGNAL ON MAIZE ROAD (North of 21st, West of Maize), as authorized by Resolution No. R-05-469, adopted September 20, 2005, and published September 23, 2005, corrected & republished October 10, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 11, 2006 in the amount of \$115,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

**Agenda Item No. 33.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1038

TO: Mayor and City Council Members

SUBJECT: Petition to pave 10th St. North, between St. Paul and Edwards (District VI)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the Petition.

Background: The signatures on the Petition represent 20 of 39 (51%) resident owners and 53% of the improvement district area. District VI Advisory Board sponsored a September 20, 2006, neighborhood hearing on the project. The Board voted 10-0 to recommend approval of the project.

Analysis: The project will provide paved access to a developed residential area.

Financial Considerations: The estimated project cost is \$145,000 with \$136,000 assessed to the improvement district and \$9,000 paid by the City. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.34 per square foot of ownership. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation bonds.

Goal Impact: This project will address the Efficient Infrastructure goal by providing paving improvements for a residential neighborhood.

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

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

Attachments: Map, CIP Sheet, Petition and Resolution.

## **Agenda Item No. 34.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1039

TO: Mayor and City Council

SUBJECT: Water and Sewer System Utility Revenue Bonds, Series 2006

INITIATED BY: Department of Finance

AGENDA: New Business

Recommendation: Adopt the resolution.

Background: The Water and Sewer Utilities have undertaken major capital efforts, beyond the normal level of capital expenditures, for long-term (50 year) service extensions, most notably in the water supply plan and new sewage treatment facilities. In addition, some substantial rehabilitation projects must be accomplished. Rate increases for the utilities are driven, in part, by capital costs.

As Water and Sewer projects have been initiated, the City Council has adopted resolutions authorizing various Water and Sewer System improvements and the issuance of revenue bonds. Additionally, notices of the Council's intent to carry out the improvements and issue the revenue bonds have been published in the City's official newspaper.

Analysis: The Water and Sewer Department has been drawing down cash reserves, in anticipation of the issuance of revenue bonds, in order to fund the costs of improvement projects that were previously authorized for bond financing. The Water and Sewer Department wishes to proceed with the sale of revenue bonds at this time, in an amount not to exceed \$53,165,000, to permanently finance a portion of project costs incurred to date and reimburse prior cash reserve expenditures.

The public sale of the bonds is scheduled for 10:30 a.m. CST on November 14, 2006, at which time the bids will be opened and the City Council will award the sale of bonds to the bidder whose proposed interest rates result in the lowest overall cost to the City.

Financial Considerations: The proceeds from the proposed bond sale will reimburse prior cash reserve expenditures. The debt service payments associated with the bonds will be funded entirely from net revenues derived from operations of the City's Water and Sewer Utility. The Series 2006 bonds will be callable in 2016 with a 1% call premium.

The City of Wichita awards the sale of bonds to the bidder with the lowest true interest cost, or “TIC”. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in the City saving money because the TIC does not ignore the timing of interest payments.

Goal Impact: The permanent financing of capital costs helps to ensure efficient infrastructure through construction efforts providing reliable, compliant and secure utilities. The Internal Perspective is also impacted as a result of the permanent financing of capital improvements and by offering these debt obligations through competitive sale.

Legal Considerations: The Law Department has approved the Resolution authorizing the sale of the bonds and directing the distribution of the Official Notice of Sale, as prepared by the City’s Bond Counsel, Kutak Rock, LLP.

Recommendations/Actions: It is recommended that the City Council adopt the Resolution and direct City staff to distribute the Official Notice of Sale and Preliminary Official Statement upon completion.

Attachments: Sale Resolution  
Draft Official Notice of Sale

CITY OF WICHITA, KANSAS

OFFICIAL NOTICE OF SALE

\$53,165,000\*  
WATER AND SEWER UTILITY REVENUE BONDS  
SERIES 2006

Date, Time and Place of Receiving Bids

The Governing Body of the City of Wichita, Kansas (the “City”), will receive electronic bids for the purchase of \$53,165,000\* principal amount of Water and Sewer Utility Revenue Bonds, Series 2006 (the “Bonds”), through PARITY electronic bid submission system (“PARITY”), until 10:30 o’clock A.M., Central Time, on:

TUESDAY, NOVEMBER 14, 2006

All bids shall be publicly read and tabulated on the date and at the time above indicated and all bids and the tabulations thereof shall thereafter be presented to the Governing Body of the City at their earliest convenience in the Council Chamber at City Hall. The Governing Body will thereupon award the Bonds to the best bidder.

No oral or auction bid for the Bonds shall be considered, and no bid for less than the entire principal amount of the Bonds shall be considered.

#### Description of Bonds

The Bonds shall be issued in the aggregate principal amount of \$53,165,000\*, shall bear a Dated Date of December 1, 2006, shall be issued in book-entry-only form, and individual purchases may be made in denominations of \$5,000 or integral multiples thereof not exceeding the principal amount of the Bonds which mature in any year. The Bonds shall mature serially on October 1 (the "Principal Payment Date") in the years and principal amounts as follows:

\*Subject to change

#### Maturity Schedule

| PrincipalAmount* | MaturityDate    | PrincipalAmount* | MaturityDate    |
|------------------|-----------------|------------------|-----------------|
| \$1,200,000      | October 1, 2007 | \$2,340,000      | October 1, 2020 |
| 1,260,000        | October 1, 2008 | 2,460,000        | October 1, 2021 |
| 1,325,000        | October 1, 2009 | 2,590,000        | October 1, 2022 |
| 1,395,000        | October 1, 2010 | 2,725,000        | October 1, 2023 |
| 1,465,000        | October 1, 2011 | 2,875,000        | October 1, 2024 |
| 1,540,000        | October 1, 2012 | 3,020,000        | October 1, 2025 |
| 1,625,000        | October 1, 2013 | 3,185,000        | October 1, 2026 |
| 1,715,000        | October 1, 2014 | 2,230,000        | October 1, 2027 |
| 1,805,000        | October 1, 2015 | 2,345,000        | October 1, 2028 |
| 1,900,000        | October 1, 2016 | 2,475,000        | October 1, 2029 |
| 2,005,000        | October 1, 2017 | 2,605,000        | October 1, 2030 |
| 2,115,000        | October 1, 2018 | 2,740,000        | October 1, 2031 |
| 2,225,000        | October 1, 2019 |                  |                 |

The Bonds shall bear interest at the rates specified by the successful bidder, and interest shall be payable semiannually on April 1 and October 1 of each year, commencing April 1, 2007.

Principal Amounts Subject to Change. The City reserves the right to decrease or increase the

total principal amount of the issue and the principal amount of any maturity in order to properly size the Bond issue based on net bond proceeds received by the City as a result of any premium bid. Adjustments, if required, will be made proportionately to each maturity as permitted by the authorized denominations of the Bonds. The successful bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of the Bonds as described. If there is an adjustment in the final aggregate principal amount of the Bonds or the schedule of principal payments as described above, any premium bid on the Series 2006 Bonds will be proportionately adjusted. Bidders wishing to obtain the final maturity schedule may contact the City by 12:30 p.m. C.T. on the sale date.

### Redemption of Bonds

Optional Redemption. The Bonds maturing 2007 through 2016, inclusive, shall become due on their respective maturities without the option of prior payment. At the option of the City, the Bonds maturing October 1, 2017 and thereafter, may be called for redemption and payment prior to their respective maturities on and after October 1, 2016. The Bonds called for redemption and payment may be called in whole or in part at any time from and after the first date authorized for redemption as aforesaid, at a redemption price (expressed as a percentage of the principal amount) as follows, plus accrued interest thereon to the date established for such redemption and payment:

| Redemption Dates                             | Redemption Dates |         |
|--|------------------|---------|
| October 1, 2016, through September 30, 2017, |                  | 101.00% |
| October 1, 2017, through September 30, 2018  |                  | 100.50% |
| October 1, 2018, and thereafter              | 100.00%          |         |

General Redemption Provisions. Bonds subject to call for redemption and payment may be called in whole at any time or in part at any time from and after the first date authorized for the redemption thereof as set forth above.

If less than all of the outstanding Bonds are called for redemption on a specified date, the method of selection of the Bonds to be so called shall be designated by the City in such equitable manner as it may determine. In the case of Bonds registered in denominations greater than \$5,000, the City shall treat each \$5,000 of face value as though it were a separate Bond in the denomination of \$5,000.

Written notice of any call for redemption and payment of the Bonds shall be given by the Paying Agent by United States first class mail not less than 30 days prior to the date established for such redemption and payment, to the Registered Owners of the Bonds so called for redemption and payment as shown by the Registration Books maintained by the Bond Registrar. On or before any date established for redemption and payment, the City shall deposit with the Paying Agent sufficient funds to pay the Bonds so called for redemption and payment at the stated redemption price and all unpaid and accrued interest thereon to the date of such redemption and payment. Upon the deposit of said funds, and the giving of notice of such redemption and payment as aforesaid, Bonds thus called for redemption shall cease to bear interest from and after the date of

their redemption and payment.

#### Paying Agent and Bond Registrar

The Treasurer of the State of Kansas, Topeka, Kansas, has been designated as Paying Agent and Bond Registrar for the Bonds (hereinafter called the “Paying Agent”). The fees of the Paying Agent for the registration, transfer, exchange, payment and redemption, if any, of the Bonds shall be paid by the City. The City shall also pay for the printing of a reasonable supply of blank registered bond certificates for such purpose. Any additional costs or fees that might be incurred in the secondary market, except the fees of the Paying Agent, shall be the responsibility of the Registered Owners of the Bonds.

#### Payment of Principal and Interest on Bonds; Ownership Registration

One certificate representing the entire principal amount of each maturity of the Bonds will be issued to The Depository Trust Company, New York, New York (hereafter called “DTC”), registered in the name of Cede & Co. (DTC’s partnership nominee), and will be immobilized in the custody of DTC. A book-entry-only system of issuance will be employed, evidencing ownership of the Bonds in the permitted \$5,000 denominations, with transfers of ownership effected on the records of DTC and its Direct Participants pursuant to the rules and procedures established by DTC and its participants. Principal and interest on the Bonds will be paid in same day funds to DTC or its nominee as the Registered Owner of the Bonds. DTC’s practice is to credit Direct Participants’ accounts on the payable date. Payments by Direct Participants to Beneficial Owners will be governed by standing instructions and customary practices. The City will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants. Reference is made to the Preliminary Official Statement for further information regarding the book-entry-only issuance of the Bonds.

#### Conditions of Bidding

Individual proposals for the purchase of the Bonds shall be received bearing such rate or rates of interest as may be specified by the bidder, subject to the conditions of this paragraph. The same rate of interest shall apply to all Bonds having the same maturity date. Each interest rate specified shall be in an even multiple of 1/8th or 1/20th of 1%. The difference between the highest and the lowest interest rate specified for the Bonds shall not exceed 2%. The maximum stated rate of interest on any Bond shall not exceed the daily yield for the ten-year treasury bonds published by The Bond Buyer, in New York, New York, on the Monday next preceding the date of the public sale, plus 3%. No bid for less than par value, plus accrued interest thereon from the Dated Date to the date of delivery, shall be considered, and no supplemental interest payments shall be authorized. Each bid must state (i) the total interest cost to the City during the life of the Bonds on the basis of the bid, (ii) the premium, if any, offered by the bidder, (iii) the net interest cost to the City on the basis of the bid, and (iv) the true interest cost (as hereinafter defined) on the basis of such bid. Each bid shall be certified by the bidder to be correct, and the Governing Body of the City shall be entitled to rely on such certificate of correctness.

## Form and Submission of Bid; Good Faith Deposit

**Submission of Bid.** All bids on the Bonds shall be submitted only through the PARITY Electronic Bid Submission System (“PARITY”). To the extent any instructions or directions set forth in PARITY conflict with the Official Notice of Sale, the terms of the Official Notice of Sale shall control. All bids must be received by the undersigned prior to 10:30 o’clock A.M., C.T. (the “Submittal Hour”) on November 14, 2006 (the “Sale Date”), accompanied by the applicable good faith deposit described below, which may be submitted separately, provided such good faith deposit is received by the City prior to the Submittal Hour on the Sale Date. The City shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. Bids submitted in accordance with this section and accepted by the City as provided below shall be binding obligations of the bidder. For further information about the electronic bidding services of PARITY, a potential bidder may contact Dalcomp at 1359 Broadway, 2nd Floor, New York, NY 10018, (212) 849-5021.

**Good Faith Deposit.** Each bid for the Bonds shall be accompanied by a good faith deposit in an amount equal to 2% of the principal amount of the Bonds (i.e., \$1,063,300). The good faith deposit must be in the form of a certified or cashier’s check drawn on a bank located within the United States and made payable to the order of the City, or in the form of a Financial Surety Bond payable to the order of the City and meeting the requirements set forth in the following paragraph. If a bid is accepted, such good faith deposit shall be deposited by the City until the bidder shall have complied with all of the terms and conditions of this Notice and of its bid. In the event a bidder whose bid is accepted shall default in the performance of any of the terms and conditions of this Notice or of its bid, said bidder’s good faith deposit shall be retained by the City for liquidated damages. If a bid is accepted, but the City shall fail to deliver the Bonds to the bidder in accordance with the terms and conditions hereof, said good faith deposit shall be returned to the bidder. No interest shall be paid upon the successful bidder’s good faith deposit. Checks representing the good faith deposit accompanying the bids of the unsuccessful bidder shall be promptly returned.

