

## CITY COUNCIL PROCEEDINGS

February 4, 2025

### MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 4, 2025  
Tuesday, 09:00 AM

The City Council met in regular session with Lily Wu, JV Johnston, Brandon Johnson, Becky Tuttle, Mike Hoheisel, Dalton Glasscock, and Maggie Ballard.

Staff Members Present: Robert Layton, City Manager, Jennifer Magana, Director of Law, and Shinita Rice, Deputy City Clerk.

Meeting was called to order at 9:02 am by Mayor Wu.

#### Moment of Silence

[Approve the minutes of regular meeting January 21, 2025, regular meeting January 28, 2025 and En Banc meeting January 29, 2025.](#)

#### **Motion**

**Mayor Wu moved to** approve the minutes of regular meeting January 21, 2025, regular meeting January 28, 2025 and En Banc meeting January 29, 2025.

Motion carried 7 to 0

#### AWARDS AND PROCLAMATIONS

##### Awards:

- 1.) [GFOA Distinguished Budget Award presented to the City of Wichita Finance Department](#)

Council Member Glasscock stepped away briefly.

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

I) **PUBLIC AGENDA**

1.) **Lafonda Gray - Grants or Referrals for Assistance**

Council Member Hoheisel stated thank you, Mayor. Sir, if I could get your information. I think I speak for all of us, we'd be happy to see what resources we could point you to and let you know what grants are out there and whatnot. So if I could get your contact information, we'll be sure to - I'll be sure to reach out to you here in the next couple of days.

Mayor Wu stated and I will ask a direct question to the city manager. Are there specific grants or programs within the City of Wichita that this would apply?

Robert Layton, City Manager, stated Mayor, I can't tell you off the top of my head, but I'm more than happy to visit with our staff regarding possible resources.

Mayor Wu stated please send that email to all seven of us and we will forward that onto Mr. Lafonda.

Council Member Tuttle stated I'd be happy to help in any way, Mike, too. I serve on the Greater Wichita Area Veterans Advocacy Board, um, and so that might be another resource. And - and even if there isn't funding available, just for more continued networking, we have three different subcommittees. Homelessness, work force and then community inter- integration. So happy to help in any way.

2.) **Uylesses Deshazer - The direction of Little League football organizations. Disagreement with the current 2025 youth football proposal.**

Council Member Johnson stated thank you, Mayor. Bob, if it's okay, I wanted to ask Reggie to come up here and maybe discuss a little bit of where we're going with youth football and some of those concerns.

Reggie Davidson, Park & Recreation Department, stated

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Council Member Johnson stated is - is there any risk to the current mentors that help out on the teams with this new transition?

Reggie Davidson, Park & Recreation Department, stated no risk to the current mentors. They still have opportunity to actually coach with those teams that align with the high schools that where they'll be zoned for those students to actually go. The only different that they're referring to is that the team name that's traditionally been there will fall into the guidelines for those that are zoned to the individual high school.

Council Member Johnson stated

Reggie Davidson, Park & Recreation Department, stated it's similar to what other communities are doing, what is being done around, uh, the country as well. And it allows us the opportunity to bridge the gap from the middle school and the high school and the elementary schools. So those students have opportunity to start learning those programs for the schools that they will be zoned to once they get to the high school level. And also, put some of those fundamentals in conjunction with some of the volunteers that we have in the community with some insight from the coaches who are at the high schools.

Council Member Hoheisel stated thank you, Mayor. Um, just a couple of ques- maybe a question for you and then a question for Coach Pops. I got a couple of former coaches in the audience today. So I better ask some good questions or I'll have some sprawls coming later on. What are some of the fees associated with this that might be passed on down to the teams?

Reggie Davidson, Park & Recreation Department, stated the fees that are associated with the registration hasn't changed. The fees will still be the \$55 registration fee that they pay for to actually, uh, participate in the league. Uh, they currently, uh, still have the uniforms that they do through the organization itself that they would, uh, normally do fundraising or the things that the parents pay for that cost. And the uniforms were normally handled the same way as well through those organizations. So that's not an additional fee that they would incur. That's something that from my understanding they're already paying as part of, uh, participating in the league. The only cost for the city that they require for registration is \$55 registration fee.

Council Member Hoheisel stated does equipment come along? Are we helping' to provide equipment for the league?

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Reggie Davidson, Park & Recreation Department, stated we haven't provided traditionally haven't provided equipment for the league, but we are looking at opportunities to explore where we can look at potential vendors in the community that we can help reduce some of that cost for them once they actually do it do purchase it as for both the uniforms, as well as, the equipment itself so we can leverage buying potentially as entire organizations to get the cost lower for the individual parents.

Council Member Hoheisel stated okay. And Coach Pops, can you come up just one more question here, sir? Yours - you talk about the - the boundaries. It - could you just delve a little more into it how - why is this an issue to you and...

Ulysses Deshazer stated well, the - the - the boundaries, if you say Fairmount Park has traditionally been where the Trojans participate and then have a bunch of kids that's been there forever. So the way the boundaries are set up now is say, like, hikes were cut into certain boundaries. That's a direct conflict with our organization, other organizations, and where they're going to get these kids from. Because we're going to run into a problem whereas we've been with these kids for - I've been doing this for 34 years. So the kids that's embedded to us, they're going to have to make a decision. Do they want to go into the city or do they stay with these grass-rooted programs? And then also, he said the - the cost is \$55. Initially, the cost is \$55 in April, then it rises up to \$150 towards - closer towards the football season. So there is not a set price. And the closer it gets to the football season, the more hard it is for parents to pay it. All right, \$55, it comes in April, all right? So we say - he says about the equipment we have thousands and thousands of dollars invested in equipment. You are still responsible - if you go by the rules they're saying, you're still going to be responsible for getting equipment. You're still going to be responsible for recruiting. You're still going to be responsible for buying uniforms all for the benefit of letting' us play at a high school football field. It seems like we're giving up too much and they're getting everything. Now, he did say they will give us help as far as the - the younger kids learning the high school program, but a lot of the high school coaches have not invested into the little league programs in years. It seems like it's one-sided. We're benefiting the high school programs, but we're eliminating the guys whose built them up. A lot of the kids - I just went to a funeral. One of the guys said, "I attended East High," but I was a Bulldog coach, all right? It's a difference, you know? So we're taking that away and giving it all to the high school, but they're eliminating the grassroots. They're eliminating the moms and the pops. And when the coaches couldn't get the kids right, they'll come to the little league coaches and we have favor. So that's what we're seeing as far as going into the districts and stuff. Like, they cutting us up. And this is where we have a problem at. We love the idea of 7th to 8th grade, all right? We've been asking that for - for years, all right? And then, like, even the middle school challenge we put in for, where we graded kids' grades, we made sure they had the attendance, and when they had behavior problems, they called the little league coaches. And we can go into the schools and - and get the kids right. So we're just thinking we're just giving up too much for high school football.

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Council Member Hoheisel stated okay. I can appreciate that. And the next meeting you said is...

Uylesses Deshazer stated is February 11.

Council Member Hoheisel stated 11th? Okay.

Reggie Davidson, Park & Recreation Department, stated and February 11, those will be things that we'll be able to address some of those concerns that they have as well. And our goal isn't to not keep, uh, the coaches that are there involved. We want to bridge the gap between the two so that we can make sure that we have a good transition for it. We understand the value that they have with the young people and they often are called upon when there's challenges with them. We want to continue to build on that and be able to get those, uh, young people in the pipeline where they can actually be successful beyond just youth football, but in high school and opportunities for college and beyond.

Council Member Ballard stated sorry, Reggie. Come back. Sorry. I just wonder, could you just give a real high-level quick overview of why these changes have come forward for maybe somebody that might not know?

Reggie Davidson, Park & Recreation Department, stated

Council Member Johnson stated thanks, Mayor. and just to add to that, Council Member Ballard, um, we've also had a number of parents reaching out over the years asking for something like this and some more consistency because not every team is like the Bulldogs. There's a - a lot of inconsistencies in youth football and this is an effort to try to not only help them, but empower the entire league in many ways. So it's something that, I believe that was 2 years ago I attended that coaches meeting and we talked about a potential transition. It wouldn't be quick, it's going to take a few years and there would be some – some growing pains in that, but this is that effort that we were trying to make to get to that point.

3.) Lionel Knox stated good morning - good morning city, I'm sorry, City Council. Okay, my name is, my name is Waddell Knox. Okay? And I've been a part of the city youth football for over - well, 38 years. Okay? And I just think that the - the direction that we're going into is - is a good direction for the seventh and eighth grade, but when you go down for high school, what are they going to do for the - for the first through the sixth grade? And I think those should stay inside the - the program, you know, what we - what we built. And, I had a talk, I'm not going to say any names, but - you know, but their whole deal is - is to get rid of all the directors. Now then - and saying that is, is that the eighth grade coach is going to come in. He's going to run everything, he's going to get paid, okay? We do all this for volunteering, okay? And -

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

and when you got someone to come in getting paid to do a job that we've done many years for volunteering, I don't think it's - it's fair to the parents, you know what I mean? And you got to look at this right here. If a parent or a kid - I had a kid this morning that called me and said, uh, Coach Knox, I missed the bus. Can you come take me to school? And I got up, I took him to school. Those are the special things that we do for these youth. I mean, we try to mentor them. Some of them are single parents. Some of them can't, some of them can't, can't feed their kids. And that's what we do as staff. And you know we send kids to - to the - to the college level doing - doing these programs. And so it's - you know I played football, so we got plenty of, of experience where we can teach these kids what they need to know. And, and I beg you guys to look into this and see how we can change this, you know what I mean? Just have a thought about it, you know, because last year - - you know what I mean - - they - they - they sold the program. Are we're going to have, announcement for the kids? Kids are very excited about it, you know what I mean? We'd not have that not one time at a football game. When you and I was a kid - Joe Brown, number 99, is playing for the - for the Wichita Seahawks. We never had that. And that's what they promised us. So it's some things that, you know, I want you guys to look into and hopefully that it comes back to us. And I thank you guys for your time.

