

REVISIONS:
ADDITIONS: ITEMS 5c, 29 AND 30.

NOVEMBER 21, 2006 AGENDA REPORTS

Agenda Item No. 5a

City of Wichita
City Council Meeting
November 21, 2006
Agenda Report No. 06-1173

TO: Mayor and City Council

SUBJECT: Community Events

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for street closures.

Background: In accordance with the Community Events procedure the City of Wichita Park and Recreation Department is coordinating with City of Wichita Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Night With Santa December 7, 2006 5:30 pm – 8:00 pm

§ Douglas Avenue, Main Street to McLean Blvd.

§ Tlalnepantla Drive, Main Street to Douglas Avenue

§ First/Second, Waco to McLean Blvd.

§ Sycamore, Douglas Avenue to McLean Blvd.

Please see attached map.

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

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

Goal Impact: Enhance the Quality of Life

Legal Consideration: None

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator.

Agenda Item No. 5b

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1200

TO: Mayor and City Council Members

SUBJECT: Street Closure: 37th Street North from Ridge Rd. to Tyler Rd. (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the street closure.

Background: Lafarge North America, Inc. has contracted to reconstruct 37th St. North between Ridge Rd. and Tyler Rd. in west Wichita. This project was approved by the City Council on November 7, 2006. Project specifications allow for the full closure of 37th from a point east of Lakecrest to Ridge Rd. during the construction of a bridge over the drainage area. The existing roadway is an asphalt mat surface with open ditches and the new street will be a five-lane pavement with curb and gutter and a storm drainage system. The bridge reconstruction is scheduled to begin approximately 9:00 am, Monday, November 27th and completion is expected by May 1, 2007.

Analysis: During the street and bridge reconstruction between Lakecrest and Ridge Rd. the neighborhoods west of the bridge area will need to access the area from Tyler Rd. The remainder of the street reconstruction will carry two-way traffic through the work area. Lafarge North America is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the closure of the east half mile of 37th St. traffic will be detoured as follows:

Eastbound 37th St. traffic will be detoured south on Tyler Rd., then east on 29th St. to Ridge Rd., then north to return to 37th St.

Westbound 37th St. traffic will be detoured south on Ridge Rd., then west on 29th St. to Tyler Rd., then north to return to 37th St.

Financial Consideration: None.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving traffic flow through a major traffic corridor.

Legal Consideration: None.

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

Agenda Item No. 5c.

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1202

TO: Mayor and City Council Members

SUBJECT: Street Closure: 135th Street West from 13th St. N. to Central (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the street closure.

Background: Nowak Construction Co. has contracted to accomplish the installation of a sanitary sewer main in west Wichita in advance of the reconstruction of 135th St. West between 13th St. N. and Central. This project was approved by the City Council on August 8, 2006. The project specifications allow for the full closure of 135th St. W. during the construction. The depth of the excavation and its proximity to the existing roadway will require the closure of 135th St. W. for the safety of both the contractors' workers and the traveling public. The existing roadway is an asphalt mat surface with open ditches and will be reconstructed as a 26' wide 6" thick asphalt pavement with a rock subgrade. The closure of 135th St. W. is scheduled to begin approximately 9:00 am Monday, November 27th in the section from 13th St. N. to Ponderosa St. The street closure area will expand toward Central as the installation continues to the south. The total project completion is expected by July 31, 2007.

Analysis: During the closure of 135th St. W. the neighborhoods adjacent to the work area will need to use access from either 13th St. N. or by using 135th St. W. from Central. Nowak Construction 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 135th St. W. traffic will be detoured as follows:

Southbound 135th St. W. traffic will be detoured east on 13th St. N., then south on 119th St. W. to Central, then west to return to 135th St. W.

Northbound 135th St. W. traffic will be detoured east on Central, then north on 119th St. W. to 13th St. N., then west to return to 135th St. W.

Financial Consideration: None.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving the sanitary sewer system for this area of west Wichita.

Legal Consideration: None.

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

Agenda Item No. 6a

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1174

TO: Mayor and City Council Members

SUBJECT: Drainage Agreement: Cheddar's Casual Café, Inc.
(south of 13th, east of Greenwich) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Drainage Agreement.

Background: An acceleration/deceleration lane is being built on the south side of 13th Street, east of Greenwich. The storm water runoff from the new pavement will drain across adjacent private property.

Analysis: An agreement has been prepared with the owner of the adjacent property, Cheddar's Casual Café, Inc., to accept the storm water runoff from public right-of-way.

Financial Considerations: There is no cost for the City of Wichita.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving drainage and access to a new commercial development.

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

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

Agenda Item No. 6b

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1175

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Construction Engineering and Staking in Clifton Cove Addition (south of 63rd Street South, west of Clifton) (District III)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: The City Council approved the water and paving improvements in Clifton Cove Addition on November 15, 2005. On June 6, 2006 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

Analysis: The proposed Supplemental Agreement between the City and Baughman 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 \$29,145 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 and paving improvements in a new sub-division. 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.

SUPPLEMENTAL AGREEMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES DATED JUNE 6, 2006, 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:

WHEREAS, there now exists a Contract (dated June 6, 2006) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements in CLIFTON COVE ADDITION (south of 63rd Street South, west of Clifton).

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 90081 serving Lots 1 through 24, Block D; Lots 1 through 14, Block E, Lots 1 through 20, Block F, Clifton Cove Addition (south of 63rd Street South, west of Clifton) (Project No. 448 90081, OCA No. 735318).

JADE AVENUE from the north line of the plat, south to the north line of Sunflower Drive, SUNFLOWER DRIVE from the west line of Jade Avenue west to the east line of Cedardale Avenue, on CEDARDALE AVENUE from the north line of the plat south and east to the west line of Jade Avenue, and on JADE AVENUE from the south line of Cedardale Avenue north to the south line of Sunflower Drive and a sidewalk constructed on Jade Avenue (south of 63rd Street South, west of Clifton) (Project No. 472 84227, OCA No. 765993).

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:

Project No. 448 90081	\$ 9,835.00
Project No. 472 84227	\$19,310.00

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

Agenda Item No. 6c

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1176

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for 21st Street Kids & Family Empowerment
(north of 21st, west of Grove) (District I)

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 Professional Engineering Consultants, P.A. (PEC) for designing paving improvements in 21st Street Kids & Family Empowerment Addition. The fee was \$54,000. On March 21, 2006, the City Council approved Supplement No. 1 for staking the improvements. The fee was \$15,250.

Analysis: The old Institute of Logopedics buildings were demolished and the basement/foundation holes were filled loosely. After the new street was built, the pavement began to settle due to the lack of fill compaction from the prior demolition activities. PEC has been requested to prepare plans and specifications to eliminate two large sinkholes in Jardine Drive. The proposed Supplemental Agreement between the City and PEC provides for the additional design.

Financial Considerations: Payment to PEC will be on a lump sum basis of \$16,000 and will be paid by General Obligations Bonds.