**Financial Surety Bond.** If a Financial Surety Bond is used for the good faith deposit, it must be from Financial Security Assurance of Maryland Inc., New York, New York, an insurance company licensed to issue such surety bond in the State of Kansas and approved by the City. Such surety bond must be submitted to the Director of Finance prior to the time that bids for the purchase of the Bonds will be received. The Financial Surety Bond must identify each bidder whose good faith deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to a bidder using a Financial Surety Bond, then that bidder is required to submit its good faith deposit to the City in the form of a certified or cashier’s check or wire transfer as instructed by the Director of Finance not later than 2:00 o’clock P.M., C.T., on the next business day following the award of the Bonds. If such check or wire transfer is not received by that time, the Financial Surety Bond will be drawn by the City to satisfy the good faith deposit requirement.

## Awarding of Bonds

The Bonds will be sold and awarded to the responsible bidder offering to pay not less than the par amount of the Bonds and accrued interest thereon and specifying a rate or rates of interest that result in the lowest effective interest rate to the City. The effective interest rate to the City shall be the interest rate per annum determined on a per annum true interest cost (“TIC”) basis by discounting the scheduled semi-annual debt service payments of the City on the Bonds, to the Dated Date of the Bonds (based on a 360-day year), compounded semi-annually and to the bid price, excluding accrued interest to the date of delivery. The City reserves the right to verify the bidder’s calculation of TIC, and the award shall be made to the bidder whose proposal results in the lowest TIC calculated in accordance with the provisions of this Notice. If two or more identical bids for the lowest TIC are received, the Governing Body shall determine which bid, if any, shall be accepted, and such determination shall be final. The Governing Body reserves the right to reject any and/or all bids, and to waive any irregularities in any bid submitted.

### Rating

The most recent rating given to the City’s water and sewer utility revenue bonds (dated September 25, 2005) by Standard & Poor’s, a division of the McGraw-Hill Companies, Inc. (“Standard & Poor’s”) was an underlying rating of AA-. The City has applied to Standard & Poor’s for a rating on the Bonds described herein.

### Bond Insurance

\_\_\_\_\_ (\_\_\_\_\_) has issued a commitment for a financial guaranty insurance policy relating to the Bonds. All bids may be conditioned upon the issuance, effective as of the date on which the Bonds are issued, of a policy of insurance by \_\_\_\_\_, insuring the payment when due of principal of and interest on the Bonds. Each Bond will bear a legend referring to the insurance. The purchaser, holder or owner is not authorized to make any statements concerning the insurance beyond those set out here and in the Bond Legend without the approval of \_\_\_\_\_.

### CUSIP Identification Numbers

The CUSIP Service Bureau will be requested to assign CUSIP identification numbers to the Bonds, and such numbers shall be printed on the Bonds; however, neither the failure to assign any such number to or print any such number on any Bond, nor any error with respect thereto, shall constitute cause for the failure or refusal by the successful bidder to accept delivery of and to make payment for the Bonds in accordance with the terms of this Notice and of its bid. All expenses in relation to the printing of the CUSIP numbers and the expenses of the CUSIP Service Bureau for the assignment thereof shall be the responsibility of and shall be paid for by the City.

### Delivery of and Payment for Bonds

A single Bond per maturity, duly printed or typewritten, executed and registered in conformity with the laws of the State of Kansas, shall be furnished and delivered at the expense of the City

to the successful bidder of the Bonds on or about Thursday, December 14, 2006, by deposit of such Bonds with DTC. Payment for the Bonds shall be received by 12:00 noon, C.T., on the delivery date, in Federal Reserve funds immediately available for use by the City.

The successful bidder shall be furnished with a certified Transcript of Proceedings evidencing the authorization and issuance of the Bonds, and the usual closing proofs, which shall include a Certificate that there is no litigation pending or threatened at the time of the delivery of the Bonds affecting their validity and also regarding the completeness and accuracy of the Official Statement.

#### Official Statement

The Governing Body of the City has authorized and directed the preparation of a Preliminary Official Statement in connection with the issuance of the Bonds, copies of which may be obtained from the City's Department of Finance. The Preliminary Official Statement is in a form "deemed final" by the Governing Body for the purpose of the Securities Exchange Commission's Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final Official Statement. Authorization is hereby given to redistribute this Official Notice of Sale and the Preliminary Official Statement, but this entire Official Notice of Sale and the entire Preliminary Official Statement, and not portions thereof, must be redistributed.

By awarding the Bonds to any bidder or bidding syndicate submitting a proposal therefor, the Governing Body agrees that, no more than seven business days after the date of such award, it shall provide without cost to the senior managing underwriter of the syndicate to which such Bonds are awarded, a reasonable number of copies of the final Official Statement. The City designates the senior managing underwriter of any syndicate to which the Bonds are awarded as agent for purposes of distributing copies of the final Official Statement to each participating underwriter. Any bidder delivering a proposal with respect to the Bonds agrees thereby that if such proposal is accepted (i) it shall accept such designation, and (ii) it shall enter into a contractual relationship with all participating underwriters of the Bonds for purposes of assuring the receipt by each such participating underwriter of the final Official Statement. Copies of the final Official Statement in excess of a reasonable number may be ordered by the successful bidder at its expense.

#### Continuing Disclosure

The City will execute and deliver a Continuing Disclosure Certificate in order to provide ongoing disclosure concerning the City in connection with the Bonds for the benefit of the Owners of the Bonds, as required under Section (b)(5)(i) of Securities and Exchange Commission Rule 15c2-12. As of the date hereof, the City has not failed to comply with a continuing disclosure undertaking required by an underwriter for purposes of compliance with said Rule 15c2-12.

#### Authority, Purpose and Security

The Bonds shall be issued under the authority of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 et seq., as amended and supplemented, and K.S.A. 10-1201 et seq., as amended and supplemented, and the Bonds shall be authorized by a Bond Ordinance and accompanying Resolution which shall be adopted and passed, respectively, by the Governing Body after the awarding of the Bonds.

The proceeds of the Bonds shall be used to pay the costs of constructing, reconstructing, altering, repairing, improving, extending or enlarging the Water and Sewer Utility owned and operated by the City.

The Bonds and the interest thereon shall constitute special obligations of the City, and shall be payable as to both the principal of and the interest thereon solely and only from the revenues derived by the City from the operation of its Water and Sewer Utility, after the payment of the costs of operation and maintenance. The taxing power of the City is not pledged to the payment of the Bonds or the interest thereon. The Bonds shall be on a parity with and co-equal in stature and priority to the City's outstanding Water and Sewer Utility Refunding Revenue Bonds, Series 1998 (the "Series 1998 Bonds"), the City's outstanding Water and Sewer Utility Revenue Bonds, Series 1999 (the "Series 1999 Bonds"), the City's Water and Sewer Utility Revenue Bonds, Series 2000 (the "Series 2000 Bonds"), the City's outstanding Water and Sewer Utility Refunding Revenue Bonds, Series 2001 (the "Series 2001 Bonds"), the City's outstanding Water and Sewer Utility Revenue Bonds, Series 2003 (the "Series 2003 Bonds"), the City's outstanding Water and Sewer Utility Refunding Revenue Bonds, Series 2005A (the "Series 2005A Bonds"), the City's outstanding Water and Sewer Utility Refunding Revenue Bonds, Series 2005B (the "Series 2005B Bonds") and the City's outstanding Water and Sewer Utility Revenue Bonds, Series 2005C (the "Series 2005C Bonds"). The Series 1998 Bonds, Series 1999 Bonds, Series 2000 Bonds, Series 2001 Bonds, Series 2003 Bonds, Series 2005A Bonds, Series 2005B Bonds and Series 2005C Bonds are more fully described in the Official Statement. The Bonds shall not constitute revenues of the City, and shall not constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction.

#### Legal Opinion

All matters relating to the authorization and issuance of the Bonds are subject to the approving opinion of Kutak Rock LLP, Kansas City, Missouri, Bond Counsel. Bond Counsel's opinion shall be furnished without expense to the successful bidder concurrently with delivery of the Bonds. All fees and expenses of Bond Counsel shall be paid by the City.

#### Tax Exemption

Federal Tax Exemption - In General. In the opinion of Kutak Rock LLP, Bond Counsel, under existing laws, regulations, rulings and judicial decisions, interest on the Bonds is excluded from gross income for federal income tax purposes and is not a specific preference item for purposes of the federal alternative minimum tax. The opinion described in the preceding sentence assumes the accuracy of certain representations and compliance by the City with covenants designed to satisfy the requirements of the Code that must be met subsequent to the issuance of

the Bonds. Failure to comply with such requirements could cause interest on the Bonds to be included in gross income for federal income tax purposes retroactive to the date of issuance of the Bonds. The City has covenanted to comply with such requirements. Bond Counsel has expressed no opinion regarding other federal tax consequences arising with respect to the Bonds. Bond Counsel is further of the opinion that the interest on the Bonds is exempt from State of Kansas income taxation.

Notwithstanding Bond Counsel's opinion that interest on the Bonds is not a specific preference item for purposes of the federal alternative minimum tax, such interest will be included in adjusted current earnings of certain corporations, and such corporations are required to include in the calculation of alternative minimum taxable income 75% of the excess of such corporation's adjusted current earnings over its alternative minimum taxable income (determined without regard to such adjustment and prior to reduction for certain net operating losses).

The accrual or receipt of interest on the Bonds may otherwise affect the federal income tax liability of the owners of the Bonds. The extent of these other tax consequences will depend upon such owner's particular tax status and other items of income or deduction. Bond Counsel has expressed no opinion regarding any such consequences. Purchasers of the Bonds, particularly purchasers that are corporations (including S corporations and foreign corporations operating branches in the United States), property or casualty insurance companies, banks, thrifts or other financial institutions, certain recipients of social security or railroad retirement benefits, taxpayers otherwise entitled to claim the earned income credit, or taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry tax-exempt obligations, should consult their tax advisors as to the tax consequences of purchasing or owning the Bonds.

Not Bank Qualified Bonds. The City has not designated the Bonds as "qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Changes in Federal Tax Law. From time to time, there are legislative proposals in the Congress that, if enacted, could alter or amend the federal tax matters referred to above or adversely affect the market value of the Bonds. It cannot be predicted whether or in what form any such proposal might be enacted or whether if enacted it would apply to bonds issued prior to enactment. Purchasers of the Bonds should consult their tax advisors regarding any pending or proposed tax legislation. The opinions expressed by Bond Counsel are based upon existing legislation as of the date of issuance and delivery of the Bonds and Bond Counsel has expressed no opinion as of any date subsequent thereto or with respect to any pending legislation.

#### Original Purchaser's Certificate

Bond Counsel will prepare and furnish for execution to the successful bidder for the Bonds, an Original Purchaser's Certificate which states that at least 10% of the Bonds of each maturity have been sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at initial reoffering prices to the public as

shall be provided by the Original Purchaser thereof.

Additional Information

Additional information regarding the Bonds may be obtained from the Department of Finance, Twelfth Floor, City Hall, 455 North Main, Wichita, Kansas 67202-1679, Cathy Gilley, Debt Coordinator, Telephone 316-268-4143, E-mail: [cgilley@wichita.gov](mailto:cgilley@wichita.gov). To obtain a Preliminary Official Statement visit [www.onlinemuni.com](http://www.onlinemuni.com).

(The Remainder of This Page Was Intentionally Left Blank)

BY ORDER OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, ON  
OCTOBER 17, 2006.

(Seal)

---

/s/ Carlos Mayans, Mayor

ATTEST:

---

By: /s/ Karen Sublett, City Clerk

RESOLUTION NO. R-06 \_\_\_\_\_

A RESOLUTION OF THE CITY OF WICHITA, KANSAS, AUTHORIZING AND PROVIDING FOR A PUBLIC SALE OF WATER AND SEWER UTILITY REVENUE BONDS, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC SALE.

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 laws of the State of Kansas to issue revenue bonds to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility; and

WHEREAS, the Governing Body has heretofore by various resolutions duly adopted, found and determined it to be necessary and advisable to construct, reconstruct, alter, repair, improve, extend or enlarge the Utility (the "Projects"), and found and determined it to be necessary and advisable to issue revenue bonds pursuant to the provisions of K.S.A. 10-1201 et seq., as amended and supplemented (the "Act"), in order to pay the costs thereof; and

WHEREAS, the Governing Body caused to be published in the City's official newspaper notices of the City's intention to construct each of the Projects and issue such revenue bonds determined necessary by the aforesaid resolutions, and within the 15-day period after the publication of each such notice as required by the Act, no written protest was filed in the Office of the City Clerk against the Projects and the issuance of such revenue bonds; and

WHEREAS, the Governing Body hereby finds and determines it to be necessary at this time to authorize and provide for the public sale of the City's Water and Sewer Utility Revenue Bonds, Series 2006 for the aforesaid purposes;

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 it is hereby authorized, ordered and directed that the hereinafter described water and sewer utility revenue bonds (the "Bonds"), of the City shall be sold at public sale on Tuesday, November 14, 2006. Bids for the purchase of the Bonds shall be accepted through the PARITY Electronic Bid Submission System until 10:30 o'clock A.M., C.T., and will at such time be read aloud and tabulated by the City staff.

The bids will be considered and the Bonds will be awarded to the respective best bidders by the Governing Body at their earliest convenience following the bid opening.