4.) Mr. Kendall Dean stated hello and good morning. It's Mr. Kendall Dean, 120 West Harry. I'm going to start off with this, I - I own the Wichita Gators and I'm pretty new to the program. I've been, uh, owning the Gators for the last 7 years. I purchased this program for like \$10,000. I know buying it was never for personal gain, it was for the kids. And I've continued - since the \$10,000, I've probably put another \$50,000 into this program. I'm one of the coaches that's pretty quiet until need to speak. So, that being said, I've had plenty of conversations with, with Mickey. I've had plenty of conversations with Daniel to try to see what they can do to help better our program as far as having community banquets. I offered to have community drives where we provide food and provide things to help the community. And I think it's more than the community networking together versus Little League football. I use Little League - Little League football as a platform to get these kids to become young men at some point. That's how I grew up. I had Little League football. I led astray, you know, and I made some mistakes in my life in which I'm back to the root of what got me to where I'm at now. So I give back. I don't have any kids playing Little League football anymore. All my kids are in high school, going to go to college. I still continue to move forward because I care. I'm not only a coach. A coach is only a coach. A mentor is totally different. A role model is totally different. A man is definitely totally different. Our younger youth need development. It's not about a high school developing a kid that's first grade to sixth grade, it'll never happen. I have kids now that are at the fifth grade level that is really at the third grade level and we're trying to promote different things to help them become better. So moving them - moving this program up is not going to change the dynamics of what we need to do. We need preventative maintenance. How do we make these kids better? How do we more - be more heartfelt? I've been a person that's paid fees every year. I had eight teams when I came in. I paid \$1,000 to \$1,200 a team to get absolutely what? I bought all new uniforms and stuff last year, new helmets and shoulder pads, and now you want to take that from me and my kids for absolutely what? So that being said, you made a statement that we don't have the coaching staff. When you guys do background checks, we pay \$25 per pers- per – per coach for a background

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

check. You guys put those - those - those people in positions, correct? Not us. If we pass a background check that means we need to be there, that's how I look at it. So that being said, I don't believe that transitioning first to sixth grade is a good idea. I think it's going to cause confusion - very, very much confusion. There's going to be a lot of kids don't even get play. If you got a roster that's got 22 kids, we have more than 22 kids per team right now. They're going to not be afforded the opportunity to play football. So I would look at that. I would look back for the last 20 plus years, what's been done from the city that's helped us. No community drives, no - we should always have - at the end of the year we should have a big deal with all the organizations. That - that brings us together as unity. You know, we don't have no unity. That's why we're fighting now. The fight is not for us as adults. The fight is for the kids, our future. That's our - they're - they're our legacy. So I feel like it shouldn't be taken. There's no reason to be taken. And ultimately, outside of the fields, what else are we giving away? If you take our fields, you take our program. Our hands are tied. That's all I got to say.

5.) Lawanda Deshazer stated good morning, everyone, and thank you all again for the opportunity to listen to us about Little League football. My son started playing - I believe he was 5, he started kindergarten or first grade, went all the way up, you know, eighth grade, and he was a Bulldog. And all the boys would go to school on Fridays and wear their jerseys and they were just so proud that they belonged to an organization. And it wasn't just the Bulldogs, it was the Colts. Fridays was the day to show pride in who they were and the communities they came from. And that legacy kept going. My son went to Heights again proud football player. My son ended up going to Coffeyville Community College. My son got a academic scholarship as well as a football scholarship. He ended up going to McPherson College on, again, academic and football. Had it not been for the dorms, he would have got a free ride, but we had to pay for the dorms. And so all of that is what we're trying to give to other kids. You know, my ki- my son had a great, uh, ride through football. He now works for the Houston Texans. He's not on the football field, he's in the back office, and he's doing well. And that's what we want to give to our kids. We want to make sure our kids are doing well, and you know how you do that? It's with relationships. You move the program under a high school, you lose the relationship. Because there's no guarantee that same coach will be there year after year after year. There's no guarantee that that coach will be in the communities year after year recruiting kids, picking up kids. He's going to rely on the community to keep building the relationship to hand over to him. So we're asking for - let's keep community into Little League football. Let's keep relationships. You guys invested \$1.2 million, I believe, in curing the violence. Let's prevent the violence. Let's keep working with our young people, so they don't go those routes. And again, how do we help to ensure that? It's with relationships. And if we move these things from community-based - and we're all in favor of middle school sports. You said it's being done around the country. It's being done in like the derbies and the mazes. It's being done in those smaller cities. Wichita has what, eight high schools? I don't know how many high schools we have. So we have kids everywhere. There's 46,000 kids in our school district. So how - how do we ensure that the, uh, 300 that play with the Bulldogs, the 300 - well, the ICT Dawg, the 300 that plays with the Gators, how do we ensure that all of those kids don't get lost? We - there is no guarantee. But if we make sure we keep it community-based, and the community is working with the city and the USD 259, we can make sure - we can put some more strong arms in there to

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

kind of make sure that we're looking out for our kids. Um, and I know ultimately - I love working with Reggie. Reggie has been amazing to work with. And so I think we need to still sit down at the table and let's keep working on this, let's keep fleshing this out. How do we keep community involved with our kids? How do we prevent the violence, so we don't have to end up curing the violence? So again, I ask you, let's just keep these conversations going. Let's not put anything in cement. And then we talk about over the years, you know, the relationship with the city and the community. You know, we played football at Grove Park for years. Scoreboards went out years ago. We didn't have scoreboards. Uh, we were told we're going to move out to - out in the grid, which, you know, nice fields, it's going to be real pretty. Op, Stryker community said we want, Stryker field. So football didn't even go out there. So then during Covid, we said, okay, let's move it out to way out south. Hand me that card. South - South Lakes, let's move it out there. So you're moving all these kids and it was a burden on the coaches because coaches pick up kids all the time. And some kids didn't get to play because it was so far away, you know. And so we're like, let's put us at the table. Let's not keep making decisions outside of the community because they haven't been working really well. And even when we went to like South Lakes, they would bring out little bitty scoreboards that you couldn't even see. And little clocks that kept the time. You - like, nobody could see those things. So again, you - year after year, community has been taken out of our youth and we're asking to put community back in. Put us at the table. Let's - let's continue to meet with Reggie. Next week, let's really talk about these things and maybe bring some of them high school coaches in. Because are they really going to be willing to go out and recruit kids? And are they going to be committed to staying to working with those kids? So anyway, LaWanda DeShazer, 2707 N. Terrace. Thank you for your time.

Council Member Johnson stated thanks, Mayor. I will - you made a few different points there to the Stryker and South Lakes. I will say that over the years -- and I think I talked to you about this as well -- we also had a lot of parents that didn't want that and they wanted to stay at the fields that they currently were at. Covid was a different thing and there was a private effort to move out to Stryker, which ended up not working out long term. And then that's when South Lakes was a thing. But I would say I think there's some misperce- misconceptions, as we talked about as well that we're leaving coaches and the community out. The whole idea of this was working with the coaches. There's nothing in the plan that says the same folks who are mentoring and coaching won't be able to. And in fact, that was something that we talked about at the coaches meeting, and I don't think you were at that one 2 years ago. But it's not the intent of Reggie, Mickey, or anyone to exclude any of the coaches and mentors because they do such a great job. This transition will continue to work with 259 and the coaches, to talk through how that looks. Again, there will be some growing pains and some things that might have to change over time. But that conversation will happen, again, February 11. I already had it on my calendar, I'll be there. But, there will be continued meetings, continued conversations, and ways to see how this plan can work. Again, it's about the kids, it's not about the adults.

II) CONSENT AGENDA ITEMS 1 THROUGH 12

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Item number 4a was pulled by Mayor Wu.

**Motion**

***Mayor Wu moved to*** approve consent agenda, excluding item number 4a.

Motion carried 7 to 0

Mayor Wu stated Gary Janzen will come forward. There were multiple questions regarding the budget. This is McAdams Park/Carl Brewer Community Center. I know that after the discussion regarding football, I would also like to hear a little bit more about the improvements, not just at Karl Brewer, but also McAdams Park and all the investments that are going to be made in that area. Can you address that? Because I think we asked budget questions last week.

Gary Janzen, Public Works & Utilities, stated I can address the item specifically and the improvements to Brewer. I don't know that I can help much with McAdams Park, but I might see if Reggie can help with that. So, we do - I did want to show you where we're at on the improvements to Brewer C- Brewer Community Center. So the overall budget for the project is \$13 million. Right now, based on our projections with construction and design costs, where we're at, including the change order for your approval today, we expect to come in underneath - within that \$13 million for sure. And I provided some information, for the council to see. The improvements for Brewer Community Center, as you see here the new building will be almost twice the size of the existing. It's really coming along. This project is expected to be completed this summer, probably with a soft opening in June and final completion in August. It's going to be a new gym, a walking track, opportunities for more programming, technology improvements, a lot of things that the existing building does not have. The existing building is structurally sound, but there are improvements being made to that also. So we'll have - everything will be new when we're done here, so. Wanted you to see where we're at on this. Again the - the change order for requests for your approval today is some necessary improvements to storm sewer underneath the existing parking lot. Other than that, I might see if Reggie wants to talk about improvements to McAdams, Mayor, that you asked about?

Reggie Davidson, Park & Recreation Department, stated so there have been some other improvements there on the park itself. The aquatics master plan allowed us to do some improvements to the pool space there itself. We also got some grant funding from the Historical Society to do some additional improvements that's going be taking place at the park as well. We're working with the original architect, McAfee, and his family. We're doing some of those things through the Historical Society. We just recently did improvements to the tennis court there for Goose Doughty on-site as well through some of the CIP funding that was available there. We also had an opportunity to do some other things with technology in

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

the existing building where we were able to expand the security system there as well as looking at - for the senior building that's behind the - the spaces there on site. And a few years back, we were able to do some improvements with putting in new basketball goals and things inside the gym area, so.

Mayor Wu stated

Reggie Davidson, Park & Recreation Department, stated there was a grant funding that we got to do a new scoreboard at the Barry Sanders Field there as well, as well as some grant funding that we received to, uh put new lights, uh, on - at the baseball diamonds also. And that allowed us to be able to go in with some more energy efficient lights as well as being able to control those remotely, so the staff didn't have to go on site to turn on and off when we programmed the field there.

Mayor Wu stated thank you, Reggie. Council Member Johnson?

Council Member Johnson stated he hit the other two, so

Gary Janzen, Public Works & Utilities Department, stated yes, Mayor, thank you for the reminder. We are working to replace the existing 15th Street Bridge over the Wichita Drainage Canal with a pedestrian bridge. I think we would expect and hope for construction to be completed yet this year.

Mayor Wu stated thank you for the update on all the improvements that are happening both at McAdams Park the whole premise and then Carl Brewer Center. After seeing the budget, which was budgeted at \$13 million and the current total budget - project budget is \$11.7 million. It still looks like it's under the budget of \$13 million. In addition, I think, in this budget, you also mentioned \$200,000 in public art. May I ask if that public art is within the building or outside of the building?