Goal Impact: This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of paving improvements for the community.

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 PROFESSIONAL ENGINEERING CONSULTANTS, 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 in 21st STREET KIDS & FAMILY EMPOWERMENT (north of 21st, west of Grove).

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:

Jardine Drive (Phase 2)

Repair two large sinkholes in the pavement.

(The project consist of removing roughly 2000 SY of existing concrete pavement, removing adjacent existing sidewalk, removing damaged waterline, storm sewer pipe and structures as necessary, removing the stockpile, excavating the entire sinkhole area to a depth of up to 10 ft., backfilling and recompacting the excavated area and replacing waterline, storm sewer, pavement, and sidewalk to the previous design.)

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 a fee not-to-exceed \$16,000.00.

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

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
(Name & Title)

ATTEST:

BAUGHMAN COMPANY, P.A.
(Name & Title)

ATTEST:

Agenda Item No. 6d

CITY OF WICHITA
City Council Meeting
November 21, 2006

Agenda Report No. 06-1177

TO: Mayor and City Council Members

SUBJECT: Contract for Consultant Services for Acquisition and Relocation:
Improvement of West Street from Maple to Central. (Districts III and VI).

INITIATED BY: Office of Property Management

AGENDA: Consent

-
Recommendation: Approve the contract.

Background: The widening and improvement of West Street from Maple to Central requires the acquisition of 33 commercial or residential tracts. The project will also require the relocation of approximately 3 businesses with another 25 relocations of personal property (business signs). The size and complexity of the project, coupled with current internal staffing levels, requires the utilization of an outside firm to complete the acquisitions in a timely manner.

Analysis: Proposals to provide acquisition and relocation services were solicited from fifteen firms listed by KDOT as being qualified to do relocation and acquisition work for KDOT. Four firms responded to the proposal request. The review committee based on qualifications and lowest cost selected Land Acquisitions, Inc. from among the proposals. Based on the estimated number of acquisitions and relocations and Land Acquisitions proposed fees, \$60,000 will be sufficient to complete the assignment.

Financial Considerations: Funding is available within the project budget to fund the proposed increase. Project costs will be funded with general obligation bonds.

Goal Impact: The acquisition of required right of way in a timely manner will allow the efficient improvement of infrastructure to serve this rapidly growing area.

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

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

Agenda Item No. 6e

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1178

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Construction Engineering and Staking in Sycamore Pond Addition (south of 47th Street South, east of Seneca) (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: The City Council approved the drainage improvements in Sycamore Pond Addition on June 6, 2006. On October 3, 2006 the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering and staking services if requested by the City.

Analysis: The proposed Supplemental Agreement between the City and R&B 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 \$34,200 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 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.

Attachment: Supplemental Agreement

SUPPLEMENTAL AGREEMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES DATED OCTOBER 3, 2006, 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:

WHEREAS, there now exists a Contract (dated October 3, 2006) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements in SYCAMORE POND ADDITION (south of 47th Street South, east of Seneca).

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)

STORM WATER DRAIN NO. 295 serving Lots 1 through 48, Block 1; Lots 1 through 32, Block 2; Lots 1 through 12, Block 3; Lots 1 through 12, Block 4, Sycamore Pond Addition (south of 47th Street South, east of Seneca) (Project No. 468 84193).

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:

468 84193 \$34,200.00

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

RUGGLES & BOHM, P.A.
(Name & Title)

ATTEST:

Agenda Item No. 7a

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1179

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Design Services for Main 22, Southwest Interceptor Sewer (MacArthur Road and West Street) (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: On November 2, 2004, the City entered into an Agreement with Poe & Associates of Kansas, Inc. for designing Main 22, Southwest Interceptor Sewer. The fee was \$28,000.

Analysis: Poe has been asked for additional work required by Sedgwick County for construction of the sewer in their right-of-way. The proposed Supplemental Agreement between the City and Poe provides for additional design services.

Financial Considerations: Payment to Poe be on a lump sum basis of \$5,200, and will be paid by the Water Utility.

Goal Impact: This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of sewer improvements for the community. 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.

Attachment: Supplemental Agreement.

SUPPLEMENTAL AGREEMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES DATED NOVEMBER 2, 2004, BETWEEN THE CITY OF WICHITA, KANSAS, PARTY OF THE FIRST PART, HEREINAFTER CALLED THE "CITY," AND POE & ASSOCIATES OF KANSAS, INC., PARTY OF THE SECOND PART, HEREINAFTER CALLED THE "ENGINEER."

WITNESSETH:

WHEREAS, there now exists a Contract (dated November 2, 2004) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements for a MAIN 22, SOUTHWEST INTERCEPTOR SEWER (Project No. 468 83861, OCA No. 622092)

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:

Additional work required by Sedgwick County for construction of Main 22 in their right-of-way.

- Additional survey
- Site visits.
- Meetings with County Staff.
- Additional plan reviews.

B. PAYMENT PROVISIONS

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

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

468 83861 \$5,200.00

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by October 9, 2006;

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

POE & ASSOCIATES OF KANSAS, INC.
(Name and Title)

ATTEST:

Agenda Item No. 8a

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1180

TO: Mayor and City Council Members

SUBJECT: Change Order: Waterline along Hoover, north of Zoo Boulevard
(District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Change Order.

Background: One June 20, 2006 the City Council approved a contract with Mies Construction, Inc. to construct a waterline along Hoover, north of Zoo Boulevard. During construction of the project, it was determined that an existing 36" concrete tee joint should be removed and replaced.

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

Financial Considerations: The total cost of the additional work is \$53,480 with the total paid by the Water Utility. The original contract amount is \$833,755. This Change Order represents 6.41% of the original contract amount.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving the water distribution system.

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

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

Agenda Item No. 9

City of Wichita
City Council Meeting

November 21, 2006

Agenda Report No. 06-1181

TO: Mayor and City Council Members

SUBJECT: Repair or Removal of Dangerous & Unsafe Structures
Council Districts I, III, and VI

INITIATED BY: Office of Central Inspection

AGENDA: Consent

Recommendations: Adopt the resolutions.

Background: On November 6, 2006, the Board of Code Standards and Appeals (BCSA) held a hearing on the following five (5) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Analysis: Violation notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

Property Address	Council District
a. 4031 East Stearman	III
b. 1421 North Madison (Garage)	I
c. 416 North Ash	I
d. 2232 North Woodland	VI
e. 2222 South Washington	III

Goal Impact: On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

Legal Considerations: These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Recommendations/Actions: Adopt the attached resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on January 9, 2007 at 9:30 a.m. or as soon thereafter.

Attachments: Resolutions.

_____PUBLISHED IN THE WICHITA EAGLE ON_____

RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOT 17, EXCEPT THE SOUTH 20.93 FEET MORE OR LESS TAKEN IN CONDEMNATION CASE A-56278 BY KANSAS TURNPIKE AUTHORITY, BLOCK 1, PLANEVIEW SUB. NO. 2, WICHITA, SEDGWICK COUNTY, KANSAS KNOWN AS 4031 E. STEARMAN CT. MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 21st day of November 2006, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.