The Bonds to be so sold shall be dated December 1, 2006, will be authorized by and issued pursuant to an ordinance to be adopted by the Governing Body immediately after the awarding of the Bonds to the best bidder on the aforesaid sale date, and will be issued in the manner provided by K.S.A. 10-101 et seq., as amended and supplemented. The Bonds to be so sold shall be designated as Water and Sewer Utility Revenue Bonds, Series 2006, which shall be issued in the principal amount not to exceed \$53,165,000\*.

SECTION 2. It is hereby further found and determined to be necessary, and it is hereby further authorized, ordered and directed, that copies of the City's Official Notice of Sale, in such form as shall be prepared by Kutak Rock LLP, Kansas City, Missouri, the City's Bond Counsel and approved by City staff, together with the City's Preliminary Official Statement dated October 17, 2006, shall be distributed to prospective bidders for the Bonds. Said Preliminary Official Statement as prepared by Bond Counsel and City staff is hereby approved by the Governing Body, subject to such minor revisions as may be determined necessary by the Director of Finance and Bond Counsel, and the Governing Body hereby finds and determines that such Preliminary Official Statement is in a form "deemed final" for the purpose of the Securities

Exchange Commission's Rule 15c2-12(b)(1), subject to revision, amendment and completion in the final Official Statement.

ADOPTED AND APPROVED by the Governing Body of the City of Wichita, Kansas, on October 17, 2006.

(Seal)

\_\_\_\_\_  
Carlos Mayans, Mayor  
ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

\*Subject to change

**Agenda Item 35.**

City of Wichita  
City Council Meeting  
November 7, 2006

Agenda Report No. 06-1040

TO: Mayor and City Council Members

SUBJECT: AMENDMENTS TO SECTION 1 OF CHARTER ORDINANCE NO. 175 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO EXPUNGEMENT OF CRIMINAL CONVICTIONS

INITIATED BY: Law Department

AGENDA: New Business

---

Recommendation: Approve the ordinance.

Background: This legislative session, the legislature amended K.S.A. 12-4516 to preclude the expungement of convictions and diversions for DUI offenses. The amendments also allow for expunged conviction information to be made available, upon request, to law enforcement agencies to determine employment and to determine eligibility for the issuance of a concealed carry permit.

Analysis: The amendments bring the city's ordinances into compliance with state law regarding the expungement of convictions and the release, by the municipal court, of expunged criminal history information.

Financial Considerations: None.

Goal Impact: Provide a Safe and Secure Community.

Legal Considerations: The City of Wichita Law Department drafted the amended ordinances and approved them as to form.

Recommendation/ Actions: It is recommended that the City Council approve first reading of the ordinances.

Attachment: Delineated copy of the ordinances.

PUBLISHED IN THE WICHITA EAGLE ON \_\_\_\_\_

CHARTER ORDINANCE NO \_\_\_\_\_

A CHARTER ORDINANCE AMENDING SECTION 1 OF  
CHARTER ORDINANCE NO 175 RELATING TO EXPUNGEMENT AND REPEALING  
THE ORIGINAL OF SECTION 1 OF CHARTER ORDINANCE NO 175.

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

SECTION 1. Section 1 of Charter Ordinance No. 175 is hereby amended to read as follows:

"SECTION 1. Expungement. (a) Except as provided in subsection (b, c and d), any person who has been convicted of a violation of an ordinance of the City of Wichita may petition the convicting court for the expungement of such conviction and related arrest records if three (3) or more years have elapsed since the person:

(1) satisfied the sentence imposed, or

(2) was discharged from probation, parole or a suspended sentence.

(b) Except as provided in subsections (c) and (d), any person who has fulfilled the terms of a diversion or deferred judgment agreement based on a violation of a city ordinance of the City of Wichita may petition the court for the expungement of such diversion or deferred judgment agreement and related arrest records if three or more years have elapsed since the terms of the diversion or deferred judgment agreement were fulfilled.

(c) No person may petition for expungement until five (5) or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion or deferred judgment agreement or was discharged from probation, parole, conditional release, or a suspended sentence, if such person was convicted of any of the following:

(1) Driving under the influence of alcohol or drags, as prohibited by Section 11 38 150(a) or

(b) of the Code of the City of Wichita, Kansas, and amendments thereto,

(2) (1) Driving while such person's privilege to operate a motor vehicle on the public highways of the State of Kansas has been suspended or revoked, as prohibited by Section 11.42.030(c) of the Code of the City of Wichita, Kansas, and amendments thereto,

(3) (2) Failing to stop at the scene of an accident and perform the duties required by Section 11.12.010 through 11.12.050 of the Code of the City of Wichita, Kansas, and amendments thereto,

(4) (3) Violating the provisions of Section 11.13.010 of the Code of the City of Wichita, Kansas, and amendments thereto, relating to motor vehicle liability Insurance coverage, or

(5) (4) Any crime involving domestic violence, as that term is defined in Section 1.06.010 of the Code of the City of Wichita, Kansas, and amendments thereto.

(d) There shall be no expungement of convictions or diversions for violations of Section 11.38.150 or Section 11.38.155 of the Code of the City of Wichita.

(d) (e) When a petition for expungement is filed, the court shall set a date for a hearing and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency The petition shall state:

(1) the defendant's full name,

(2) the full name of the defendant at the time of arrest, conviction, or diversion, if different than the defendants current name,

(3) the defendant's sex, race, and date of birth,

- (4) the crime for which the defendant was arrested, convicted, or diverted,
- (5) the date of the defendant's arrest, conviction, or diversion, and
- (6) the identity of the convicting court, arresting law enforcement agency or diverting authority.

The City of Wichita Municipal Court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the Secretary of Corrections or the Kansas Parole Board.

(d) (f) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction, or diversion or deferred judgment be expunged if the court finds:

- (1) that the petitioner has not been convicted of a felony in the past two (2) years and no proceeding involving any crime is presently pending or be instituted against the petitioner,
- (2) that the circumstances and behavior of the petitioner warrant the expungement, and
- (3) that the expungement is consistent with the public welfare.

(e) (g) When the court has ordered an arrest record, conviction or diversion or deferred judgment expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas Bureau of Investigation, which shall notify the Federal Bureau of Investigation, the Secretary of Corrections, and any other criminal justice agency which may have a record of the arrest, conviction, or diversion or deferred judgment. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

- (1) upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed,
- (2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions, or diversions:
  - (A) in any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01 and amendments thereto, as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01 and amendments thereto, or with an institution as defined in K.S.A. 76-12a01 and amendments thereto of the department of social and rehabilitation services,
  - (B) in any application for admission, or for an order of reinstatement to the practice of law in this state,
  - (C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery, or
  - (D) to aid in determining the petitioner's qualifications for executive director with the Kansas racing commission, for employment with the commission or for work. In sensitive areas in pari-mutuel racing as deemed appropriate by the executive director of the commission, to aid in determining qualifications for licensure or renewal of licensure by the commission,
  - (E) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto,
  - (F) to aid in determining the petitioner's qualifications to be an employee of the state gaming

agency,

(G) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact, or

(H) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-1252 and amendments thereto, or

(I) In any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto.

(3) The Court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed, and

(4) The conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged;

(f) (h) Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation, or is placed on parole or probation or is granted a suspended sentence for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion or deferred judgment agreement, the person shall be informed of the ability to expunge the diversion or deferred judgment;

(g) (i) Subject to the disclosures required pursuant to subsection (e) (g), in any application for employment, license, or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction, or diversion or deferred judgment of an offense has been expunged under this ordinance may state that such person has never been arrested, convicted or diverted of such offense;

(h) (j) Whenever the record of any arrest, conviction, or diversion or deferred judgment has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion, deferred judgment and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) the person whose record was expunged,

(2) a criminal justice agency, private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged,

(3) a court, upon showing of a subsequent conviction of the person whose record has been expunged,

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an Institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the Department of Social and Rehabilitation Services of any person whose record has been expunged,

(5) a person entitled to such Information pursuant to the terms of the expungement order,

(6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense,

(7) the Supreme Court, the Clerk or Disciplinary Administrator thereof, the State Board for Admission of Attorneys or the State Board for Discipline of Attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission or for an order for

reinstatement to the practice of law in this state by the person whose record has been expunged,

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery, or

(9) the governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in

pari-mutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission,

(10) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications;

(A) To be an employee of the state gaming agency, or

(B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact, or

(11) the Kansas securities commissioner, or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and application was submitted by the person whose record has been expunged.

(12) the attorney general, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act;

(13) the Kansas sentencing commission;

(14) the Kansas law enforcement training commission and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601, et seq., and amendments thereto; or

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.”

SECTION 2. The original of Section 1 of Charter Ordinance No 175 is hereby repealed.

SECTION 3. This ordinance shall be published once a week for two consecutive weeks in the official city news paper.

SECTION 4. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, not less than two-thirds of the members elect voting in favor thereof, this \_\_\_\_\_, 2006.

---

Carlos Mayans, Mayor

ATTEST:

---

Karen Sublett, City Clerk

Approved as to Form:

---

Gary Rebenstorf  
Director of Law

**Agenda Item No. 36.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1041

TO: Mayor and City Council

SUBJECT: Amendments to Salary and Classifications Ordinances to Implement Fair Labor Standards Act Classification Changes

INITIATED BY: Human Resources

AGENDA: New Business

Recommendation: Approve the amended ordinances.

Background: Salary and Classification Ordinances set the rates of pay for City pay ranges and establish job classifications for all City positions.

One of the objectives of the Fox Lawson & Associates study of the exempt and management pay plan was to identify positions that should be classified as non-exempt from FLSA rules rather than exempt. The consultant recommended that positions involving 42 individuals be changed to non-exempt classifications based on the type of work performed compared to revised FLSA rules. The City allowed an appeal process for departments for positions that they felt should remain exempt. These appeals were reviewed by the Department of Law, which determined that four of those position met exempt requirements and should remain in that classification.

Therefore, a total of 38 individuals need to be changed to non-exempt classification. It is important to note that this is purely a legal decision, not a demotion or any negative reflection on these individuals or their work.

Analysis:

To implement these changes, two new pay ranges were added and a new series of four ranges established to accommodate these positions without pay reductions. Individuals were placed in their new range at the first step above their current hourly pay rate as converted from annual exempt salaries. These raises ranged from \$8 to \$1309/year.

It was also necessary for three individuals to receive a raise to reach the minimum of their new range. These raises ranged from \$72 to \$1743/year.

Two individuals' current salaries are slightly above the maximum of their new range. Their salaries will remain the same until the range includes them, which could be as soon as next year.

Three ordinances are submitted to implement these changes:

1. Non-exempt Classification Ordinance – to add the job titles being removed from the exempt pay plan to be placed in the non-exempt pay plan. The titles moving are: Administrative Aide III, Administrative Assistant, Community Health Nurse I, Community Health Nurse II, Counselor, Deputy City Clerk, Forensic Examiner, Information Systems Coordinator, Planning Analyst, Right-of-way/Utility Coordinator, Systems Analyst I, and Telecommunications Coordinator.
2. Non-exempt Salary Ordinance – to add the new 900-series pay ranges – 926, 927, 929 and 929. The first two ranges match current 626 and 627. The higher two are patterned after the other non-exempt ranges to maintain the same differences between internal steps and the ranges themselves.
3. Exempt and Management Classification Ordinance – to delete the job titles changing from exempt to non-exempt classifications. They are not used in the new exempt and management structure, the ordinances for which will be presented at a later meeting.

These three amended ordinances implement FLSA changes needed to ensure the City complies with the law.

Financial Considerations: The estimated cost of the raises noted above totals \$29,815. Because these costs are spread over several departments, it is expected they can be absorbed within the departments' personal services budgets.

Goal Impact: As a Human Resources issue, goal impact falls under Internal Perspective.

Legal Considerations: The Department of Law has reviewed the ordinance and approved as to form.

Recommendations/Actions: It is recommended that the City Council adopt the amendments to these Salary and Position Classification Ordinances as described.

Attachments: Non-exempt classification Ordinance  
Non-exempt Salary Ordinance

Exempt Classification Ordinance

ORDINANCE NO.

AN ORDINANCE ESTABLISHING POSITION CLASSIFICATIONS FOR NON-EXEMPT EMPLOYEES OF THE CITY OF WICHITA AND PRESCRIBING PAY RATES BY REFERENCE TO POSITION CLASSIFICATIONS IN THE SCHEDULE OF PAY RANGES REPEALING ORDINANCE NO. 46-829.