Gary Janzen, Public Works & Utilities Department, stated sorry Mayor. Should've stayed close. I do - if you'll give me just a second here, I do have some information on that. It's mostly going to be inside the building. There's multiple artists involved along with the artist consultant. There's going to be mural - murals, both in the new and existing building including one, or multiple murals of Mayor Brewer in different stages of his life. There's a Black Educators Hall of Fame portraits, which will be included within the building, some tile mosaics within the new building, which is a portrait of Mayor Brewer. There's vinyl portraits of black athletes in the gym. And then there's going to be some replicants of archival items provided by Mrs. Brewer. Uh, so I think the majority of it's going to be within the buildings. And those details are still coming together, but that's the best that I had for right now.

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Council Member Johnson stated thanks, Mayor. There's also a large piece on the exterior and a Ghanaian artist that is providing some lighting, whatever you call - light bulbs or - I don't have the term. But some art inside.

Mayor Wu stated I think I asked this question previously under other CIP projects, but I know that public art has been part of the conversation. The - these are for large capital improvement projects. For instance, the water treatment plant. This is another major capital improvement. Can we again, can someone please just reiterate what the public art dedicated funding is used for and how - how we're utilizing these dollars and how we cannot use them for other items within the budget?

Robert Layton, City Manager, stated thank you, Mayor. There are multiple ways that public art is incorporated into our CIP. I'll let Lindsey give you the summary of that.

Lindsay Benacka, Arts & Cultural Services, stated I'll try to tackle the question. I'm Lindsay Benacka, Director of Arts and Cultural Services for the city. So through the person for our ordinance, 2% of eligible capital improvement projects are eligible for funding. So it's not 2% of the entire CIP, but it's just of eligible projects. And that money has to be spent on art improvement. The Design Council is the approval board of individuals related to the design world, architects, engineers. We have a lighting designer, graphic designer, and individual public artists as well who determine the projects that are - could be eligible for that - for that funding. And then they make recommendations with the allotted funding available for what gets applied to which project. So that 2% can only be spent on art at the dedicated projects. I'm not sure the p- this budget off the top of my head, but it would be at the recommendation of the Design Council. And as far as I understand it, the art is on budget within this project. Does that answer your question or anything else you'd like to elaborate on?

Mayor Wu stated so you cannot use the public art dollars that are allocated to anything beyond public art and it can be public art indoors as well as outdoors?

Lindsay Benacka, Arts & Cultural Services, stated

Mayor Wu stated can you also address, when was the impetus of this percent - percent for art? This was voted on prior to this council, is that correct?

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Lindsay Benacka, Arts & Cultural Services, stated yes, and before my employment with the city. I believe in December of 2019 is when it was approved as an ordinance, but the city has a longstanding, I would say several decades of integrated design and public art within our CIP programs. The ordinance just ratified it and dedicated that funding model versus separating it out - or it's now separated out as its own budget line item. It used to be integrated into the overall project budget.

Robert Layton, City Manager, stated Lindsay, correct me if I'm wrong, but the Design Council has the ability to allocate dollars. It doesn't have to be 2% for a specific project, correct?

Lindsay Benacka, Arts & Cultural Services, stated correct. So, it can - there - it's a huge equation, but essentially the - of the eligible funding for a project, it cannot be more than 10% of the overall project budget. It's never really that much but it's not 2% of the whole CIP. It's just 2% of eligible projects that then gets dedicated out to anywhere between five and ten projects in a given year. And then new to this - this past year was utilizing it for maintenance funding as well. That was the first time we've ever had a dedicated public art maintenance fund. So 10% of the 2% eligible can be used for maintenance, which we now have dedicated through the next 10-year CIP at the Design Council's recommendation. Does that address?

Mayor Wu stated thank you. And then last but not least, as I was looking at the budget, so art is \$200,000 of the total project, but security is only \$112,000. So I just - I want to make sure that whenever we look at new projects, that security should be the number one thing that we allocate. I know that cameras cost money. I know that maintenance of those cameras and having, uh, the storage also costs money ongoing. So I would just like that to be top of mind moving forward, uh, that, that line item should be first and foremost. The security of an asset that the city would be investing in. Thank you. I see no further questions for this item. I move to approve Consent Agenda item 4A.

**Motion**

***Mayor Wu moved to*** approve Consent Agenda Item number 4a.

Motion carried 7 to 0

**COUNCIL BUSINESS****III) BOARD OF BIDS AND CONTRACTS**

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

- 1.) [Board of Bids and Contracts dated February 3, 2025.](#)

Attachment: [02-03-2025 Board of Bids.pdf](#)

Josh Lauber, Finance Department, reviewed the item.

**Motion**

**Mayor Wu moved to** receive and file report, approve the contracts and authorize the necessary signatures.  
Motion carried 7 to 0

IV) [PETITIONS FOR PUBLIC IMPROVEMENTS](#)

- 1.) [Petitions for Public Improvements](#)

Attachment: [PFPI.docx](#)

Attachment: [Brookfield South Addn.pdf](#)

Attachment: [Mac Meridian Addn.pdf](#)

Attachment: [Resolution No. 25-060 WDS 029530](#)

Attachment: [Resolution No. 25-061 WDS 029532](#)

Attachment: [Resolution No. 25-062 SWS #775 085517](#)

Attachment: [Resolution No. 25-063 SS 029540](#)

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

Attachment: [Resolution No. 25-064 WDS 018106](#)

Paul Gunzelman, Public Works & Utilities, reviewed the item.

Council Member Ballard stepped away briefly.

**Motion**

***Mayor Wu moved to*** the revised petitions and budget, adopt the revised resolutions, and authorize the necessary signatures.

Motion carried 7 to 0

V) **UNFINISHED COUNCIL BUSINESS**

- 1.) [Amendment of Lease for City-Owned Property at 307-309 North Mead \(District I\)](#)

Attachment: [Agenda Report No. V-1.doc](#)

Attachment: [Attachments.pdf](#)

John Philbrick, Development Services, reviewed the item.

Mayor Wu stated John, I actually emailed a list of questions to the city manager, and so I will allow council members to ask their questions first, but then I have a whole list of questions.

Council Member Hoheisel stepped away briefly.

Council Member Ballard stated thank you, Mayor. I have several questions as well. Why would - why was this pulled in September and why has it taken so long to get back on the schedule?

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

John Philbrick, Development Services, stated I believe it was pulled to verify the rent rates, and we went and, as I said, we talked to several real estate companies to see what they felt the rates were in the area. In the meantime, we changed management companies. We have a new management company that came on board in October. And so just those variety of items just caused us to delay the item.

Council Member Ballard stated okay. Also is the parking fees included in their rent?

John Philbrick, Development Services, stated

Council Member Ballard stated so the City pays the parking out of the rent?

John Philbrick, Development Services, stated well, we collect the rent, you know, it's an internal transfer. I don't know if the parking's transferred or not. But the - the tenants are not paying a separate - a separate billing. And that ties back to historically this property was, um, master leased before we took over management of it and the tenant, the master tenant, did not charge the tenants a separate fee for parking. And we assumed several - this is one of the leases that we assumed when we took over management of the property. And so we just continued in the same manner, well they pay a lump sum.

Council Member Ballard stated so the previous lease operator was paying - he was taking the parking out of the rent?

John Philbrick, Development Services, stated well, he - he paid a separate check for it. He collected the rent, and then he wrote a check to the City.

Council Member Ballard stated and do we know how much money has been paid into the parking fund from those properties?

Troy Anderson, Assistant City Manager, stated over the entire period that these lease spaces have been in existence, no I don't have that information. But I can tell you since 2018, when that master lease converted over to sort of a property management type of arrangement, since 2018 we have totaled about \$75,000 that would be owed to the parking fund from the real estate to cover all of those parking expenses, or those parking charges since 2018.

Council Member Ballard stated and do we know if that money has been transferred to the parking fund?

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Troy Anderson, Assistant City Manager, stated it has not been transferred as of yet, no. I mean, we could do an internal transfer at any point, right, as we've continued to evaluate the real estate and the property management group and understand who's been paying what, where, when, why, and how in addition also as we continue to evaluate sort of what the CID is going to look like if that's the direction that Old Town goes, how do we begin to kind start projecting what those, uh, transfers are going to look like in the future. No, we have not transferred any of those funds to the parking funds since 2018.

Council Member Ballard stated just seems a little messy that I don't know - I don't know what the normal practice would be. Like, do - do we do that monthly? Do we do it quarterly? Do it yearly? But, I mean, this is since 20- I mean, that's 6, 7 years that we haven't transferred money. Knowing that the parking fund is so short on money, I just am curious. And are there any other spaces where we have pots of money sitting that should go to parking?

Robert Layton, City Manager, stated it shows as a receivable for the parking fund. So we - we know that it is due to the parking fund. And the, you know, so it's - it's just a matter of, as, Troy said, when it's transferred over.

Mayor Wu stated follow-up question to that. So is that from the general fund to put into the parking fund?

Robert Layton, City Manager, stated no, it's Ec- I think it's received in the Economic Development Fund.

Troy Anderson, Assistant City Manager, stated yeah, so as it comes into the Economic Development Fund and subsequently kind of the real estate division fund, then yes, it would be transferred over to the parking fund.

Council Member Ballard stated okay. I just have a couple more questions. Are there any of the businesses in that strip that have not been paying parking?

John Philbrick, Development Services, stated well, the - the - the parking - as I said, the parking's rolled into the leases. So they're...

Council Member Ballard stated and that's all of them?

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

John Philbrick, Development Services, stated so they're all paying parking per se because it's just part of their lease payment.

Council Member Ballard stated okay. Another question is do those tenants pay a deposit when they move in?

John Philbrick, Development Services, stated we have deposits on some of them. Some we do not. It just depends on the lease and how old it is and so on.

Council Member Ballard stated but maybe from a certain date forward we have deposits?

John Philbrick, Development Services, stated yes

Council Member Ballard stated I just want to make sure we're doing the same thing for everybody and following the processes, and it - it sounds a little messy, but...

John Philbrick, Development Services, stated we - we have security deposits. There's seven tenants. And, I'm showing security deposits for four of them. The three oldest ones that we - that we inherited, we did not get security deposits on.

Council Member Ballard stated okay. Two other questions, then I'll let somebody else ask a few. So I pulled the - and this is - this is just kind of bizarre and slash interesting to me that, so I pulled some of the tax records and it looks like there - we were late on our own property tax for our properties. I'm happy to share it with you afterwards. I just...

John Philbrick, Development Services, stated our - well, I do know that we've only paid half of the 2024 taxes.

Council Member Ballard stated this is for several years ago. But in the last 10 years probably. But it's about \$1000. And I just am curious, and also with taxes going up how does that work with - with the rent rates?