That a hearing will be held on the 9th day of January 2007, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lot 17, Except the South 20.93 feet more or less taken in Condemnation Case A-56278 by Kansas Turnpike Authority, Block 1, Planeview Sub. No. 2, Wichita, Sedgwick County, Kansas, known as: 4031 E. Stearman Ct., may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one-story frame dwelling about 24 x 46 feet in size. Vacant and open, this structure has a deteriorated composition roof, with missing shingles; shifting concrete pier foundation; broken and missing siding shingles; and rotted fascia and wood trim.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this 21st day of November 2006.

Carlos Mayans, Mayor

(SEAL)

ATTEST: _____
Karen Sublett, City Clerk

RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOTS 165, 167, 169, 171, 173 AND 175, ON CAMPBELL, NOW MADISON AVENUE, LOGAN ADDITION TO THE CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS KNOWN AS 1421 N. MADISON (GARAGE) MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 21st day of November 2006, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.

That a hearing will be held on the 9th day of January 2007, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lots 165, 167, 169, 171, 173 and 175, on Campbell, now Madison Avenue, Logan Addition to the City of Wichita, Kansas, Sedgwick County, Kansas, known as: 1421 N. Madison (Garage), may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one-story, cement block garage about 18 x 22 feet in size. Partially boarded; this structure has separating block walls; and a rotted and collapsed roof.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this 21st day of November 2006.

Carlos Mayans, Mayor

(SEAL)

ATTEST: _____
Karen Sublett, City Clerk

PUBLISHED IN THE WICHITA EAGLE ON _____

RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOT 14 AND THE SOUTH HALF OF LOT 16, ON ASH AVENUE, DEVORE'S SUBDIVISION OF LOT 3 IN BUTLER AND FISHER'S ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS KNOWN AS 416 N. ASH MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 21st day of November 2006, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita. That a hearing will be held on the 9th day of January 2007, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lot 14 and the South Half of Lot 16, on Ash Avenue, Devore's Subdivision of Lot 3 in Butler and Fisher's Addition, Wichita, Sedgwick County, Kansas, known as: 416 N. Ash, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one-story frame dwelling about 26 x 41 feet in size. Vacant and open, this structure has been badly damaged by fire. It has fire damaged, composition roof; fire damaged rafters; fire damaged wood siding; fire damaged porches; fire damaged framing members; fire damaged wood trim; badly fire damaged interior; and the 10 x 20 foot accessory garage is dilapidated.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this 21st day of November 2006.

Carlos Mayans, Mayor

(SEAL)

ATTEST: _____
Karen Sublett, City Clerk

_____PUBLISHED IN THE WICHITA EAGLE ON_____

RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: THE SOUTH HALF OF LOT 20 AND ALL OF LOTS 22 AND 24, ON ARMSTRONG AVENUE, BUENA VISTA SUBDIVISION IN GUTHRIE'S ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS KNOWN AS 2232 N. WOODLAND MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 21st day of November 2006, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.

That a hearing will be held on the 9th day of January 2007, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at The South Half of Lot 20 and all of Lots 22 and 24, on Armstrong Avenue, Buena Vista Subdivision in Guthrie's Addition to Wichita, Sedgwick County, Kansas, known as: 2232 N. Woodland, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one-story frame dwelling about 31 x 50 feet in size. Vacant for at least 12 years, this structure has a shifting block foundation; deteriorated, mixed siding; deteriorating composition roof with collapsing chimney and hold through ridge; deteriorated front porch with cracked concrete stoop; deteriorated wood trim; and the 8 x 8 foot accessory shed is deteriorated.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this 21st day of November 2006.

Carlos Mayans, Mayor

(SEAL)

ATTEST: _____
Karen Sublett, City Clerk

RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOTS 118 AND 120, ON WASHINGTON AVENUE, CAMPBELL'S ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS KNOWN AS 2222 S. WASHINGTON MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 21st day of November 2006, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita. That a hearing will be held on the 9th day of January 2007, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lots 118 and 120, on Washington Avenue, Campbell's Addition to Wichita, Sedgwick County, Kansas, known as: 2222 S. Washington, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one-story frame dwelling about 24 x 39 feet in size. Vacant for at least 2 years, this structure has missing vinyl siding; badly deteriorated composition roof; deteriorated front porch cover; and deteriorated wood trim.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this 21st day of November 2006.

Carlos Mayans, Mayor

(SEAL)

ATTEST: _____
Karen Sublett, City Clerk

Agenda Item No. 10

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1182

TO: Mayor and City Council

SUBJECT: Purchase Option (Cherry Creek Village) (District II)

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Ratify the bond call, adopt the Resolution and approve the Special Warranty Deed, Termination of Lease Agreement and Bill of Sale.

Background: On July 2, 1985 the City Council approved the issuance of \$1.1 million in Industrial Revenue Bonds, Series IX, 1985 and Series XI, 1985, for the purpose of financing the construction of additional apartment housing and nursing facilities for Wichita's older citizens located at 8100 E. Pawnee, and making improvements to the facility. On October 1986, City Council approved an Assignment of the Lease to change the Tenant entity from Cherry Creek Village Partnership to Health Care Property Investors, Inc.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for the bond series, Health Care Property Investors, Inc. has the option, if all outstanding bonds have been paid, to purchase the facility from the City of Wichita for the sum of \$100. The City of Wichita on October 24, 2006, received notice of the Tenant's intention to exercise its purchase option.

Analysis: Under the terms of the Lease, the City is required to convey the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds.

Financial Considerations: The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

Goal Impact: Economic Vitality and Quality of Life. Cooperating with the Tenant and Trustee on IRB issues is a necessary part of preserving the credibility and integrity of the City's IRB program for future projects.

Legal Considerations: The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the attached Resolution to authorize the execution of the Special Warranty Deed and the Termination of Lease Agreement (each in substantially the form attached to the Resolution).

Recommendations/Actions: It is recommended that City Council adopt the Resolution approving the Special Warranty Deed and the Termination of Lease Agreement and authorize necessary signatures.

Agenda Item No. 11

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1183

TO: Mayor and City Council Members

SUBJECT: Sale of Parcel at the Northwest Corner of Redbarn and Woodchuck
(District V)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the sale.

Background: Bishop Carroll High School has approached the City about acquiring the City-owned lot at the northwest corner of Redbarn and Woodchuck. The City acquired the 7,840 square foot lot in 1962 when the Countryside Improvement District was annexed. Due to its irregular shape, there is limited development potential for the site.

Analysis: Although the lot has not been formally marketed, it has been in City ownership since 1962 with no previous offers. Bishop Carroll has offered \$2,500 for the lot. They will incorporate into the school ownership. The lot will be used for parking with landscaping along Redbarn and Woodchuck.