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

SECTION 1. The rates of pay for all positions allocated to the titles below are prescribed according to the following schedule.

| Class Title                                  | Pay Range Number |
|--|------------------|
| Account Clerk I                              | 617              |
| Account Clerk II                             | 619              |
| Account Clerk III                            | 621              |
| Administrative Aide I                        | 620              |
| Administrative Aide II                       | 623              |
| Administrative Aide III                      | 926              |
| Administrative Assistant                     | 928              |
| Administrative Secretary                     | 621              |
| Airport Building Maintenance Mechanic        | 623              |
| Airport Building Maintenance Supervisor      | 626              |
| Airport Clerk                                | 627              |
| Airport Custodial Supervisor                 | 622              |
| Airport Equipment Maintenance Supervisor     | 627              |
| Airport Field Maintenance Supervisor         | 625              |
| Airport Gardening Supervisor                 | 622              |
| Airport Public Safety Officer I              | 691              |
| Airport Public Safety Officer II             | 692              |
| Airport Public Safety Supervisor             | 694              |
| Airport Services Officer                     | 621              |
| Animal Control Officer I                     | 619              |
| Animal Control Officer II                    | 621              |
| Animal Display Attendant                     | 619              |
| Animal Shelter Supervisor                    | 623              |
| Assistant Airport Public Safety Supervisor   | 693              |
| Assistant Golf Course Maintenance Supervisor | 621              |
| Associate Accountant                         | 623              |
|  |                  |
| Body Shop Mechanic I                         | 622              |
| Body Shop Mechanic II                        | 623              |

|                             |     |     |
|-----------------------------|-----|-----|
| Building Attendant          | 609 |     |
| Building Permit Examiner    | 625 |     |
| Bus Mechanic A              | 320 |     |
| Bus Mechanic B              | 317 |     |
| Bus Mechanic's Helper       | 315 |     |
| Bus Operator                | 316 |     |
| Bus Utility Worker          | 312 |     |
| City Hall Security Officer  |     | 621 |
| City Hall Security Screener |     | 615 |
| City Manager's Secretary    | 622 |     |

-1-

SECTION 2. The rates of pay for all positions allocated to the titles below are prescribed according to the following schedule.

| Class Title                        |     | Pay Range Number |
|------------------------------------|-----|------------------|
| Clerical Aide                      | 609 |                  |
| Clerk I                            | 613 |                  |
| Clerk II                           | 615 |                  |
| Clerk III                          | 617 |                  |
| Combination Inspector              | 627 |                  |
| Combination Neighborhood Inspector |     | 627              |
| Community Health Aide              | 619 |                  |
| Community Health Nurse I           | 927 |                  |
| Community Health Nurse II          | 929 |                  |
| Community Service Aide             | 602 |                  |
| Community Service Records Clerk    | 414 |                  |
| Community Service Worker           | 410 |                  |
| Construction Inspector I           | 623 |                  |
| Construction Inspector II          | 625 |                  |
| Construction Inspector III         | 627 |                  |
| Cooperative Education Student      |     | 420              |
| Counselor                          | 927 |                  |
| Crime Scene Investigator           | 714 |                  |
| Crime Scene Supervisor             | 626 |                  |
| Custodial Guard                    | 615 |                  |
| Custodial Supervisor               | 621 |                  |
| Custodial Worker I                 | 615 |                  |
| Custodial Worker II                | 617 |                  |
| Customer Service Clerk I           | 617 |                  |

|                                       |     |     |
|---------------------------------------|-----|-----|
| Customer Service Clerk II             | 619 |     |
| Deputy City Clerk                     | 927 |     |
| Docket Clerk                          | 618 |     |
| Electrical and Elevator Inspector II  | 625 |     |
| Electrical and Elevator Inspector III | 627 |     |
| Electrical Inspector I                | 623 |     |
| Electrical Technician                 | 627 |     |
| Electrician I                         | 621 |     |
| Electrician II                        | 623 |     |
| Electronics Technician I              | 623 |     |
| Electronics Technician II             | 625 |     |
| Electronics Technician III            | 627 |     |
| Elevator Inspector I                  | 623 |     |
| Energy Systems Specialist             | 623 |     |
| Engineering Aide I                    | 618 |     |
| Engineering Aide II                   | 620 |     |
| Engineering Aide III                  | 623 |     |
| Engineering Technician I              | 624 |     |
| Engineering Technician II             | 626 |     |
| Equipment Operator I                  | 617 |     |
| Equipment Operator II                 | 619 |     |
| Equipment Operator III                | 620 |     |
| Event Worker I                        | 615 |     |
| Event Worker II                       | 617 |     |
| Field Supervisor                      | 625 |     |
| Fire Captain                          |     | 893 |

-2-

SECTION 3. The rates of pay for all positions allocated to the titles below are prescribed according to the following schedule.

| Class Title                         | Pay Range Number |
|-------------------------------------|------------------|
| Fire Fighter                        | 891              |
| Fire Investigator I                 | 824              |
| Fire Investigator II                | 827              |
| Fire Lieutenant                     | 892              |
| Fire Medical Training Officer       | 827              |
| Fire Operations Training Instructor | 827              |
| Fire Prevention Inspector I         | 824              |
| Fire Prevention Inspector II        | 827              |

Fire Prevention Training Instructor I 824  
 Fire Prevention Training Instructor II 827  
 Fire Protection Systems Specialist 827  
 Fire Recruit 821  
 Forensic Examiner 929

Gardener I 617  
 Gardener II 618  
 Gardening Supervisor I 619  
 Gardening Supervisor II 621  
 General Supervisor I 623  
 General Supervisor II 624  
 Greenskeeper 617  
 Grounds Maintenance Supervisor 621  
 Guard 617

Heating and Air Conditioning Mechanic 623  
 Helicopter Mechanic 627

Information Systems Coordinator 926  
 Inspector 622  
 Interpreter Aide 617  
 Irrigation System Supervisor 623

Labor Supervisor I 621  
 Labor Supervisor II 622  
 Laboratory Assistant 615  
 Laboratory Technician 620  
 Laborer 616  
 Legal Secretary 620  
 Library Aide 606  
 Library Assistant I 615  
 Library Assistant II 617  
 Library Assistant III 619  
 Library Assistant IV 621  
 Library Assistant V 622

Machinist Mechanic 622  
 Maintenance Mechanic 621  
 Maintenance Mechanic Supervisor 622  
 Maintenance Specialist 619  
 Maintenance Technician 626  
 Maintenance Worker 617  
 Mechanic I 618  
 Mechanic II 622

SECTION 4. The rates of pay for all positions allocated to the titles below are prescribed according to the following schedule.

| Class Title                           | Pay Range Number |
|---------------------------------------|------------------|
| Mechanic III 623                      |                  |
| Mechanic Supervisor 624               |                  |
| Mechanical Equipment Operator         | 415              |
| Mechanical Inspector I 623            |                  |
| Neighborhood Inspector I 623          |                  |
| Neighborhood Inspector II 625         |                  |
| Neighborhood Inspector III 626        |                  |
| Operations Supervisor I 623           |                  |
| Operations Supervisor II 624          |                  |
| Outreach Worker 613                   |                  |
| Parts Clerk 622                       |                  |
| Photographer 619                      |                  |
| Photo Technician 617                  |                  |
| Planning Aide 623                     |                  |
| Planning Analyst 927                  |                  |
| Plant Operator 622                    |                  |
| Plumber 623                           |                  |
| Plumbing and Mechanical Inspector II  | 625              |
| Plumbing and Mechanical Inspector III | 627              |
| Plumbing Inspector I 623              |                  |
| Plumbing Maintenance Supervisor       | 627              |
| Police Detective 724                  |                  |
| Police Lieutenant 727                 |                  |
| Police Officer                        | 723              |
| Police Recruit 722                    |                  |
| Police Sergeant 725                   |                  |
| Preparator 623                        |                  |
| Print Shop Supervisor 624             |                  |
| Printing Press Operator I 619         |                  |
| Printing Press Operator II 620        |                  |
| Probation Officer 625                 |                  |
| Property Clerk 621                    |                  |
| Public Health Sanitarian I            | 625              |
| Radio Dispatcher 621                  |                  |

|                                  |     |     |
|----------------------------------|-----|-----|
| Recreation Aide                  | 510 |     |
| Recreation Leader I              | 515 |     |
| Recreation Leader II             | 519 |     |
| Recreation Specialist            | 529 |     |
| Rehabilitation Loan Specialist   |     | 627 |
| Rehabilitation Specialist I      | 623 |     |
| Rehabilitation Specialist II     | 625 |     |
| Right-of-Way/Utility Coordinator |     | 929 |
|                                  |     |     |
| Secretary                        | 619 |     |
| Senior Building Permit Examiner  |     | 627 |
| Senior Storekeeper               | 621 |     |
| Senior Traffic Investigator      | 621 |     |
| Service Attendant                | 616 |     |
| Service Officer I                |     | 620 |
| Service Officer II               | 623 |     |

SECTION 5. The rates of pay for all positions allocated to the titles below are prescribed according to the following schedule.

| Class Title                           | Pay Range | Number |
|---------------------------------------|-----------|--------|
| Sewer Line Technician                 |           | 622    |
| Sign Painter                          | 621       |        |
| Signal Electrician                    | 625       |        |
| Signal Technician                     | 626       |        |
| Special Water Service Representative  |           | 620    |
| SPIDER Dispatcher                     | 621       |        |
| Station Clerk                         | 710       |        |
| Storekeeper                           | 619       |        |
| Street Inspector                      | 623       |        |
| Street Inspector Supervisor           | 624       |        |
| Structural Maintenance Supervisor     |           | 621    |
| Switchboard Operator                  | 616       |        |
| Systems Analyst I                     | 927       |        |
|                                       |           |        |
| Telecommunications Coordinator        |           | 929    |
|                                       |           |        |
| Traffic Investigator                  | 619       |        |
| Traffic Safety Officer                | 711       |        |
| Traffic Signal Mechanic               | 619       |        |
| Tree Maintenance Aide                 | 616       |        |
| Tree Maintenance Equipment Supervisor |           | 622    |
| Tree Maintenance General Supervisor   |           | 624    |

Tree Maintenance Inspector 623  
Tree Maintenance Supervisor 623  
Tree Maintenance Worker I 619  
Tree Maintenance Worker II 621  
Van Driver 314

Warrant Officer 712  
Water Meter Reader 619  
Water Service Representative 619  
Water Utility Worker 618  
WHA Inspector 625

SECTION 6. Ordinance No. 46-829 is hereby repealed.

SECTION 7. This ordinance shall take effect upon its adoption and publication in the official city newspaper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Carlos Mayans, Mayor

Attest: \_\_\_\_\_

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

-5-

**Agenda Item No. 37.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1043

TO: Mayor and City Council

SUBJECT: ZON2006-00030 – Zone change from “GO” General Office to “LC” Limited Commercial. Generally located east of Greenwich and south of east Waterman Street. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approve, (9-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve “LC” Limited Commercial subject to a Protective Overlay limiting building height to 60 feet (11-0).

Background: The application area is vacant, contains 1.89 acres and is located south of east Waterman Street and approximately 365 feet east of Greenwich Road. The subject lot is zoned GO General Office and is undeveloped. In addition to the subject lot, the applicant owns the two lots to the west of the application area. These two lots located west of the application area are zoned LC Limited Commercial and are developed with retail commercial uses. The owner desires to have his ownership zoned uniformly.

The application area has been viewed as a buffer tract located between the residential uses located to the east and south and the commercial uses located to the west of the application area. The larger area located between Waterman, Ellison, Lewis and Greenwich may be in transition and the two manufactured home parks located north of Waterman and east of Ellison create a uniform zoning and land use boundary along the north and east. Pressure for nonresidential zoning will probably increase from the Kellogg and Greenwich corridors, which have commercial zoning and commercial uses.

Analysis: At the MAPC meeting held September 7, 2006, the MAPC voted (9-0) to approve the requested for LC zoning. At the MAPC meeting there were not any citizens present to discuss the case.

At the District II Advisory Board meeting held September 11, 2006 there was one citizen present

who expressed concern regarding the increased building height, 80 feet, allowed in the LC district when compared to the 60 feet allowed in the GO district. The neighbor indicated he owns the property to the east of the application area. The applicant indicated he and the neighbor had talked prior to the DAB meeting, and thought they had reached agreement on the neighbor's concerns. The Board voted (8-0) to approve the requested zone change to LC Limited Commercial, subject to Protective Overlay #180 that limits building height to 60 feet instead of the 80 feet allowed by the LC.

No formal protest petitions have been filed. However, staff received a phone call from the resident who appeared at the DAB meeting expressing concerns with what he felt were lack of enforcement issues regarding the tavern located west of the application area. A letter was also received from the owners of the property located south of the application area regarding incidents also dealing with the tavern.

Financial Considerations: None.