John Philbrick, Development Services, stated well, to address the first question, the delinquency, yes, I'd

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

need to see that because I don't recall a - a delinquency. And if it was before 2018, that would have been when it was under the master lease.

Council Member Ballard stated and it, one of them is for 2019, one of them is for 2018, one of them is for 2009.

John Philbrick, Development Services, stated yeah, we'd have to take a look at those. Concerning the rents going up, currently the leases are set up as - as kind of modified gross where we pick up the taxes. So, you know, one thing that we are looking at because the - the property taxes have increased pretty radically recently couple of items. One, the property has come out of the TIF, So we could look at appealing our property taxes, which we don't do with properties in - when they're in a TIF. But secondly, we could look at modifying leases ongoing to have them start paying a pro-ratus share of the taxes. They'd probably lower the face rent some, but have them pay a pro-ratus share of the property taxes. It's an option.

Council Member Ballard stated and the reason I ask is because, I mean, we all hear about property tax every day, it seems like, but since 2018 to what I have is to 2023, I mean, it's increased \$20,000. So, you know, I think it's fair to try to figure, you know, something out or at least make it make sense as far as, you know, that just sounds like a lot, but it is our, you know, the City properties. I don't know, I just am curious about what those conversations look like or lack of conversations. I don't know.

John Philbrick, Development Services, stated and - and one of - and one of the challenges is, you know, what will the market bear? You know? What - what is market rent? But that is something that we have talked about looking at as we go forward as possibly moving to more of a triple net situation.

Council Member Ballard stated and I would say the last thing I want is, you know, pushing anybody out of spaces, especially somebody that's been there a really long time and is really one of the bookends of - of that whole area. I just was curious on what those conversations look like, and I assume that they're having - that you all are having them. I just wanted to kind of point some of those things out and find out what the answers were.

John Philbrick, Development Services, stated

Council Member Ballard stated

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

Vice Mayor Johnston stated thank you, Mayor. Regarding parking, going forward, as long as the Old Town Association gets enough percent and approved by the Council, the parking will be charged to a customer's ticket of 2% of the cost in the future. Is that correct?

John Philbrick, Development Services, stated that's my understanding.

Council Member Glasscock stepped away briefly.

Mayor Wu stated I have my list of questions. I'll start off with, first and foremost, who negotiated this lease?

John Philbrick, Development Services, stated these leases are no- negotiated by the management company and then they submit the proposal to the City and we review them internally and make a recommendation.

Mayor Wu stated follow-up question to that, you mentioned that in October of 2024, the management company was changed. How long prior to that was that management company part of this agreement?

John Philbrick, Development Services, stated the prior management company? They were in place from when the City took the property - took over the properties in 2018.

Mayor Wu stated the group that now is managing, so since October of 2024, you're telling me that this new lease that we're seeing was negotiated by the new management company. Is that correct?

John Philbrick, Development Services, stated the fi- the final agreement was, yes.

Mayor Wu stated what is the name of the property management company?

John Philbrick, Development Services, stated Landmark Commercial Real Estate.

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

Mayor Wu stated follow-up question to that, so prior to 2018, can you tell us who was owning this property and how did we, give us some history, of how the City of Wichita then became the ultimate landlord and now we're in the business of renting spaces?

John Philbrick, Development Services, stated when the Old Town Cinemas District was developed there was an agreement with a master tenant to lease the retail space. We built it out to basically a vanilla box finish. He finished it, he leased it, and he had a lease that had a term of 15 years. Upon termination of the lease, he had the option of taking all of his stuff that he had put in, or continuing to manage the property, become a property manager. This was all in the development agreement that was done for the Old Town Cinemas. And so we always owned the space. It's just that until 2018, there was a - a buffer between us and the actual individual tenants.

Mayor Wu stated how much does the property management company Landmark Commercial receive from the City?

John Philbrick, Development Services, stated they receive 5% of the gross rents or a - with a minimum of I believe, \$900. And then they will also, um, on new leases, not on these, but if they, we get a new renewal, they'll get 3% on that, and if they bring in a new tenant, they'll get 6% of the rent on that, which is pretty much market standard.

Mayor Wu stated what are the responsibilities of the property management company, Landmark Commercial?

John Philbrick, Development Services, stated per their contract, they handle all the tenant relations, they handle, negotiations with the tenants on releasing they collect all the rent, they pay bills, they handle any repairs that are required, maintenance and so on. Basically, they do all the property management

Mayor Wu stated so we do not - the City of Wichita does not pay for maintenance of this building?

John Philbrick, Development Services, stated we will pay for structural maintenance. The tenant leases, the tenants pay for the inter- any internal maintenance and repairs. But we will pay because it is in the parking garage, we will pay for structural maintenance and we will pay for the other big item is heating and air conditioning.

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

Mayor Wu stated so the maintenance of the building, which is a city asset, is only structural maintenance is the responsibility of the City of Wichita, then it's actually the property management company's responsibility regarding regular maintenance. Is that correct?

John Philbrick, Development Services, stated that is correct. And they - and they coordinate with city staff. I mean, when there's issues, because it is - it is in a garage, and one of the downsides of retail in a garage is you tend to develop leaks. And they'll coordinate with city staff to get those taken care of and so on. But - but the main repairs, the main major repairs are handled by city staff.

Mayor Wu stated who pays the property taxes for this building?

John Philbrick, Development Services, stated the city pays the taxes.

Mayor Wu stated okay. So that's actually not the city. That's the citizens of Wichita who pay the taxes on this building. Is that correct?

John Philbrick, Development Services, stated yes, they'll be paid for out of the rents received, basically.

Mayor Wu stated so you're telling me that responsibility then does not lie on the tenant, but rather regular taxpayers to pay the property taxes on this specific building. Is that correct?

John Philbrick, Development Services, stated

Mayor Wu stated

John Philbrick, Development Services, stated

Robert Layton, City Manager, stated Mayor, that's not what he said. It comes out of the rent. It's so we pay it, but it's not property tax dollars paying property taxes. It's part of the lease payment. We use some of the rent to pay for the property taxes, but it's under our name.

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Mayor Wu stated if I'm looking at the contract itself, it actually does say that the City of Wichita pays the property taxes.

Robert Layton, City Manager, stated we write the check, but we're using rent payments to pay that.

Mayor Wu stated so, but I was just told earlier when the question was asked by Council Member Ballard regarding triple nets, so, this is a standard operating procedure by anyone outside of the City of Wichita properties that you pay for triple nets. Those would be property taxes, insurance, and also just making sure that maintenance is taken care of. So those three things would be in addition to your square footage just for the rent itself. You then would have triple net on top of it. But you're telling me that these properties owned by the City only pay for the - the rent itself, but not for the triple net. Is that correct?

Troy Anderson, Assistant City Manager, stated yes, so let me try to answer that in a really, really sort of high level. These are not triple net leases. These are more commonly referred to as modified gross leases, whereby a tenant pays rent, that rent is then used by the landlord to pay for all the things that you just described. So for example, really, really high level, all of the rents that we receive on all seven of these units total about \$275,000 a year. With that \$275,000 a year that we receive in rents on all seven of these lease spaces, we pay out about \$175,000 in expenses, which include taxes, which include utilities, which include management fees. So to kind of build on the city manager's answer, it's the rents that come in that pay for all of those projects. We are not using general fund.

Mayor Wu stated so that would not be market rate, then, if that's the case, because most other properties around the City of Wichita have rent and then triple net on top of it. So what you're telling me is, it's really not market. It's actually subsidized rent. Is that not accurate to say?

Troy Anderson, Assistant City Manager, stated when - when you're looking at differences between gross lease structures and triple net lease structures, at the end of the day, you're offsetting your expenses with your revenue. So in a triple net lease, rather than charging \$12 to \$15 per square foot, you may only be charging \$3 to \$5 per square foot. In a triple net, if you're charging a smaller rate, and you're tacking on that the tenant has to pay for those property taxes and all of those triple net obligations, you're not charging the same per square foot rent. You charge a higher per square foot rent in a gross lease to cover all of those obligations. it's...

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Mayor Wu stated so is it actually higher than everybody else that is in that area right now?

Troy Anderson, Assistant City Manager, stated based on similar gross lease types of arrangements, yes, that's our understanding.

Mayor Wu stated I'd like to see those numbers.

Troy Anderson, Assistant City Manager, stated and that was this sort of second opinion, right? Our - our current contractor, Landmark, is sort of in this industry. They've advised us on that. Between last fall and today as we went out and kind of got a second opinion, right, Wigan Omega provided us with sort of a second opinion and confirmed that yes, those are comparable market rents given the lease structures. But, yeah...

Mayor Wu stated I'd like to see it for that area in addition to outside of the area of Old Town, because what - what it looks like right now is that you're getting a - a really, uh, sweet deal, uh, here with rent that really covers a lot more than just the rent. Um, and the burden is now on the City of Wichita, which really is the taxpayers of Wichita. So I'm very concerned about this, so I would like more information to be shared to the entire council regarding comparables in the area, but also comparables of a space similar to size outside of the area of Old Town. I still have more questions. Um, both leases are technically, quote, holdovers. I looked at the contract in the holdover section. So they're holdover tenants since their lease is already expired. According to the contract, they should make them month-to-month leases at 1.5X the rent called for in the lease agreement. How much and for how long have either tenants that's been paying the amount from the currently expired contract.

John Philbrick, Development Services, stated the leases as drafted, the existing leases, call for a 1-year term and then they have an option where they can continue on a year-to-year basis. You know, basically they tell the property management company, we agree, and they continue. So these actually are not holdover tenancies per se, but they are in a 1-year option period. So they're not paying the penalty rent. You know, a holdover situation would be where somebody refuses to renegotiate and they're not - they're not vacating. And we can charge them a penalty rent as we work out a solution. But here, these - these are actually in 1-year terms.

Mayor Wu stated but this contract, the current one that we're currently working off of which is expired, expired in 2021. Is that not accurate?

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

Troy Anderson, Assistant City Manager, stated so, I'm going to read a paragraph, according to Section 2.1, Base Term, and again, these - these were all responses that were provided in response to your questions. According to Section 2...

Mayor Wu stated we have not received those responses.

Troy Anderson, Assistant City Manager, stated okay

Mayor Wu stated so I - this is my first time hearing these responses, Number One.

Troy Anderson, Assistant City Manager, stated fair enough. Fair enough.

Mayor Wu stated so I just want to be very clear that I sent these questions yesterday at 12:34 pm. I have not received any responses regarding my list of questions. Therefore, I ask these questions in public forum, so everyone can hear them.