Financial Considerations: The City will receive cash consideration for the sale of the property. Upon sale, the City will be relieved of maintenance responsibility.

Goal Impact: The proposed sale insures efficient infrastructure by optimizing public assets. As this parcel is surplus to the City's needs, the sale will provide additional revenue for the City.

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

Recommendations/Actions: It is recommended that the City Council; 1) Approve the Real Estate Purchase Contracts; and authorize all necessary signatures.

Agenda Item No. 12a

CITY OF WICHITA
City Council Meeting
November 21, 2006

Agenda Report No. 06-1184

TO: Mayor and City Council Members

SUBJECT: Acquisition of Vacant Land for the Dry Creek Basin Property Acquisition Project (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition

Background: There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program where residential properties having habitable floors below the one hundred year flood elevation are eligible for the program. One such property having been identified as a necessary acquisition is a vacant strip of land encompasses the creek at the Orme Street bridge.

Analysis: The site is 20 feet wide by 135 feet deep containing a total of 2,700 square feet. The owner agreed to sell the property for the appraised amount of \$1,400, or \$0.50 per square foot. The property will be used as open space.

Financial Considerations: A budget of \$1,650 is requested. This includes \$1,400 for the acquisition and \$250 for closing costs and title insurance. The funding source is the Storm Water Utility.

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

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

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

Agenda Item No. 13

CITY OF WICHITA
City Council Meeting

November 21, 2006

Agenda Report No. 06-1185

TO: Mayor and City Council Members

SUBJECT: Settlement of Lawsuit — Young's General Contracting v. City of Wichita

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Approve settlement of pending lawsuit.

Background: The plaintiff was the contractor hired by the City in early 2005 to provide storm cleanup services after the January 2005 ice storm. The plaintiff was the low bidder for the work and the contract between the plaintiff and the City was a unit price contract providing for payment per ton of eligible debris delivered to the landfill. The plaintiff performed the contract and the work was completed around April 1, 2005. The City had estimated that there was approximately 60,000 tons of eligible debris to be hauled. It turned out that the amount of eligible debris was considerably less than that. The plaintiff hauled approximately 30,000 tons of debris and City forces hauled approximately 3,000 tons during the period from February 1, 2005 through March 2005. In late 2005, the plaintiff filed a lawsuit against the City seeking an additional \$165,000 under the contract. Its claim was that it should be paid for tonnage hauled by the City and that the City had deprived it of the benefit of that tonnage without reason.

Analysis: The plaintiff's claims against the City are essentially that the City benefited from the low price bid by the plaintiff for the work and that the actions of the City in deciding to haul certain debris with its own forces caused the plaintiff to lose profit that it had anticipated and that allowed it to submit such a low bid. There is a substantial risk that the plaintiff will prevail in presenting this case to a jury. There are legal issues that might result in a jury verdict in favor of the plaintiff being reversed on appeal to the appellate courts. Expenses for the City to prepare this matter for trial are estimated at \$4,000. The most likely jury verdict plus the costs of preparing the case for trial is estimated at \$40,000. The plaintiff has indicated its willingness to accept a settlement for that amount. It is recommended that the City accept the plaintiff's offer of settlement.

Financial Considerations: The cost of this settlement will be paid from cash reserves and 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 \$40,000 as a settlement of the pending lawsuit.

Agenda Item No. 14

CITY OF WICHITA
City Council Meeting

November 21, 2006

Agenda Report No. 06-1186

TO: Mayor and City Council

SUBJECT: Settlement of Eminent Domain Case (Case No. 05 CV 683)—Kellogg and Rock Road Project (Dist. II)

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Approve settlement of this pending eminent domain lawsuit.

Background: The City acquired a tract of land located along the west and north sides of the tract of land located at the southeast corner of Kellogg and Rock in connection with improvements to East Kellogg. This tract of land was owned by J. Larry Fugate and Dana M. Fugate. It is developed with a building that houses tenants---Blockbuster Video and T-Mobile. In December of 2005 the City paid \$75,500 for the acquisition of the property. This was the award of the three, court-appointed appraisers. The owners appealed.

Analysis: The owners have offered to settle the pending appeal for payment of an additional \$30,000. Outside eminent domain counsel and the Law Department both recommend acceptance of this offer. The likely cost (attorney fees and expert witness fees) in continuing this matter through trial and the risks that a jury might award additional damages exceed \$30,000. Settlement is in the best interests of the City.

Financial Considerations: The settlement payment will be paid from the Kellogg Project fund.

Legal Considerations: The proposed settlement offer is recommended.

Recommendations/Actions: Approve the settlement and authorize the payment of \$30,000 in settlement of the pending lawsuit.

Agenda Item No. 14a.

CITY OF WICHITA
City Council Meeting

November 21, 2006

Agenda Report No. 06-1201

TO: Mayor and City Council Members

SUBJECT: Amendment to Construction and Maintenance Agreement with BNSF for Work on the Central Rail Corridor Project

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Approve and amendment to the existing Construction and Maintenance Agreement between the City and the Burlington Northern Santa Fe Railroad relating to the construction of the Central Rail Corridor Project.

Background: On September 12, 2003, the City and the BNSF entered into an agreement defining the parties' obligations and rights concerning the construction of the Central Rail Corridor Project. Earlier this year it was discovered that many of the T-wall panels manufactured for use on the Project did not meet the specifications of the contract between the City and the general contractor. These specifications were, by reference, contained in the agreement between the City and BNSF. The City reached an agreement with the general contractor which addressed the correction of those panels that could be brought into substantial compliance with the contract specifications and an agreement that provided for a reserve fund to address any future repair, maintenance or replacement costs associated with any of the panels that had been installed in the project which were not in compliance with the contract specifications.

Analysis: The BNSF believes that it is necessary to amend the agreement between the City and the BNSF to reflect the terms of the settlement agreement between the City and the general contractor. The City and the BNSF have negotiated several changes that redefine the City's obligations with respect to the T-wall panels that did not meet the contract specifications.

Financial Considerations: There is no immediate cost associated with the amendment. Several of the amended provisions are likely to generate future costs and those can be paid from the reserve fund that has been established in connection with the settlement agreement previously entered into between the City and the general contractor.

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

Recommendations/Actions: Approve the amendment to the Construction and Maintenance Agreement and authorize the Mayor to sign.

Agenda Item No. 16

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1187

TO: Mayor and City Council

SUBJECT: Extension of IRB Tax Exemption (Dean & DeLuca, Inc.)
(District I)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve a one-year extension.

Background: On December 12, 2000, City Council approved issuance of Industrial Revenue Bonds in three series: Series IX-A in the aggregate principal amount of \$2,760,000; Series IX-B, in the aggregate principal amount of \$660,724, and Series IX-C in the aggregate principal amount of \$1,568,751 to Dean and DeLuca, Inc. In conjunction with the bond issue, City Council approved a 100% property tax abatement on bond-financed property for a 5-year, plus a second 5 years subject to Council review. Bond proceeds were used for the expansion of a 52,000 s.f. building addition at Dean & DeLuca's existing facility located 2526 E. 36th Street N. Circle.