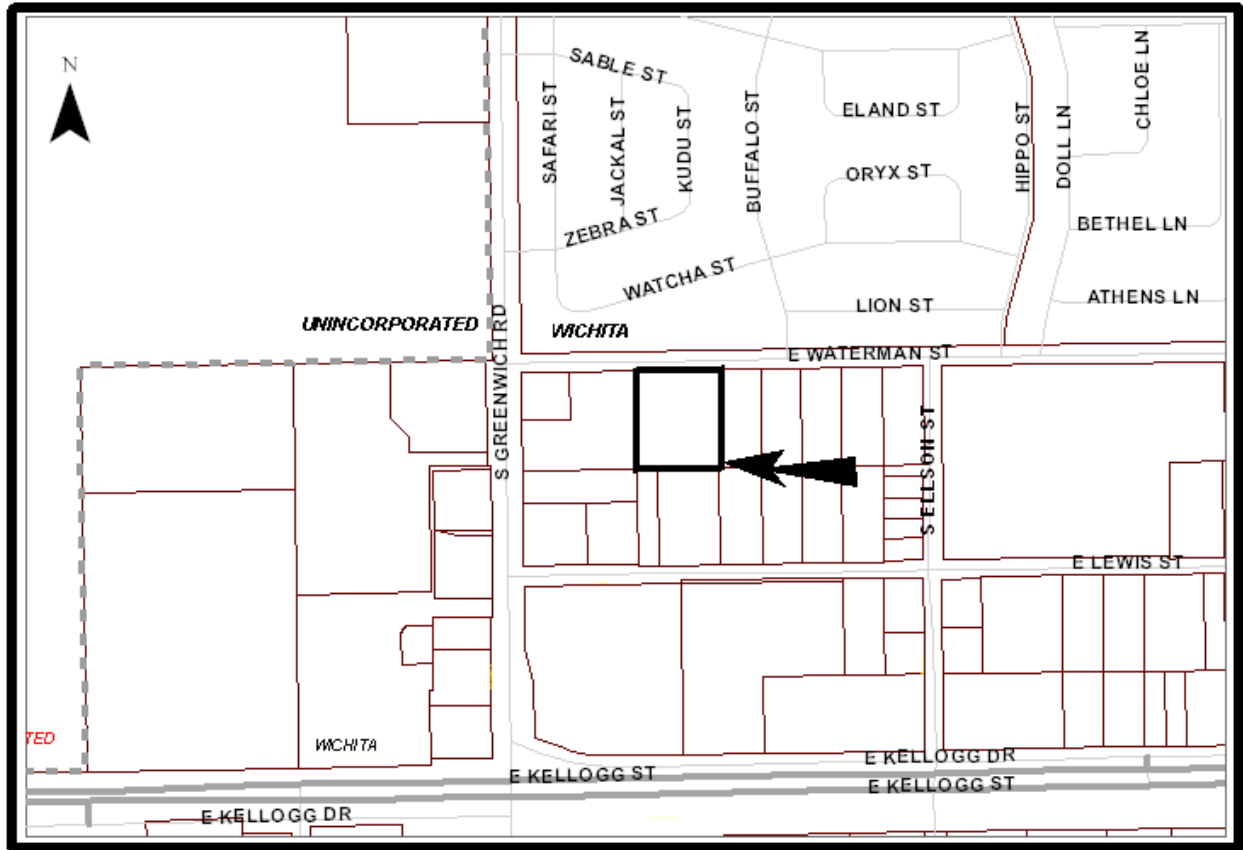
Goal Impact: Promote Economic Vitality and Affordable Living.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change and place the ordinance on first reading; or
2. Adopt the recommendation of the DAB, approve the zone change subject to the recommended Protective Overlay and place the ordinance on first reading; or
3. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)



OCA150004 BID 37529-009 CID #76383  
 Published in The Wichita Eagle on \_\_\_\_\_  
 ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2006-00030

Request for Zone change from "GO" General Office to "LC" Limited Commercial, on property described as:

Lot 2, Lyman Ray 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located east of Greenwich and south of Waterman.

Subject to the following Protective Overlay PO#180: All buildings on this lot shall be limited to a maximum building height of 60 feet.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, \_\_\_\_\_

\_\_\_\_\_  
Carlos Mayans - Mayor  
ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

**Agenda Item No. 38.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1044

TO: Mayor and City Council

SUBJECT: ZON2003-00042 – Zone change from “SF-5” Single-family Residential to “LC” Limited Commercial and “GO” General Office, associated with CUP2003-43 creation of DP-266 The Woodlands Commercial Community Unit Plan. Generally located southwest of 21st Street North and Greenwich Rd. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Recommendation: Place the ordinance on first reading.

Background: At the October 29, 2003 Board of County Commissioners meeting, the zone change request was approved subject to platting.

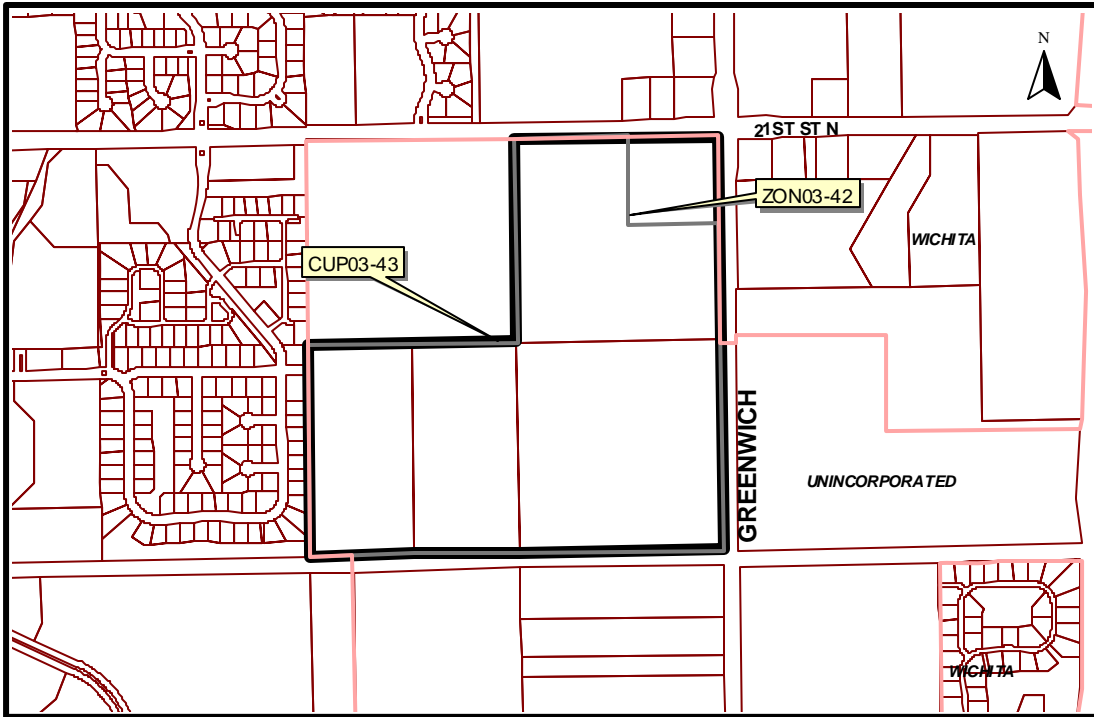
Analysis: On October 29, 2003, the Board of County Commissioners approved the CUP subject to conditions which have now been met. Also on October 29, 2003, the Board of County Commissioners approved the zone change for “LC” Limited Commercial and “GO” General Office zoning subject to platting the property. Since those approvals, the property has been annexed into the City of Wichita. The applicant has platted the property, therefore the zone change ordinance can be placed on the first reading.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Affordable Living.

Legal Considerations: This ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: Place the ordinance on first reading and authorize the Mayor to sign.



OCA150004 BID 37529-009 CID #76383

Published in The Wichita Eagle on \_\_\_\_\_

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

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2003-42

Request for zone change from request from SF-20” Single-family Residential District to “LC” Limited Commercial District for property described as:

A PORTION OF OAK CREEK ADDITION TOGETHER WITH DEDICATED STREET RIGHT-OF-WAY LOCATED IN THE EAST HALF OF THE N.E. 1/4 OF SECTION 9, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE N.W. CORNER OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 9; THENCE N89°01'03"E ALONG THE NORTH LINE OF SAID N.E. 1/4, A DISTANCE OF 723.67 FEET; THENCE S00°45'57"E A DISTANCE OF 600.00 FEET; THENCE N89°01'03"E PARALLEL TO THE NORTH LINE OF SAID N.E. 1/4 A DISTANCE OF 600.00 FEET TO A POINT ON THE EAST LINE OF SAID N.E. 1/4, THENCE S00°45'57"E ALONG THE SAID EAST LINE OF THE N.E. 1/4 A DISTANCE OF 2057.70 FEET TO THE S.E. CORNER OF SAID N.E. 1/4; THENCE S88°54'47"W ALONG THE SOUTH LINE OF SAID N.E. 1/4 A DISTANCE OF 1326.86 FEET; TO THE WEST LINE OF THE EAST HALF OF THE SAID N.E. 1/4 THENCE N00°41'52"W ALONG THE SAID WEST LINE A DISTANCE OF 2660.14 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 3,163,732 SQ. FT. OR 72.63 ACRES, MORE OR LESS.

Request for zone change from request from SF-20” Single-family Residential District to “GO” General Office District for property described as:

THAT PORTION OF OAK CREEK ADDITION TOGETHER WITH DEDICATED STREET RIGHT-OF-WAY LOCATED IN THE S.W. 1/4 OF THE N.E. 1/4 OF SECTION 9, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M. SEDGWICK COUNTY, KANSAS; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE N.W. CORNER OF SAID S.W. 1/4 OF N.E. 1/4 SECTION 9 TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M.; THENCE N88°57'55"E ALONG THE NORTH LINE OF THE SAID S.W. 1/4 A DISTANCE OF 1325.27 FEET TO THE N.E. CORNER OF SAID S.W. 1/4; THENCE S00°41'52"E ALONG THE EAST LINE OF THE SAID S.W. 1/4 A DISTANCE OF 1330.07 FEET, TO THE SOUTH LINE OF SAID S.W. 1/4; THENCE S88°54'47"W ALONG SAID SOUTH LINE A DISTANCE OF 1326.86 FEET; TO THE S.W. CORNER OF SAID S.W. 1/4; THENCE N00°37'46"W ALONG THE WEST LINE OF SAID S.W. 1/4, A DISTANCE OF 1331.29 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 1,764,522 S.F. OR 40.51 ACRES MORE OR LESS.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County

Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

ATTEST:

\_\_\_\_\_

\_\_\_\_\_  
Karen Sublett, City Clerk  
Mayor

Carlos Mayans,

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

**Agenda Item No. 39.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1045

TO: Mayor and City Council

SUBJECT: ZON2004-00014 – Zone change from “SF-5” Single-family Residential to “LC” Limited Commercial, “GO” General Office, and “NO” Neighborhood Office associated with CUP2004-09 creation of DP-274 Oak Creek Commercial Community Unit Plan. Generally located southwest of 21st Street North and Greenwich Rd. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Recommendation: Place the ordinance on first reading.

Background: At the May 19, 2004 Board of County Commissioners meeting, the zone change request was approved subject to platting.

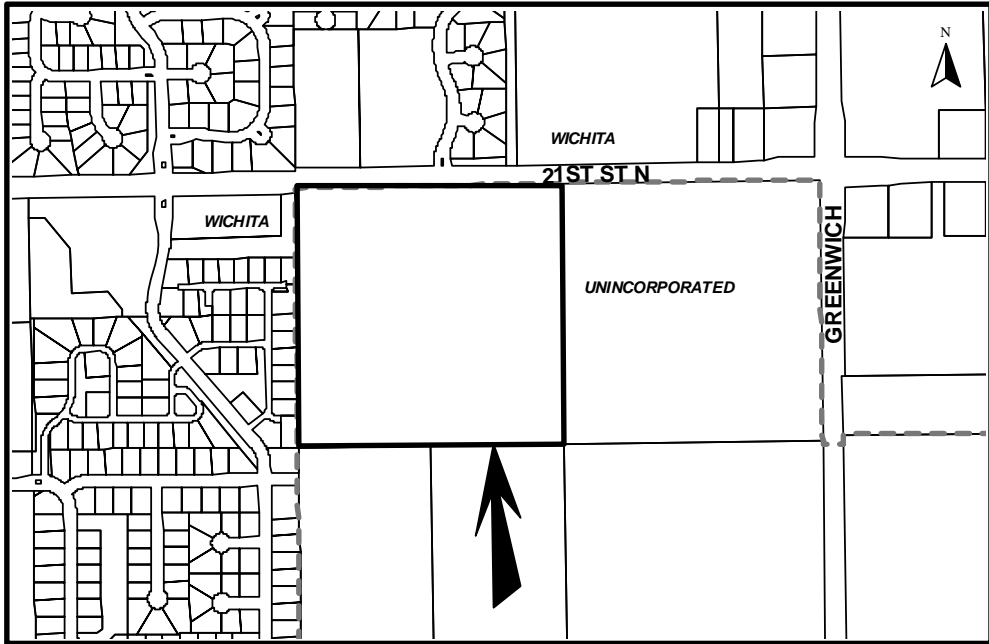
Analysis: On May 19, 2004, the Board of County Commissioners approved the CUP subject to conditions which have now been met. Also on May 19, 2004, the Board of County Commissioners approved the zone change subject to platting the property. Since those approvals, the property has been annexed into the City of Wichita. The applicant has platted the property, therefore the zone change ordinance can be placed on the first reading.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Affordable Living.

Legal Considerations: This ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: Place the ordinance on first reading and authorize the Mayor to sign.



OCA150004 BID 37529-009 CID #76383

Published in The Wichita Eagle on \_\_\_\_\_

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

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2004-14

Request for zone change from request from SF-20” Single-family Residential District to “NO” Neighborhood Office District for property described as:

LOT 1, BLOCK 1; RESERVE “B”; OAK CREEK, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; TOGETHER WITH THE WEST HALF OF CHATEAU PARKWAY ADJACENT TO SAID LOT 1, BLOCK 1, AND RESERVE “B”.

Request for zone change from request from SF-20” Single-family Residential District to “LC” Limited Commercial District for property described as:

LOTS 1 AND 2, BLOCK 2; RESERVE “C”; THE EAST HALF OF RESERVE “P”; ALL OF RESERVE “Q”; AND THAT PORTION OF LOT 4, BLOCK 2, OAK CREEK ADDITION LYING WITHIN THE NW 1/4 OF THE NE 1/4, SECTION 9, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M.; TOGETHER WITH THE EAST HALF OF CHATEAU PARKWAY ADJACENT TO LOTS 1 AND 4, BLOCK 2, AND RESERVE “C”, OAK CREEK ADDITION.

Request for zone change from request from SF-20” Single-family Residential District to “GO” General Office District for property described as:

LOT 8, BLOCK 2, OAK CREEK, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; TOGETHER WITH THE EAST HALF OF CHATEAU PARKWAY ADJACENT TO SAID LOT 8, BLOCK 2.

Request for zone change from request from SF-20” Single-family Residential District to “SF-5” Single-family Residential District for property described as:

LOT 2, BLOCK 1; AND THE WEST HALF OF RESERVE “P”, OAK CREEK, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; TOGETHER WITH THE WEST HALF OF CHATEAU PARKWAY ADJACENT TO SAID LOT 2, BLOCK 1.