Troy Anderson, Assistant City Manager, stated yep.

Mayor Wu stated so I do not know what those answers are until I'm here at this meeting.

Troy Anderson, Assistant City Manager, stated fair enough. And again, I just - I want to make sure that we prepared responses. So if I'm reading here, it's from those prepared responses. So according to Section 2.1, Base Term, quote, "The term of this lease shall be on a year-to-year basis and commence, the commencement date, on a specific date." That date varies from lease to lease, hence the response in the, uh, email, "And will expire a year later on a subsequent date." That date changes from lease to lease, "If the tenant wishes to continue the lease for another year or any consecutive year thereafter and is not in default, then tenant shall give landlord a 60-day written notice the tenant wishes to continue." Now, it may be argued, just reading here, that the tenant could continue in perpetuity, so long as they're not in default. However, the counter to that arrangement, right, would be that should the, and this is a quote, this comes right out of the agreement, "Should the tenant give notice per 2.1 term above, landlord and tenant shall negotiate rent for the coming year. Should tenant and landlord not agree on rent for the coming year, this lease will terminate at the end of the current term." So there are some safeguards in place in the agreement that, yes, theoretically the tenant could continue year after year sort of in perpetuity. However, as we continue to monitor sort of what those market rents are, and as we evaluate each of these agreements annually, we can increase those rents to coincide with what we understand to be market rents.

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

If for whatever reason, the landlord, the City, and the tenant do not agree on those rents, then we can terminate that agreement. We're not bound by the agreement to continue with those rates and those rents in perpetuity, even though the agreement does somewhat provide for it. Mayor Wu stated and remind us, currently they're paying \$75,000 per year. It has not increased, it has not decreased, it's remained at exactly \$75,000.

Troy Anderson, Assistant City Manager, stated each of the agreements have different rents based on their score footage's and whatever those original agreement, this particular agreement, yes, \$75,000 a year.

Mayor Wu stated thank you. Next question, why were these contracts not negotiated after immediately the expiration date of these contracts? Why were the negotiation process not really even started until a new management company became part of this entire conversation, which would be October of 2024? Why was there no prior conversation in 2021?

John Philbrick, Development Services, stated well, there was conversation in - in 2024 because, as - as Troy said, these leases roll and so there was no, you know, we saw no reason to change the rent rates and so on as we went through the years. But the negotiations for these extended terms did start in 2024 and, you know, as noted, you know, we started to bring them forward in September and they were halted. But they were in, you know, negotiated and started before the end of the current term.

Mayor Wu stated this is the most poignant question. So \$75,000 per year is what this lease has said the tenant will pay. My question then is, why were there no escalation rents built into the currently expired contracts, which expired back in 2021? And why were they not considered for the new proposed contract? We keep talking about the City needing, number one, to cover costs and costs continue to increase year-over-year simply with inflation. Why were they not built into these contracts?

John Philbrick, Development Services, stated in the - in the existing agreement, they're inherently built in, in that we can increase the rent annually. We did not, because the market was not supporting it. In the case of this lease, based on the opinions we got from the real estate companies and the two companies we used reviewed our leases and saw the terms, so they know what they're looking at. They know they're not looking at triple net or gross or what. They reviewed the leases. They felt that \$17, you know, as stated in the agenda report, the top of the market right now that they're looking at it's about \$16. So we're above market based on the opinions we received from the outside management companies. And so we did not build an escalator into this particular one.

Mayor Wu stated that concerns me a lot, especially given that our budget keeps increasing based off of just simply inflation. And so I feel like it's not prudent for our community to bear the brunt of also eating that inflation year after year. This is a 5-year agreement, so for the next 5 years we're not going to

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

escalate, to at the very least, just meet - just meet inflation. So all of this really concerns me. I don't know how we can get this information prior to us making a decision, but I will not feel comfortable voting on this given that I don't have all the information. Council Member Ballard.

Council Member Ballard stated thank you, Mayor. I have a question about the year renewals. So who looks at these to know that we've kind of been behind the mark on where pricing should be, and they just continue to get renewed?

John Philbrick, Development Services, stated when we look at those, we talk to the management company. We - we talk to outside individuals. And so it's a decision based on what we're seeing in the market.

Council Member Ballard stated and I apologize if you already said this, but how long did Cinema manage these properties?

John Philbrick, Development Services, stated Cinema's managed the properties from June or July of 2018, to October of this year, or 2024.

Council Member Ballard stated and Cinema is someone local?

John Philbrick, Development Services, stated yes.

Council Member Ballard stated is it Dave Burke?

John Philbrick, Development Services, stated yes.

Mayor Wu stated I have a couple more questions. So I was also looking at the property taxes for this specific property, and I wanted to know what specifically changed where special taxes in this area increased dramatically from 2023 to 2024?

John Philbrick, Development Services, stated the special taxes are the solid waste fees that the county assesses, and they adjusted their solid waste fees this year. They lowered them for residential. They increased them for commercial. And so I think we went from \$6 or \$7 to \$60. And if you'll look, it's - it's similar. I - I took a quick glance and, you know the old Chicago building the building the Eagle used

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

to be in, they all had the same increase. It's a set piece increase based on the tier you're in. And so that was just an adjustment the county made.

Mayor Wu stated and then, in addition to, in 2024, I think Council Member Ballard asked this question, the city typically pays in two halves the \$43,000. Therefore, there's a balance of \$43,000 because you have not paid the full property taxes in 2024. Is that correct?

John Philbrick, Development Services, stated that is correct. We - property taxes are billed in arrears with your first billing in December. And then you have the option of paying the second half in May. And so we - we pay half in December, and half in May.

Mayor Wu asked for public comment from those in attendance. Twila Purity came forward.

Twila Purity stated good morning. Twila Purity, I live in Polo Club, District One. We were there at our (DAB) last night till 11:00. Another fun meeting. So some observations on this lease form. I agree with an annual rent escalation. A couple of things that haven't really come up in this discussion is insurance. If you read the lease the landlord is responsible for the fire and extended coverage insurance. Any of us who has insurance knows that goes up every year, right? So, there's that. You've talked about taxes, another reason for the rent escalation. And then common area maintenance, I just was scanning the lease. There's an association an Article 19 like, a business association. Now, they're supposed to- I don't know what this association is supposed to do. Is there - the association - this \$100 is it \$100 a month that is supposed to be paid into it by the tenant? Where's that going? Is it used for common area maintenance? Is it enough? Should it be more than a \$100 a month? I don't know. I mean, I think these are questions you might want to ask. If I think in the bigger picture, so this is a modified gross lease. Is this typical of city leases with retail tenants? If not, why is it atypical? Should the city, if - if this is the right type of lease, then should there be an ordinance that all leases are this modified gross lease? Or maybe it's not the right tool for the city. Something to consider and look into, deferred maintenance, right? We hear about that all the time. So the city is responsible for the HVAC replacing the HVAC. Is their money set aside? Is the company that's managing this lease, are they setting aside funds so when those units have to be replaced there's funds there, or will it be a hit to the budget? The lease mandates that the tenant maintain the HVAC. How do you prove compliance? Do they have these quarterly maintenance agreements in place? Those cost, right? I hated paying for those. But anyway, the incentive is for them not to pay it because if the thing goes kaput, then they get a new unit paid by the city. Right? Yeah. Because those big ticket items are required. The landlord has to replace them. Just my quick observations when scanning through the lease. Thanks for your time.

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Council Member Ballard stated thank you, Mayor. Uh, City Manager, can you speak to, is any money set aside for maintenance, or do we just address it as it comes?

Troy Anderson, Assistant City Manager, stated so, it's a little bit of both, right? So, as I described a little bit earlier the revenues that we - we receive do exceed our expenses. And so we continue to sort of grow that economic development real estate division fund to make sure that we have- there's going to be some expenses that are going to just be un- unplanned, right? And in those scenarios, we're just going to have probably, uh, try to understand where those funds are going to come from to do those large replacement costs. But for all intents and purposes, we are trying to be proactive in taking steps to make sure that we have the funds in place to do that routine maintenance and replacement should the systems need to be replaced.

Council Member Ballard stated okay. One more question while you're up there. Are all of the spaces leased currently?

Troy Anderson, Assistant City Manager, stated yes.

Council Member Ballard stated okay thank you.

Troy Anderson, Assistant City Manager, stated Well, we're actually in the process of, uh, negotiating one lease right now. The terms and conditions have, for all intents and purposes, been negotiated. We're going to bring that back here in the near future.

Mayor Wu stated I'll have follow-up to that. You said if - basically, if these rents are currently paying or exceeding expenses, then why can't you pay for the parking fund?

Troy Anderson, Assistant City Manager, stated they can. We can. So for example, we could today, and again, we've - we've calculated that since 2018, through, uh, the term in which we changed property management hands, right? So we went through this exercise a couple of months ago just to wrap our heads around what that cost was going to be. From 2018, to end of 2024, it's about \$75,000. So theoretically, we could go and transfer \$75,000 today, and all of those parking fees, those payments in lieu of parking fees that we've been talking about over the last several months, the parking fund will have been made whole based on those, again, the number is about \$75,000. I don't remember. I think it was like, \$78,000, and some change. We can make that transfer...

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Mayor Wu stated so again, that has not been made whole.

Troy Anderson, Assistant City Manager, stated that's correct. We have not transferred the funds as of today, but...

Mayor Wu stated and we're negotiating a new deal without making that whole yet. That's a concern to me. Knowing that we've had so many conversations regarding parking and the lack of maintenance, and lack of maintenance funds, this concerns me, knowing that \$75,000 is basically, a whole year's rent that this one tenant is paying. And a whole year's rent of this tenant could be paying for the entire parking fund that currently has not been made whole just in these properties right here or this building. So again, that - that concerns me. Number two, uh, the - the speaker mentioned triple net. And we have talked about insurance because triple net includes property taxes, insurance, and common space maintenance. So the question is, why has the city not thought about using triple net as part of the rent rather than the modified gross?