On December 31, 2005, the initial five-year period for tax exemption expired. On February 14, 2006, City Council approved a one-year extension of the ad valorem property tax exemption. Dean & DeLuca requests the City Council approve the remaining four-years tax exemption on bond-financed property.

Analysis Dean & DeLuca, Inc. is a purveyor of gourmet and specialty foods, wines and kitchenware. In addition to five specialty markets, eight cafés and one wine store spread throughout the United States, bulk of sales are made through the company's Internet/Direct operations—comprised of a Website and mail order catalogues, with expected circulation of approximately thirteen million orders filled during the year 2000 from the distribution center in Wichita.

As a condition of the bond issue and tax exemption, Dean & DeLuca committed to construct a 52,000 s.f. building addition with a total investment of \$4,989,475, and create 255 new jobs within five years of the bond issue.

A measure of Dean & DeLuca's initial five-year project commitments and outcomes are as follows:

2000 Commitment October 31, 2006 Status

- Construct new building addition Completed 52,000 s.f. building addition
- Create 255 new jobs in five years: Created 168 new jobs

Staff conducted a site-monitoring visit on September 30, 2004. Dean & DeLuca has come more than 3/4 of meeting its job projection by now creating 168 new permanent jobs. The company reports that the terrorist attacks of 9-11-2001 and the ensuing economic downturn has prevented the company from adding employees. As the economy has started to rebound, the company has started to increase its capacity and begin hiring again. Since February 2006, the company has added 31 new additional employees.

Dean & DeLuca has recently expanded its presence in Wichita by purchasing a former radio station facility at 2416 E.37th St. N. for use as a corporate office for Dean & DeLuca and other Leslie Rudd-owned enterprises.

Financial Considerations: In 2001, the appraised value of the exempted property was approximately \$3,894,350. That property's current appraised value is approximately \$3,387,240. Based on the 2005 mill levy, the 2006 taxes on the exempted property will be approximately \$11,026. Dean & DeLuca is current in payments of administrative service fees.

New benefit-to-cost ratios are as follow:

City of Wichita	1.23 to one
Sedgwick County	1.04 to one
USD 259	1.00 to one
State of Kansas	2.31 to one

Legal Considerations: Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

Recommendations/Actions: It is recommended that the City Council extend the tax exemption on Dean & DeLuca's IRB Bond-financed property for a one-year period and review the further extensions at the end of year 2007.

Agenda Item No. 17

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1188

TO: Mayor and City Council

SUBJECT: Extension of IRB Tax Exemption (Airtechnics, Inc.) (District II)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve the extension.

Background: On May 1, 2001, City Council approved issuance of Industrial Revenue Bonds in the amount of \$4,300,000 to Airtechnics, Inc. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a five-plus-five-year term on bond-financed property. Bond proceeds were used for the construction of a new manufacturing, warehouse, administrative, and sales facility and the acquisition of equipment and furniture, located at 38th St. North and Webb Road.

On December 31, 2006, the initial five-year period for tax exemption will expire. Airtechnics requests City Council extend the tax exemption to include the second five-years on the 2001 bond-financed property.

Analysis: Airtechnics, founded in 1957, is a manufacturer and distributor of eletromechanical component parts for the aircraft industries, such as switches, relays and circuit breakers. The company sells its product throughout the United States and overseas. Airtechnics, Inc. has sales offices in California, Florida, Indiana, Texas, New York, England. All manufacturing is done at the Wichita facility.

As a condition of the bond issue and tax exemption, Airtechnics committed to: construct a new manufacturing, warehouse, administrative, and sales facility worth \$3,600,000, purchase equipment worth \$675,000; and, create 50 new jobs within five years of the bond issue. A measure of Airtechnics' initial five-year project commitments and outcomes are as follows:

2001 Commitment	October 31, 2006 Status
· Construct new corporate headquarters:	Completed new 62,000 s.f. building addition
· Create 50 new jobs in five years:	Created 28 new jobs

Staff conducted a site-monitoring visit on August 5, 2005. Airtechnics has fallen short of meeting its projection of 50 new permanent jobs, by creating 28 new jobs. The company reports that the terrorist attacks of 9-11-2001 and the ensuing economic downturn has prevented the company from adding employees. As the economy has started to rebound, the company has started to increase its capacity and begin hiring again. Airtechnics additional goal relating to the bond-financed project was an overall increase in sales. Airtechnics increased sales by more than 33 % since 2001.

Financial Considerations: In 2001, the appraised value of the exempted property was approximately \$3,463,520 That property's current appraised value is approximately \$4,317,500. Based on the 2005 mill levy, the 2006 taxes on the exempted property will be approximately \$11,026. Airtechnics is current in payments of administrative service fees.

New benefit-to-cost ratios are as follow:

City of Wichita	1.44 to one
Sedgwick County	1.13 to one
USD 259	1.00 to one
State of Kansas	4.75 to one

Legal Considerations: Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

Recommendations/Actions: It is recommended that City Council extend the tax exemption on Airtechnics IRB-financed property for a one-year period and review the further extensions at the end of year 2007.

Agenda Item No.18

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1189

TO: Mayor and City Council

SUBJECT: Extension of IRB Tax Exemption (NMF America, Inc.)
(District II)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve a one-year extension

Background: On July 18, 2000, City Council approved issuance of Industrial Revenue Bonds in the amount of \$5 million to NMF America, Inc. In conjunction with the bond issue, City Council approved 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to construct and equip a 40,000 s.f. manufacturing plant.

On November 18, 2003, the City Council approved the consent to transfer and sale of NMF America to SONACA America. NMF America had experienced severe financial pressures. SONACA (Societe Nationale de Construction Aeospaciale) NMF is a Belgian aerospace company. On December 31, 2005, the initial five-year period for tax exemption expired. On February 14, 2006, City Council approved a one-year extension of the ad valorem property tax exemption. NMF America, Inc. requests the City Council approve the remaining four-years tax exemption on bond-financed property.

Analysis NMF America, Inc. is a leader in the aerospace niche market of wing skin manufacturing, with annual sales of \$20 million. NMF America, Inc. manufacturing process involves the forming and finishing of aluminum wing panels used in the manufacture of business and regional jets, primarily for the Bombardier line of aircraft. NMF's decision to come to the Wichita area was motivated in large part by Bombardier's desire to have this prime sub-contractor located closer to what has become an important production center for Bombardier. They are also motivated by the opportunity to develop business relationships with the other aircraft manufacturers located in Wichita. NMF estimates that their products are present on 80% of all business jets being currently manufactured.

As a condition of the bond issue and tax exemption, NMF America committed to construct and install certain manufacturing equipment, with a total investment of \$5,000,000, and create 100 new jobs within five years of the bond issue.