Generally located on the southwest corner of 21st Street North and Greenwich Road.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_  
Karen Sublett, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

**Agenda Item No. 40.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1046

TO: Mayor and City Council

SUBJECT: ZON2006-00029 – Zone change from “SF-5” Single-family Residential to “TF-3” Two-family Residential. Generally located west of McComas and south of Taft Avenue. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, (9-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Recommended approval by a vote of 7-0-1.

Background: The application area is Lots 15 and 16, Block 2, Eureka Gardens located south of West Taft Avenue and west of South McComas Street. The applicant states that there was a home on site up until about 15 years ago, until it was demolished. He has owned the two lots for the last seven years and wants to build a duplex on each lot. The application area is approximately ½ acre in size.

The land use along the two block faces along McComas between Taft and Kellogg is overwhelmingly single-family residential except for the southern end of the block where there is a hotel located on LC Limited Commercial zoning. The remainder of the two block faces are zoned SF-5 Single-family Residential. The western half of the block containing the application area is almost evenly split between a mix of SF-5 Single-family Residential and LC Limited Commercial zoning, and a mix of single-family and non-residential uses.

Analysis: District Advisory Board IV heard this request on August 6, 2006 and no citizens spoke in opposition to the zone change request. DAB IV recommended approval of the request by a vote of 7-0-1. MAPC heard this request on February 16, 2006. No one was present to speak in opposition. The action of the MAPC was to approve 10-0.

Financial Considerations: None.

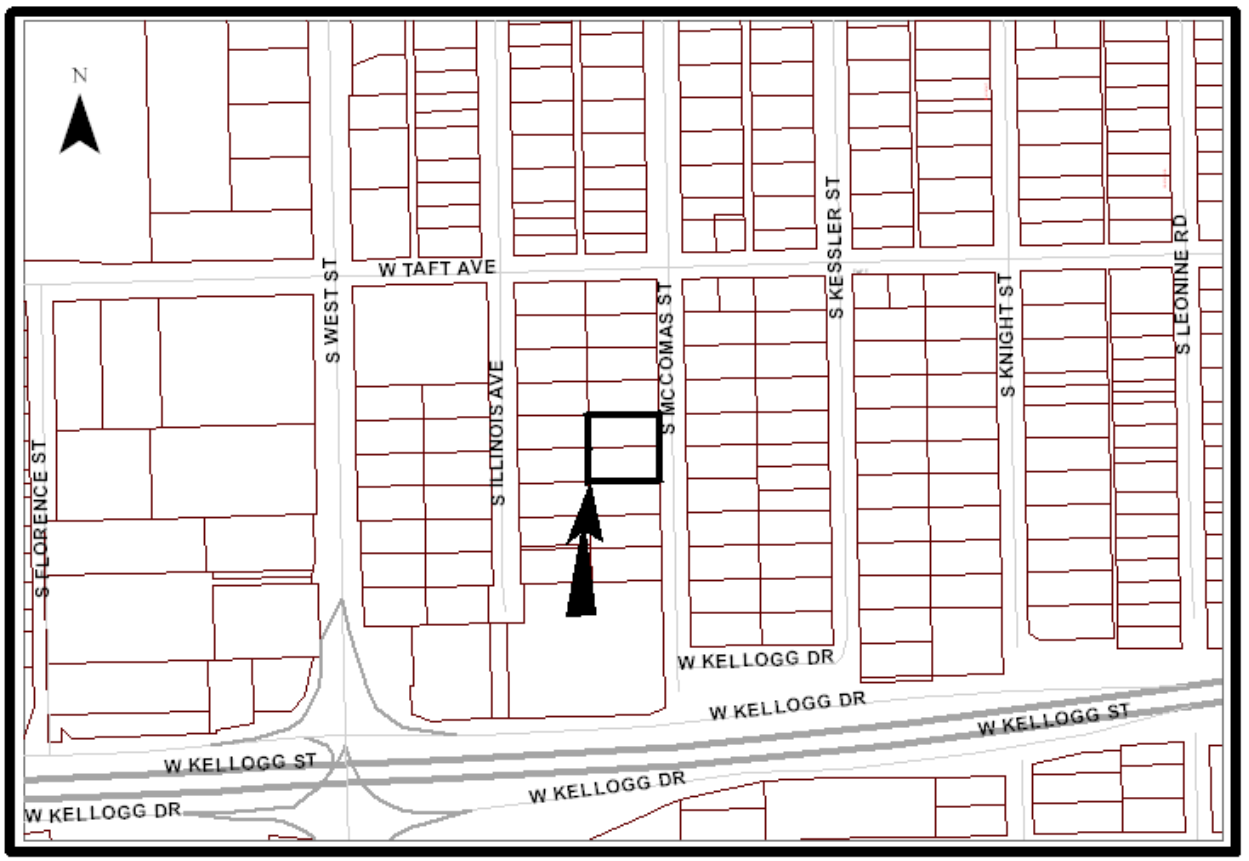
Goal Impact: Promote Economic Vitality and Affordable Living.

Legal Considerations: The resolution has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change and place the ordinance on first reading; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)



Published in The Wichita Eagle on \_\_\_\_\_  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2006-00029

Request for Zone change from "SF-5" Single-family Residential to "TF-3" Two-family Residential, on property described as:

Lots 15 and 16, Block 2, Eureka Gardens Addition, Wichita, Sedgwick County, Kansas. Generally located ½ block south of west Taft and west of McComas.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, \_\_\_\_\_

\_\_\_\_\_  
Carlos Mayans - Mayor  
ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

---

Gary E. Rebenstorf, City Attorney

**Agenda Item No. 41.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1047

TO: Mayor and City Council

SUBJECT: ZON2006-00031 – Zone change from “GO” General Office to “NR” Neighborhood Retail. Generally located on the northwest corner of 37th Street North and Sweet Bay Street. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendations: Approve NR Neighborhood Retail (9-0).

MAPD Staff Recommendations: Approve NR Neighborhood Retail.

DAB Recommendations: Approve NR Neighborhood Retail.

Background: The applicant originally requested a zone change from “GO” General Office to “LC” Limited Commercial but the applicant has agreed to change the request to “NR” Neighborhood Retail. The application area is 3.11 acres generally located on the northwest corner of 37th Street North and Sweet Bay Street, approximately one-third mile west of Rock Road.

The property is part of Lot 1, Ritz Addition, which is zoned GO and developed with a large day care facility that is closed. The day care center is being marketed for a different reuse allowed by the GO zoning district. An apartment complex on property zoned “MF-29” Multi-family Residential is located west of the day care facility. Willowbend, a residential/golf course community zoned “SF-5” Single-family Residential, is located north of the Ritz Addition. A community unit plan, DP-155 W.D.C. Parcel 5A, is located east of the request and is developed with freestanding office building closest to the application and a new retail strip center along 37th Street North. The property to the southeast is zoned MF-29 and developed with a large garden apartment complex. DP-122 W. D. C. #6 Parcel No. 104 is approved for LC but is a vacant 12-acre tract.

Analysis: At the MAPC meeting held September 7, 2006, the applicant indicated agreement with staff recommendation for NR Neighborhood Retail rather than LC Limited Commercial. No citizens spoke at the MAPC meeting. MAPC voted (9-0) to approve the zone change to NR. At

the District II Advisory Board meeting held September 11, 2006, DAB II also recommended approval of NR (8-0). No citizens spoke at the DAB II meeting. No protests have been received.

Financial Considerations: None.

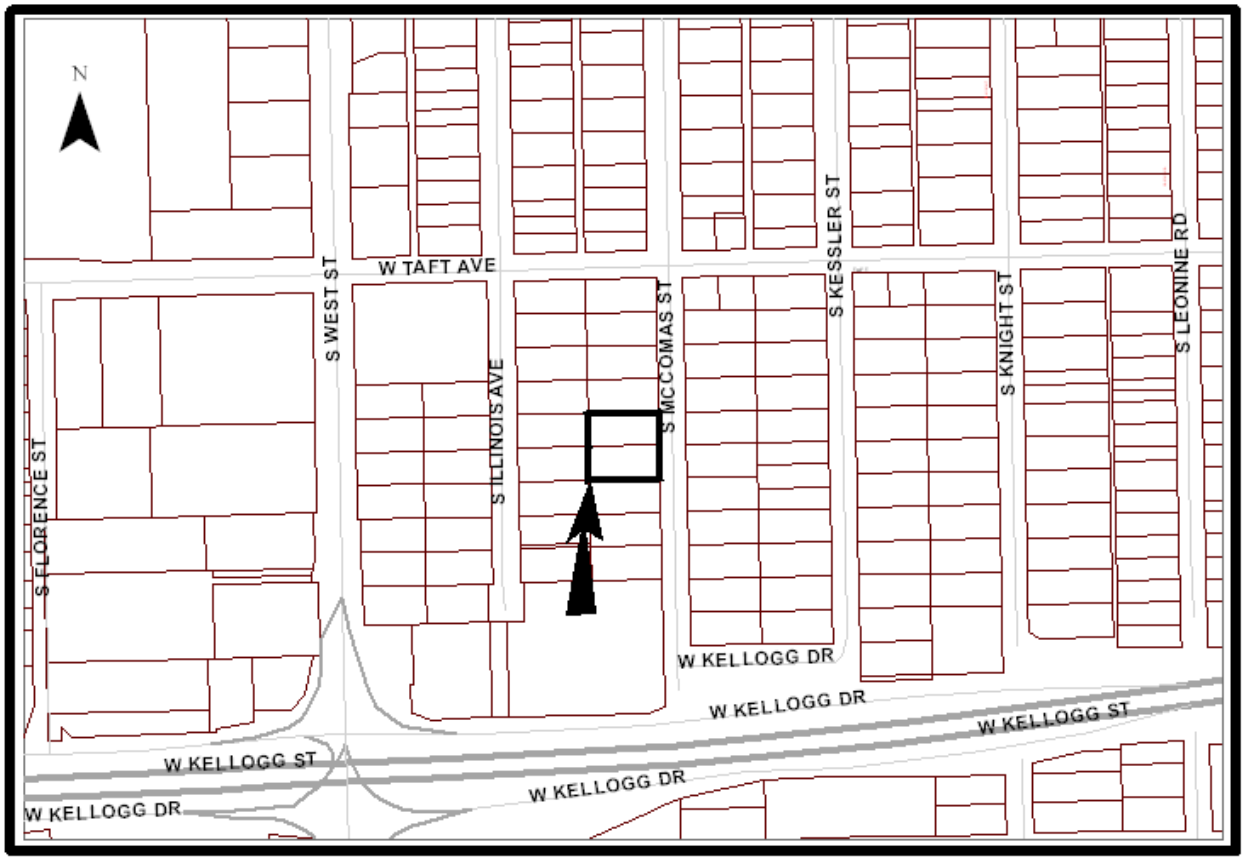
Goal Impact: Promote Economic Vitality and Affordable Living

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the zone change to NR Neighborhood Retail; place the ordinance establishing the zone change for first reading; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)



OCA150004 BID 37529-009 CID #76383

Published in The Wichita Eagle on \_\_\_\_\_

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

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2006-00031

Request for zone change from "GO" General Office to "NR" Neighborhood Retail on property described as:

That part of Lot 3, Block 1, The Ritz, an Addition to Wichita, Sedgwick County, Kansas described as follows: Beginning at the most Southerly Southeast Corner of said Lot 3; thence South 89 degrees 18'12" West along the South line of said Lot 3, 519.95 feet; thence North 00 degrees 48'50" West, 230.21 feet; thence North 50 degrees 22'10" East, 58.31 feet; thence North 88 degrees 57'40" East, 284.62 feet to a point on the Northeast line of said Lot 3, said Northeast line being a curve to the left; thence Southeasterly and Easterly along said curve, having a central angle of 30 degrees 56'17" and a radius of 504.62 feet, an arc distance of 272.48 feet, (having a chord length of 269.18 feet bearing South 67 degrees 02'36" East), to a corner in said Lot 3; thence South 00 degrees 41'48" along the East line of said Lot 3, 104.44 feet to a deflection corner in said East line; thence South 44 degrees 18'12" West along the Southeast line of said Lot 3, 79.36 feet to the point of beginning.