Troy Anderson, Assistant City Manager, stated and I would say that for all intents and purposes, yes, I would love to see the city look at properties such as these in a triple net lease situation, right? We've inherited some of this, and so there's a balance to be - to be had between this is how the original master lease was set up with the tenants. From 2018 to 2024, this was continued with that property manager, right? And so there are tenants out there who ex- who have been good tenant. The two tenants that we are renewing these leases, this tenant and the next item on the agenda have been good long-standing tenants, right? And so what does that mean for those tenants to sort of completely overhaul the lease structure? Those are just the balances that we're trying to achieve between retaining those good tenants and continuing to support those businesses while still recovering the expenses that we need to recover versus long-term conversations of, okay, what does it look like to convert from a gross lease, modified gross lease now to, okay, in a couple years, what does it look like to change to a triple net, reducing the rates, understanding that passing on those costs of property taxes, et cetera? It's somewhat of an overhaul of how we're looking at property management. We don't have a lot of these properties that we are managing across the city. There's maybe, two or three of these properties that we are managing, and so this was somewhat of an inherited system that we are simply trying to main- maintain to make sure that we are recovering our expenses and making sure that we're being good stewards of taxpayer dollars, and also continuing to support those businesses and make sure that those businesses can continue to be successful.

Mayor Wu stated I am not mad at the tenant. I'm talking about the people who negotiate these contracts or these property agreements. That's what I'm upset about. The tenants, I know the tenants. I visit those businesses, and I'm grateful that small businesses want to thrive in our community. But the city staff and

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

whomever is negotiating these contracts needs to do it in favor of the taxpayers. So anytime someone says, paid for by the city, it's not paid for by the city. It's paid for by the citizens of the city. So it really is concerning to me knowing that while the contracts were inherited, you have a new opportunity now to negotiate something new in the benefit of both parties. I want the tenant to continue thriving, but I also want the taxpayers to be able to know that their dollars are being spent wisely. And in this situation, they're paying for things that I don't think you're doing on the west side of town, on the north side of town, on south side, or east side. So to me, that's a subsidy. And so I'm very concerned with this negotiation, knowing that while you had an inherited contract, why didn't you negotiate something new that was in the better interest of the community? Thank you, Troy. We will continue with public comment.

Doug Ballard stated my name's Doug Ballard, I'm in District 6. I know it's just kind of small potatoes compared to what you're talking about, but the - what concerns me is the late charges on the property tax. It's not an obvious, I mean, how - how do we do that? How can - we can't pay the county? That's just a waste of money. I mean, there's, it's not a lot of money, but it's over \$1,000. So what's going on? So that's my only question. There's 3 years, where we were late.

Mayor Wu stated thank you, Mr. Ballard. We'll continue with public comment. One additional thing, uh, Troy Anderson mentioned that we have two to three city-managed properties. Can you please send an email to all of us on the council regarding these properties? Question ultimately is, is that a core function of local government? And so as I'm seeing, and I'm concerned again about this specific contract, not because of the tenant, but rather the way the contracts are being negotiated, are we really thinking about fair market, and fair market without the subsidies that the city would be helping with that specific space? Those are concerns to me that should be addressed for the two to three city-managed properties, and is that the best use of city time? All right. It looks like there are no additional folks who would like to speak during the public comment. We will bring it back to the bench. Cou- uh, Vice Mayor Johnston.

No additional public comment.

Vice Mayor Johnston stated thank you, Mayor. Um, we'll point out that the lease rate of 1710, is 7% above the top of the market rate and 31% above the bottom of the market rate. So I think that's fair. But I also think this may be an opportunity for us to look at the structure of the leases, get them more in - in line with what's going on in the market. And that is a triple net lease. You know, maybe we can go back and - and figure out what \$75,000 is now with - with a lease rate plus a triple net. That way, when those triple net costs do go up, that lease does escalate, like the Mayor said. So might be an opportunity there. And, personally, I think HVAC should be on the tenant to replace because as the speaker said, Twila said there is no incentive to maintain those units if you don't have it, and I've been there. I -

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

I when we - when we were leasing years and ago we did not have incentive to have those maintained, and we didn't. The landlord had to replace them. And as soon as he replaced them, he changed the lease to us having to pay for it, so we maintained them. So he learned his lesson on that, I guess. Maybe, we can here too. So those are just my thoughts. This might be a good opportunity to go back and - and just re-frame it. Maybe come up with the same numbers, just re-frame it.

Mayor Wu stated I will add a couple of comments regarding that. I think that, again, everything increases. At the very least, it increases due to inflation. That's about 3%. And this current contract does not build that in. It also locks us up for 5 years. So I'm going to move something that is not staff-recommended action. So I might need some help with legal. But I move that we go back to the negotiating table and look holistically, not just at this property in Old Town, but the two or three additional properties, and talk about how we're going to move forward with not just leasing with base rent, but with triple net, and taking that into account. So that would mean that there would be an escalation. Naturally, everyone else who has a lease has escalations, even if it's minor. So my motion, I move that we go back to the negotiating table, and look at this whole process holistically.

Jennifer Magana, Law Department, stated Mayor, if I may, I think what your motion would also need to include is a motion to defer action, if that is your intent.

Mayor Wu stated That is my intent, to defer action. So I move to defer action, in addition to the items that I mentioned prior.

Council Member Ballard stated thank you, Mayor. Since this is on my district, I - I'm not completely against with the deferring, but I'd like to know what the unintended consequences are of continuing to kick this can down the road. I, you know, I think that, you know, we do need to maybe, 5 years is too long to have a lease. I don't know. I'm not in that arena, so I don't want to pretend like I am. But, you know, I have a real hard time with the annual renewals. Obviously, someone's not looking at the contracts. There is some big loopholes, in addition to a whole other slew. But I am curious, what does that mean - what does it mean for the tenant if we push this back? And, you know, supporting small local business is incredibly important to me, and I know what businesses we're talking. They've been there for, you know, over a decade, many of them. I know that's a real slippery slope, you know, but there needs to be some accountability on both sides. So I'm absolutely fine with, you know, taking a little bit of time. But I would like to know what that looks like moving forward, and what we would potentially be able to expect from staff.

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Mayor Wu stated Council Member Johns- uh, Council Member Ballard, if I remember correctly, they've been paying their rent even though the expiration of this contract ended in 2021. They've been consistently paying month-to-month, correct?

Council Member Ballard stated right. But my - but my question is, if we go back and, you know, now HVAC is going to be on the tenant insurance is going to be on the tenant like, I don't know what we would be looking at negotiating, and already, \$6200 is a lot, per month for that space, which, maybe it's comparable, maybe it's not. You know, I also don't want to price ourselves out of the market where we have empty buildings on the core that we are trying to do investments in and really beef up. So, you know, I'm happy to have those conversations. I just want to make sure that we're playing the tape the whole way through and looking at all the sides.

John Philbrick, Development Services, stated concerning the tenants paying rent, I think they would probably continue to pay at the rent that - that's shown in the current lease term. What it will take to modify these leases, I - I don't know. I'd have to get with the management company, see what they're seeing in the market. I mean, you know, they looked at our leases They did not have a real problem with them. So have to see what we need to do to - to move over to triple net, adding HVAC to it. Because right now, we, you know, the - the tenant is supposed to do the routine maintenance, and the management company checks to make sure they do. Or - and, but adding that potential burden could, you know, I don't know what that'll do to the negotiations. And I really don't know where we'll come back because for instance, on insurance, the tenants currently pay for insurance in their space. They pay for their liability, their insurance on their equipment, and so on. The city pays the building insurance because we're self-insured, and so it's just part of the overarching insurance in the parking garage. You know, there's not a breakout of what the insurance is for the retail section. So I just, uh, I don't know what would be involved. I don't what kind of number you'd see coming back.

Council Member Ballard stated are there any consequences per the contract to delay it longer than it already is?

John Philbrick, Development Services, stated there's really not. You know, they've - you know, they're in whatever -wherever they are in the - the annual lease term. I'd have to take a quick look. The one we're looking at now, the current term will end April 30, 2025. The second one that we were going to discuss their actual term doesn't end because they were on a first-of-the-year basis, so they're in a 1-year term that'll go to 12/31/25. You know, these changes were at - at the request of the tenant because they wanted a little more certainty. But we can certainly go back and talk to the management company, and talk to the tenants, and see what we can come up with. I just don't know how long that'll take.

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

Council Member Ballard stated do you see a benefit switching to the triple net as opposed to what we're doing now?

John Philbrick, Development Services, stated you know, there's gross leases, there's modified gross, there's triple net throughout the city. So, I mean, I mean, the benefit to the city is a direct pass through of some expenses. You know the negative will be lower rent in all likelihood, because of the uncertainty. So, but I - I don't know what the exact impact will be.

Council Member Ballard stated what do you think a reasonable time to defer would be? Like, a month? 2 months? 6 months?

John Philbrick, Development Services, stated I really

don't know. I would have to talk to the management company and see because we- this would involve drafting an entirely new lease form. I don't think we have any - I don't know that we have any true triple net leases right now. So we'd have to come up with a new lease form, and that would involve the formula for, I mean, it's just detail, but it's, you know, how to calculate the expenses, how to notify the tenant when the tenant has to pay and so on. Because there will be an annual, on a triple net there's normally an annual, you know, balancing out after you get your taxes, and your insurance, and everything.

Mayor Wu stated you said this particular lease ends April 2025. As I'm reading this contract, lease term is currently month-to-month after the expiration date. Is that inaccurate?

John Philbrick, Development Services, stated yes. The Section 2 that Troy read, allows the tenant to say they want to continue for another year. And then if we accept it, it just rolls for another year. And then, you know, the caveat is that if we, you know, thought the - the - the rent needed to be adjusted, we could adjust it and negotiate. But yeah, these leases are running year to year right now.

Council Member Johnson stated thanks, Mayor. I wanted to know if you would consider a friendly amendment to move that to April 1. And my only reason for that is when we had talked about those evening meetings, we talked about larger public interest things than this - the lease contracts.

Mayor Wu stated I will take that off - that friendly amendment, Council Member Johnson. So that motion is to defer this item to the

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

April 1, regular meeting. In addition, I would like to see all the questions we asked being addressed prior to and sent out to the entire council for review including but not limited to the two to three City of Wichita managed properties, and how we can holistically look at these contracts moving forward. In addition to that, I just want this to be public though. So while the council will get that information, I believe it's prudent that the community also gets to see that. Council Member Glasscock.

Council Member Glasscock stated yeah. Thank you, Mayor. Just one brief comment before we vote. I think this probably sparks a larger conversation that maybe we could discuss in a workshop is, what is the role of the city, you know, being a landlord and in the real estate business as a whole, and in general. We've got ourselves out of it, or getting ourselves out of it in housing. And maybe this is a path for that we can look at getting the city out of being landlords in, um, these eco-devo projects as well.

Mayor Wu stated can that, City Manager Layton, can that be part of a workshop conversation as well?