A measure of NMF America's initial five-year project commitments and outcomes are as follows:

2000 Commitment December 31, 2005 Status

- Construct new building addition Completed 40,000 s.f. manufacturing plant
- Purchase Manufacturing Equipment: Purchased equipment worth over \$2,120,300
- Create 100 new jobs in five years: Created 81 new jobs

Staff conducted a site-monitoring visit on June 15, 2005. NMF has come more than 3/4 of the way of meeting its job projection by now creating 81 new permanent jobs.

NMF has expanded its client base to include the military aerospace industry. As the economy has started to rebound, the company has started to increase its capacity and begin hiring again. Since February 2006, the company has added 5 new additional employees. The company often receives international visitors from Japan, Brazil, Canada, and Belgium on a monthly basis.

Financial Considerations: In 2001, the appraised value of the exempted property was approximately \$3,611,215. That property's current appraised value is approximately \$3,596,320. Based on the 2005 mill levy, the 2007 taxes on the exempted property will be approximately \$423,632. NMF America is current in payments of administrative service fees. New benefit-to-cost ratios are as follow:

City of Wichita	1.64 to one
Sedgwick County	1.15 to one
USD 259	1.00 to one
State of Kansas	4.40 to one

Legal Considerations: Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

Recommendations/Actions: It is recommended that the City Council extend the tax exemption on NMF's IRB Bond-financed property for a one-year period and review the further extensions in December 2007.

Agenda Item No. 19

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1190

TO: Mayor and City Council

SUBJECT: Authorize a Second Five-Year Tax Exemption (ZTM, Inc.)
(District III)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Take appropriate action.

Background: On December 19, 2000, City Council approved an Economic Development Tax Exemption for ZTM, Inc. (ZTM). Under the previous City's Business Incentive Policy, ZTM qualified for a 98 percent tax exemption for real and personal property, and 49 percent on the real property only, for a second five-year period. On December 31, 2006, the initial five-year period for tax exemption will expire. ZTM requests City Council extend the tax exemption to include the second five-years tax exemption on real property only.

Analysis: As a result of the tax exemption, ZTM committed to undertake an expansion consisting of construction of a 33,000 s.f. additional manufacturing space, at an investment of \$1,000,000, and acquisition of new manufacturing equipment, and creation of 4 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

2001 Commitment	October 31, 2006
· Construction of building addition	Completed 33,000 s.f. facility by December, 2001
· Purchase Manufacturing Equipment	Purchased equipment worth over 1,544,200
· Create 4 new jobs in five years	Created 12 new jobs

Staff conducted a site-monitoring visit on March 17, 2005. ZTM has exceeded its projection of 4 new permanent jobs by creating 12 new jobs. ZTM increased sales by more than 40% since 2001, and diversified its customer base.

A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita	1.49 to one
Sedgwick County	1.38 to one
USD 259	1.37 to one
State of Kansas	2.18 to one

Financial Considerations: Under the City's old Business Incentive Policy, the Company qualifies for a 49% ad valorem tax exemption for an additional five-years on real property only.

Legal Considerations: The second five-year tax exemption on the real property in conjunction with the original expansion project is at the discretion of the Council.

Recommendations/Actions: It is recommended that City Council approve a second five-year ad valorem tax exemption at 49 percent on real property only.

Agenda Item No. 20

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1191

TO: Mayor and City Council

SUBJECT: Authorize a Second Five-Year Tax Exemption
(Excel Manufacturing, Inc.) (District VI)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Take appropriate action.

Background: On January 15, 2002, City Council approved an Economic Development Tax Exemption for Excel Manufacturing, Inc. (Excel Manufacturing). Under the previous City's Business Incentive Policy, Excel Manufacturing qualified for a 100 percent tax exemption for real and personal property, and 50 percent on the real property only, for a second five-year period. On December 31, 2006, the initial five-year period for tax exemption will expire. Excel Manufacturing requests City Council extend the tax exemption to include the second five-years tax exemption on real property only.

Analysis: As a result of the tax exemption, Excel Manufacturing committed to undertake an expansion consisting of construction of a 38,250 s.f. additional manufacturing space, at an investment of \$741,360, and acquisition of new manufacturing equipment, and creation of 19 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

2001 Commitment	October 31, 2006
· Construction of building addition	Completed 38,250 s.f. facility by December, 2001
· Purchase Manufacturing Equipment	Purchased equipment worth over 3,554,572
· Create 19 new jobs in five years	Created 19 new jobs

Staff conducted a site-monitoring visit on October 12, 2004. Excel Manufacturing has met its projection of 19 new permanent jobs by creating 19 new jobs. Excel Manufacturing increased sales by more than 90% since 2001, and diversified its customer base.

A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita	2.02 to one
Sedgwick County	1.70 to one
USD 259	1.69 to one
State of Kansas	3.73 to one

Financial Considerations: Under the City's old Business Incentive Policy, the Company qualifies for a 50% ad valorem tax exemption for an additional five-years on real property only.

Legal Considerations: The second five-year tax exemption on the real property in conjunction with the original expansion project is at the discretion of the Council.

Recommendations/Actions: It is recommended that City Council approve a second five-year ad valorem tax exemption at 50 percent on real property only.

Agenda Item No.21

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1192

TO: Mayor and City Council

SUBJECT: Authorize a Second Five-Year Tax Exemption (Cox Machine, Inc.)
(District V)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Take appropriate action.

Background: On November 20, 2001, City Council approved an Economic Development Tax Exemption for Cox Machine, Inc. (Cox Machine). Under the previous City's Business Incentive Policy, Cox Machine qualified for a 98 percent tax exemption for real and personal property, and 49 percent on the real property only, for a second five-year period. On December 31, 2006, the initial five-year period for tax exemption will expire. Cox Machine requests City Council extend the tax exemption to include the second five-years tax exemption on real property only.

Analysis: As a result of the tax exemption, Cox Machine committed to undertake an expansion consisting of construction of a 36,000 s.f. additional manufacturing space, at an investment of \$1,554,788, and acquisition of new manufacturing equipment, and creation of 14 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

2001 Commitment	October 31, 2006
· Construction of building addition	Completed 36,000 s.f. facility by December, 2001
· Purchase Manufacturing Equipment	Purchased equipment worth over 435,104
· Create 14 new jobs in five years	Created 14 new jobs

Staff conducted a site-monitoring visit on August 4, 2004. Cox Machine has met its projection of 14 new permanent jobs by creating 14 new jobs. Cox Machine increased sales by more than 87% since 2001, and diversified its customer base.

A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita	1.38 to one
Sedgwick County	1.13 to one
USD 259	1.09 to one
State of Kansas	2.72 to one

Financial Considerations: Under the City's old Business Incentive Policy, the Company qualifies for a 49% ad valorem tax exemption for an additional five-years on real property only.

Legal Considerations: The second five-year tax exemption on the real property in conjunction with the original expansion project is at the discretion of the Council.

Recommendations/Actions: It is recommended that City Council approve a second five-year ad valorem tax exemption at 49 percent on real property only.