Generally located on the northwest corner of 37th Street North and Sweet Bay Street.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and

said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, \_\_\_\_\_

\_\_\_\_\_  
Carlos Mayans - Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

**Agenda Item No. 42.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1048

TO: Mayor and City Council

SUBJECT: CUP2006-00031 – Amendment #5 to DP-56 the Plaza Twenty-One Commercial Community Unit Plan to allow an additional on site pole sign on Parcel #2. Generally located at the northwest corner of the 21st Street North and Woodlawn Boulevard intersection. (District I)

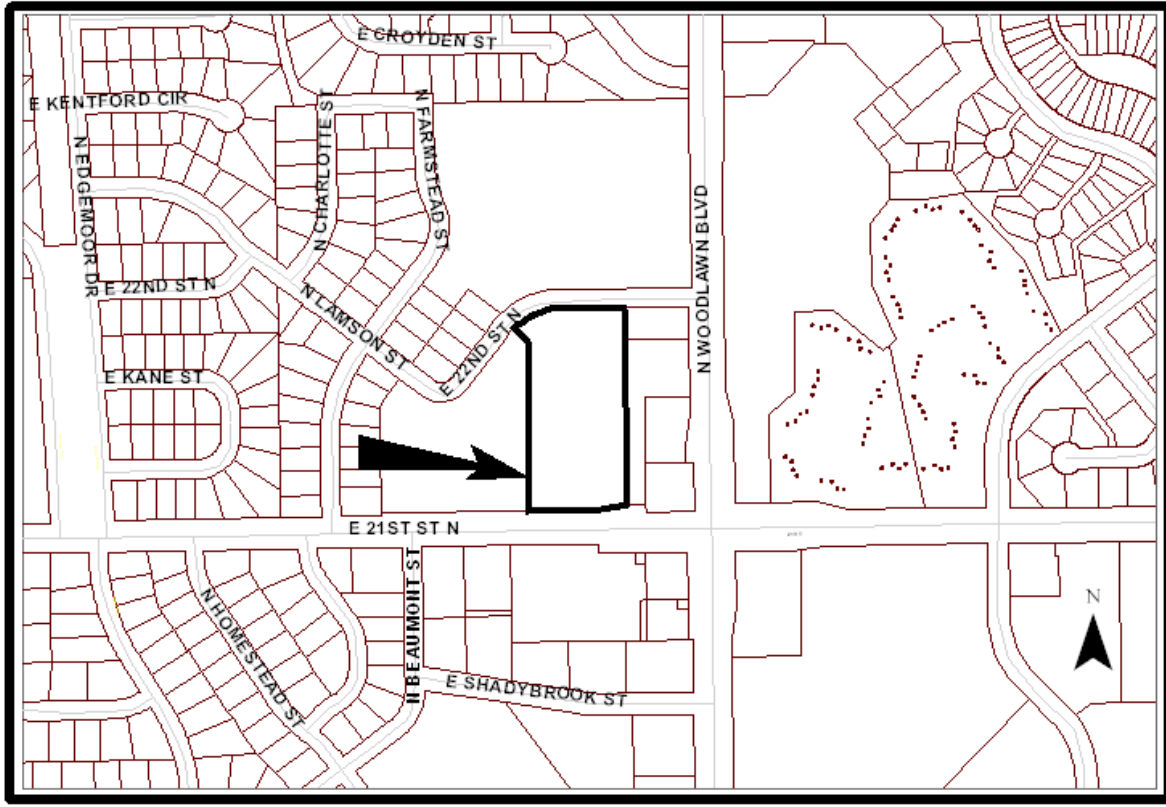
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to staff recommendations (13-0).

MAPD Staff Recommendations: Approve, subject to staff recommendations

DAB Recommendations: Not applicable.



Background: The applicant proposes an additional on-site ground sign and additional total sign area to be applied on the site’s 21st Street North frontage, located on Parcel 2, Community Unit Plan (CUP) DP-56. DP-56 is a 6.3-acre CUP with four (4) parcels located on the northwest corner of 21st Street North and Woodlawn Avenue. The CUP has approximately 959-feet of frontage along 21st located on Parcels 1, 2 & 4. Approximately 760-feet of the frontage is zoned “LC” Limited Commercial with the remainder zoned “GO” General Office. The proposed sign will be located within the site’s “LC” zoned portion of the frontage. There are currently six (6) on-site ground signs located within the “LC” zoned portion of the site’s 21st Street frontage, which is one more than what is allowed for the “LC” zoning district, based on the spacing of 150 feet apart, per the sign code. The Wichita Sign Code does not authorize requesting an increase in sign locations as an administrative action. The proposed sign requires an amendment to the CUP to allow it. The current total square footage for these existing signs’ area is 684-square feet. The proposed sign’s area is 47.35-square feet, which would bring the total up to 731.35-square feet. The total allowed per the “LC” zoning district for this amount of frontage is 590-square feet; both the current total and the proposed total exceeds the maximum allowed and requires an amendment to the CUP. The proposed sign will be for a new business to be located in a building currently under construction.

The total height for the proposed sign is 25-feet, which is allowed in the CUP. The sign would be positioned approximately 150-feet east of the Big Lots’ sign and 200-feet east of the Kum & Go sign. The sign would also be approximately 15-feet west of a Felipe’s ground sign, which is located more than 35-feet away from 21st Street and does not fall under the 150-foot spacing

rule.

The site is located within a commercial CUP, developed with a mix of free standing retail, restaurants, office, convenience store and strip retail buildings containing a dry cleaners, a restaurant, a liquor store, a comedy club, a hair salon and other similar retail/commercial and office uses. A similar sized and developed CUP, zoned "LC", is located south of the site across 21st Street. A more recently developed and larger commercial CUP, zoned "LC", is located southeast of the site, across the 21st and Woodlawn intersection. Single-family residential development, zoned "SF-5" Single-family Residential, abuts the site's west side and is also located east of the site, across Woodlawn. "B" and "MF-29" Multi-family Residential zoned apartments are located north of the site, across 22nd Street North.

Analysis: At the MAPC's August 17, 2006 meeting, the MAPC voted (13-0) to approve subject to staff recommendation to allow one additional on-site ground sign and its additional sign area (47.35-feet) to the site's (Parcel 2) 21st Street North frontage, along with a stamped survey confirming and updating the location, spacing, height and square footage of the existing signage and the proposed sign along the site's 21st Street North frontage. No one present at the meeting spoke against the proposal. No protests have been received and staff has not received any phone calls protesting the proposal.

Financial Considerations: None.

Legal Considerations: None.

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve Amendment #5; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3-majority vote of the membership of the governing body on the first hearing.)

**Agenda Item No. 43.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1049

TO: Mayor and City Council Members

SUBJECT: SUB 2005-119 -- Plat of Northcrest Estates Addition, located east of Meridian and south of 53rd Street North. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

---

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

Background: This site, consisting of 50 lots on 21.8 acres, has recently been annexed into Wichita's city limits and is zoned "SF-5" Single-family Residential District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, drainage, water and paving improvements. Restrictive Covenants have been submitted to: 1) provide four off-street parking spaces per dwelling unit on each lot that abuts a 32-foot or 58-foot street; and 2) establish a lot owner's association to provide for the ownership and maintenance of the proposed reserves. Since this plat proposes platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements, a Restrictive Covenant was also submitted outlining restrictions for lot-owner use of these easements

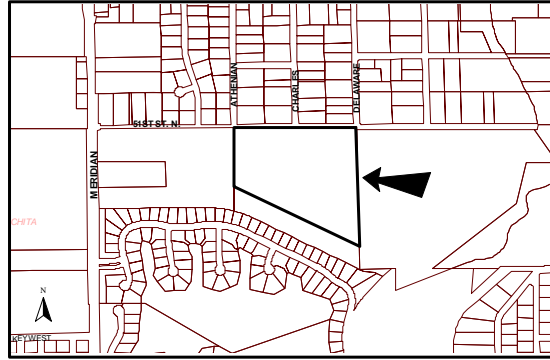
This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.



**Agenda Item No. 44.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1050

TO: Mayor and City Council Members

SUBJECT: SUB 2005-126 -- Plat of Silverton Addition, located north of 13th Street North and on the west side of 135th Street West. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

---

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-1)

The negative vote reflected a Commissioner's concern regarding approval of the drainage plan.

Background: This site, consisting of 244 lots on 106.26 acres, has recently been annexed into Wichita's city limits and is zoned "SF-5" Single-family Residential District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving, left-turn lane and drainage improvements. Restrictive Covenants have been provided to: 1) establish a lot owner's association to provide for the ownership and maintenance of the proposed reserves; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

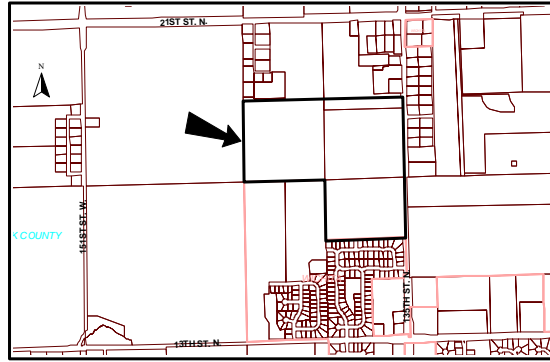
This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.



**Agenda Item No. 45.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1051

TO: Mayor and City Council

SUBJECT: VAC2006-00010 Request to vacate a portion of a sewer easement dedicated by separate instrument, generally located on the northeast corner of the 21st Street North and Maize Road intersection. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

---

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

Background: The applicant has applied to vacate a portion of the 20-foot sewer easement dedicated by separate instrument (Film 1161, Page 1005). The easement does have water and sewer in it. The applicant has agreed to provide Public Works with a guarantee/petition for the relocation of water & sewer. The applicant has provided Public Works with the standard 20-foot wide replacement easements that were recorded with the Register of Deeds (Film- 2881, Page 4832). There is a platted 100-foot building setback line that appears to run parallel to a proposed replacement easement; it will remain in effect. The site is part of CUP DP-204. The Chadsworth Commercial 2nd Addition was recorded with the Register of Deeds on August 14, 1995.

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.

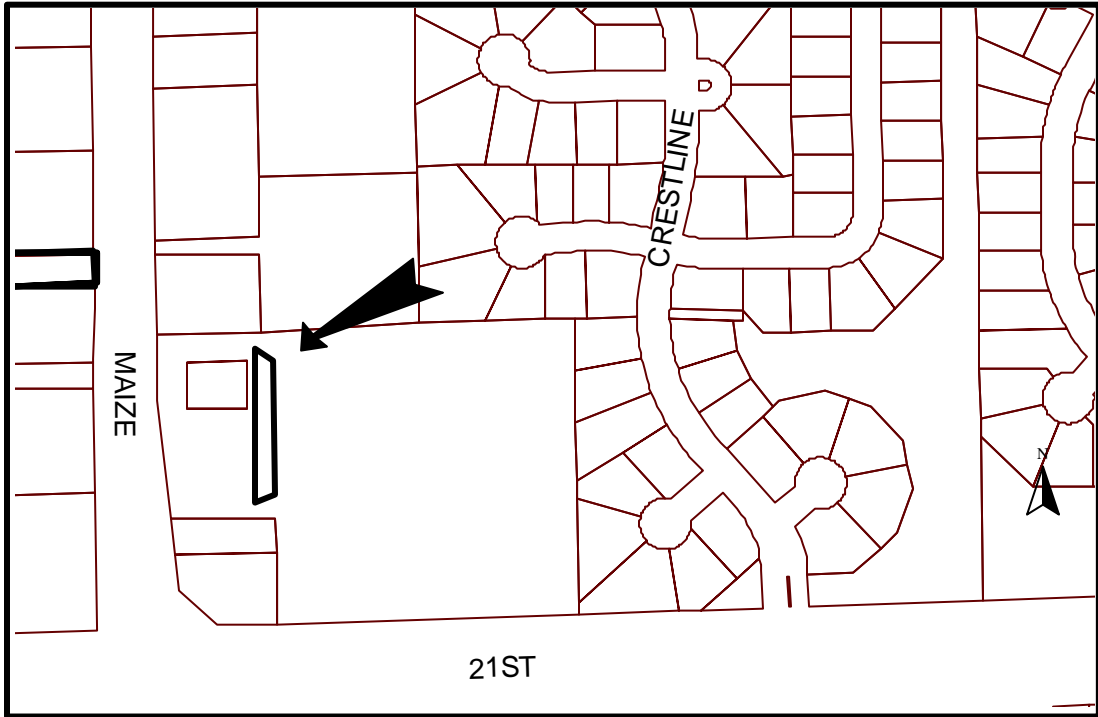
Financial Considerations: Guarantee/petition for relocation of public utilities.

Goal Impact: Ensure efficient infrastructure.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures. Attachments Copy of recorded dedication of

easement.



**Agenda Item No. 46.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1052

TO: Mayor and City Council

SUBJECT: VAC2006-00032 Request to vacate a portion of platted access control, generally located south of 13th Street North and west of K-96. (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 the east 50-feet of the platted complete access control of Lot 10, Gateway Center 2nd Addition to allow a proposed right-in only access onto Lots 10 & 11, Gateway Center 2nd Addition. The access would begin at the common lot line of said lots, which is approximately 164.67-feet from the 13th Street North and K-96 interchange (east) and 205.46-feet (minus the width of the proposed access) from a full movement drive (west). The Gateway Center 2nd Addition was recorded with the Register of Deeds on April 13, 2005.

Analysis: The MAPC voted (9-0) 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.