Robert Layton, City Manager, stated or as part of this discussion as when we come forward. Uh, there's no doubt, we do not want to be in a landlord business. We just recently looked at a business deal regarding office space that would have required us to become an owner of a building and a landlord. Do not want to do that. And, um, this is an unfortunate position that we're put in because we have retail space in an existing garage. Excuse me. So I'm not sure how we could creatively get out of that. Surely something we can look at. Um, I don't know if anybody would buy that space from us. But I - I'm with you, I'd prefer not to be in the real estate business. And we actually, over the last 15 years or so, we have switched positions. Previously, the city was aggressive about buying property, owning property, even thinking about redeveloping it, and all things that the private sector should be involved in, not necessarily us.

Council Member Glasscock stated yeah. That would solve this entire conversation.

Mayor Wu stated and if I recall correctly, City Manager, last year we sold a city owned building, for instance, to a nonprofit, Wichita Habitat for Humanity.

Robert Layton, City Manager, stated that's - that's correct, Mayor.

**Motion**

***Mayor Wu moved to defer to 4/1 and renegotiate.***

Motion carried 7 to 0

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

- 2.) [Amendment of Lease for City-owned Property at 303 North Mead \(District I\)](#)

Attachment: [Agenda Report No. V-2.doc](#)

Attachment: [Attachments.pdf](#)

John Philbrick, Development Services, stated

**Motion**

***Mayor Wu moved to Defer to 4/1/***

Motion carried 7 to 0

- VI) [NEW COUNCIL BUSINESS](#)

- 1.) [\(Pulled per City Manager 1/30/25\) Botanica Security Improvements \(District VI\)](#)

- 2.) [Funding for 2025 Sanitary Sewer Lift Station Rehabilitation](#)

Attachment: [Agenda Report No. VI-2.docx](#)

Attachment: [Resolution No. 25-066 2025 Sanitary Sewer Lift Station Rehabilitation.docx](#)

Attachment: [NOI\\_2025\\_Lift\\_Station\\_Rehab.docx](#)

Don Henry, Public Works & Utilities, reviewed the item.

Council Member Glasscock stepped away briefly.

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

Mayor Wu asked for public comment from those in attendance. Nobody came forward.

**Motion**

***Mayor Wu moved to*** approve the project budget, adopt the resolution, and authorize the necessary signatures.

Motion carried 7 to 0

3.) [Starlite Drive-In Loan \(District III\)](#)

Attachment: [Agenda Report No. VI-3.doc](#)

Attachment: [2025 Promisory Note \(002\).docx](#)

Attachment: [Loan Amortization.pdf](#)

Tim Goodpasture, Development Services, reviewed the item. Council Member Johnson stepped away briefly.

Vice Mayor Johnston stepped away briefly.

Mayor Wu stated thank you. Questions for Staff or for Mr. Smith? I will begin since Mr. Smith is joining us via electronics. Mr. Smith, can you tell us, thank you again for your investment into Starlight Drive-In. I know that this community was very passionate about keeping the Starlight Drive-In. Can you tell us how your business is doing as well as your future plans in the next few years as you continue to bring down that debt?

Blake Smith stated you know, we're doing pretty good. At - the whole industry the motion picture industry, you know, has - there's not as much product as there used to be. We had Hollywood strikes. We had - really, the pandemic changed everything. Streaming, there's just more product going streaming. So, you know, we're probably looking at about half the movies being released that used to be released. And,

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

so when I came into the situation, sorry, I'm hearing an echo, when I came into the - the situation, I based everything on the previous 5 or 6 years. See if I can fix that echo, I can't concentrate. My apologies there. And so I've been having to sort of rework a few items to, you know, keep the place viable. You know, it's an interesting business in that we don't control the product. So, you know, Wichitans have been great to support that drive-in for a number of years, and, they still do come out, but we have to have movies, and we have probably about half the movies that we used to have. So, instead of, you know, running - we're probably about half the attendance that it was before the pandemic. And, you know, I don't know if it ever completely comes back, but I would say that as a whole for the industry, not just for the drive-in itself. We're all in a situation in theater, exhibition of, unfortunately, having to raise prices, you know, to combat the smaller attendance. With that said, it's still a fun business. I still like doing it. And, I believe that we should be able to service this agreement that I've proposed. And, you know, I think people will keep coming out there and we're trying to get open in February in a couple weeks here and - and get the 2025 season going.

Mayor Wu stated thank you, Mr. Smith. And again, when is the start of the season?

Blake Smith stated February 14.

Mayor Wu stated thank you, Mr. Smith. I just had one more question. I don't know if it's for city manager. Obviously, each of the six districts received \$1 million, so it's a total of \$6 million. Can you address how much money is left with those funds?

Robert Layton, City Manager, stated Mayor, I - I've got that number, but not in front of me. I think I have provided it to you also. I can't remember, many of the districts have spent their full \$1 million. They did primarily for capital projects. Districts 1 and 3 have some discretionary, I think, funds left that are community-based. And in the case of District 3, also money that is being replenished. For instance, this \$50,000 would go back into the district. But I know that all of the money for District 2 was spent on capital for District 4, for District 5, and District 6.

Mayor Wu asked for public comment from those in attendance. Nobody came forward.

Council Member Hoheisel stated thank you, Mayor. First, I'd like to thank Blake and his real estate partners, for essentially saving the drive-in, stepping in when we needed you. This is something near and dear to my heart. That's how my family and I saw movies growing up, the Hoheisel van packed up with all the - the bad kids that we had and, uh, um, parked out there. But, um, it's a great way to see a movie. Car load passes, that's definitely a highlight for kids and for families that don't necessarily have

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

the means to go to the theater. And also when you have bad little 1 and 2 year olds who like to just run around all the time, you can kind of keep them contained in the car. A lot of great memories here at the drive-in and I want to make sure that, uh, we preserve it for as long as we can. There's only a handful of these left and we really have an award-winning drive-in here in Wichita, in South Wichita particularly. So this is just, I go there seven or eight times a year, especially during the scary movies that they put on around September and October. So, this is just a - a great deal here to help preserve the drive-in and, help our partners, continue with one of the great amenities in Wichita. So, with that, I will make the motion that, City Council approve the contract amendment and authorize the necessary signatures.

**Motion**

***Council Member Hoheisel moved to*** approve the contract amendment and authorize the necessary signatures.

Motion carried 7 to 0

**COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES****PLANNING AGENDA****VII) NON-CONSENT PLANNING AGENDA**

- 1.) [PUD2024 00019 – Amend the Crown Uptown Theater Planned Unit Development #55 to Allow Occupancy to be set by City Fire Marshal; Generally Located on South Side of East Douglas Avenue, Within 100 Feet East of North Hillside Avenue \(3207 East Douglas Avenue\). \(District I\)](#)

Attachment: [Agenda Report No. VII-1.docx](#)

Attachment: [PUD2024-00019 2-4-25 WCC Supporting Documents.docx](#)

Attachment: [PUD2024-00019 10-24-24 MAPC Minutes Excerpt.docx](#)

Attachment: [PUD2024-00019 1-9-25 MAPC Minutes Excerpt.docx](#)

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

Attachment: [DAB I Memo PUD2024-00019.docx \(1\).pdf](#)

Attachment: [Ordinance No. 52-621 PUD2024-00019.docx](#)

Scott Wadle, Planning Department, reviewed the item.

Mayor Wu stated thank you. Questions for staff? I have a few of them. So right now the occupancy is 860. Is that correct?

Scott Wadle, Planning Department, stated that is correct.

Mayor Wu stated and the original request was for 2066?

Scott Wadle, Planning Department, stated well, I have a clarification real quick. It is set at 860 per the fire code and the building code. However, the zoning for this property limits it to 850. So there's a ten person difference between the two.

Mayor Wu stated and again, the original request was 2066. Is that correct?

Scott Wadle, Planning Department, stated that is correct.

Mayor Wu stated but that has since been modified by the applicant?

Scott Wadle, Planning Department, stated that - that is correct. They modified their request at the second planning commission meeting.

Mayor Wu stated to the amount of?

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Scott Wadle, Planning Department, stated they did not specify an amount. Their proposed change would have it established by the fire marshal.

Mayor Wu stated to the fire marshal questions. So currently, according to the fire marshal, the occupancy is 860. Is that correct?

Scott Wadle, Planning Department, stated that is actually per the fire code. So, as I understand it, it is the code that actually establishes it and it is the fire marshal that enforces it. So there's a little bit of a nuance there, but it is the code that, establishes that. And there is a variance board that set that.

Mayor Wu stated can we have the fire marshal explain that? And also, while you're up here, can you explain the A1 and A2 building designations and the requirement for water sprinkler?

Chris Dugan, Fire Department, stated sure. Yes, Mayor. So I'm Chris Dugan, Fire Marshal, Wichita Fire Department. As Mr. Wadle briefly discussed, currently the most restrictive occupancy limit is 850. That was established by the PUD itself. After the PUD was adopted by council, the Variance Committee adopted a limit of 860. So the Variance Committee met approximately six weeks after the PUD was - was established and enacted by council. The fire marshal himself does not set occupancy limits. MABCD would do that calculation. As far as the fire sprinkler system, that's really the - the crux of the issue for the fire department is for an A2, which this structure is an A2 at this time, a sprinkler system is required once the occupancy limit exceeds 300 persons and they serve alcohol. So that's really the only involvement of the fire department or the fire marshal would be the fact that it's an A2, exceeds 300 that would enact the requirement for sprinkler system.

Mayor Wu stated so the sprinkler system is not in place right now?

Chris Dugan, Fire Department, stated correct. Yes, ma'am

Mayor Wu stated but it should be because it's an A2 building over the occupancy of 300 plus alcohol is being served. So water sprinkler is currently required.

Chris Dugan, Fire Department, stated yes, ma'am. Yes, so they received a variance in 2018 from the variance committee that allowed them to exceed that 300 per that agreement at that time. For - from this point forward, any future increase would automatically enact the language in the fire code that requires a sprinkler system over 300.

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

Council Member Glasscock stated thank you, Mayor. I just have a quick question. You had said that the fire marshal was not set occupancy, correct?

Chris Dugan, Fire Department, stated correct.

Council Member Glasscock stated so, the item before us says that the plan unit Development Number 55 to allow occupancy to be set by the fire marshal.

Chris Dugan, Fire Department, stated right.

Council Member Glasscock stated but how can we move forward with it, if it's not set by the fire marshal, but that's what the request before us is?

Chris Dugan, Fire Department stated yeah, and I would not be in support of that request, as written, personally. I know the Planning Commission approved it, but I personally would not be in support of that, of adoption of that request.

Council Member Ballard stated thank you. Thank you for being here. Can you explain what happened in 2018, the variance in?