Agenda Item No. 22

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1193

TO: Mayor and City Council

SUBJECT: 2007 Self-Insurance Health Insurance Program

INITIATED BY: Department of Finance

AGENDA: New Business

Recommendation: Approve negotiation of a Self-Insurance contract.

Background: The City uses a Health Insurance Advisory Committee (HIAC) to monitor health insurance programs for employees, and recommend new/renewal programs or changes in health coverage and cost, as required. The Committee includes representatives from the Fraternal Order of Police, International Association of Firefighters, Service Employees International, Teamsters unions, as well as the (non-union) Employees Council and Management staff.

The City Council directed staff to receive competitive bids for the City of Wichita's 2005 health insurance plan. On October 12, 2004, the City Council accepted the recommendation of the Health Insurance Advisory Committee to approve Coventry Health Care of Kansas, Inc. as the medical and prescription provider for 2005 and 2006 with an option for renewal in 2007.

Analysis: Coventry Health Care was selected as the preferred vendor as being most responsive to the competitive Request For Proposal. Coventry was the low responder for the 2005 and 2006 fully insured medical plan and a fully insured prescription drug plan, with a total estimated aggregate cost for both medical and prescription of \$20,851,766 (exclusive of any plan changes) for 2005. This was approximately 3.3% less than the 2004 medical and prescription drug plan. Coventry Health Care also provided a 2006 rate cap guarantee of not more than 10.9% which also was approved. The agreement also included a limitation of the 2007 premium rates using a blended (medical and drug) trend assumption of 11.1% per annum. Through the diligent efforts of Hilb, Rogal & Hobbs (HRH), the City's benefit consultant, a fully insured 2007 premium rate increase of 9.5% was negotiated.

The Health Insurance Advisory Board met on March 28, 2006 and recommended the acceptance of the 9.5% rate increase from Coventry Health Care for 2007. The City Council approved the fully insured premium increase of 9.5% on April 11, 2006. There are no changes to the Coventry health plan for 2007.

Recently, as a part of their due diligence, Hilb Rogal & Hobbs requested Coventry Health Care of Kansas submit a Self-Insured price quote for 2007. The Self-Insured price quoted provided by Coventry was very favorable. That is because Coventry's Self-Insurance quote does not include a payment for premium tax or a payment for "risk.

Financial Considerations: If accepted by the City Council, the Self-Insured quotation from Coventry Health Care, Inc. includes plan savings and an estimated first year positive cash flow of approximately \$4.1 million. Plan savings and positive cash flow are derived from the change in payment of monthly premiums to payment of actual claims. The positive cash is not on-going or permanent; as claims are finalized and paid, the dollar amount will decrease. In addition, the City would purchase a \$400,000 stop-loss insurance policy to keep high cost claimants from materially affecting the Self-Insurance Fund. In addition, the known large-claim claims would be subject to the \$500,000 yearly maximum on medical.

Coventry's Third Party Administrator (TPA) administrative fees would be \$27.17 per employee per month (excluding stop loss charges) in 2007. Coventry has guaranteed that their TPA administrative fees will increase by no more than 4% per annum for 2008 and 2009.

If Self-Insurance is approved, staff recommends all financial efficiencies derived from plan savings to initially be used to absorb future risk potential from self-insuring and additionally to maintain the stability of future health insurance rates. Staff also recommends that the 2007 rates remain as previously approved by the Health Insurance Advisory Committee and the City Council.

Goal Impact: The employee health and prescription drug program is a part of the Internal Perspective goal. The Self-Insured health and prescription drug program is also a part of the City's strategic health care plan to combine employee Wellness programs, self-insured health and Rx plans which provides the City with much more flexibility and disease management and nurse coaches, to minimize future health insurance premium increases for the employee and the City.

Legal Considerations: Under a Self-Insurance program, Coventry would become a Third Party Administrator (TPA) to the City of Wichita. Coventry would handle all claims and operate the health care and prescription drug programs just as they do now with no changes. To City employees, the program would be "transparent" from a benefit perspective. However, the City would have all of the risk and Coventry would have no risk. While the City would have all of the risk, measures are included to reduce the City's risk, such as transferring savings to City Self-Insurance Health reserves, stop-loss insurance, future administrative fees (excluding stop-loss charges) guaranteed at a 4% increase for each of the next two years and large cost claimants

being subject to the \$500,000 yearly medical maximum. The contracts and related documents will be approved as to form by the City Attorney's office.

Recommendation/Action: It is recommended that the City Council accept the Coventry Health Care, Inc. Self-Insurance quote for 2007-2009 and authorize staff to negotiate a Third Party Agreement (TPA) with Coventry Health Care, Inc. to be effective January 1, 2007.

Agenda Item No. 23

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1195

TO: Mayor and City Council Members

SUBJECT: DR2006-10: K-96 Corridor Economic Development Plan

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

Recommendation: Adopt the K-96 Corridor Economic Development Plan, with recommended modifications.

Background: The counties of Sedgwick and Reno and the cities of Maize, Mt. Hope, Haven and South Hutchinson have undertaken a collaborative planning effort for the K-96 highway corridor between the Wichita and Hutchinson metropolitan areas. The planning effort resulted in an economic development plan for the corridor (see attachment). The plan contains 37 implementation strategies for the promotion of economic development along the corridor. The implementation strategies address issues such as ongoing or future planning efforts, land development regulations, capital improvement programming, public/private partnerships, development incentives, non-local government programs, private investment and citizen and community organization initiatives.

Analysis: The Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) has reviewed the plan and recommends adoption of the plan as an amendment of the Comprehensive Plan. However, the MAPC recommends that the plan be modified so as to be more consistent with the Comprehensive Plan. The MAPC's recommended modifications are contained in Attachment A of the attached resolution. Essentially, the MAPC's recommended modifications provide greater flexibility by recommending adopting general policy positions as opposed to adopting regulations to require compliance with the plan's policy direction.

The Sedgwick County Board of Commissioners will consider adoption of the plan, as recommended by the MAPC, at their November 15, 2006 meeting. The result of that meeting will be reported at the November 21, 2006 City Council meeting.

Financial Considerations: Adopting the K-96 Corridor Economic Development Plan involves no commitment of funding. Funding decisions, if any, associated with the plan's recommended implementation actions will receive separate approval.

Goal Impact: The plan addresses the Economic Vitality and Affordable Living Goal by establishing reasonable economic development and growth management policies for the K-96 corridor between Wichita and Hutchinson. The recommendations address the Efficient Infrastructure Goal by establishing policies for the efficient extension of municipal services to support land development along the K-96 corridor.

Legal Considerations: The MAPC, in accordance with Kansas state statutes, held a public hearing for the proposed K-96 Corridor Economic Development Plan on October 19, 2006, with the required notice of public hearing published in the official City newspaper on September 28, 2006. The MAPC approved a resolution adopting the plan, with recommended modifications, as an amendment to The Wichita-Sedgwick County Comprehensive Plan.