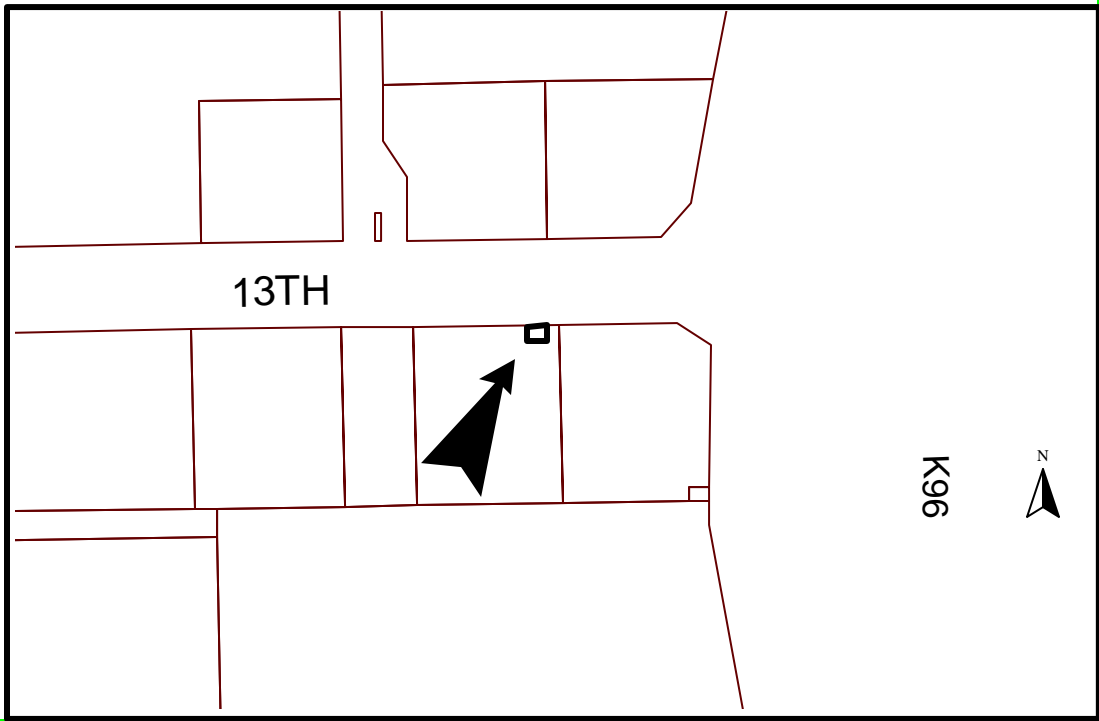
Financial Considerations: None.

Goal Impact: Ensure efficient infrastructure.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Attachments: None.



**Agenda Item No. 47.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1053

TO: Mayor and City Council Members

SUBJECT: A06-19R Request by Rob Ramseyer of Ritchie Associates, Inc., to annex land generally located southwest of 21st Street North and 143rd Street East.

(All Districts)

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 19.98 acres of land generally located southwest of the intersection of 21st Street North and 143rd Street East. The annexation area abuts the City of Wichita to the north. The property owner anticipates that the proposed property will be developed with 200,000 square feet of office and commercial property over the next 5 years. A plat has been submitted to the Metropolitan Area Planning Department for review.

In addition, House Bill No. 2083 requires the City to annex road right-of-way, if requested by the County, when the road has a common boundary with the City. As a result of this new legislation, Sedgwick County requested that the City annex approximately 44 miles of road. After several discussions between the City of Wichita and Sedgwick County, a final plan for 2006 was developed, which recommended that the City of Wichita annex approximately 20 miles of road. These isolated road segments were presented on April 25, 2006 at a City Council Workshop, and have been included with this annexation. A map of these road segments is attached.

Analysis:

Land Use and Zoning: The proposed annexation consists of approximately 19.98 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north is undeveloped and is zoned "SF-5" Single-Family Residential. Property to the east, south and west is primarily undeveloped with a few residential units and zoned "SF-20" Single-Family Residential.

**Public Services:** There are two water lines in close proximity of the subject property: 1) a 12" water line along the west side of 143rd Street--the east side of the subject property; 2) a 30" water main along the north side of 21st Street--north of the subject property. Sewer lines are not directly adjacent to the property, but is available to the south of Reed's Cove 3rd Addition--southwest of the subject property.

**Street System:** The subject property borders 21st Street to the north and 143rd Street to the east. 21st Street North and 143rd Street East are both asphalt with one lane running each direction. The City of Wichita Capital Improvement Program (CIP) 2005-2014, the 2006 Transportation Improvement Program and the Sedgwick County Capital Improvement Program 2006-2010 have scheduled improvements to 21st Street North from K-96 to 159th Street East--directly north of the subject property.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a nine (9) to ten (10) minute approximate response time from City Station No. 18, located at 2808 N. Webb Rd. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

**Parks:** The Northeast Sports Complex, a 60-acre park, is located approximately 3 miles to the northwest of the proposed annexation site and is currently being developed for youth athletics. According to the 1996 Parks and Open Space Master Plan, a potential pathway has been identified, which would be located south of the subject property.

**School District:** The annexation property is part of the Unified School District 385 (Andover 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 \$1,240 with a total assessed value of \$372. Using the current City levy ( $\$31.828/\$1000 \times$  assessed valuation), this roughly yields \$12 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 200,000 square feet of office and commercial property will be developed within the next five years. The total appraised value of this development after completion is estimated at \$20,000,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$157,030 in City annual tax revenues.

**Goal Impact:** Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

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.

OCA150004 BID #37529-009 CID #76383

PUBLISHED IN THE WICHITA EAGLE ON \_\_\_\_\_

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. (A06-19)

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 all City Council Districts:

A tract of land located in the Northeast One-Quarter of Section 11, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas and being more particularly described as follows:

BEGINNING at the Northeast corner of said Northeast One-Quarter; thence along the East line of said Northeast One-Quarter, on a Kansas coordinate system 1983 south zone bearing of S 00 degree 53'20" E, a distance of 850.00 feet; thence S 88°37'33" W, parallel with the North line of said Northeast One-Quarter, a distance of 1153.19 feet; thence N 00°53'20"W, parallel with the East line of said Northeast One-Quarter; a distance of 850.00 feet to a point on the North line of said Northeast One-Quarter; thence along said North line, N 88°37'33" E, a distance of 1153.19 feet to the POINT OF BEGINNING, EXCEPT that part designated as 21st Street North, AND EXCEPT that part designated as 143rd Street East

And Also:

Maple Street, from a point 822.75 feet west of the east line of the Southwest Quarter of Section 23, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas and the Northwest Quarter of Section 26, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence west to the east right-of-way line of 151st Street West.

And Also:

Maize Road, from a point 997.78 feet south of the north line of the Southeast Quarter of Section 31, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas and the Southwest Quarter of Section 32, Township 26 South, Range 1 West of the 6th P.M., Sedgwick

County, Kansas; thence south to a point on the south line of the north one-half of the Northwest Quarter of Section 5, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas and the south line of the north one-half of the Northeast Quarter of Section 6, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas

And Also:

37th Street West, from the westerly line of the Kansas Southwestern Railroad; thence west to the east right-of-way line of Tyler Road.

And Also:

Ridge Road, from the north right-of-way line of 37th Street North; thence north to the south line right-of-way line of K-96 Highway.

And Also:

Hoover Road, from a point on the north line of the Southwest Quarter of Section 2, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas and the north line of the Southeast Quarter of Section 3, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence north to the south right-of-way line of 29th Street North.

And Also:

West Street, from the south right-of-way line of 29th Street North; thence south to the westerly line of the Big Slough-Cowskin Creek Floodway

And Also:

21st Street North, from a point on the west line of the east one-half of the Southwest Quarter of Section 2, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas and the west line of the east one-half of the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence east to the westerly line of the Big Slough-Cowskin Creek Floodway

And Also:

North Meridian Avenue, from a point 550 feet south of the north line of the southwest quarter of the Northwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M. and the north line of the southeast quarter of the Northeast Quarter of Section 24, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence north to the most northerly northwest corner of Lot 1, Block 2 of Rio Vista Estates Third Addition, said point being located 641.36 feet north of the south line of the Southwest Quarter of Section 7, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas and the south line of the Southeast Quarter of Section 12, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas

And Also:

Hillside Avenue, from the north right-of-way line of 45th Street North; thence north to the south right-of-way line of 53rd Street North

And Also:

45th Street North, from a point 225 feet east of the west line of the east half of the Southwest Quarter of Section 23, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas and the west line of the east half of the Northwest Quarter of Section 26, Township 26 South, Range 1 East, 6th P.M., Sedgwick County, Kansas; thence west to the east right-of-way line of Hydraulic Avenue

And Also:

Webb Road, from a point on the north line of the Southwest Quarter, Section 28, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas and the north line of the Southeast Quarter, Section 29 South, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence north to the south right-of-way line of 45th Street North.

And Also:

21st Street North, from a point on the west line of the Southeast Quarter, Section 2, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas and the west line of the Northeast Quarter, Section 11, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence east to the west right-of-way line of 143rd Street East.

And Also:

127th Street East, from the southerly right-of-way line of K-96 Highway; thence north to the north right-of-way line of 13th Street North.

And Also:

143rd Street East, from the south right-of-way line of Kansas Turnpike; thence south to the north right-of-way line of US 54/400 Highway.

And Also:

143rd Street East, from the south right-of-way line of US 54 /400; thence south to the north right-of-way line of Harry Street.

And Also:

127th Street East, from the north right-of-way line of Harry Street; thence north to the north line of the Southwest Quarter of Section 26, Township 27S, Range 2E of the 6th P.M., Sedgwick County, Kansas and the north line of the Southeast of Section 27, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

And Also:

Harry Street, from the west right-of-way line of 127th Street East; thence east to the east line of the Northwest Quarter of Section 35, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas and the east line of the Southwest Quarter of Section 26, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

And Also:

Harry Street, from the west right-of-way line of 159th Street East; thence west to a point 1817 feet west of the east line of the Northeast Quarter of Section 35, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas and the east line of the Southeast Quarter of Section 26, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

And Also:

31st Street South, from the east right-of-way line of Oliver; thence east to the east right-of-way line of George Washington Boulevard.

And Also:

63rd Street South, from the west right-of-way line of Hydraulic Avenue; thence east to the east right-of-way line of Grove.

And Also:

Hydraulic Avenue, from the south right-of-way line of 63rd Street South; thence south to the north line of the Southeast Quarter of Section 33, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas and the north line of the Southwest Quarter of Section 34, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

And Also:

59th Street South, from the west right-of-way line of Broadway Avenue; thence west to the west line of the Southeast Quarter of Section 29, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

And Also:

West Street, from the north right-of-way line of MacArthur Road; thence north to the north line of the Southeast Quarter of Section 11, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas and the north line of the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

And Also:

Hoover Road, from the north right-of-way line of 47th Street South; thence north to the north line of the Southeast Quarter of Section 15, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas and the north line of the Southwest Quarter of Section 14, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

And Also:

Hoover Road, from a point 521.77 feet north of the south line of the Northeast Quarter of Section 15, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas and the south line of the Northwest Quarter of Section 14, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence north to a point 360 feet south of the north line of the Northeast Quarter of Section 15, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas and the north line of the Northwest Quarter of Section 14, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

And Also:

Tyler Road, from the north line of the south half of the Southwest Quarter of Section 9, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas and the north line of the south half of the Southeast Quarter of Section 8, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence south to the north right-of-way line of MacArthur Road.

And Also:

119th Street West, from the south right-of-way line of US 54/400; thence south to a point 355.22 north of the south line of the Southeast Quarter of Section 36, Township 26 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas and the south line of the Southwest Quarter of Section 31, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

And Also:

135th Street West, from the north right-of-way line of US 54/400; thence north to the north line of the Southwest Quarter of Section 25, Township 27 South, Range 2 West of the 6th P.M. , Sedgwick County, Kansas and the north line of the Southeast Quarter of Section 26, Township 27 South, Range 2 West of the 6th P.M. , Sedgwick County, Kansas.

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. 48.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1054

TO: Wichita Airport Authority

SUBJECT: Rotating Beacon Relocation  
Change Order No 1  
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority

Recommendation: Approve the change order.

Background: On February 14, 2006, the Wichita Airport Authority approved a construction contract with Atlas Electric in the amount of \$265,335.05 for this project.

Analysis: A change order has been prepared to address changes during construction and adjust the construction completion time.

Financial Considerations: The cost of the change order is \$620. The change order has been approved by the Federal Aviation Administration, and will be funded with the approved federal grant and general obligation bonds paid for with airport revenue. The change order is less than one-percent of the contract amount. Funds are available within the current budget.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is promoted through initiating projects which enhance operations and safety of the Airport.

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

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

Attachments: Four original signature copies and 12 distribution copies of the change order.

**(Item 49 Pulled from Agenda)**  
**Agenda Item No. 49.**

**Agenda Item No. 50.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1056

TO: Wichita Airport Authority  
SUBJECT: Agreement – Artistic Limousine  
INITIATED BY: Airport Department  
AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the Agreement.

Background: The WAA has received a request from Artistic Limousine to provide limousine service to and from Wichita Mid-Continent Airport. Artistic has been providing limousine services in Wichita for the past 18 years, nine of which have been under the direction of the current owner.

Analysis: This agreement will allow Artistic Limousine to utilize the limousine/shuttle courtesy lane across the street from the terminal building, and will enhance convenience to the public.

Financial Considerations: While the revenue to the WAA for the provision of this service is not significant (\$50 per month), it does provide an additional alternative for travelers using Mid-Continent Airport.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which enhance services provided to the traveling public and allow the Airport to continue its operation on a self-sustaining basis.

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

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

Attachments: Two original signature copies and 12 distribution copies of the agreement.

**Agenda Item No. 51.**

City of Wichita  
City Council Meeting  
October 17, 2006

Agenda Report No. 06-1057

TO: Wichita Airport Authority

SUBJECT: Runway 14-32 Joint Re-seal  
Change Order No 1  
Wichita Mid-Continent Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority

Recommendation: Approve the change order.

Background: On March 7, 2006 the Wichita Airport Authority approved a construction contract with Musselman & Hall Contractors in the amount of \$89,600.00 for this project.

Analysis: A change order has been prepared to address additional quantities during construction and adjust the construction completion time.

Financial Considerations: The cost of the change order is \$22,394.34 and is less than twenty-five percent of the contract amount. Funds are identified within the current operating budget.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is promoted through initiating projects which enhance operations and safety of the Airport.

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

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

Attachments: Three original signature copies and 12 distribution copies of the change order.