Chris Dugan, Fire Department, stated so, in 2018, the previously established limit, I believe, was around 500 or 550. The Variance Committee allowed for an increase once they upgraded their fire alarm system. Um, and also, they have plenty of exit-egress paths, the upgrades to the fire alarm system. So at that point in time, the Variance Committee felt comfortable with allowing them to up their number up to 860. And like I say, that was back in 2017, 2018. Um, and now the issue is coming up again with an additional request to increase. Um, again, that was before my time.

Council Member Ballard stated but basically they were allowed it to increase and kind of waiving the sprinkler portion?

Chris Dugan, Fire Department, stated yes. Yes, ma'am.

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Council Member Johnson stated thanks, Mayor. Again, as I said the first time this came before council, I've had ex parte communication with both the applicant and many in the neighborhood, several people in the neighborhood. This discussion has went on quite a while. I have a number of concerns, personally. I've driven by there and seen some of what the neighborhood talked about as far as a semi-blocking part of the parking area. Parking agreements were provided to staff. There were two that did not account for all of the parking that the applicant said that he had. One of those is actually a property that's for sale right now, so that agreement may or may not still be good if that property sales here pretty soon. I also have concerns with the language MAPC approved. Fire Marshal already said it. I love our fire marshal but I don't think that decision should reside in the hands of the fire marshal. There's no accountability to the neighborhood and then we would also be hearing from that and it doesn't allow council to adjust. So with those concerns, I would move to override the MAPC and deny the requested PUD amendment. In support of this motion I offer the following findings. The PUD amendment would have detrimental effects to nearby properties, the proposed amendment would allow a more intense use and would have detrimental impacts to neighboring properties. And those impacts also include parking and congestion in the area.

**Motion**

***Council Member Johnson moved to*** override the MAPC, adopt alternate findings, and deny the PUD request.

Motion carried 7 to 0

Council Member Glasscock stated thank you. Um, I, too, also want to say I'd ex parte communication with the applicant, also neighbors, in the community, and, I'll be supportive of Councilman Johnson's motion more for the fact that what the request is to allow occupancy set by the city fire marshal cannot be done. And so the requests that's coming before us and, the proposal we have can't be done. And so I'm going to be supporting Councilman Johnson's recommendation.

Council Member Tuttle stated thank you. I just wanted to state I also have had ex parte communication with the neighbors around the area. And I just wanted to thank our Wichita Police Department, I mean, excuse me, our Wichita Fire Department. Thank you, and - and the Metropolitan Area Building and Construction Department, and certainly Council Member Johnson. I know a lot of time and effort and - and meetings went into this so thank you to everyone who's been involved.

Mayor Wu stated I will add a couple of comments as well. I also have had ex parte communication with both parties. Two questions really before I make a final decision. Number one, has the applicant done outreach to the surrounding community? If so, have there been a lot of support?

**CITY COUNCIL PROCEEDINGS****February 4, 2025**

Scott Wadle, Planning Department, stated I think that was an item of discussion and different perspectives on that one, so I'm not sure that I have a clear answer for you one way or the other, but I can tell you, I don't believe that we received any invitations or notices of any formal public meetings.

Mayor Wu stated and the second question is, um, you've obviously talked to the applicant, what will happen moving forward with this, building as right now, number one, the capacity is 860, but even with the fire marshals comments, something about the fire sprinkler system. Can you address, I guess, some of the concerns now moving forward with this building, if or if it does not pass?

Scott Wadle, Planning Department, stated okay. Well, the applicant has indicated multiple options that they may pursue, uh, in the future. One of those is to demolish the building. There is a process that was described as part of the staff report for addressing that and considering that. The second thing is that the applicant has indicated there are some alternative uses that they may, choose to pursue. One that I can recall is, storage at the site. I think they even mentioned, maybe like a shelter at some point. So there's been a variety of uses that have come up in discussions. And have been presented by the applicant.

Council Member Glasscock stated I do have a quick question, if denial today, how long does the applicant have before they can bring back another application?

Scott Wadle, Planning Department, stated sure. The standard is 12 months, so 1 year, unless there are substantial changes to the application. If it is substantially different, then they have the option of bringing it back in 6 months.

Council Member Glasscock stated so could the applicant, if they installed, you know, fire suppression, if they addressed maybe some of the concerns, bring back, would that be substantially different? Who determines substantially different applications, is that you or is that law?

Scott Wadle, Planning Department, stated you know, if there's a question about it, then it will go to the Planning Commission for a determination about whether or not it qualifies as substantial.

**HOUSING AGENDA****VIII) NON-CONSENT HOUSING AGENDA-NONE**

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

**AIRPORT AGENDA**

IX) **NON-CONSENT AIRPORT AGENDA-NONE**

**COUNCIL AGENDA**

X) **COUNCIL MEMBER AGENDA**

XI) **COUNCIL MEMBER APPOINTMENTS AND COMMENTS**

Mayor Wu nominate/appoint Susan Richardson to the Animal Services Advisory Board.

**Motion**

*Mayor Wu moved to* Mayor Wu appointed Susan Richardson to the Animal Services Advisory Board.  
Motion carried 7 to 0

Vice Mayor Johnston stated I would like to thank the community for coming out for the prayer service. I think it was very good. I think it was, uh, very healing for people. And I tell you what, the gentleman that sang the Our Father, it sounded like God was singing it. He was really, really good. So I'd like to thank everybody for that, and continue to keep the victims and their families in your prayers. I think they still need it. They'll need it for some time. The second thing I'd like to thank is the turnout we had last night at our district advisory board meeting mainly regarding golf carts so we've got a lot of good input on that so thanks to everyone it turned out for that.

Council Member Ballard stated thank you, Mayor. First, I apologize for not pushing the right button. Second of all, I've had some discussions with some of the members of the College Hill Neighborhood and Association and discussed a potential moratorium for home demolitions, except in the case of an emergency for purposes of parking. So I'd like to ask staff to bring forth a resolution that would put a 1-year moratorium on home demos in the College Hill Neighborhood.

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

Council Member Johnson stated thanks, Mayor. I'm also good with Council Member Ballard said. I've had those same conversations from members of College Hill who are concerned about homes being torn down for parking lots. So I'm definitely supportive of that. I also wanted to shout out, um, Scott and all our city team that stayed up with us at DAB last night until I think it was 11:03 when we got done, and they're all back today. So definitely want to shout them out and appreciate them being there.

[Adjournment](#)

**Motion**

*Mayor Wu moved to adjourn.*

Motion carried 6 to 1 (Nay: Brandon Johnson).

Respectfully submitted,

Paul Leeker, City Clerk

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

**ATTACHMENT 1 - CONSENT AGENDA ITEMS 1 THROUGH 12**

II) **CITY COUNCIL CONSENT AGENDA ITEMS**

1) **Applications for Licenses to Retail Cereal Malt Beverages**

a.) Applications for Licenses to Retail Cereal Malt Beverages

Attachment: [CMBs for February 4, 2025.docx](#)

2) **Preliminary Estimates:**

a.) Preliminary Estimates

Attachment: [PEsforCC\\_02-04-25.pdf](#)

3) **Agreements/Contracts:**

a.) Loan Agreement for Artwork between Mike Miller and City of Wichita (District IV)

Attachment: [Agenda Report No. II-3a.docx](#)

Attachment: [Miller Sculpture Loan Agreement.pdf](#)

4) **Change Orders:**

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

- a.) Change Order No. 1 and Change Order Limit Adjustment for Carl G. Brewer Community Center Improvements (District I)

Attachment: [Agenda Report No. II-4a.doc](#)

Attachment: [CO No. 1.pdf](#)

Attachment: [Resolution No. 25-067 Carl G. Brewer Community Center Improvements.docx](#)

5) **Property Acquisitions:**

- a.) Partial Acquisition of 2363 North Hoover for the Hoover Road: 21st to 29th Street Road Improvement Project (District VI)

Attachment: [Agenda Report No. II-5a.doc](#)

Attachment: [2363 Hoover supporting documentation.pdf](#)

6) **Minutes of Advisory Boards/Commissions:**

- a.) Ethics Advisory Board Minutes - December 3, 2024 Wichita Public Library Board of Directors - December 17, 2024 Library Activity Report - December 2024

Attachment: [Ethics Board Minutes.pdf](#)

Attachment: [Library Board.pdf](#)

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

Attachment: [Library Monthly Activity Report - December 2024.pdf](#)

Uncategorized Items:

- 7.) Abatement of Dangerous and Unsafe Structures

Attachment: [Agenda Report No. II-7.doc](#)

Attachment: [2-4 Supporting Documents.doc](#)

Attachment: [Ordinance No. 52-621 Building Condemnation-Demolition.doc](#)

- 8.) Dedication of a Portion of 2050 North Mosley for the 21st Street North -Interstate 135 to Mosley Street Improvement Project (District VI)

Attachment: [Agenda Report No. II-8.doc](#)

Attachment: [Attachments.pdf](#)

- II) CONSENT PLANNING AGENDA ITEMS

- 9.) SUB2024-00055 – Young Moon Addition Located East Along North 127th Street East and a Half Mile South of East 29th Street North (County – 3 Mile Ring)

Attachment: [Agenda Report No. II-9.docx](#)

Attachment: [SUB2024-00055 YOUNG MOON ADDITION Green Sheet Attachments.pdf](#)

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

- 10.) SUB2024-00065 - Plat of Prairie Land Estates Located at the Southeast Corner of East 39th Street South and South 143rd Street East (County - 3 Mile Ring)

Attachment: [Agenda Report No. II-10.docx](#)

Attachment: [SUB2024-00065 Prairie Land Estates Green Sheet Attachments.pdf](#)

- 11.) SUB2024-00066 - Plat of Upland Estates Located at the Southeast Corner of East 77th Street North and North 47th Street East (County - 3 Mile Ring)

Attachment: [Agenda Report No. II-11.docx](#)

Attachment: [SUB2024-00066 UPLAND ESTATES -Green Sheet Attachments.pdf](#)

- 12.) VAC2024-00055 – Request in the City to Vacate Platted Front Setbacks; Generally Located Within One-Quarter Mile South of West 21st Street north and Within One-Half Mile West of North 151st Street West. (District V)

Attachment: [Agenda Report No. II-12.docx](#)

Attachment: [VAC2024-00055 WCC Supporting Documents.docx](#)

Attachment: [VAC2024-00055 Excerpt Minutes.docx](#)

Attachment: [VAC2024-00055 VACATION ORDER.docx](#)

II) CONSENT HOUSING AGENDA ITEMS-NONE

**CITY COUNCIL PROCEEDINGS**

**February 4, 2025**

II) CONSENT AIRPORT AGENDA ITEMS-NONE