Recommendations/ Actions: Adopt the K-96 Corridor Economic Development Plan, with recommended modifications, as an amendment to The Wichita-Sedgwick County Comprehensive Plan and approve first reading of the ordinance.

DR2006-10

Published in the Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE K-96 CORRIDOR ECONOMIC DEVELOPMENT PLAN, AS MODIFIED IN "ATTACHMENT A," AS AN AMENDMENT TO THE WICHITA-SEDGWICK COUNTY COMPREHENSIVE PLAN. (DR2006-10)

WHEREAS, pursuant to the authority granted by the statutes of the State of Kansas, in K.S.A. 12-747 et seq., the Wichita-Sedgwick County Metropolitan Area Planning Commission developed a Comprehensive Plan, adopted by the City of Wichita and Sedgwick County in 1993, and amended in 1996, 2000, 2002, 2005, and 2006; and

WHEREAS, the Comprehensive Plan may be amended, as needed, to ensure it reflects timely and relevant information and the needs of the community; and

WHEREAS, Sedgwick County in collaboration with the K-96 Corridor Study Coalition, did initiate the development of the K-96 Corridor Economic Development Plan to promote economic development along the K-96 highway corridor between the Wichita and Hutchinson metropolitan areas; and

WHEREAS, before the adoption of any Comprehensive Plan or amendment thereto, the Wichita-Sedgwick County Metropolitan Area Planning Commission is required by K.S.A. 12-747 to hold a public hearing; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission did give notice by publication in the official City and County newspaper on September 28, 2006, of a public hearing on said economic development plan; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission, on October 19, 2006, did hold a public hearing at which a quorum was present, and did hear all comments and testimony relating to said economic development plan, and approved a resolution adopting the K-96 Corridor Economic Development Plan, with recommended modifications, as an amendment to The Wichita-Sedgwick County Comprehensive Plan;

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

SECTION 1. The City of Wichita hereby adopts the K-96 Corridor Economic Development Plan, 3 December 2004, as modified in "Attachment A" of the Resolution of the Wichita-Sedgwick County Metropolitan Area Planning Commission dated the 19th day of October 2006, as an amendment to The Wichita-Sedgwick County Comprehensive Plan; and

SECTION 2. Notice of this action shall be transmitted to the Sedgwick County Board of County Commissioners and to all other taxing subdivisions in the planning area which request a copy of the plan.

SECTION 3. This ordinance shall become effective and be in force from and after its adoption and publication once in the official City newspaper.

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. 24

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1196

TO: Mayor and City Council Members

SUBJECT: SUB 2006-47 -- Plat of Fontana 3rd Addition, located on the north side of 29th Street North and east of 119th Street West. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-1)

The negative vote reflected a Commissioner's concern regarding approval of the drainage plan.

Background: This site, consisting of 48 lots on 14.2 acres, is a replat of a portion of the Fontana Addition and is located within Wichita's city limits. The site is zoned "SF-5" Single-family Residential District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, drainage, sidewalk, sewer and water improvements. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements, a Restrictive Covenant was submitted outlining restrictions for lot-owner use of these easements. The Restrictive Covenant also provides for the continued sharing in the ownership and maintenance responsibilities of previously platted reserves and four off-street parking spaces per dwelling unit on each lot which abuts a 32-foot street. An off-site Street Drainage and Utility Easement has also been provided.

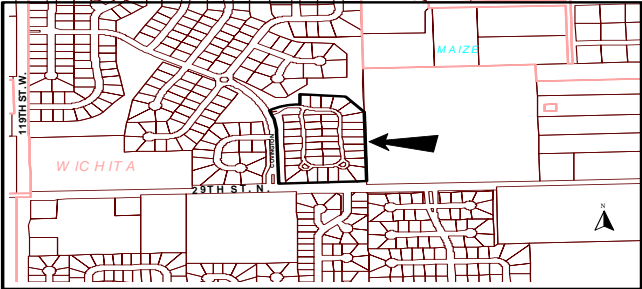
This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petitions, Restrictive Covenant and off-site Street Drainage and Utility Easement 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. 25

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1197

TO: Mayor and City Council Members

SUBJECT: SUB 2006-86 -- Plat of Golden Corral Addition, located west of
Greenwich Road and on the north side of Kellogg. (District II)

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 one lot on 2.11 acres, is located within Wichita's city limits. The site is zoned "GC" General Commercial District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for water and drainage improvements. A Restrictive Covenant was submitted providing for the ownership and maintenance responsibilities of the reserves being platted for drainage purposes.

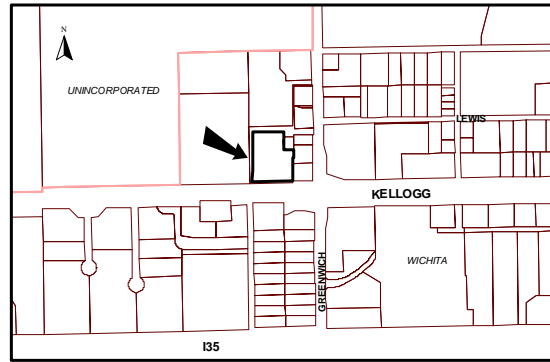
This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petitions and Restrictive Covenant 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. 26

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1198

TO: Mayor and City Council Members

SUBJECT: Z-3341 and DP-249 – Extension of time to complete the platting requirement for the Ewald’s South Town Center Commercial Community Unit Plan and a zone change from “SF-5” Single-Family to “GC” General Commercial. Generally located south of 47th Street South and east of Broadway. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve a two year extension of the platting deadline to November 23, 2007.
Background: On November 23, 1999, the City Council approved the creation of DP-249 and a zone change from “SF-5” Single-Family to “GC” General Commercial. Approval of the request was subject to the condition of platting the property within one year. Three platting extensions granted for this request have extended the platting deadline to November 23, 2005.
The applicant indicates in the attached letter from their agent that platting the property has been delayed due to bankruptcy proceedings. Therefore, the applicant has requested a two platting extension with a new deadline of November 23, 2007.

Analysis: Staff recommends that the requested extension be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

Financial Considerations: None.

Legal Considerations: No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Recommendations/Actions: Approve extended platting deadline of November 23, 2007.

Agenda Item No. 27

City of Wichita
City Council Meeting
November 21, 2006

Agenda Report No. 06-1199

TO: Wichita Airport Authority

SUBJECT: Taxiway A and A-1
Change Order No. 3
Mid-Continent Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the change order.

Background: On July 13, 2004 the Wichita Airport Authority approved a contract with Cornejo & Sons for construction of Taxiway A and A-1.

Analysis: A change order has been prepared to modify the contracted work.

Financial Considerations: The change order represents a deduction of \$1,560. With this change order the total change orders are approximately 0.5% of the initial construction contract amount.
Goal Impact: The Airport's contribution to the economic vitality of Wichita is promoted through infrastructure improvements.

Legal Considerations: The change order has been approved by the Law Department and the Federal Aviation Administration.

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

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